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PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
SECOND SESSION

SENATE

WEDNESDAY, *February 13, 1929*

(Legislative day of Monday, February 11, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bill and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia; and

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States.

The message also announced that the House had passed a bill (H. R. 12956) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced his signature to the enrolled bills and joint resolutions signed by the Speaker of the House of Representatives and transmitted to the Senate before the recess was taken yesterday.

OPEN-PRICE ASSOCIATIONS

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting in response to Senate Resolution 28 (submitted by Mr. MCKELLAR in the Sixty-ninth Congress, special session of the Senate, agreed to March 17, 1925), a report on open-price trade associations prepared under the direction of the commission by its chief economist, which, with the accompanying papers, was ordered to lie on the table.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a list of miscellaneous papers on the files of the Immigration Service, Bureau of Labor Statistics, United States Employment Service, Children's Bureau, and the Women's Bureau, which are no longer useful in the transaction of official business and have not sufficient historic interest to warrant preservation, and asking for action looking toward their disposition, which was referred to Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. COUZENS and Mr. COPELAND members of the committee on the part of the Senate.

The VICE PRESIDENT also laid before the Senate a communication from the secretary of the Federal Radio Commission, reporting, pursuant to law, that there is an accumulation of letters from radio listeners known as "fan mail," which are considered useless in the transaction of official business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. WATSON and Mr. SMITH members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the State Senate of Nebraska, favoring the making of an appropriation for the construction and maintenance of a road beginning at a point near Decatur, Burt County, Nebr., thence running in a northwesterly direction to Macy, Thurston County, thence to the Winnebago Agency, and thence to the village of Winnebago, Thurston County, all situated within the limits of the Omaha and Winnebago Reservation, Nebr., which was referred to the Committee on Indian Affairs. (See similar resolution of the Nebraska State House of Representatives appearing in full when presented yesterday by Mr. NORRIS, page 3291 of the RECORD.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the State Senate of Nebraska, favoring the passage of the bill (H. R. 14461) to provide for a joint reunion of the surviving veterans of both sides of the war 1861 to 1865, in the city of Washington, in the year 1929; to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion; and to provide for a commission to carry into effect the provisions of the act, which was referred to the Committee on Military Affairs. (See similar resolution of the Nebraska State House of Representatives appearing in full when presented yesterday by Mr. NORRIS, page 3291 of the RECORD).

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested, reported it with amendments and submitted a report (No. 1724) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 5787) for the relief of the estate of C. C. Spiller, deceased, reported it without amendment and submitted a report (No. 1725) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 5776) for the relief of Wynona A. Dixon, reported it without amendment and submitted a report (No. 1726) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 1727) thereon.

EXECUTIVE REPORTS

Mr. BORAH. I ask unanimous consent to submit certain reports from the Committee on Foreign Relations for the Executive Calendar.

The VICE PRESIDENT. Without objection, leave is granted, and the reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 5789) granting a pension to Ella Reitz McGill; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5790) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.; to the Committee on Commerce.

By Mr. COUZENS:
A bill (S. 5791) for the relief of the Detroit Fidelity & Surety Co.; to the Committee on Claims.
By Mr. JONES:
A bill (S. 5792) to readjust the commissioned personnel of the Coast Guard, and for other purposes; to the Committee on Commerce.
By Mr. BROOKHART:
A bill (S. 5793) granting a pension to Ida E. McBride (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED

The bill (H. R. 12956) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. BRATTON submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert:
"For the construction of new buildings and the repair and replacement of existing ones at the United States Dry-Land Field Station at Tucumcari, N. Mex., $25,000."

Mr. ODDIE submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:
"To reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, the sum of $595,076.53."

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. NORRIS obtained the floor.

Mr. CARAWAY. Mr. President, will the Senator permit me to resubmit my unanimous-consent agreement?

Mr. NORRIS. With the understanding that I shall not lose the floor, I yield to the Senator from Arkansas to submit his unanimous-consent request.

Mr. CARAWAY. Mr. President, there was a unanimous-consent agreement proposed yesterday afternoon, and at the request of the Senator from South Carolina [Mr. SMITH] it went over until this morning. Before I renew it I want to give notice of some mere verbal changes which I purpose to offer by way of amendments.

On page 1, line 8, after the word "communication," I want to strike out the words "from one" and insert in lieu thereof the words "by any firm in a"; in line 9, to strike out the words "any other" and insert in lieu thereof the words "a person in another"; and in line 11, to strike out the words "to any" and insert in lieu thereof the word "a," so as to make the paragraph read:

The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication by any firm in a State or Territory of the United States or the District of Columbia to a person in another State or Territory of the United States or the District of Columbia or a foreign country.

On page 2, line 20, after the word "delivered," strike out the word "or," before "received," and insert the word "and," so as to make the clause read "without intending that such cotton or grain shall be actually delivered and received."

On page 3, line 8, after the word "or," insert the word "by," so the clause will read "or by both such fine and imprisonment."

On page 3, in line 14, after the word "message," strike out the word "and" and insert the word "an," so the clause will read "furnish to the person transmitting such message an affidavit."

At the end of the bill, on page 7, add a new section, as follows:

SEC. 9. This act shall take effect 12 months after its passage.

The VICE PRESIDENT. If there is no objection, the amendments are agreed to en bloc. The Chair hears no objection, and it is so ordered.

Mr. CARAWAY. I now submit the unanimous-consent agreement which was sent to the desk on yesterday and ask that it may be read.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The CHIEF CLERK. The Senator from Arkansas asks unanimous consent that, beginning at 4 o'clock p. m. on the calendar day of February 13, 1929, no Senator shall speak more than once or longer than 20 minutes on the bill S. 1093 or any amendment that may be pending thereto.

Mr. DILL. Mr. President, there ought to be a quorum here before the agreement is entered into.

Mr. CURTIS. It does not require a quorum.

Mr. DILL. It does not require it, but it is in effect a closing of debate.

Mr. NORRIS. Will the Senator wait to present his unanimous-consent agreement, if there is going to be a point of no quorum made?

Mr. DILL. I have no objection to the request, but I think it is very bad practice, because it is in effect closing debate, and I shall make the point of no quorum before it is agreed to.

Mr. CARAWAY. Very well. I will present it a little later.

MR. EDISON'S VIEWS ON PROHIBITION ENFORCEMENT, ETC.

Mr. HARRIS. Mr. President, on day before yesterday there was celebrated the eighty-second birthday of Thomas A. Edison, one of the great men of the world. I send to the clerk's desk a part of a statement which he made while President-elect Hoover was his guest, and ask that the clerk may read it.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

He (Mr. Edison) said the increasing stock speculations will cause ultimate panic; that the $24,000,000 additional prohibition enforcement fund should be voted; that the Government should not go into the public-utility business; and that the United States should have a navy on a parity with Great Britain.

ELECTRIC LIGHT RATE IN THE UNITED STATES AND CANADA

Mr. NORRIS. Mr. President, several days ago in some remarks that I made in the Senate I drew a comparison between the electric light rates charged along the Canadian border by Canadian municipalities and American municipalities. I followed that a day or two later with a comparison of rates that are charged for electricity in the State of New York comparing the rates there by private companies with the rates charged by the municipal plant owned at Jamestown, N. Y. In the course of my remarks I inserted in the RECORD a table giving the top electric light rates charged by quite a large number of municipalities in the State of New York where they are supplied with electricity by private corporations. In that table there were three places where the rates were designated as flat rates. In that class was the city of Binghamton, N. Y. In the table it was stated that there was a flat rate in Binghamton of 15 cents per kilowatt-hour.

Shortly after that time I received a letter from the manager of the Chamber of Commerce of Binghamton, N. Y., calling my attention to the fact that the table had misquoted the rate charged in that city by the private corporation supplying electricity to the municipality. In the letter of the manager of the Chamber of Commerce of Binghamton there was inclosed a rate sheet showing the rates as charged by the private company. Upon examination of the rate sheet I discovered that it had not yet gone into effect and that the rates to be charged as shown on the rate sheet would not go into effect until March 7.

I answered the letter of the chamber of commerce telling them that I would be glad to correct any error if one had been made, but calling the attention of the representative of the chamber of commerce to the fact that the rate sheet which he inclosed was still ineffective. I called his attention also to the fact that the table which I had inserted in the RECORD and which contained the only reference I had made to Binghamton in my remarks had been taken, as I stated in my remarks at the time, from a magazine article printed in a magazine of November, 1928.

In his answer to that letter of mine he stated that while it was true that technically the rates had not yet gone into effect, yet, as a matter of fact, the rates, while not legally effective, had been put into effect and were in effect at the present time in Binghamton.

An examination of what I said in the Senate will reveal the fact, as I have stated, that I made no reference to Binghamton except that I put the table in the RECORD, and Binghamton was one of the towns included in the table. I stated at the time I did it that the table was taken from the magazine, Public Ownership, and that the date of the magazine wherein the table was included was November, 1928, and that the table was taken from an article in that magazine written by a Mr. Carlson, who was an ex-mayor of the city of Jamestown; so I gave exactly the source of my information.

At the same time I wrote the chamber of commerce I wrote Mr. Carlson and called his attention to the fact that the city of Binghamton through its chamber of commerce had challenged the rate and asked him what was the source of his information. Mr. Carlson said in his letter in reply in part as follows:

As to the letter of the manager of the Binghamton Chamber of Commerce alleging that the Binghamton rate had been misquoted in my article, I wish to say that my figures were obtained from the 1927 report of the bureau of municipal information at Albany, N. Y. It is not improbable that there was a misprint in the report or that a subsequent reduction has been made, as indicated by the manager of the Binghamton Chamber of Commerce.

In view of this fact I feel as you do that a statement should be made correcting the first report.

In this connection I wish to call attention to the fact that the city of Jamestown has also filed a proposed reduction in rates with the Public Service Commission of the State of New York on which action is now pending and to which the Niagara company are now protesting.

It will be remembered that the city of Jamestown owns its own electric plant and claims to have, as the table shows, the cheapest rate of any municipality in the State of New York. I continue reading from Mr. Carlson's letter:

I am inclosing herewith our proposed classification of reduction, and which, when effective, will, you will observe, give the people of the city of Jamestown, under its municipal plant, a rate which is more than 50 per cent less than the rate now promised by a private company to the people of the city of Binghamton.

Regretting that the discussion should have given the people of Binghamton any offense, and thanking you for your interest in the matter, I remain,

Very sincerely,

SAMUEL A. CARLSON.

I think that explains sufficiently how the error came about. There is no doubt in my mind that the table of rates from which Mr. Carlson quoted the Binghamton rate was in effect at the time he secured the information, but since that time there have been several reductions.

I am very glad, indeed, to correct the error that exists in the table put into the RECORD as to the rate charged in Binghamton. I think the writer of the article secured his information from a very reliable source, and at the time he secured it from that source undoubtedly the information was correct, but the rate has been reduced since.

The manager of the Binghamton Chamber of Commerce, Mr. Johnson, in his letter to me gives an example of what the existing rates would be in Binghamton. Their rates are rather complicated and they do not have the rates, as most cities do, commencing at a certain figure and grading down, but they have a rate made up of two items, an energy charge, which is charged for electricity consumed, and a service charge. This service charge varies with the size of the house. A 6-room house consuming a certain amount of electricity would have a certain bill to pay, but for the same amount of electricity consumed during the month a larger house would have a different bill to pay. To simplify the matter, the representative of the chamber of commerce has given an illustration of what the charges would be. He says in his letter:

The rate is made up of a demand charge based on the size of the home and an energy charge for kilowatt-hours used. For example, an average home might be considered as follows: Six rooms, hall, bath, porches, and cellar.

This constitutes a total of 10 demand units, or a total demand charge of $1.40.

That is, every month that charge would have to be paid, regardless of the amount of electricity consumed.

For various uses per month of energy bills are arrived at as follows.

Then he gives three examples of the charge for such a house. Remember, it is a house of six rooms; it has a hall in addition and a bath, porch, and cellar.

For monthly use—

He is computing now what it would cost if the owner of the house used and consumed in one month 20 kilowatt-hours—

Twenty kilowatt-hours at a maximum rate of 9 cents per kilowatt-hour, $1.80; average rate, 9 cents.

That seems to be the top rate. He gives an illustration of the charge for the same house if it should consume 50 kilowatts a month, as follows:

Demand charge, $1.40; 50 kilowatt-hours, at 4 cents, $2; total bill, $3.40; average, 6.8 cents per kilowatt-hour.

Then he gives another illustration of the charge for the same house, assuming that it consumed 200 kilowatt-hours, a very large amount for an ordinary house in places where electricity is not cheap.

For monthly use of 200 kilowatt-hours the items would be as follows:

Demand charge, $1.40; 100 kilowatt-hours, at 4 cents, $4; 100 kilowatt-hours, at 3 cents, $3; total bill, $8.40; average rate, 4.2 cents.

Taking the same house and assuming that it consumes 500 kilowatt-hours, the items would be as follows:

Demand charge, $1.40; 100 kilowatt-hours, at 4 cents, $4; 400 kilowatt-hours, at 3 cents, $12; average, 3.48 cents per kilowatt-hour; total bill for the month, $17.40.

Let me digress here to say that I presume in the city of Binghamton there are very few residents, indeed, perhaps not a single one, in a house of that size who consume 500 kilowatt-hours a month.

Taking the new rate that the municipal plant at Jamestown has applied for, and using for illustration the same house consuming the same amount of electricity, I have figured out what the same consumer would have to pay if his home were in Jamestown instead of in Binghamton. That comparison is exceedingly interesting, and I should like the people of Binghamton, if they are interested in this matter, to see just how much more they are paying for electricity from a privately owned plant there than is paid by the residents of the city of Jamestown, where the municipality owns the plant.

Take the first illustration given by Mr. Johnson, the manager of the Chamber of Commerce at Binghamton, of a house of six rooms which has in addition a hall, a bath, a porch, and a cellar. The average rate there is 9 cents and the total bill is $1.80. If the owner of that house had lived in Jamestown, where there is a municipally owned plant and the rates were in force for which they have applied, but which the Power Trust is trying to prevent them from obtaining, his bill would have been 80 cents instead of $1.80.

In the second illustration given by Mr. Johnson, who, I repeat, is the manager of the Chamber of Commerce at Binghamton, where the owner of a 6-room house uses 50 kilowatt-hours in a month, he has to pay under the new rate in Binghamton $3.40. If that little home were in Jamestown, and if the same amount of electricity should be used, the owner under the new rates there would have to pay but $2.

Let us take the next illustration, one where it is assumed that the owner consumes 200 kilowatt-hours in a month. In Binghamton, under the figures given by the chamber of commerce, the consumer had to pay $8.40, but if he had moved his house at the beginning of that month over to Jamestown, and had lived there, and had consumed the same amount of electricity from the municipal plant under their new rates, he would have had to pay $6.13 for his electricity.

Take the other illustration. In case the owner of this little house in Binghamton consumed 500 kilowatt-hours in a month, he would have to pay in Binghamton $17.40—I am taking the figures given by the Chamber of Commerce of Binghamton—but if he had lived in Jamestown, under their new rates, where the plant is operated by the municipality, he would only have had to pay $13.63; $17.40 in Binghamton, $13.63 in Jamestown.

So, while there was an error—and I am glad to correct it—at the same time, in making comparison on the true basis from the figures given by the chamber of commerce, we get the results that I have just given to the Senate.

While I am making comparisons for the State of New York, I might add another one. I have here an article written by Mr. James Malcolm, editor State Service, of Albany, N. Y., in which he compares the rates charged in the State of New York with the rates charged in Ontario, Canada, which is just across the line. That comparison is along the same line as the one I have heretofore given to the Senate, except I confined myself closely to the international boundary line, while he goes over the whole State. He inserts in his article a table that is exceedingly interesting. He says—and in this statement he tells where he got the table:

The public committee on power in New York State, a nonpartisan committee aiming to protect the interests of small consumers, recently prepared the following table comparing rates for domestic consumers in this State and in Ontario.

At this point, Mr. President, I desire to have inserted in the RECORD without reading the table referred to.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

I	II	III	IV	V	VI	VII	VIII
Ontario city with population	Average monthly service (kilowatt-hour)	Average monthly bill	Adding 1 cent allowance per kilowatt-hour to bill	Cities in New York State of similar size	Cost of same amount of service monthly	Difference per month, after allowance	Difference per year, after allowance
Brantford 28,010	122	$1.84	$3.06	Kingston	$7.68	$4.62	$55.44
				Mount Vernon, White Plains	12.34	9.28	111.36
			2.21	Cohoes	8.10	5.04	60.48
Chatham 14,120	71	1.50	2.21	Lockport	4.24	2.03	24.36
			1.71	Middletown	7.42	5.21	62.52
Galt 12,690	132	2.37	3.69	Batavia	3.27	1.56	18.72
				Glen Cove	13.65	9.96	119.52
				Johnstown	13.20	9.51	114.12
				Oneida	12.17	8.48	101.76
Guelph 19,220	79	1.48	2.27	Watervliet	14.48	10.79	129.68
Hamilton 122,240	109	1.74	2.83	Gloversville	7.90	5.63	67.56
				Utica	7.15	4.32	51.84
				Syracuse	6.49	3.66	43.92
				Richmond, Borough of	5.91	3.08	36.96
Kitchener 24,800	131	2.07	3.38	Amsterdam	11.79	8.41	100.92
Kingston 21,600	49	1.54	2.03	Ogdensburg, Oswego	4.41	2.38	28.56
London 63,340	116	1.77	2.93	Schenectady	5.84	2.91	34.92
				Binghamton	5.74	2.81	33.72
Niagara Falls 16,800	208	2.54	4.62				
Ottawa 118,090	179	1.75	3.54	Albany	14.32	10.78	129.36
				Yonkers	15.32	11.78	141.36
Owen Sound 12,230	65	1.25	1.90	Cortland	5.28	3.38	40.56
				Fulton	3.63	1.73	20.76
				Hudson	5.85	3.95	47.40
			1.45	Tonawanda	4.05	2.60	31.20
Peterborough 21,730	66	1.43	2.09	Poughkeepsie, Newburgh	6.60	4.51	54.12
Port Arthur 17,020	120	1.80	2.16	North Tonawanda	4.05	1.89	22.68
St. Catharines 21,810	124	1.70	2.94	Rome	5.36	2.42	29.04
St. Thomas 17,150	93	1.50	2.43	Hornell	9.80	7.37	88.44
Sarnia 15,600	81	1.69	2.50	Geneva	6.88	4.38	57.36
				Glen Falls, Saratoga Springs	7.29	4.79	57.68
Stratford 18,890	147	2.73	4.20	Corning	11.69	7.49	89.88
				Ithaca	17.64	13.44	161.28
Toronto 542,190	94	1.63	2.57	Rochester	4.91	2.34	28.08
				Bronx, Brooklyn, Manhattan	6.58	4.01	48.22
				Queens, Borough of	7.52	4.95	59.40
			2.91	Buffalo	4.36	2.44	29.28
Welland 8,940	114	1.88	3.02	Canandaigua	5.13	2.11	25.32
				Mechanicsville	11.31	8.29	99.48
				Norwich	15.96	12.94	155.48
Windsor 52,640	125	2.32	3.57	Auburn	9.95	6.38	76.56
				New Rochelle	12.62	9.05	109.10
				Troy	10.00	6.43	77.16
			2.70	Niagara Falls	5.40	2.70	32.40
Woodstock 10,120	125	1.91	3.16	Oneonta	15.98	12.82	153.84
				Plattsburg	14.55	11.39	136.68
				Rensselaer	7.90	4.74	56.88

Mr. NORRIS. I wish to call attention to some of the items in the table. First, however, let me tell the Senate about one of the columns in the table, Column IV. The table takes 21 cities in Ontario, and then a number of cities, 40 or 50, that compare in population with the various Ontario cities; it gives the rates in Ontario and computes what the rates would be in the State of New York. In order to meet an objection that is made, the gentleman who prepared the table added to the Ontario rates 1 cent a kilowatt-hour on account, as he says, of their not paying taxes. This is shown in Column IV. In Ontario the hydroelectric commission that generates and distributes the electricity to the municipalities does pay taxes. The municipalities, however, owning the distributing systems do not pay taxes. So it is not right to say that the system in Ontario pays no taxes, but the one who prepared this table adds for taxes 1 cent a kilowatt-hour to every rate that he gives for Canada. Every student of the subject knows that that is an excessive amount to add for taxes. Without having definite information, but from my general information on the subject, I should say that there is not in the State of New York a private corporation generating electricity that pays as taxes as much as 1 cent a kilowatt-hour on the amount it generates. As a rule, the taxes such a corporation pays will amount to from 2 to 3 to 4 mills a kilowatt-hour instead of 1 cent; but it will be noted, on examination of this table, that even after adding a cent for taxes, which, in my judgment, is three times as much as ought to be added, and in this case four times as much, because the Canadian system does pay some taxes, still the advantage is always in favor of the Canadian cities.

In the list of American cities with which the comparison is made is Binghamton. Since Binghamton is interested in what I have been saying about rates, I should like to call the attention of the people of that city to how they show up in the table. The rates in Binghamton are compared with those in London, Ontario, because the cities are nearly the same in size. The average monthly consumption for domestic service in the city of London, Ontario, is 116 kilowatt-hours. That is more than three times as much as the average consumption for domestic service in the United States.

As a matter of fact, taking the State of New York over, the average consumption of electricity for domestic service will be a little over 30 kilowatt-hours per month, while the average consumption in all the Province of Ontario, under its publicly owned system, is nearly 100 kilowatt-hours. In other words, the average consumption in Ontario, compared with the average consumption in the homes in the United States, is more than three times greater; and the consumption always goes up when the rates go down. The average consumption, as I have said, in London, Ontario, is 116 kilowatts a month, and the average bill for that electricity in the city of London is $1.77, which is considerably less than 2 cents a kilowatt-hour. There has been added to that for taxes 1 cent a kilowatt-hour, which makes the average bill $2.93, as shown in column 4. If a resident of Binghamton, N. Y., had consumed the same amount of electricity during the same month, his bill would have been $5.74—a difference in favor of the Ontario city of $2.81, and a difference in one year in the amount the customer would pay of $33.72.

Mr. HEFLIN. Mr. President——

Mr. NORRIS. I have figured it out without allowing the 1 cent for tax. It is perfectly unreasonable to allow 1 cent a kilowatt-hour for tax, especially when compared with the Canadian city, where at least some taxes are paid. I have made a computation, and I find that comparing the city of Binghamton with the city of London, over in Ontario, the average amount of electricity used in London in domestic service is 116 kilowatt-hours per month. The same amount of electricity in Binghamton would cost $5.74, as I have said; but if we omit adding 1 cent for taxes, the difference for that month in favor of the consumer in London, Canada, over the consumer in Binghamton is $3.97, practically $4 in one month; and in one year the consumer in Binghamton pays $47.64 more for his electricity than he would have paid if he had lived in London, Canada, and paid the rates there under the publicly owned system.

I now yield to the Senator from Alabama.

Mr. HEFLIN. That was the question I was going to ask the Senator—the difference between the price in New York and in Canada. He has already answered it.

Mr. NORRIS. Now, let us take another one out of this table. Brantford, over in Canada, has a population of 28,000. Let us compare it with Mount Vernon-White Plains, N. Y. The average monthly consumption in Brantford, Canada, in domestic service, is 122 kilowatt-hours. The same amount of electricity over in Mount Vernon-White Plains would cost $12.34. In Ontario, at Brantford, it costs $3.06, even after adding 1 cent a kilowatt-hour for taxes. In one year the home-owner over in Mount Vernon, N. Y., would pay $111.36 more for 122 kilowatt-hours than he would have paid in Canada, even if 1 cent were added for every kilowatt-hour over in Canada.

Mr. WAGNER. Mr. President——

Mr. NORRIS. I yield to the Senator from New York.

Mr. WAGNER. I merely desire to correct what I think was an inadvertence in the Senator's answer to the question of the senior Senator from Alabama when he stated that the rates charged in New York and in Canada in all instances had that disparity. Let me ask the Senator if it is not a fact that that disparity does not exist between the rates charged by plants owned and operated by a municipality in the State of New York and the rate charged by the publicly owned plants in Canada?

Mr. NORRIS. I have not made any comparison of that kind, but without making it I will say just in a general way that I think the Canadian rate would be lower even than the municipally owned rate, for instance, at Jamestown, for the reason that in Ontario, Canada, they have what is called a superpower system, and by organizing a superpower system and supplying a whole territory or a whole State with electricity it can be generated and sold cheaper than if every municipality had its own generating plant. In the city of Jamestown, in the Senator's State, with which I have been comparing some of these rates, the electricity is made from coal, and, as the Senator knows, the competing company in Jamestown gets its electricity from Niagara Falls; and yet this competing company supplies its customers outside of the limits of the municipality, so this article said that I read the other day, at nearly twice what it charges within the city limits. So, although this privately owned company is getting cheap power from Niagara Falls, and is competing with a municipal plant that must generate its electricity from coal and that must ship its coal in from the coal fields, the privately owned company is objecting right now before the Public Service Commission of New York to the application of the municipality to reduce its rates.

Mr. WAGNER. Mr. President, what I meant to suggest was that the disparity does not exist to the same extent when we compare the rates of the publicly owned and operated plant in New York with the rates of the publicly owned and operated plant in Canada.

Mr. NORRIS. No; not by any means. All these rates that I put in the RECORD the other day for electricity supplied by private companies in various New York municipalities are much higher, and, as this letter of Mr. Carlson says, in some places more than double what the municipally owned plant at Jamestown is charging its customers and making money while it is doing it.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. DILL. Mr. President, there is pending a unanimous-consent request for a limitation of debate. I rose for the purpose of making the point of no quorum. The Senator from Nebraska [Mr. NORRIS] asked me to yield so that he might make his remarks.

I desire to say that I have no opposition to the agreement for a limitation of debate; but I shall make the point of no quorum for the reason that I think a limitation of debate, since it has the effect ultimately of ending debate, ought to come under the rule which prohibits an agreement to end debate and take a vote except after the roll has been called.

I am for the bill, and I am in favor of this limitation of debate; but I make the point of no quorum because I feel that there should be a quorum here before any such unanimous-consent agreement is acted on.

Mr. HEFLIN. Mr. President, at what time will the Senate proceed to the Hall of the House of Representatives?

The VICE PRESIDENT. Without objection, the Senate will at 12.55 o'clock proceed to the Hall of the House of Representatives.

Mr. DILL. That will give time. I make the point of no quorum.

The VICE PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Fletcher	McNary	Steck
Bingham	Frazier	Mayfield	Steiwer
Black	George	Moses	Stephens
Blaine	Gerry	Neely	Swanson
Blease	Gillett	Norbeck	Thomas, Idaho
Borah	Glass	Norris	Thomas, Okla.
Bratton	Glenn	Nye	Trammell
Brookhart	Goff	Oddie	Tydings
Broussard	Gould	Overman	Tyson
Bruce	Greene	Phipps	Vandenberg
Burton	Hale	Pine	Wagner
Capper	Harris	Pittman	Walsh, Mass.
Caraway	Harrison	Ransdell	Walsh, Mont.
Copeland	Hastings	Reed, Pa.	Warren
Couzens	Hayden	Robinson, Ark.	Waterman
Curtis	Heflin	Schall	Watson
Dale	Johnson	Sheppard	Wheeler
Deneen	Jones	Shipstead	
Dill	Kendrick	Shortridge	
Edge	Keyes	Simmons	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to state that my colleague the junior Senator from Nebraska [Mr. HOWELL] is necessarily absent from the Senate on account of illness.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

Mr. CARAWAY. Mr. President, I wish to renew my request for unanimous consent to limit debate on the pending bill.

The VICE PRESIDENT. The clerk will read the unanimous-consent request of the Senator from Arkansas.

The Chief Clerk read as follows:

Agreed, by unanimous consent, that, beginning at 4 o'clock p. m. on the calendar day of February 13, 1929, no Senator may speak more than once or longer than 20 minutes upon the bill (S. 1093) to prevent the sale of cotton and grain in future markets, or any amendment that may be pending thereto.

The VICE PRESIDENT. Is there objection?

Mr. BLACK. Mr. President, this is a very important bill, especially to the South and to the West, and while I do not know that I shall say anything at all on it myself, I do not think I shall, I do not believe it is proper to cut off debate at 4 o'clock this afternoon to the extent suggested. If the request is made for to-morrow afternoon, I shall not object.

Mr. RANSDELL. I hope the Senator from Alabama will not object. We have debated the bill very fully, and under the terms of the unanimous-consent agreement suggested by the Senator from Arkansas we can still have 20 minutes on the bill and 20 minutes on any amendment that may be pending.

Mr. CARAWAY. Any Senator could have 40 minutes. There is to be an amendment offered, and any Senator who desires could have 40 minutes, 20 on the bill and 20 on the amendment.

Mr. RANSDELL. I do not wish to press my views too much, but I think we can have the bill pretty fully discussed under the 20-minute suggestion, with an additional 20 minutes on the amendment, as the Senator suggests.

Mr. BLACK. I think the probability is that we shall get through with the debate more quickly if there be no limit at all.

Mr. SIMMONS. The unanimous-consent request provides for 20 minutes on the bill and 20 minutes on any amendment pending?

Mr. CARAWAY. That is my interpretation of it. That is what I intended.

Mr. SIMMONS. I think that would be ample.

Mr. RANSDELL. It is 20 minutes on the amendment and 20 minutes on the bill?

Mr. CARAWAY. Yes.

Mr. RANSDELL. That is what I understood.

Mr. BLACK. I am perfectly willing to agree to a limitation to go into effect to-morrow afternoon at 4 o'clock, but I am not willing to agree to a limitation to-day.

Mr. CARAWAY. I hope that debate will have been exhausted under the ordinary process before that time. I shall not request that we have a limitation to-morrow, because I think we will have disposed of the bill long before 4 o'clock to-morrow.

The VICE PRESIDENT. Objection is made.

CADETSHIPS IN THE COAST GUARD

Mr. BINGHAM. Mr. President, a few days ago when the Senate passed a bill authorizing the erection of new Coast Guard buildings at New London a question was asked by the Senator from North Carolina as to how appointments are made for cadetships at the Coast Guard Academy. I have just re-

ceived from the Treasury Department an announcement of a competitive examination for the appointment of cadets to be held in June, and in view of the interest taken by certain Senators in that matter, I ask that the announcement may be read and printed in the RECORD.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

THE UNITED STATES COAST GUARD WILL HOLD A COMPETITIVE EXAMINATION FOR APPOINTMENT OF CADETS JUNE 26–28, 1929

An exceptional opportunity is offered young men of the right caliber to complete their education at Government expense and to become commissioned officers in the United States Coast Guard, one of the military services of the United States afloat and ashore.

The age limits for appointment of cadets are 18 to 22 years. An applicant who has passed his twenty-second birthday is ineligible for appointment.

Cadets are trained and educated at the Coast Guard Academy, New London, Conn., and each summer are taken on an extended practice cruise. Cadets receive the same pay and allowances as midshipmen in the Navy ($780 per annum and one ration per day—80 cents).

Upon graduation, after three years at the academy, a cadet is eligible to be commissioned an ensign. Commissioned officers in the Coast Guard rank with officers in the Army, Navy, and Marine Corps, and receive corresponding pay and allowances, grade for grade.

Educational examination for cadets precedes the physical and takes two days. Applicants for cadetship of the required moral character who present satisfactory certificates that they have completed the equivalent of a 4-year high-school course and have received 14 credits in subjects prescribed by Coast Guard headquarters are required to take a written examination in mathematics (algebra and geometry), history, and English. A high-school graduate should be able to pass the examination.

The examination is strictly competitive and is open to young men who possess the qualifications with respect to age, education, and character. Examinations will be held at such places throughout the United States where it is found practicable to have examining boards and the number of candidates warrant.

The successful candidates who are tendered appointments will be ordered to report to the Superintendent of the Coast Guard Academy on or about September 1, 1929. They will be allowed 5 cents per mile to cover travel expenses from the place of appointment to the academy. Upon arrival at the academy a cadet will be required to deposit the sum of $200 to be applied to the purchase of necessary uniforms and equipment. Pay and allowances received are adequate to cover all expenses while at the academy.

For further particulars write to the Commandant United States Coast Guard, Washington, D. C.

JANUARY 29, 1929.

Mr. ASHURST. Mr. President, I wish to ask the Senator from Connecticut if he will not also include in the RECORD a statement of the places where such examinations are to be held, if he has such information.

Mr. BINGHAM. I have nothing further in regard to the matter except what was read.

Mr. ASHURST. I ask to have appended to the announcement just read a list of the places at which examinations will be held. I obtained the list from Coast Guard headquarters this morning.

The list was ordered to be printed in the RECORD, as follows:

COAST GUARD HEADQUARTERS,
Washington, D. C., January 30, 1929.

LIST OF CITIES WHERE EXAMINATIONS WILL BE HELD ON JUNE 26–28, 1929, FOR APPOINTMENT OF CADETS TO THE UNITED STATES COAST GUARD

Portland, Me.; Boston, Mass.; New London, Conn.; Buffalo, N. Y.; New York, N. Y.; Philadelphia, Pa.; Pittsburgh, Pa.; Baltimore, Md.; Washington, D. C.; Norfolk, Va.; Charleston, W. Va.; Raleigh, N. C.; Columbia, S. C.; Atlanta, Ga.; Jacksonville, Fla.; Miami, Fla.; Mobile, Ala.; Nashville, Tenn.; Louisville, Ky.; New Orleans, La.; Jackson, Miss.; Cincinnati, Ohio; Cleveland, Ohio; Lansing, Mich.; Sault Ste. Marie, Mich.; Indianapolis, Ind.; Chicago, Ill.; Milwaukee, Wis.; St. Paul, Minn.; Des Moines, Iowa; St. Louis, Mo.; Kansas City, Mo.; Little Rock, Ark.; Bismarck, N. Dak.; Pierre, S. Dak.; Omaha, Nebr.; Wichita, Kans.; Oklahoma City, Okla.; Dallas, Tex.; Galveston, Tex.; San Antonio, Tex.; El Paso, Tex.; Helena, Mont.; Cheyenne, Wyo.; Denver, Colo.; Santa Fe, N. Mex.; Boise, Idaho; Salt Lake City, Utah; Phoenix, Ariz.; Seattle, Wash.; Portland, Oreg.; San Francisco, Calif.; Los Angeles, Calif.

COUNT OF THE ELECTORAL VOTE

The VICE PRESIDENT (at 12 o'clock and 53 minutes p. m.). Pursuant to law, and under the order of the Senate, the Senate will now proceed to the Hall of the House of Representatives for the purpose of counting the electoral vote for President and Vice President of the United States. At the conclusion of the joint session the Senate will return to its Chamber, the report of the tellers will be made to the Senate, and the Senate will then resume its regular business. It should be understood that this is not an adjournment.

Thereupon the Senate, preceded by the Vice President, the Secretary, and the Sergeant at Arms, proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral vote for President and Vice President of the United States.

The Senate returned to its Chamber at 1 o'clock and 37 minutes p. m., and the Vice President resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Fletcher	McNary	Steck
Bingham	Frazier	Mayfield	Steiwer
Black	George	Moses	Stephens
Blaine	Gerry	Neely	Swanson
Blease	Gillett	Norbeck	Thomas, Idaho
Borah	Glass	Norris	Thomas, Okla.
Bratton	Glenn	Nye	Trammell
Brookhart	Goff	Oddie	Tydings
Broussard	Gould	Overman	Tyson
Bruce	Greene	Phipps	Vandenberg
Burton	Hale	Pine	Wagner
Capper	Harris	Pittman	Walsh, Mass.
Caraway	Harrison	Ransdell	Walsh, Mont.
Copeland	Hastings	Reed, Pa.	Warren
Couzens	Hayden	Robinson, Ark.	Waterman
Curtis	Heflin	Schall	Watson
Dale	Johnson	Sheppard	Wheeler
Deneen	Jones	Shipstead	
Dill	Kendrick	Shortridge	
Edge	Keyes	Simmons	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

Mr. SHORTRIDGE. Mr. President [reading]:

The undersigned, SAMUEL M. SHORTRIDGE and WILLIAM H. KING, tellers on the part of the Senate, and CHARLES L. GIFFORD and LAMAR JEFFERS, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1929:

Electoral votes of each State	States	For President		For Vice President	
		Herbert Hoover, of California	Alfred E. Smith, of New York	Charles Curtis, of Kansas	Joseph T. Robinson, of Arkansas
12	Alabama		12		12
3	Arizona	3		3	
9	Arkansas		9		9
13	California	13		13	
6	Colorado	6		6	
7	Connecticut	7		7	
3	Delaware	3		3	
6	Florida	6		6	
14	Georgia		14		14
4	Idaho	4		4	
29	Illinois	29		29	
15	Indiana	15		15	
13	Iowa	13		13	
10	Kansas	10		10	
13	Kentucky	13		13	
10	Louisiana		10		10
6	Maine	6		6	
8	Maryland	8		8	
18	Massachusetts		18		18
15	Michigan	15		15	
12	Minnesota	12		12	
10	Mississippi		10		10
18	Missouri	18		18	
4	Montana	4		4	
8	Nebraska	8		8	
3	Nevada	3		3	
4	New Hampshire	4		4	
14	New Jersey	14		14	
3	New Mexico	3		3	
45	New York	45		45	
12	North Carolina	12		12	
5	North Dakota	5		5	
24	Ohio	24		24	
10	Oklahoma	10		10	
5	Oregon	5		5	
38	Pennsylvania	38		38	
5	Rhode Island		5		5
9	South Carolina		9		9
5	South Dakota	5		5	
12	Tennessee	12		12	
20	Texas	20		20	
4	Utah	4		4	

Electoral votes of each State	States	For President		For Vice President	
		Herbert Hoover, of California	Alfred E. Smith, of New York	Charles Curtis, of Kansas	Joseph T. Robinson, of Arkansas
4	Vermont	4		4	
12	Virginia	12		12	
7	Washington	7		7	
8	West Virginia	8		8	
13	Wisconsin	13		13	
3	Wyoming	3		3	
531		444	87	444	87

SAMUEL M. SHORTRIDGE,
WILLIAM H. KING,
Tellers on the part of the Senate.
CHARLES L. GIFFORD,
LAMAR JEFFERS,
Tellers on the part of the House of Representatives.

The VICE PRESIDENT (reading):

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Herbert Hoover, of the State of California, has received for President of the United States 444 votes;

Alfred E. Smith, of the State of New York, has received 87 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Charles Curtis, of the State of Kansas, has received for Vice President of the United States 444 votes;

Joseph T. Robinson, of the State of Arkansas, has received 87 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1929, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. SIMMONS. Mr. President, if there is anybody else who desires to speak at this time I shall be glad to yield to him, as I am not particularly anxious to make any remarks just at this moment.

I send to the clerk's desk and ask to have read the following letter addressed to me and signed by J. A. Taylor, chairman of the traffic committee of the Chamber of Commerce of the city of Wilmington, N. C.

I want to say, before this letter is read, that Mr. Taylor is regarded in North Carolina as authority upon the subject discussed by him in this letter. He is a large wholesale merchant in next to the largest city in the cotton-growing belt, a city from which about 500,000 bales of cotton are generally exported annually. He has been a student of questions connected with the marketing of farm products and other questions pertaining to the business of agriculture. I wish to have Mr. Taylor's letter read in full, because I think it very informative and very sound in its conclusions.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will read.

The letter was read, as follows:

WILMINGTON CHAMBER OF COMMERCE (INC.),
Wilmington, N. C., February 6, 1929.

Senator F. M. SIMMONS,
Washington, D. C.

DEAR SENATOR SIMMONS: I have just received a copy of the Caraway bill, entitled "To prevent the sale of cotton and grain in future markets," and have read same with profound astonishment. There isn't a provision in the bill which, in my opinion, discovers any real knowledge of the inseparable relation of the contract market to stable values, and on the whole I consider the bill the gravest menace to agricultural interests and beg your careful consideration to the following:

1. Agricultural products being seasonal depend for their market upon some method of distributing the movement over a long period at related and fixed prices, and where such a system does not obtain the spot demand determines the market value; which means that by eliminating the buyer for future requirements the market becomes a one-sided affair, and the seller is made the victim of the spot buyer.

2. The economic effect of a future market is to make prices for the entire production equated on the basis of supply and demand at varying prices measured by delivery periods. Were such a system not in effect the marketing of the crop would depress the price just in the degree that receipts exceeded current demand, while with the system in operation the future market sustains the spot price by distributing the supply over a long period.

3. Cotton mills are able to operate continuously only because and to the extent they can protect their future wants at ascertained and fixed costs, and the elimination of the future contract system would operate to restrict the mills to a hand-to-mouth policy and shift the burden of carrying the stock of raw material to the farmer. The practice among cotton factors is to sell to mills for long-deferred delivery, and by this facility the twofold result is accomplished, that the farmer finds an open and constant market for his product and the mills the means of future sales and continuous operation. The factor is enabled to insure these future requirements only through the machinery of the contract market, and in the nature of the case does not know, and can not know, from whom or through whom he will receive his supplies. Nor is such knowledge a matter of interest to the mills or a thing of value to the farmer; but both are vitally concerned, the one as the seller and the other as the buyer, in maintaining an open market for their needs.

4. The bill applies equally to grain and cotton, and while without accurate knowledge of the grain market, I think there is reason to believe that the commodities would be differently affected. Grain and its products have a direct consumptive market measured roughly by population, while cotton is limited to comparatively few channels of direct distribution. By reason of wide distribution grain and its products would not feel the effect of the restrictions imposed by the bill in the same degree as cotton, for while everybody is a potential consumer of cotton products, everybody is an actual consumer of grain products, and the immediate and constant current demand would likely contribute in a measure to sustain prices of these products. But the assumption conceded, the bill is vicious in principle and, if enacted, could have no other effect than to harm what it professes to help.

5. Exchange operations being necessary to stabilize prices, it follows that the freer the market the better, and economic considerations alone should regulate commercial machinery. The statute law has no place here except for defining broad fundamental principles, and commercial custom and usage should be left free to supply the means within the law.

6. The price of cotton has been unsatisfactory for several years, and the record of exchange transactions will disclose that both positively and relatively the interest of the public in the cotton market has decreased. At present, with underlying bullish conditions, the market should be doing much better, and the stagnant condition which has characterized the market for the past few months, and the decline in price which has taken place the past few weeks, can be accounted for only by the absence of public interest. What the market needs is active and sustained public interest, and if the falling away of public interest has produced the conditions described, only the imagination can fancy what would be the effect on the price of cotton should the public be forbidden by law to enter the market—and the farmer would have to bear the cumulative burden.

I hope you are in position to oppose the bill, for I can not recall a proposed piece of legislation so menacing to the interest of the South, and so calculated to disturb and disrupt a marketing system worked out through long years of world experience, and upon the integrity of which so largely depend our economic soundness and social well-being.

With personal regards.

Faithfully yours,

J. A. TAYLOR,
Chairman Traffic Committee, Chamber of Commerce.

Mr. SIMMONS. Mr. President, I also send to the desk and ask to have read a telegram from the Raleigh Clearing House Association, of Raleigh, N. C.

The PRESIDING OFFICER. The clerk will read.

The telegram was read as follows:

RALEIGH, N. C., *January 28, 1929.*

Hon. F. M. SIMMONS,
The Senate, Washington, D. C.:

Senator CARAWAY's bill (S. 1093) relative to hedging cotton, if passed, will be very injurious to cotton mills, and dealers and farmers urge you to oppose the measure.

RALEIGH CLEARING HOUSE ASSOCIATION.

Mr. SIMMONS. I also wish to have read from the desk a telegram from the president of the Atlantic Cotton Association, representing North Carolina and a number of other cotton-growing States.

The PRESIDING OFFICER. The clerk will read.

The telegram was read, as follows:

ATLANTA, GA., *December 29, 1928.*

Hon. FURNIFOLD M. SIMMONS,
Senator from North Carolina, Washington, D. C.:

Please refer to Senate bill No. 1093, introduced by Senator CARAWAY, entitled "A bill to prevent the sale of cotton and grain in future markets." The Atlantic Cotton Association numbers among its members the majority of the cotton shippers of the States of Alabama, Georgia, North and South Carolina, and Virginia, who buy and sell actual cotton for both domestic and foreign consumption and find constant use of the cotton future exchanges for hedging of their purchases and sales. Our association considers the cotton future markets an actual necessity to the marketing of the cotton crop, and further consider that the bill referred to above would result in the closing of our cotton exchanges and the disrupting of the cotton marketing system. We respectfully urge, therefore, that you vigorously oppose Senate bill No. 1093, introduced by Senator CARAWAY.

J. S. BILLINGSLEA,
President Atlantic Cotton Association.

Mr. SIMMONS. Mr. President, I shall detain the Senate for only a very short time, to give expression to some general views I have upon the subject of this bill, without any purpose or desire to enter into a detailed discussion of it.

If I understand the Caraway bill, its enactment into law would be almost sure, if not altogether certain, to close the cotton exchanges of the country. If it should have that effect, and I think it would if enacted, I believe the result would be very disastrous to the cotton interests of the South.

I do not underestimate the abuses which in recent years have crept into the various exchanges, not only the cotton exchanges but those having to do with wheat and other products. Those abuses seem to grow instead of decreasing, and undoubtedly there is necessity for some sort of legislation intended and calculated to remove those abuses, and to force those organizations to conduct business upon proper and legitimate lines.

Because a body politic is sick is no reason for its destruction. Because an institution has been abused is no reason for destroying it, if it is, in its essence and nature, when properly administered, beneficial and helpful.

I do not know of a single country, certainly I do not know of any great commercial country in the world, where there are not exchanges similar to those we have in this country for the purpose of marketing, buying, and selling certain staple products of the several countries and of the world. Great Britain has one, and Great Britain is in a certain sense almost as deeply interested in the American cotton industry as the American people themselves. Germany, France, Italy, all the great advanced nations of Europe, in which there are located factories engaged in the manufacture of cotton, are profoundly interested in that industry in this country. They all have exchanges. If the American cotton exchange is destroyed, that does not destroy the British cotton exchange or the German or French cotton exchanges. If the world price of cotton is to be fixed in the United States, as I think it is, and if the bill is passed, I do not believe that in the future the world price of cotton will be fixed in the United States. I think it will be fixed in Liverpool. If we will not permit this kind of a market in this country, of course, those who are interested in the existence of an institution where the prices of this product may be stabilized will have to transfer, and will transfer, their activities to the foreign markets, and that will result in a condition which I do not believe anyone in this country desires to bring about.

There is a great deal of talk about the effect of the exchanges upon prices. I was very much amazed on yesterday at the position taken by the distinguished Senator from Kansas [Mr. CAPPER], the author of the Capper bill, which was intended to control abuses with reference to wheat in the wheat exchanges of the country. I had been under the impression that that act had operated not entirely satisfactorily but had operated at least to remove many objectionable practices in the wheat exchange and that the wheat growers of the country, while not entirely satisfied with it, regarded it as very valuable legislation. I was surprised to hear the Senator from Kansas repudiate his measure, but I was more surprised to hear him argue that because there were certain fictitious trades, as he characterized them, in the markets by which a lot of wheat which did not exist was sold, that the amount of those sales added to the real sales deceived the public as to the amount of wheat raised in the country. The same argument, I believe, was applied to cotton, that the amount of fictitious sales was added to the amount of the actual sales and brought about a confusion of views and misunderstanding on the part of interested people as to what was the real amount of cotton or wheat produced in this country and as to what was the demand for cotton and wheat in the country.

Mr. President, I know and everybody knows that there are sold on the cotton exchanges of the country many times more bales of cotton than are produced; that there are sold upon the wheat exchanges of the country many times more bushels of wheat than are produced in the country, and that a large part of those transactions are paper transactions. But, Mr. President, nobody is deceived by those paper transactions as to the amount of cotton or wheat that is produced in the country. We have absolutely authoritative and official reports, as well as private reports, as to the amount of cotton and the amount of wheat produced in the country, and we know, not altogether exactly, but approximately, the amount of cotton and the amount of wheat that is consumed in this country and in the world, and what part of that cotton and wheat this country furnishes. We know how much wheat is produced in the world and in this country, and how much the demands of this country and of the world for wheat are, so that it makes no difference how many paper transactions take place upon exchanges, nobody of ordinary intelligence who would undertake to keep up with the market or deal with the market is deceived or can be deceived as to the amount of cotton or wheat produced or the amount of one or the other or both consumed in this country and in the world.

That was the gravamen and the basis of the argument which the distinguished Senator from Kansas made to the Senate yesterday. It has no foundation in fact. I see in front of me two Senators who, I think, know more about this question than any of their colleagues as far as cotton is concerned, the Senator from Louisiana [Mr. RANSDELL] and the Senator from South Carolina [Mr. SMITH], and I ask them if there is anything in the argument that the fictitious sales are calculated to or do mislead anybody as to the amount of actual cotton consumed and produced in this country or in the world?

Mr. RANSDELL. Mr. President, if the Senator will permit me to answer his question, I will state to him that in my judgment they do not deceive anyone. In regard to the so-called fictitious paper sales, let me remind the Senator that a former president of the New York Exchange, Mr. Marsh, in testifying before a subcommittee of the Committee on Agriculture and Forestry last year, stated that 80 to 85 per cent of all the transactions on the exchange were perfectly legitimate; that a great many of them were hedging or insurance, insuring legitimate transactions; that only about 15 to 20 per cent of them could in any way be called speculative or gambling. But they do not deceive anyone, as the Senator has so well said. We have innumerable reports from the Department of Agriculture of the Federal Government and from the State agricultural departments showing what the crops are both of cotton and wheat. No one is deceived—absolutely not.

Mr. CARAWAY. Mr. President, will the Senator yield to me just a moment?

Mr. SIMMONS. Will the Senator pardon me? If the Senator wishes to interrupt to ask a question, I have no objection. If he wants to read something, I would rather he would wait until I conclude.

Mr. CARAWAY. I want to show the Senator from Louisiana [Mr. RANSDELL] that the Chicago Board of Trade does not agree with him on that matter.

Mr. SIMMONS. I shall be glad to yield to the Senator for that purpose.

Mr. CARAWAY. A report from Chicago on March 17, 1925, showed "Trading in wheat and grains all strong. Reports that Arthur W. Cutter was getting out of his line developed a panic in the local pit during the early session. Wheat lost 14 cents a bushel." That was just on a rumor that this man was getting out, and yet he did not sell or buy a bushel of actual wheat.

Mr. SIMMONS. Mr. President, I do not deny and nobody will deny that there is speculation on the exchanges, not only in cotton and wheat but in stocks and bonds and every kind of product; and that it does temporarily dislocate the market, sometimes up and sometimes down. Corners are made and corners are broken. Combinations and control of market for a few days make a fictitious price, but are broken; and a fictitious price in the other direction is made. That is undoubtedly true, but the tendency of the exchanges properly conducted is to stabilize and fix prices and to advise the producers and consumers of the products throughout the country and the manipulators of products throughout the country of a basis upon which they can rely in their operation.

The question is of deep interest to two special industries, one the spinning industry in this country and the other the cotton-growing industry in this country. First let me briefly

and in general terms state the situation with reference to the spinners.

I think no one will underestimate the industry of cotton manufacturing in the United States. It is one of the very largest industries in the country. It gives employment to immense numbers of laborers, and in it an enormous amount of capital is invested. It is of first importance to the manufacturers that there should be a stabilization of the price of the raw material which enters into the manufactured product. They operate upon the basis of orders for future delivery. A great number of orders are received, probably enough to keep the factory in operation for months, probably half the year. They must buy their raw material in the market and pay the market price. Their goods are to be delivered later. If the price of the raw material should materially drop, say, in the case of cotton, from 20 to 12 cents a pound, and if the millers have no way of protecting themselves against that slump, then they face a very serious situation.

They face the identical situation that a man engaged in business faces when he contemplates the danger of fire. They can not safely sell on long-time orders unless there is some way in which they can insure themselves against a change in the market price of the raw cotton, which will be disastrous to them. Hence, it is the uniform custom of the millers, without exception, so far as I know—and if there is an exception, I wish the Senator from South Carolina [Mr. SMITH] would bring it to the attention of the Senate now—it is the uniform custom, just as it is the uniform custom of merchants to insure the houses in which they are doing business, to buy for future delivery, so that in case of fluctuation they may be protected. It is an insurance. It is not resorted to for purposes of speculation, but for insurance. The men who engage in this great business would find it very hazardous but for this facility by which they are enabled to protect themselves. If we should destroy the exchanges, there would be no way by which they could protect themselves through insurance; and no mortal man can tell what would be the effect of such action upon the textile industry of the country.

Mr. BROOKHART. Mr. President, will the Senator from North Carolina yield to me?

Mr. SIMMONS. I will yield, but I have not much strength to give to the few remarks that I am making.

Mr. BROOKHART. Very well. I will ask the question later of the Senator from South Carolina [Mr. SMITH].

Mr. SIMMONS. I will yield if the Senator wishes; but I merely wanted to make some general observations. I do not desire to go into any detail.

Now, Mr. President, we come to the farmer. Cotton is a peculiar product in some respects. In a modified sense, the South has a monopoly in cotton, almost a world monopoly, because we supply a very large percentage of the demand of the world. The price of cotton is regulated by supply and demand, primarily. If the machinery of the markets is open—if the facilities for sale, future and present, are open and free—the amount of cotton we produce will fix the price. If it is a very short crop, the price will be good; if it is a very heavy crop, the price will be low; but if there is no machinery to regulate the price, then, like the producer of any other general commodity that is not subject to having its price fixed or affected by exchange transactions, the cotton farmer would have to seek a market where he could find it; and the only market open to him would be that of the manufacturers.

The manufacturers, of course, are interested in getting cotton at the lowest possible price. They would have to buy stingily and live from hand to mouth, so to speak, if we should destroy the exchanges. They could not hedge against loss. They would buy in small amounts. There would be bargaining and trafficking in every community about what the price should be and what the manufacturers would give for cotton, just as there is about cattle and hogs in communities which are situated far from Chicago; as there is about eggs and chickens and other commodities of that sort. There would be no stabilized price; there would be no customer except one who is interested in forcing the price down to the lowest possible point, and that purchaser a cripple, so that he could not afford to sell on long orders, because he would have no insurance against loss. There would be a crippled purchaser, and only one purchaser, with the possibility of combinations between purchasers.

Mr. SMITH. And there would be distressed sellers.

Mr. SIMMONS. And there would be distressed sellers.

I have never seen but one time in my life when there was no cotton exchange and when there was no fixed and established price for cotton, no price that attached to a bale of cotton just the same in one part of the country as it did in another part of the country; a price that the farmer when he carried his cotton to market knew he would get. That was in 1914. I do not know how long the period was. Some one has stated that it was three months, but I think it was longer than that. The distress in my section of the country was so great that, perhaps because I was interested in cotton, while the period during which the exchanges remained closed may have been only three months, it seemed to me a year. Cotton during that time was hawked about the streets. Some offered 5 cents a pound for it; some offered 6 cents for it; some offered 8 cents, and some one else would say, "If you will take it out in trade" or "If you will let it go on some account, I will give you 10 cents for it."

Mr. SMITH. We had the "Buy a bale of cotton" movement, as the Senator will remember.

Mr. SIMMONS. Yes. Then, because of the distress and disorganization and the lack of a fixed market price for cotton, there was started the "Buy a bale of cotton" movement throughout the country. It gained a great deal of headway and was designed to relieve the cotton farmer of the distressful situation in which he found himself as the result of this condition.

Mr. CARAWAY. Mr. President, if I may ask the Senator a question, does he believe the closing of the exchanges was the cause of the cotton market breaking?

Mr. SIMMONS. I do not think it was the only cause, but I think it was one of the chief causes.

Mr. CARAWAY. If the exchanges had stayed open, then, they would have held up the price?

Mr. SIMMONS. I think they could have done so, but I do not know that they could have stabilized the price to the same extent as now.

Mr. CARAWAY. Why did they close?

Mr. SIMMONS. I presume they closed because of world conditions.

Mr. CARAWAY. They closed because they could not control the price.

Mr. SIMMONS. I do not know why——

Mr. CARAWAY. Does the Senator have any idea?

Mr. SIMMONS. I simply know they suspended. The Senator may know the reason; I do not know the reason. I suppose it was because of general disorganization, due to world conditions, affecting world trade and interfering with world trade, that these associations decided to suspend, but I say that suspension was disastrous to the farmer.

Mr. CARAWAY. That is what I was coming to. The Senator thinks if the exchanges had stayed open the price would have been better?

Mr. SIMMONS. I think it would.

Mr. CARAWAY. Why did the men who were already long on the market quit and allow themselves to be absolutely ruined? Why did they not keep the exchanges open so that they could unload on the public, as is usually done?

Mr. SIMMONS. I suppose these exchanges are controlled by majorities, as are other bodies.

Mr. RANSDELL. Mr. President, will the Senator from North Carolina permit me to read a telegram from the president of the New Orleans Cotton Exchange and one from the president of the New York Cotton Exchange setting forth why the exchanges closed?

Mr. SIMMONS. I will be glad to have the Senator do so.

Mr. RANSDELL. I asked the question and have here the answers, if the Senator from North Carolina will permit me to read them. The telegrams are not very long. I wired yesterday. I will read the answer, as follows:

> Exchanges closed on outbreak of World War because of chaotic conditions resulting from dislocation international finances and marine insurance, severe difficulties in shipments owing to shipping control by various governments engaged in world conflict, and because of general confusion resulting from declaration of war. American cotton exchanges remained closed from July 31, 1914, to November 14, 1914. All exchanges all over world closed at outbreak of war. As soon as conditions warranted and military control established and defined and financial conditions stabilized sufficiently, exchanges reopened. During period exchanges dealing in cotton were closed innumerable telegrams and letters were received from producers, merchants, bankers, and trade urging exchanges to reopen, because business could not be conducted in orderly manner without exchanges functioning. Spot cotton values were demoralized and irregular, prices differing as much as a cent a pound in adjacent territories. The reopening of the cotton exchanges resulted immediately in an increased demand for spot cotton and a progressive advance in cotton values.
>
> J. P. HENICAN, *President.*

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. RANSDELL. As soon as I read the telegram from the president of the New York Exchange I will be glad to answer any question, with the permission of the Senator from North Carolina. The telegram I have just read is from Mr. Henican, president of the New Orleans Cotton Exchange. I have here a very brief telegram from the president of the New York Cotton Exchange addressed to me, in which he says:

At request of President Henican, may inform you my cotton exchange was closed from July 31 to November 16, 1914, owing European war. Exchange was reopened at urgent request of entire trade, as during closing period price of cotton had declined the lowest in years, in spite of obvious fact that war would materially increase cotton consumption rather than the reverse. During closing period cotton sold at 5 cents in South, but exchange reopened at 7 cents, and value continued to advance to 43¾ by 1920.

GARDNER H. MILLER, *President.*

Mr. CARAWAY. Now may I ask the Senator a question?

Mr. RANSDELL. If the Senator from North Carolina will permit me, I will be glad to yield.

Mr. SIMMONS. I yield for that purpose.

Mr. CARAWAY. Neither one of the telegrams said that the exchanges thought they would have kept the price of cotton up if they had stayed open, did they?

Mr. RANSDELL. I read what they said.

Mr. CARAWAY. Did the Senator ask them that question?

Mr. RANSDELL. I asked them to tell me why the exchanges closed during that period, and this is their reply.

Mr. CARAWAY. I asked the Senator if he asked them if it would have kept the price up if the exchanges had remained open.

Mr. RANSDELL. I did not ask that.

Mr. CARAWAY. Why did not the Senator ask that?

Mr. RANSDELL. Because I was not smart enough; I did not know the Senator was going to want that information. I thought they were intelligent men, and if I asked them why the exchanges closed and remained closed they would answer me. I did ask that question and I have read their replies.

Mr. CARAWAY. The other was the question I asked the Senator, and I see he avoided asking them about it.

Mr. President, may I read something from one whom the Senator from North Carolina said a few moments ago is the greatest authority on cotton? I believe he said that the Senator from South Carolina [Mr. SMITH] knew more about it than anybody else.

Mr. SIMMONS. I did not say he knew more about it than anybody else. I said that he and Senator RANSDELL probably knew more about it than any two Senators in this body.

Mr. CARAWAY. May I read the Senator what the Senator from South Carolina said in the bill that he introduced on the 3d of last May?

Mr. SIMMONS. Certainly; I have no objection if the Senator from South Carolina has not any.

Mr. CARAWAY. He said—

that the transactions and prices of cotton on such cotton-futures exchanges are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton in interstate commerce; that such speculation, manipulation, or control is frequently effectuated, and such sudden or unreasonable fluctuations of prices are at times brought about by purchases or sales of future contracts in large quantities by some person acting alone or in association with other persons or affiliations.

That is what the Senator from South Carolina last May said was the condition of the cotton trade.

Mr. SIMMONS. Mr. President, I have no brief for the cotton exchange. I have no sympathy with the gambling transactions to which the Senator from Arkansas has referred. I recognize the fact that there are speculative movements in the market on the stock exchange of a character that are very hurtful and very reprehensible; and they ought to be, if possible, suppressed. I have no defense to make of any of the abuses that have been complained of by the Senator from South Carolina or other Senators who have spoken upon this subject. I recognize that abuses have crept in, and they have grown to an extent that justifies the Government of the United States in interfering and, by reform legislation, eradicating those abuses. But, Mr. President, the question of reforming abuses in an institution that is subserving a good public purpose when legitimately conducted is a far different question from utterly destroying that system without setting up anything in its place.

I have no doubt that these speculative movements in cotton have sometimes operated very much against the farmer when the bears had control of the market; but when the bulls had control of the market they have operated in favor of the farmer. If they are purely speculative, Mr. President, they ought to be controlled by the Government; but the transactions that take place upon the exchange that are legitimate and legal, that protect the cotton millers of this country, that furnish them a source of indemnity against loss, that establish and maintain upon a stable basis the price of the farmer's cotton, ought not to be interfered with; and these cotton mills, among the greatest industries in our country, and these cotton farmers, who produce a product that brings enormous wealth to this country, ought not to be deprived of the benefits of the legitimate operation of that institution.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. SIMMONS. Yes. I am through.

Mr. HEFLIN. Just let me make a suggestion. I do not want to take the Senator from North Carolina off his feet; but I agree with the Senator that the spinner ought to have a place to hedge. When a spinner buys spot cotton, I think he ought to have an opportunity to have somebody who is willing to buy his contract to carry the insurance, as some term it. That is legitimate, because the spinner is a consumer of cotton. If the spinner has an opportunity to hedge in the present bill, that would be very helpful, indeed; and if the farmer who had spot cotton wanted to sell a contract against it, he ought to have the right to do it, and he does have that right under the provisions of this bill. The merchant who buys cotton can do the same.

That is legitimate speculation; but they speculate on the exchanges in the United States to the extent of 200,000,000 bales of cotton or more in a year. We are making a crop of only 14,000,000 bales. If we could confine this dealing to hedging, we would have contracts sold on 14,000,000 bales, and with 14,000,000 bales of spot cotton added to that, we would have 28,000,000 bales dealt in in one year as against 200,000,000 bales of fictitious stuff called cotton now bought and sold on the exchanges. I think four-fifths of that speculation is harmful. The kind of speculation that I have just mentioned is legitimate because back of every bale sold on contract there would be a bale of actual cotton.

Mr. RANSDELL. Mr. President, will the Senator from North Carolina permit me to answer just that point?

Mr. SIMMONS. I am through.

Mr. RANSDELL. Let me make just one brief statement, then.

Mr. SIMMONS. I think I answered the statement of the Senator before he made it, and I do not think I ought to repeat it.

Mr. RANSDELL. I only want to say to the Senator, as I am sure he will remember, that when we were having our hearings last year the Senator from South Carolina [Mr. SMITH] was presiding, and this question was asked of Mr. Marsh, who, as the Senator will recollect, was prosecuting—I do not think I use the term improperly—the firm of Mr. Henry Clayton, of Texas; and I do not know but that the Senator from Alabama may have asked the question:

What percentage of the transactions on the cotton exchanges are really legitimate hedging, and what percentage of the transactions are speculative?

Mr. Marsh answered that 80 to 85 per cent were legitimate, and only 15 to 20 per cent speculative. Some one asked Mr. Henry Clayton what he thought was the amount of the speculative transactions, and how much was legitimate. He said he thought Mr. Marsh had erred somewhat in saying that the legitimate transactions amounted to as much as 80 to 85 per cent. He doubted if they would run over 60 per cent; but he was satisfied that fully 60 per cent of all the transactions on the cotton exchanges were legitimate hedging or insurance transactions.

I do not pretend to know as to that, but those two gentlemen did know. Mr. Marsh for years was president of the cotton exchange. He is a very able economist. I understand that he has written books on the subject; and he certainly impressed me as one of the most dignified, able men I ever heard testify before a Senate committee. Mr. Clayton also impressed me as an extremely able man. So I think it is safe to say, from the testimony of those two men who were summoned before our committee to look into the question of cotton, that fully 60 to 85 per cent of all the transactions on the exchange are legitimate transactions.

I want to say just one word more in response to a suggestion from my friend about the evils on these exchanges.

Mr. HEFLIN. Before the Senator does that——

Mr. RANSDELL. Let me make this statement, and then I will yield.

Doubtless there are evils now, and doubtless there have been evils in the past. The Senator recalls well that along about 1913 we had prolonged hearings in order to correct some of

the so-called evils of the cotton exchanges, the result being what has been known ever since as the Smith-Lever law. It was, in a way, a Magna Charta to the business on the cotton exchanges of the county. The Smith-Lever Act, passed in 1914, was first declared unconstitutional. It was reenacted in 1916 and has functioned wonderfully.

I should like to say, in behalf of the New Orleans Cotton Exchange, that if anybody in recent years has presented evils connected with the New Orleans Exchange, I have not heard them. Before our committee there was a searching investigation which the Senator from South Carolina and his associates conducted, and certain alleged evils connected with the New York Exchange were set forth. A great deal was said about that; and in order to correct those evils Mr. VINSON of Georgia introduced a bill in the House, and the Senator from South Carolina [Mr. SMITH] introduced a bill in the Senate, and secured a favorable report on it; but after the Congress closed I understand that the New York Exchange voluntarily adopted and put into effect rules of its own, which substantially corrected the evils complained of. It did that voluntarily.

I do not know what evils need correcting by the legislature at this time. Certainly no one has charged any evils connected with the New Orleans Cotton Exchange except this general idea of speculating too much which the Senator from Arkansas alleges; but the particular evils no man has stated.

Mr. HEFLIN. Mr. President, I was going to ask the Senator if he would not be willing, if he could, to eliminate the part of the speculation that is not legitimate? Mr. Clayton said he thought 60 per cent was legitimate. Therefore, 40 per cent would be illegitimate. Mr. Marsh said 85 per cent was legitimate, and that would leave 15 per cent illegitimate. If the Senator could, he would be willing to reach and eliminate that; would he not?

Mr. RANSDELL. If that could be reached in any business-like, proper way, I should not object at all. I am no champion of the speculators and gamblers, I assure the Senator; but I have never yet found anyone who was able to suggest a method by which the good could be separated from the bad.

Mr. HEFLIN. I can not lay my hand on Mr. Hines's testimony just now, but my recollection is that he is the representative or president of the Cotton Textile Institute. In response to a question that I asked, I believe, as to what per cent of cotton the mills obtained through the exchanges, I think he said 1 per cent or less than 1 per cent of their total cotton supply. I was astounded to find that it was so little as that, although I never thought they obtained very much through the exchanges; but in all the transactions that are had in that kind of speculation in 200,000,000 bales of cotton in a year, selling back and forth, of course they are selling stuff that does not exist, selling stuff that they do not own, and something that they can not deliver. That is an evil that must be stopped.

For instance, if the farmer has his cotton ginned and ready for the market, and the price is low and unprofitable, a price that will not justify him in selling, under the present-day regulations and manipulations of the exchanges he says: "I will keep my cotton off the market. I am not going to sell just now. I am going to hold it until the price gets better." But the speculator, regardless of the fact that the farmer is refusing to sell, goes upon the exchange and sells cotton contracts when the farmer, holding the actual cotton off the market, is refusing to part with it to any spot buyer in the land at the price then obtaining.

The speculator goes on the exchange and sells a fictitious stuff called cotton in unlimited quantities, and he is seeking to beat down the price of real cotton still lower, while the farmer is holding it for the price to go higher. There is a battle on between these forces. One of the elements makes its money out of the bear side of the market. When cotton goes down and they beat the price to pieces, they make a killing, and they kill the farmer's business. Then he has lost by his effort to hold for a better price. He has a right to use his price-fixing power in obtaining a price that will yield a profit, and in his effort to do it he is being punished by a man who does not own cotton, who can sell in competition with real cotton stuff out of the air and call it cotton. He can sell a thousand bales or 10,000 bales or 10,000,000 bales without having a lock of cotton to sell, and in the meantime he is beating down the price of real cotton, because every morning before the merchant will buy that farmer's cotton in the market places of the South he waits for a telegram to come from the exchanges, and he goes by that telegram giving the quotations of what cotton sold for the day before and what it opened at that day, and he buys the cotton on the basis of those figures that come to the local markets each day from the cotton exchanges.

Who fixes the price? All sorts of people speculating on the exchange. What I want to do is to confine speculation more nearly to the amount of cotton actually produced each year. If we make a cotton crop of 14,000,000 bales, let them speculate in 14,000,000 bales, so as to have a bale of actual cotton back of every bale in a contract. For instance, if the spinner consumes, as he does, 6,000,000 bales, let him hedge to the extent of 6,000,000 bales. I would not deprive him of that right. I think he ought to have it, and I want him to have it, and I will vote for him to have it. If there are any other elements in the trade who deal in actual cotton, I am willing for them to have the right to hedge, and to that extent deal in cotton on an exchange. But I am ready to vote, and I will vote, for a measure that will stop this dealing in unlimited quantities of fictitious stuff called cotton.

There is an orgy of gambling going on to-day in Wall Street in stocks that is shaking the financial fabric of the Nation.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. CARAWAY. I am so amused at this "legitimate" business, which requires 200,000,000 bales of cotton in order to legitimately sell 10,000,000; which is what is actually sold, because we must subtract from the total twelve or thirteen or fourteen million bales of staple cotton. According to the statements of these great economists which we have just heard, it takes $2,000,000,000 to hedge 10,000,000 bales of cotton. At the present exchange charges it would cost $30,000,000. In other words, they have to put up $2,000,000,000, and lose the interest on that, and pay $30,000,000 for the privilege of handling, with this hedge, 10,000,000 bales of cotton. Senators can make the calculation themselves.

Mr. HEFLIN. According to those figures, the spinner would be infinitely better off if he should buy his whole supply of cotton even if he had to pay storage charges on it.

Mr. CARAWAY. Of course, he would better buy it. He would not have so much money in it.

Mr. HEFLIN. Mr. President, I was speaking a moment ago about the gambling craze that is on in New York. The money needed in every State of the Union to carry on the legitimate business of the people is being drawn into the gambling haunts of that eastern city. They are offering all sorts of interest rates. Money is at a premium. Of course, we understand that the man who has idle money would like to lend that money where he could get the best rate of interest—that is natural. But it is unfair to the honest business men and women engaged in lawful and helpful enterprises, who are supporting the Government and feeding and clothing the world, to make the interest rate so high around the gambling center, where people are dealing in fictitious stuff, as to draw money out of the channels of legitimate business in this country.

Somewhere in this country a man will want to cut down a forest, he will want to set up a sawmill and cut the trees into lumber, but he can not pay 10 or 12 or 15 per cent interest for money. When he goes to a bank in some of the States for money and they tell him, "We can get a larger rate of interest in New York than you are willing to pay, and we are sending the money there," that man is being denied the money with which to cut his forest and saw his timber into planks, material for building houses and bridges that span the rivers, and for various other purposes. These legitimate and necessary enterprises are made to wait; they must remain undeveloped while the dance and the revelry of the gamblers goes on in Wall Street. That is the sad and deplorable situation that confronts us.

Here is a statement from one of the sages of the Nation, one of the best beloved men in our country, and one who has contributed greatly to human comfort and betterment in his day and generation. I refer to Mr. Thomas A. Edison. He is down in Florida now renewing his youth in the sunny land of Dixie, and this statement was made just day before yesterday. He condemned increasing stock speculation and predicted that if it was not checked it would ultimately produce a panic.

Mr. President, think of what a crime it would be to tie up the money supply of the Nation, the greatest Nation in all the world, to have the lifeblood of its business—and that is what money and credit are—tied up in a gambling center and producing paralysis in legitimate enterprises in the various States. We will reach the time, unless certain kinds of speculation is stopped, when we will have a panic, and the crash will come.

It would be a good idea to have a man like "Old Hickory" Jackson President when that time came. When old Nicholas Biddle once told President Jackson that he was going to cause a panic, "Old Hickory" said: "If you do, damn you, I will hang you."

No man or set of men must be allowed to produce a panic in the United States. Whoever dares to do such a thing must be

surely punished, and the instrument with which he does it should be destroyed.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield.

Mr. SMITH. The difficulty about this, I want to suggest to my friend from Alabama—and he is one of the best friends I have—is that the very power that is invoked now, namely, the Federal Reserve Board, to intervene to raise the rate of interest, or, by any rate of interest, deny credit, in order to bring about a cessation of that orgy of gambling in New York and elsewhere in stocks and bonds, exercised its power in 1920, to the ruin of this entire Nation.

The Senator stood here for weeks and weeks denouncing the action of the Federal Reserve Board, which intervened when all farm products were at their peak, with the result, speaking of the matter now under discussion, that cotton, which was around 35 or 40 cents in the fall and spring preceding, dropped to something like 7 or 8 cents the next year. All other unprotected commodities suffered in like manner to such an extent that, in my opinion, the foundation was laid for the present disastrous condition of agriculture, which brought about the cry for agricultural relief.

I do not know what we are to do in a democratic country to control the spirit of speculation. I do not know whether we would be justified in giving the power of control to a board of governors. I do not know how we are to go about determining what an individual shall do with his own money or his own legitimate bases of credit. Those are questions which strike right at the foundation and the root of our democratic form of government. Perhaps we may have made a fatal mistake when we delegated to certain individuals the right to furnish this Government with a circulating medium. These are tremendous questions; they are questions which we can not, in an hour, or in any short time, solve so that our action would work to the benefit of the entire country.

I shudder when I think of what occurred in 1920, and I remember the deadening effect of that action of the Federal Reserve Board and its allied councilmen on the securities of the United States, worth par at maturity, with accrued interest if it had not been collected in the meantime. Even the bonds of the United States went down to something like 85 and 86 cents on the dollar, showing the effect on the obligations of our Government when held in weak hands, even with the taxing power and the resources of this country back of them. The Senator knows, and I know, that they had been distributed all over this country, and the patriotic citizens who really were not able had invested in those bonds.

Mr. HEFLIN. Mr. President, the Senator will remember that the Federal Reserve Board, of which Governor Harding was the head at the time, sent the order out to the banks over the country not to lend money on Government bonds, and many people were forced to sell them when they could not borrow on their bonds from the banks; and they had to sell them for 80 and 85 cents on the dollar.

Mr. SMITH. Precisely; that is what I am trying to call to the attention of my friend. Are we here now invoking the activities and the power of a body created by this Government; and are we to put into its hands the power of life and death over the industrial and commercial and financial fabric of the American people?

Mr. HEFLIN. I am not in favor of that. I did not go far enough with my proposition. I had not gone far enough when he interrupted me to let the Senator know how I stood. I am not in favor of giving that power to the Federal Reserve Board; and I do not know but that the Federal Reserve Board made a mistake the other day in precipitately announcing what it was going to do instead of fixing a time, say 10 or 20 days hence, when it would have something definitely to say about putting a stop to certain kinds of speculation.

I can see that there was room for underhand work and trickery in that sort of thing, because if anybody had inside information that the board was going to make the statement it did make, he or they could have gone back to New York and got on the bear side of stocks, and he could have made millions the next day, because the statement broke the price of stocks on the exchange $2,000,000,000 in a single day—think of that; twice the value of the American cotton crop at the present price—snuffed out in the twinkling of an eye.

The people who had been lured into this gambling den from all over this Nation were supporting the bull side, and supporting it strongly, and if it is legitimate business, they had a right to do it, but they should not have been knocked in the head with a maul until they had time to get from under. I can see what the Senator from South Carolina is driving at, that the Federal Reserve Board, if they wanted to, could have given some one advance notice of what they were about to do. That is what I accused Governor Harding, of the Federal Reserve Board, of doing in 1920, of being in with the speculative interests, and telling them in advance that he was going to bring about a deflation panic, and they prepared themselves and got on the bear side of cotton and grain and stocks, and when the board caused deflation they made a killing, millions and hundreds of millions, and they destroyed agriculture and the cattle industry in the South and West.

Mr. SMITH. The question I desired to ask the Senator was this: Does he think Congress has the right to delegate to any body of men power over the commercial, financial, and industrial life of America, as it has been demonstrated now twice in the short life of the Federal reserve system, that they have done? They destroyed agriculture in 1920, and now they have wiped out—through speculation, if you choose to call it that—thousands in one day.

I call the attention of my friend from Alabama to the unspeakable danger of our delegating to any set of men the right to say who shall have credit and who shall not have credit, what is legitimate speculation and what is not legitimate speculation. It does not lie in the mouth of any man to say that thing. Yet here we are, because a great orgy of gambling is going on, if we choose to call it that, saying that we will invoke a Frankenstein to ultimately destroy everything when we are trying to destroy that thing itself.

Mr. HEFLIN. I see what the Senator means, and he and I are close together on the proposition. I do not know but what the Senator from Iowa [Mr. BROOKHART] is right, that we ought to fix the rediscount rate and take away from the Federal Reserve Board the power to put that rate up or down at will. The Senator will recall the deflation arrangement which they brought about by an act of Congress when Governor Harding got some legislation through by fraud and deception, when he told the Senator from South Carolina, among others, that he wanted authority for using that progressive interest rate so that he could apply it only to gambling places like New York that were getting too much money. He wanted it, so he said, so that the money could go out in the channels of business in the South and West. But it so turned out that he never invoked it in New York at all, but he did apply it in the South and West and practically destroyed all kinds of business in both sections.

Mr. SMITH. If the Senator will recall, not only did he not invoke it in those concentrating places where the complaints came from, but the result was as the Senator has stated. I had in my desk at the time, and I am sure I still have in my files, statements showing that in some rural communities they actually charged as high as 87½ per cent for a loan.

Mr. HEFLIN. They did that in my State at Abbeville. I brought that matter before the Senate and showed the papers sent to me by the governor of the Federal Reserve Bank at Atlanta, showing that the progressive interest rate was applied to a little bank in my State at Abbeville and reached the enormous figure of 87½ per cent. What was that little bank doing? It was advancing money to the cotton grower and trying to help him hold his cotton until he could get a price that would yield a profit, and it was being punished and beaten over the head by this extraordinary action of the Federal Reserve Board.

It might be a good idea for Congress to say by law how the rediscount rate shall operate—that under certain circumstances it may be permitted to go up to a certain point or down to a certain point. Let Congress say what shall be done. But we have a board there now, which, if it wanted to, could permit one set of gamblers to go in and run up prices on the stock market and get it up where they wanted it to go, all the while getting all the money they wanted under a low discount rate, and then they could abruptly put the rediscount rate up and shut off the others who were supporting the market, and have a killing and kill off all the little fellows, and thus play into the hands of this other set of gamblers. That is possible.

In the resolution which I introduced the other day I had a certain idea in mind, but a good many Senators did not understand all that I had in my mind back of what I said in the resolution. I wanted the board to tell us what the evil complained of was and what the board considered legitimate as distinguished from illegitimate speculation. That is not all I wanted. I have my own opinion about what is going on and about what should be done in the matter. I wanted the board to state in writing their views about it, and that is what I expect them to do when they send their report here in response to the request contained in my resolution.

Mr. CARAWAY. Mr. President, if the Senator from Alabama will permit me, I want to call attention to the fact that there is never any complaint when the prices are down in the dust. The only action taken is to break high prices or to break corners, as they call them.

May I call the Senator's further attention to this further fact? I have some Government reports here. On August 2, 1926, cotton was quoted at 17.70. On November 2, 1926, it was quoted at 12.73. Here is another thing showing how they stabilize cotton conditions: On the 10th of June, 1926, cotton opened at 17.28. On the next day it closed at 16.34.

Mr. HEFLIN. That meant a loss of $5 a bale.

Mr. CARAWAY. Yes; and there was not a bale of cotton made on that day. There was not any cotton in the market, but they manipulated the market. If we had had a 14,000,000-bale cotton crop, that would have meant $70,000,000 loss in value on cotton from one day to the next between seasons.

Mr. HEFLIN. Watch the scale up and down in the rediscount rate. Let them lower the rediscount rate, and you will see the price of farm products advance immediately, with the prices of other things the producers have to sell. But watch them when they apply the clamps to it and raise the rediscount rate. There will be then the opposite effect, and prices go down. So it is a barometer that tells just how the thing is going, and it has been placed in the hands of four or five men on this board. It is a dangerous power, Senators. I want the Senator from South Carolina, who has always been the friend of the farmer and the Senator from Iowa [Mr. BROOKHART], and others from the South and West who have given thought to the question, to join with me and others and see if we can not work out an amendment to the Federal reserve law which will stop this wholesale slaughter of the business of farmers, merchants, and others in the South and West.

Mr. SMITH. Does not the Senator think that the world at large considers money a commercial commodity? Of course, the law of supply and demand as to any one product is going to affect it ultimately, and it does affect the price, though perhaps not absolutely. The converse is absolutely true, that the demand is controlled by the ability to satisfy that demand. Therefore, if money is plentiful there may be a great demand, and if money is scarce there is a less demand. Does the Senator think that we are justified in taking money out of the category of commercial articles and putting it into the hands of a few men to determine whether it shall be bountiful or whether it shall be scarce, and directly—not indirectly, but directly—affecting and controlling the law of supply and demand of the actual articles in the market place?

That is what we have done by the Federal reserve act, and that is what ought to be repealed. We ought to make the rediscount rate answerable to the law of supply and demand. When a man goes to a banker with legitimate security, what right has the banker to question what he is going to do with the currency which he has secured by a deposit of adequate security? We have destroyed the very foundation of our Government when we turn over to any body of men the right to determine what an individual shall do with his own property.

Mr. HEFLIN. The Senator is right. How would this do? Suppose we provide that the rediscount rate shall not be raised until the board confers with the commissioners of agriculture in every State in the Union and until notice shall have been given to business generally for so many days in advance.

Mr. SMITH. And the reasons given.

Mr. HEFLIN. Yes; and give the reasons for doing it, so the public will be apprised of what is going to be done. Who knew this board the other day was going to break out at daylight and make an announcement that broke the market to pieces and caused a loss of $2,000,000,000 in stocks in a day? Senators, that is a tremendous transaction. The Federal Reserve Board ought to take all classes of business, capital, and labor into its confidence and let them know what they are doing and why they are doing it.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I yield.

Mr. KING. Apropos of the suggestion made by the Senator from South Carolina I am inclined to think that upon mature reflection he would desire to modify it, and I do not think that my friend from Alabama upon mature reflection would be willing to assent to it in all its implications.

I agree with the Senator, if I understand him correctly, that as to money, which is commercial, if I may use his expression, when a man goes to the bank and draws out his own money or goes to the bank and gets gold, exchanging something for gold, his deductions and his statements are accurate. But I do not think it can be legitimately contended that it is the duty of the Government to furnish credit to individuals for purely speculative purposes. If the Government sets up, as it has, a Federal reserve system and permits individuals to obtain credit by pledging collateral or pledging their property, I see no impropriety in the Government, where it stamps that credit with all the validity of gold dollars, before extending that credit and expanding credit, making some inquiry as to the purposes for which it is to be used.

Mr. BROOKHART. Mr. President, if the Senator will yield——

Mr. HEFLIN. I yield.

Mr. BROOKHART. The Senator from Utah has hit the vital point in the proposition. The Federal reserve law itself recognized that point when it prohibited the Federal Reserve Board from rediscounting speculative loans. We are not going to be ready to have discount rates fixed by Congress unless we proceed to prohibit all banks from making speculative loans. The amendment which I offered does that in the same language that is in the Federal reserve law now.

The Senator from Virginia [Mr. GLASS] raised the question that we would drive business into the State banks, but we can control the State banks by denying them the use of the United States mails, which privilege we furnish, and denying them the privilege of interstate commerce unless they, too, comply with these rules. That will stop the use of credit for speculation in the United States, and then we are ready to fix the redeposit rate or rediscount rate and the general interest rate.

Mr. KING. Mr. President, if the Senator will yield further——

Mr. HEFLIN. Certainly.

Mr. KING. Four years ago I offered a bill in the Senate, and I have offered it upon one or two occasions since, which denied the right of extending credit to the stock brokers for speculative purposes and to engage in marginal transactions. I saw that it was important that we forbid the Federal reserve system being used for speculative purposes. Then I supplemented that bill by another which I offered, which forbade the use of the mails of the United States for those transactions either by Federal banks or by State banks.

I do not think there is any obligation upon the Government to lend its credit for purely gambling and speculative purposes. If I go to a bank to secure credit under the Federal reserve system, offering my note with collateral which I deposit to be discounted at a regional bank, I ought to be willing to make an explanation of the purposes for which I desire to use that money, and if it is for purely speculative purposes, if it will be injurious to my country and to trade and commerce in my country, while it is a tremendous power and an abuse of the discretion might work very great evil, nevertheless it is a discretion which ought to be utilized, and the Government of the United States ought to deny that credit to me.

I suggested the other day to the Senator from Virginia [Mr. GLASS] when he was speaking that I thought we ought to amend the Federal reserve law to require those who make the loans, the member banks, to charge a higher rate of interest for loans that reach the speculative category. In Great Britain they have a minimum rate of discount in their banks, but they have discretion and they use that discretion drastically at times to raise the rate of discount, and the result is that they do not have any wild speculation upon stock exchanges in Great Britain such as we have here. The Federal reserve banks have been too liberal in extending credit, and many of the State banks are using the powers which they have under their State laws to increase speculation and to contribute to the demoralization to which my friend has adverted.

Mr. HEFLIN. The Senator from Utah and I are in agreement on a good many of the things he has said.

Mr. BROOKHART. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield.

Mr. BROOKHART. The statement of the Senator from Utah [Mr. KING] in reference to the situation in Great Britain has this explanation: There is a great cooperative banking system in that country which in 1927 had a three and a half billion dollar turnover. There is no stock speculation or any other kind of speculation in that system. The cooperative capital return is fixed from the beginning. Five per cent is all it ever gets; so that stock values do not vary up and down; interest rates are steady and do not vary under that system. It has grown so great and so powerful that it has forced the Bank of England and all other business corporations in Great Britain to do business very much on the lines of the cooperative enterprise.

What the Senator has said about there being no very great variations as a result of stock speculation in Great Britain is

absolutely true. The Banking and Currency Committee of the Senate had the Federal Reserve Board bring in some charts of its business, and to explain why it was that stocks fluctuated so greatly in the United States compared to other countries. They put up the charts of a dozen countries, and there were ups and downs in all of them, but finally they hung up the chart of Great Britain. When they reached the chart showing stock values in Great Britain, they moved up a little and they dropped down a little, but not so low as they started; then they went up a little again and dropped again, but never went back quite so low as previously; there was a steady, even rise, showing a healthy stabilized condition of stock values in Great Britain and also in Holland, both of which have this great cooperative system to steady them. They are the only two countries in the world that can now show charts of stabilized business.

I got those charts the other day from the New York Stock Exchange. They show a steady, even trend of business in Great Britain and Holland, whereas a chart of our stock values shows this gambling situation.

Mr. KING. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield.

Mr. KING. In substantially everything that the Senator from Iowa [Mr. BROOKHART] has just said I concur. I do dissent, however, somewhat from the deductions which he has drawn. I am inclined to think he is trying to have the tail wag the dog. The Bank of England and its branch banks, rather than the cooperatives, I think, dominate the situation. I admit the tremendous power and utility and great benefit of the cooperative banking system——

Mr. BROOKHART. But——

Mr. KING. Let me complete the sentence—but the Bank of England usually for a period covering 100 years has acted with great prudence and with due regard to the economic condition of the people. It has sought to prevent the orgy of speculation which, unfortunately, has characterized the United States and our banking system. The Bank of England has been conducted usually in a conservative and honest way, with a view to preventing these frightful fluctuations in matters of credit and of speculation.

Mr. BROOKHART. Mr. President, I concede what the Senator from Utah has just said to be true, but one reason why the Bank of England has been so steady and so honest is because alongside of it is that great, powerful cooperative system that would be able to take its business away from it if it acted upon any other theory.

Mr. HEFLIN. Mr. President, I did not intend that we should spend so much time discussing this phase of the question, but I think it has been time well spent.

In my opinion, the Federal reserve banking system is the greatest banking system ever devised, and I believe if properly administered it will meet the business needs of everybody. I think it is impossible to have a panic under the Federal reserve banking system if it be honestly administered, but the manner in which it is administered at times is hurtful, alarming, and dangerous.

Mr. BLEASE. Does the Senator believe it will ever be honestly administered?

Mr. HEFLIN. I have seen it honestly administered at times, but I have also seen some things done by it that were rather shocking to me. The system has in some instances exercised power that I hardly knew we were conferring upon it when we passed the law for its establishment. I think, however, it is an improvement over the old system.

In the old days, under the national-bank system, a national bank owning Government bonds could go to the Government and deposit those bonds, and the Government would issue money on them to the amount of their value. The banker would take that money and put it in circulation. The people of the respective communities were limited to the amount of money the national banks were willing to have in circulation.

Under the Federal reserve banking system the people who produce and who need money—the farmer, the manufacturer, the merchant, and those engaged in other enterprises of various kinds—can go to the Federal reserve bank with 40 per cent security in gold and 60 per cent in commercial paper collateral and have Federal reserve notes issued to the amount of $100,000,000 and more. So I like the Federal reserve system better than the old system. The people of the United States now have currency issued according to their business demands; they do not have to wait upon the whim of some banker who buys bonds and has money issued on those bonds and thus has a string tied to the amount of the circulating medium of the community. I repeat, it is a good system; but, Mr. President, in my judgment it has gone far afield in some of its activities, and I believe the Congress has got to do something to curb some of its activities.

As the Senator from South Carolina has said, to allow the Federal Reserve Board to say what interest rate a nation shall pay for a dollar is a great power to put in their hands. If they want to put the rate up, they can do so; and if they want to put it down, they can do so. That is a tremendous power. It is putting in the control of the few men who compose the Federal Reserve Board the very lifeblood of the business of a nation of one hundred and twenty-odd million people. It is a dangerous power; but, as I said a moment ago, when they reduce the rediscount rate the people engaged in productive activities get a better price for their produce. We are dependent upon the producing class; the world could not live without them. When the Federal Reserve Board put up the price of money, the rediscount rate, the price of what the producer has to sell goes down. You can follow it. The minute they reduce the rediscount rate you can see the prices of the commodities the masses produce gradually go up, and when they put the rediscount rate up again you can see the prices of those commodities come down.

Money is a medium of exchange and a measure of value, and the entire success of the people and their business enterprises depends on how honestly and fairly control over that circulating medium is administered.

Mr. President, I am anxious that the Senate shall begin to vote on the various proposals which have been made in connection with the pending bill. I have had in mind for some time a measure, which I want to introduce in the Senate, which would provide that no man could sell cotton in future contracts without owning it in the first place. If the farmer wanted to speculate in his cotton or wanted anybody else to speculate in it, he could register it at the county courthouse in every county in the Cotton Belt, giving his name and post-office address and the number of bales produced, and say that he was willing for his cotton to be speculated in. Then when a contract was sold it would have cotton back of it. If John Jones, a farmer in my town, who makes a hundred bales, should sell a contract for a hundred bales of cotton, every time that the contract was sold anywhere it would show that originally it was sold by a bona fide farmer, John Jones, of Lafayette, Ala., a farmer who produces on the average a hundred bales of cotton. Then we would have a contract wherever it went which would be like a deed to a piece of land, through which the title can be traced back to the original owner, the deed showing to whom the land was sold on each occasion of a sale. This cotton contract would be similar to that. Note on the margin each time the contract was sold, date, and to whom it was sold.

Not only that but I would permit the merchant to deal in it, because the merchant buys cotton from the farmer in the market places of the South. I would let a merchant who deals in a thousand bales a year speculate to that extent, because he is an actual dealer in cotton. I would permit the banker who advanced money to make the cotton and the spinner to speculate in it in a limited way as I said before. So there would be four classes who could speculate in cotton at the outset, but I would stop with them. Then, I would let anybody who wanted to buy those contracts sell them and resell them, for every time they were sold there would be cotton back of the transaction. By letting the banker, the merchant, the spinner, and the farmer sell, it might result in the transactions covering double the amount of the actual crop, but that would be ten thousand times better than the present situation, for now, with a 14,000,000 bale crop, 200,000,000 bales of dummy cotton are sold. That cotton has no more resemblance to real cotton than a mock orange has to a real orange; it is dummy stuff. Something has got to be done to stop it. They have no right to sell such stuff in unlimited quantities. And they have no right to sell the farmer's cotton on an exchange unless he gives his consent to have it sold.

Mr. President, if one goes upon the stock exchange now and undertakes to sell the shares of some company the stock of which has not been listed for such sales he can be arrested and put in jail. The owner of such stock could cry out against it and say, "My stock is not listed; it is not up for sale on the exchange; we are not permitting it to be speculated in; here is a man who has sold 100 shares of it"; and, as I said, the man who sold it could be put in jail. But speculators can go upon the grain exchange and sell the farmer's wheat when he has not listed it for speculation—when he is holding it for a better price. They use the name of his product to beat down the price of the spot wheat at home. The same thing is done in the case of the cotton producer who has not listed his cotton for speculative purposes, but who holds his cotton off the

market. The speculators, despite that fact, sell it in unlimited quantities to beat down the price while the producer is holding it. The producer has no say about it. He is entitled to have a say, and I want to see the Congress enact legislation that will give him a say in the matter.

Why should the farmer's cotton and grain be speculated in unless he consents to have it done?

Mr. President, so far as I am concerned, I am ready for a vote.

Mr. FRAZIER. Mr. President, I am very much interested in the pending measure because it not only has to do with cotton produced in the Southern States but also has to do with grain produced in the Middle West and the western section of the country. If the speculation that takes place on the grain exchanges and the cotton exchanges were confined simply to the men who speculate in those commodities it would not be so bad. If this process simply took money from one speculator's pocket and put it into the pocket of another speculator, I would have little complaint to make; but the fact is that the manipulations on the cotton market and the manipulations on the wheat market oftentimes force down the prices of wheat and cotton and compel the farmers to take a lower price than they would take were it not for the manipulations or speculations on the market.

Because of the hard circumstances of the average farmer, whether he be a raiser of cotton, or flax, or wheat or any other kind of grain, he is compelled, or practically compelled, to sell his product when it is harvested or threshed and ready for market, in order to get money to meet his expenses; and oftentimes a depression at that time means a great deal to the farmer. People say that a difference of 1 cent a pound on cotton amounts to little; but if there is an annual cotton crop of, say, 17,000,000 bales, which I understand is somewhere around the average cotton crop——

Mr. HEFLIN. The average crop is around 14,000,000 bales.

Mr. FRAZIER. Well, take any amount; say, 15,000,000 bales for easy figuring. One cent a pound on 15,000,000 bales would mean $75,000,000 to the cotton growers who produced that cotton. In other words, if the manipulators on the cotton exchange at the time the cotton is being put on the market force the price down 1 cent a pound, compelling the producers of that cotton to take 1 cent a pound less, it means $75,000,000 loss to the cotton producers in that season. If they force the price down 10 cents a pound, it means ten times $75,000,000, or $750,000,000 loss at that time.

During the hearings that were held on the cotton question last winter—and I happened to be a member of the subcommittee of the Committee on Agriculture and Forestry which was holding those hearings under the chairmanship of the Senator from South Carolina [Mr. SMITH]—if I recall correctly, the Senator from South Carolina himself made the statement that the manipulations of the cotton crop, I think in the one season of 1925, undoubtedly cost the cotton growers of the Southern States $500,000,000; and that was because of manipulations of the market, because of gambling, if you please, on the cotton exchanges.

The same thing is true as to wheat. In my own State we produce and sell at least 100,000,000 bushels of wheat in the average year; and while a cent a bushel does not mean so very much to the individual farmer, yet on the 100,000,000 bushels it means $1,000,000 to the farmers of my own State.

The same thing is true of the other wheat-raising States; and when the market is manipulated, as it often is, to the extent of 15 or 20 cents a bushel, it runs into a lot of money for the wheat growers and makes a great deal of difference in their profit or loss for that year.

Mr. CARAWAY. Mr. President, may I call the Senator's attention to one thing?

Mr. FRAZIER. I am glad to yield.

Mr. CARAWAY. Right along the line that the Senator was discussing, on the 17th day of March, 1925, reports that Arthur W. Cutter was getting out of his line developed a panic in the local pit during the early session and wheat lost 14 cents for that session. In other words, just a rumor that this man, who was long in the market, was quitting cost the wheat growers 14 cents a bushel. It was not a question of the world condition; everything was just as it was before; but the mere report that a man was not going to buy caused the price of wheat to drop 14 cents a bushel.

Mr. FRAZIER. Oh, yes; some such report as that, or the report of a drought or a flood in certain grain sections, often causes the market to fluctuate a great deal.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. FRAZIER. Yes; I yield.

Mr. BROOKHART. The principal argument against this bill made by the Senator from South Carolina [Mr. SMITH], and also the Senator from Louisiana [Mr. RANSDELL], is to the effect that speculation and gambling ought to be prohibited, but it is not safe to do it by the method prescribed in this bill, because there is nothing to take its place, and it would demoralize markets and prices generally if we should stop the use of the telegraphs and the mails in these gambling enterprises. Therefore we must go ahead with the gambling, because nothing new is set up in this bill to take its place.

In this connection I desire to call the Senator's attention to the fact that this morning the author of the bill amended the bill so that it will not take effect for a year after being signed by the President. If we should enact this bill, does not the Senator think that during that year we would have the strongest incentive and reason for setting up this machinery to give the farmer a proper marketing of his crops?

Mr. FRAZIER. Mr. President, I think that is absolutely true. While it is claimed that there is an excuse for voting against this bill because of so-called legitimate hedging, and that at the present time no machinery is ready to take the place of the cotton exchanges and grain exchanges if this bill should pass, I think the amendment referred to by the Senator from Iowa will absolutely take care of the situation.

One thing is certain, Mr. President: We need a change in our grain and cotton markets; and even if these exchanges should be entirely done away with, I believe the situation would be much better than it is at the present time.

Ordinarily, these speculators manipulate the market when the farmer's products are being sold, forcing the market down and compelling the producer to take a lower price for his products. Then, after the bulk of those crops—cotton or wheat or other grains—is on the market, these same manipulators change from bears to bulls and force the market up, and compel the ultimate consumers of the products to pay a higher price. It works both ways, to the detriment of the consumers and to the detriment of the producers of those products.

Besides that, Mr. President, there are thousands of little speculators who, in one way or another, are lured into this gambling game under this process, and lose their money in what is known as playing the market; and a great deal of money is lost in that way by small speculators. In fact, by various means these small speculators are gotten into playing the market, and almost always they lose out, because they do not know the game as compared with the big fellows who are there professionally, and there to make money.

In this discussion on the floor of the Senate some comparison has been made of gambling places like Monte Carlo, and other places of that sort, with these grain and cotton exchanges. In my estimation, Mr. President, Monte Carlo, with all its gambling devices, is like a Sunday school resort as compared with the great cotton exchanges and grain exchanges and stock markets.

I think in most of the gambling places like Monte Carlo, from what I have read and heard of them, there is some limit to the extent to which the gambler can go; but on the stock exchange and the grain and cotton exchanges the sky is the limit. The gamblers can go just as far as they have money to go. When a man bets on a pony race or a horse race or on the whirl of a roulette wheel he stands some little chance of winning once in a while, but when the ordinary citizen bets on the market he has mighty little chance of even getting his money back.

The opposition to this bill has tried to justify the cotton and grain exchanges on the ground that their business is a legitimate one, a legitimate protection to purchases and sales of actual commodities. I think as a general rule the amount of actual cotton or wheat sold on the market is only about 5 per cent, or at least a very small percentage, of the total amount that is traded on the market during the year. In other words, 95 per cent of the purchases and sales of wheat on the grain exchanges are pure speculation. It has been shown that in some years—ordinarily, I think—where one bushel of actual wheat is sold on the Chicago Board of Trade, there are 400 bushels of speculative wheat sold; in other words, that it is a gambling proposition instead of a legitimate primary market. Perhaps when these grain exchanges and cotton exchanges were originally established the intention was that they should be honest grain and cotton markets for the handling of cash wheat and spot cotton; but, like many other things, they have gotten away from what they were intended to be and have become gambling institutions almost pure and simple.

Of course, on these exchanges, the brokers get commissions for handling the actual wheat or the actual cotton; but the amount of money taken in by the grain exchanges and cotton exchanges as commissions for handling the actual product is

mighty small as compared with their commissions on handling the future trades or the gambling end of the situation.

The Federal Trade Commission has made examinations of this subject, and its reports condemn the speculative feature of the grain exchanges. Reports from the Agricultural Department and other Government reports by actual figures of transactions demonstrate that the speculative feature is so overwhelmingly dominant as to make these places nothing more than gambling houses.

In the fall of 1925, according to Government reports, in four months the cotton exchanges sold six times the amount of all the cotton raised in the United States in that year. In the wheat market there was even a greater disparity in the buying and selling than in the cotton market. The Chicago Board of Trade ordinarily handles about 50,000,000 bushels of wheat a year. It is not at all uncommon to have from 150,000,000 to 200,000,000 bushels of wheat bought and sold on the Chicago Board of Trade in one day, although they only handle 50,000,000 bushels of actual wheat in the whole year.

Last year, according to the best figures obtainable, a total of 20,000,000,000 bushels of wheat were bought and sold on the Chicago Board of Trade, on a ratio of about 400 to 1.

It seems to me that the real purpose of these cotton and grain exchanges is for speculation rather than the handling of the farmers' products. It is claimed by the opposition to this bill that they are absolutely necessary in order that cash sales of the real product may be protected by hedging. They go so far as to call this process of hedging in the future market an insurance protection.

The real situation is this: The speculations in the future market, both in wheat and cotton, are the cause of the fluctuations in the market, and the fluctuations in the market are the only excuse for the hedging. The only need for hedging is because the market might go up or down before the commodity can be shipped from the place where it is grown and first sold to the market. In other words, under the present system, in order to protect your sale or purchase, it is necessary to hedge under the same system that makes it necessary that a hedge should be taken out at all. You hedge with the same people who cause the market to fluctuate up and down and make it necessary to hedge, and under that system the hedging is practically little or no security.

It seems to me that no one can logically argue, in opposition to this bill, that it is necessary, because of that danger, to hedge. It is true that some new machinery might have to be put up to handle the sales, if this measure is passed, but a year's time would be quite long enough to set up new machinery to handle those hedges. If our grain and cotton markets could be stabilized, as they should be, there would be no need of hedging either in cotton or in grain.

When the price of wheat goes up or down 2 or 3 or even 10 or 20 cents a bushel, it makes no difference in the cost of the bread that is made from that wheat. The people here in Washington pay their 9 cents a pound loaf for bread whether wheat is a dollar a bushel or $1.50 a bushel, and the same, I think, is true as to cotton. An advance of a few cents on a pound of cotton to the producer of cotton makes little or no difference in the cost which the consumer is compelled to pay for the manufactured cotton goods.

In regard to hedging, it has been found by actual figures time after time that in the event of what is known as a wild market, where the fluctuations are called violent, the prices going up and down several cents either way in a day or two, the hedging becomes nothing more nor less than a joke. The Federal Trade Commission, in their report along this very line, make this statement:

> An actual study of transactions disclosed the fact that at times hedging proves to be not a protection but is the cause of losses, occasionally quite heavy. Therefore, in any event, the use of the word "insurance" to describe the device is not warranted.

That is from the report of the Federal Trade Commission in 1926, I think.

The fluctuating market is what makes hedging necessary, and during the periods when there are the greatest fluctuations and the most need for hedging, hedging is absolutely unsafe and unsound, and oftentimes causes a loss instead of a gain.

The Federal Trade Commission investigation was made because of a rapid advance in the price of wheat of about 86 cents a bushel in a few months' time back in 1925. Then, a few months later, the price fell back again 69 cents in the course of about three months. Those fluctuations in prices could not be explained by legitimate changes in wheat values, or by the law of supply and demand for the actual commodity. It was a case of manipulation of the market.

The Federal Trade Commission made an investigation of those changes in prices, and the substance of their report was that they were due to a manipulation of the market.

That investigation of the Chicago Board of Trade by the Federal Trade Commission brought out the fact that eight individuals on that exchange ordinarily traded about 2,000,000 bushels of grain each year, and that the price changes of wheat during the period of the investigation corresponded closely with the future purchases and sales of this group of big speculators. In other words, these eight gamblers in wheat on the Chicago Board of Trade actually manipulated the market up and down at their will by buying or selling of futures in large amount.

The investigation brought out the fact that the price was manipulated in one day from 7 to 12 cents on a bushel of grain during this period. It showed that in a 33-day period in 1926, when these speculators were manipulating on the Chicago Board of Trade at the rate of some 2,000,000 bushels apiece, during 30 of the 33 days the price of May wheat moved in the same direction as the net purchases or sales of this little group of eight speculators.

They also played on both sides of the market. The Federal Trade Commission report shows, and the figures bear out the statement, that some of the big speculators changed in a month's time on each side of the market, made eight changes in one month's time. In other words, one day they would be bulls on the market and the next day they would be bears on the market, or perhaps would not change quite as often as that, but in a few days' time at least. When they found that it was to their advantage to have wheat go up, they forced it up; and when it was to their advantage for it to go down, they forced it down. Such operations can only be termed destructive. These traders, as I have said, changed their positions on the market from day to day.

The Caraway bill, if adopted, would put a stop to this element of gambling that makes it absolutely impossible for the law of supply and demand to function; and makes it absolutely impossible to have anything like a stable market for wheat or cotton.

During the investigation of the cotton industry of which I have spoken, a year ago this winter, by the Subcommittee of the Committee on Agriculture and Forestry of the Senate, it was shown that the War Finance Corporation loaned one big company that handled cotton something like $10,000,000. From the investigation it developed that that money was used, first, to depress the cotton market; and then virtually to corner the 1925 cotton crop and force the consumer to pay a higher price for his cotton. That is just another example of how the manipulators of the market force the cotton grower, the producer, the farmer who does the work and produced the cotton, to take a low price; and afterwards, by manipulating the price again, compel the ultimate consumer of the cotton goods to pay a higher price for the product. Most any market would be better for the farmer than this gambler's market.

Time and again the grain exchanges and cotton exchanges have admitted that they can control the market, and they have passed resolutions from time to time, or adopted by-laws, in an effort to protect their own people from exorbitant losses. When the market fluctuates more than a certain number of points either way, they have a board of fair trade, I think they call it, with authority to declare that there is an emergency, and stop dealing for the balance of that day in the particular product that has broken either up or down more than so many points that day. In that way they save their own people from losing too much money in any one day. They give them a chance, in other words, to cover between the time they close the market on one day and the time it opens on the next day. They protect their own men.

Mr. President, if the gamblers in wheat and cotton will admit that they can control the price at one time by manipulation, it must be true that they can control it at almost any other time. When twenty or thirty million people who depend upon agriculture for their livelihood are forced to sell their products on the market for whatever price these manipulators are willing to give them it seems to me, in view of the condition of the farmers throughout the Nation, that it is high time for the Congress to take action to change the marketing system. In other words, in my opinion it is high time for the Congress to cut out the gambling element in the grain exchanges and cotton exchanges, and give the farmer a better price for his product, and see that the finished products of the grain and the cotton are sold at lower prices to the consumer by eliminating this gambling feature.

I want to refer to an article published in the Topeka Daily Capital, of Topeka, Kans., which is a paper published, I think, by the junior Senator from Kansas [Mr. CAPPER]. It is under the date of October 7, 1928, and it says:

Grain market overborne by fictitious wheat.

Speculators last July added over 50,000,000 "paper" bushels at peak of crop movement.

In other words, last July, when the wheat from Oklahoma and Kansas was going on the market, the gamblers on the wheat market sold short over 50,000,000 paper bushels of wheat. That had the same effect on the market as if 50,000,000 additional bushels of wheat had been dumped on the market during that month. What was the result? The result was that the price of wheat was forced down during that time over 20 cents a bushel, and that the farmers of Kansas and Oklahoma who sold their wheat at that time took their loss, and the bulk of them were forced to sell at that time because of their financial condition during the past few years especially. They were compelled to take a loss of 20 cents a bushel because gamblers on the wheat market sold 50,000,000 imaginary bushels of wheat. The farmer down there in Kansas or in Oklahoma that shipped his wheat to Kansas City to sell in the grain exchange, his actual wheat, out of which flour was to be made, had to compete with the gambler, or the crowd of gamblers, who offered for sale over 50,000,000 bushels of imaginary wheat, and the price of the actual wheat was based on the price of the futures, as set by the amount of futures that were sold at that time. The gamblers sold short in order to force the market down, and after the bulk of the wheat was on the market, they began to go on the other side, and forced the market up.

Mr. President, the farmer who produces the actual wheat, the farmer who raises the actual cotton, has mighty little chance in a market which is controlled by the professional gamblers who have made a business of it for years and years and who have plenty of money to back their dealings, and who, by selling short or long, manipulate the market. I have been on the floor of an exchange and have seen the action in the wheat pit. I have never happened to visit a cotton exchange, but I am told it is practically the same thing.

We in North Dakota claim that we raise the best wheat produced anywhere in the world—wheat that will make the best flour and the most of it, according to the number of pounds of wheat, of any that is produced anywhere in the world. It is the kind of wheat the millers must have to mix with the so-called soft winter wheat in order to make a good grade of flour. The farmer ships directly to some commission firm, or sells to a local elevator which ships to the commission firm, so it amounts to the same thing. The carload of wheat is sampled by Government officials and is graded by Government officials. Yes; we have what is known as the United States grain standards act, but it is like the measures which the junior Senator from South Carolina [Mr. BLEASE] spoke of the other day which were enacted for the benefit of the farmer. The United States grain grading act was supposed to be for the benefit of the farmer, to raise the grades of wheat; but, like the other so-called farm-relief measures mentioned by the junior Senator from South Carolina the other day, it did not work out for the benefit of the farmer. The United States grain standards act works for the benefit of the millers and grain buyers instead of for the benefit of the farmer.

Because there happen to be a few kernels of buckwheat or kinghead or some other foreign material in our wheat, they call it inseparable matter, and the wheat is graded down accordingly. But after it goes down to the grain buyers and the grain men, they clean out that so-called inseparable matter and sell the wheat on the basis of a higher grading. Not only that, but they sell for a good price the so-called inseparable matter which has been taken out. They sell it for screenings to feed the sheep and other livestock produced in that section of the country. The farmers of North Dakota, the farmers of Kansas, Oklahoma, and other States which raise wheat, are penalized because of a little foul material in the wheat. Not only that, but that wheat is shipped to the market, wherever it may be, and the farmer pays the freight on that foreign material or screenings, and after the freight is paid to the grain market it is given to the grain combine, and the grain men sell it and make a profit on it. I do not know what the dockage is on cotton, but I presume they have some method of docking which generally means the same thing to the cotton growers.

I want to quote further from the article which appeared in the Topeka Daily Capital. It has been stated on the floor in the argument that because of these speculative purchases a better market is furnished and the market is stimulated. This article refers to that phase of the question and then says:

But how about the total of fifty to sixty million bushels of short sales? Those transactions had the same effect as if the wheat crop had been increased that much.

One more quotation is made from one of the grain men of Chicago, and the writer makes fun of the statement the grain man made, and I think the writer of the article is absolutely correct. He goes on to tell about the Government report in regard to grain exchanges and the grain futures administration under the Agricultural Department in their report back in 1926, and then says:

Administrator hits gamblers. There were 71 days on which one or more persons either bought or sold net 2,000,000 bushels or more. In 82 per cent of the cases prices moved in accordance with these heavy purchases or sales.

In 82 per cent of the cases, mind you.

There were several days on which the trading by a single individual amounted to more than 10 per cent of the total day's business in the dominant future. At one time two traders held over 30 per cent of the aggregate of open commitments in the dominant future, which at that time was the December. This was at a time when wheat was moving freely from the farms. You will naturally conclude, as we have always been taught to believe, that these two traders were supporting the market and thereby rendering a valuable service to agriculture.

But, Mr. President, when they sell 50,000,000 or 60,000,000 bushels short when the wheat is moving, it means that just that much more burden is placed upon the people who produce the wheat, and it forces the price down.

The writer concludes his article in these words:

Speculators carrying the load—

That is what they claim they do, you know—

"Speculators carrying the load during the period of heaviest marketing" sounds well, but except in years of extreme crop shortage the professionals will be found riding easily on top of the load.

With their 50,000,000 or 60,000,000 bushels of imaginary wheat sold short.

Mr. President, it has been stated that we have in most of the States of the Union and the District of Columbia laws against gambling, against gambling devices, against gambling with dice and poker chips, or anything of that kind. Yet, in my estimation, the ordinary everyday gambler who rolls his dice or plays with a pack of cards is a mere piker as compared with the professional gamblers who sell the very staff of life, who buy and sell wheat, who buy and sell cotton, and who thus determine not only what the producers of those products shall receive but who determine in effect what the consumers shall pay.

I know there is little use to talk on the proposition. I understand that a poll has been made, and it is all "cut and dried" that the bill can not possibly pass. But, Mr. President, it seems just a little strange to me how the Members of this body, who are supposed to be and are, of course, interested in the welfare of the farmer, can excuse themselves and salve their consciences if they vote against this measure and thus vote to protect the gamblers in wheat and cotton and other products as against the welfare of the farmers who produce those products. If it is wrong to gamble in the ordinary sense of the word, it is a thousand times worse to gamble in food products.

Mr. President, there has been a lot of propaganda spread against the bill. Yes, there are grain men in the city to-day who have been here for weeks lobbying against the bill. They have had farmers' elevators and cooperative elevators, and, I suppose, some of the cooperative cotton associations in the South, wiring and writing in protesting against the passage of the bill. Of course, the situation is that the farmers' elevator or the cooperative elevator in my State or in Kansas or Montana or Minnesota is forced generally under existing conditions to go to some big commission firm for the money to finance their operations, so the big commission companies which finance the little farmers' elevator out in the country town has asked the little elevator man to wire in here and protest against the passage of the bill.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. FRAZIER. Certainly.

Mr. BROOKHART. Upon that proposition the amendment which has been made to the bill, providing that it shall not take effect for one year, gives us plenty of time, through our farm bill which we will have up in the extra session, to provide a way to finance the little elevators and take care of them so they need have no fear of the financial autocrats who are dictating their policies to them now.

Mr. FRAZIER. That is very true; but, in my opinion, there would be no danger, at any rate. There would be machinery set up very quickly to handle the cotton and the wheat if the bill should be passed. The brokers want that business, and if they can not make more than their legitimate commission in handling the real cash wheat and the spot cotton, they will take that legitimate commission rather than not take anything at all.

I remember one time in my State I was talking on this subject, and some man who lived in the city made the statement, "There are hundreds and hundreds of these commission men who are making their living by handling the farmers' products, buying and selling wheat and other products. What will happen to them if you stabilize the price and put them out of business?" I said, "I would not be at all sorry if they were compelled to put on overalls and go to work and earn an honest living, the same as the farmer and the ordinary every-day worker." These great commission men, this great wheat combine and milling trust, the great cotton buyers' organization, and the bond and stock buyers are the ones who are particularly wealthy and particularly prosperous at this time. There is where the only prosperity exists in the United States in these recent years during which we have been hearing so much about prosperity. They are the speculators in the market. It has not been the honest producers who have made the money; it has been the speculators.

Of course, those same speculators who make their easy money on the cotton exchange in New York City or New Orleans, or some other cotton exchange, or in the stock market in Wall Street or on the grain exchange or Board of Trade of Chicago, Minneapolis, Duluth, Superior, or Kansas City, are the gentlemen who put up the bulk of the money in campaign times to elect their party's politicians to office. I am not saying that that fact is influencing any vote on this question, but I can not see how anyone interested in the welfare of the farmers of his State or of the United States can possibly vote against the bill with a clear conscience, because its defeat will mean that the farmers can never have anything like a decent or fair or honest marketing condition as long as the gamblers manipulate the prices. So long as those gamblers fix the price that the farmer will receive for his wheat and his cotton, just so long will the farmers be going broke and be driven out of business by the thousands, as they have been doing the past two or three years. How anyone can salve his conscience by arguing that because a man invests in an imaginary 100,000,000 bushels of wheat or in an imaginary 1,000 or 10,000 bales of cotton and gambles in that way, he is doing a legitimate business as compared with the man who in some alley is rolling a pair of dice and gambling for a few dimes or a few pennies, is more than I can understand.

If this gentlemanly kind of gambling is legitimate, and the ordinary every-day form of gambling is all wrong, then there is something radically wrong with my reasoning; that is all.

Mr. President, I have no desire to delay the vote on the pending bill. As I have already said, I think this is all cut and dried and has been for a long time. The Senator from Louisiana [Mr. RANSDELL] said the other day, in discussing this question, that this measure or similar measures of this kind had been presented here for the last 50 years; that they had always been defeated; and that this one will now be defeated. I presume it will be, but notwithstanding, Mr. President, it seems to me that the fight has got to go on, and that the character of the market has got to be changed if we are ever going to have a square deal for the agricultural classes who produce these products from the ground for the benefit of all the people of the Nation. We are allowing this system to go on—to the benefit of a few wealthy gamblers and to the detriment of the twenty-five or thirty million people who raise these products from the soil.

Mr. HARRIS. Mr. President, I can not understand the reasoning of anyone who thinks that gambling in farm products helps the producer. Not only that, but one of the largest cotton brokers in the United States, under oath, stated that hardly any of his customers dealing through his firm who had gambled in cotton and continued his operations year in and year out who had not lost money. I know that in many places in my State there are men whose fortunes have been wrecked because of their gambling in cotton futures. To my mind, gambling in buying and selling nearly 200,000,000 bales of cotton on the New York and New Orleans cotton exchanges when only 12,000,000 or 14,000,000 bales are produced by the farmers should not be tolerated. It is harmful to the producers of cotton and does good to no one else.

The measure is not everything I should like to have; there are some changes which I should like to see made in it; but I shall vote for it just as it is and the bill can be perfected in conference. I desire further to say that I can not understand how any Senator can vote against this measure who is interested in the producers of cotton or any other farm products in our country.

I hope the Senator from North Dakota [Mr. FRAZIER] is mistaken in stating that the lobby has defeated this bill. The able Senator from Arkansas [Mr. CARAWAY], the author of this measure, states that the greatest lobby he has ever known is here trying to defeat his measure to protect the cotton and grain growers.

Senators opposing this bill have stated that the bulls and bears who gamble in cotton futures raise the price of cotton. This statement is nonsense, as everyone knows the bears would not gamble on cotton futures at all unless they could depress the price of cotton. Anyone should know that it is not only wrong to gamble in cotton futures, but it is a great injury to the cotton farmers to allow the cotton exchanges to gamble on 10 bales of cotton for every 1 bale raised by the farmers.

Mr. President, Senators who do not live in the South and understand the deplorable condition of the cotton farmers can not understand the trying times they have had the past few years. Many cotton farmers have lost their homes and everything they possessed and it has been through no fault of theirs, for they and their families have worked hard all the time. I had hoped that after years of working on bills to help the farmer that Congress would agree on some measure of relief this session and not wait until the special session to be called by President-elect Hoover after his inauguration, March 4, but those of us who are anxious to help the farmer are told by the leaders of the Republican Party that we must wait. I have told them that the farmers can not wait much longer, and many thousands have already left their farms because they no longer could make a living.

Mr. President, I sincerely hope that the farm relief bill to be passed by the special session may be a real help to the farmers, as they need assistance more than anyone else.

Mr. BLEASE. Mr. President, I was glad on yesterday when the senior Senator from Montana [Mr. WALSH] introduced into the CONGRESSIONAL RECORD a reference to the failure of certain Federal land banks out in the section of the country in which he seems to be somewhat interested. The reference will be found in the RECORD of February 12 at page 3415. The matter has previously been called to the attention of the Senate. I hardly know how long ago it was when I introduced a resolution asking for an investigation of the entire Federal land-bank system, and also a resolution asking for an investigation into the conditions of the Columbia, S. C., Federal land bank and the intermediate credit bank system. I am glad to see that there is at last an awakening on this subject, and that possibly attention will be drawn to the letter introduced by the Senator from Montana and his remark, to wit:

> The information was startling in character to me.

I hope, Mr. President, that some of the other Senators will wake up to the fact that there is startling information in the letters, affidavits, and articles from newspapers which have been inserted in the CONGRESSIONAL RECORD for at least 12 months on this very subject.

Instead of the Federal land banks being of assistance and helping the farmers of the country, they are selling the farmers out of their property. I desire to call the attention of Senators who have not read it to an article inserted in the CONGRESSIONAL RECORD on February 2, at page 2760, where the statement is made that—

> Paul A. Preus and Ofsthun were indicted here.

That was at St. Paul, Minn. Preus was a brother of the then governor of that State. The article sets out the facts, and I should like to have Senators read it. I shall read a portion of it, as follows:

> In August, 1925, Ofsthun offered to purchase from the bank for $250,000, 94 North Dakota farms it had obtained under foreclosure. With his offer he inclosed a $15,000 check as part payment. The offer was accepted, after which Ofsthun immediately assigned his interest in the farms to E. W. Backus, millionaire Minnesota lumberman.
>
> Meanwhile the Investment Land Corporation had been formed by Backus and Frank Thompson, widely known St. Paul politician. Ofsthun was made secretary of the corporation and Backus's interest in 91 of the 94 farms was assigned to the corporation.
>
> Ofsthun appraised the land for the Investment Land Corporation and was paid for his services by that company. In September, 1925, he presented a bill of $1,253.35 to the land bank for the same services. The bill was approved and paid by Preus as treasurer of the bank.
>
> The same month back rentals on the farms totaling nearly $23,000 were paid to the bank. In the purchase contract between the bank and the Investment Land Corporation no mention was made that a portion of this sum be paid the corporation. The indictment charges, however, that $11,853.55 of this sum was paid by the bank to Ofsthun at the direction of Preus,

Several foreclosed farms then were sold by the bank through sources other than the land corporation, although Ofsthun was paid $2,274 by the bank as commission for selling them.

Early in 1926 the Midwest Farms Corporation was formed by the Backus-Thompson interests to purchase more foreclosed farms from the bank. Ofsthun, already secretary of the Investment Land Corporation, also became an employee of the new company.

In February, 1926, Ofsthun offered the bank $250,000 for 106 foreclosed farms. Soon after this the Midwest Farms Corporation offered the bank $275,000 for the same farms, and the offer was accepted. Ofsthun then informed Preus that he (Ofsthun) was entitled to $25,000 as commission on the deal.

This transaction was followed by the sale by the bank of 24,000 acres—

Think of that Senators—24,000 acres!—

of foreclosed land, valued at several hundred thousand dollars. Ofsthun then presented a bill to the bank of $12,447.60 in commission he asserted he was entitled to in the sale of the 24,000 acres.

Mr. President, I shall not continue to read further. I simply read that much from the article, which is already in the RECORD, in order to show exactly what these banks are doing. In South Carolina—and I do not say this because it has to do with my own State, for it seems that the same practices are going on in other States—in South Carolina the Federal farm land bank is furnishing farmers and running farms in competition with the farmer who is there tilling the soil; that is, the bank has actually, Mr. President, put the United States Government in the business of farming. Here [indicating] are the letters; here [indicating] is the proof. We say we do not want the Government to engage in business; we say that we do not want the Government to compete with honest people who are trying to make a living; and yet these banks, foreclosing mortgages of farmers who are not able to take care of them, are then putting others in charge of those farms as overseers for the Government. Mark you, Mr. President, the banks are not renting out the farms, and taking their chances on collecting the rental for them, but they are actually putting men in charge of the farms and furnishing those men money in order that they may become farmers for the Federal Government in competition with the little fellow who is trying to make an honest living for himself and his family.

In the county of Beaufort, in South Carolina—a county which has progressed wonderfully in the last few years—the people deserve great credit for the forward stride they have made in truck farming and other industries. Now comes the Government of the United States and says to those people, "We have foreclosed mortgages in your county over thousands of acres of land. We are going to raise truck; we are going to farm on our own responsibility in direct competition against you people. We put these lands on the block. You were not able to buy them. Your interest had eaten you up. The cost of this foreclosure, lawyers' fees, and other court fees, has been very high. We"—who are "we"? The Government of the United States, through its agents, the Federal land bank and the intermediate credit bank—"we have bought these farms in at a low price because conditions were such that you could not buy them back yourself or get any one else to purchase them for you; and now we, the Government of this Nation, the officers of this Nation, are going to use them and run them in competition with those farmers who are left."

What are they doing, Mr. President? A farmer out in the country has his wife, maybe one boy, maybe five boys, sometimes probably more. You sell that farmer's land, and what do you do? You are driving one, five, or more boys off the farm into the cotton mill or into some other kind of work. If you let that man stay on the farm, his children are reared on the farm. His daughters love the farm. His boys love the farm. "That is where daddy was. That is where mother was. That is our old home." They will stay there. Some of them, at least, will become farmers. Some of those girls will marry boys who are farmers; and you build up the farm, you strengthen the farm, by keeping people on it who do not know anything else and who love that class of work.

But when the Government comes in, through its agents, and sells that man's farm, it destroys his children as farmers. It destroys that love of the farm home. They move, of necessity, into the town, and probably go into the cotton mill, or possibly into some other kind of work; but those boys and girls are forever lost to the farming interest of this country. I ask you, Senators, are they entitled to any consideration?

I know men in this body who to-day own the old homestead. I wish I had been able, when I was a young man, to buy my father's home when it was sold. They love that old home. Some of them have their children living on it to-day. Some of you very Senators take your salaries as Senators and put them on your farms, when you could possibly sell those farms, get off them, and make conditions better for yourselves; but you say, "That is daddy's old home. That is where mother lived." The old place is sacred, and some of the Senators in this Chamber now are spending money to keep it running. I am looking now at one Senator who has spent thousands of dollars to keep his boy on the old farm, and I had a long talk the other day with another Senator who has done the same thing. Through all of the vicissitudes, through all of the trouble, through all of the worry, he has gone down into his pocket and made the losses good; and it is the pride of his heart this afternoon that he owns the farm that his grandfather lived on, that his father lived on, that he was born and reared on, and that his son lives on to-day.

Senators, that is not mere fancy. It is a serious proposition. We can not live in this country without the farmer. We have to have him. Whether we like him or not, whether we pay any attention to him or not, whether we care whether he perishes or not, we can not live without the farmer. We have to have him.

I am not talking so much for South Carolina, because, while I am no prophet, I do not believe South Carolina will be much of a farming State 25 years from to-day. We have taken from Massachusetts, Vermont, New Hampshire, Connecticut, and other parts of this country a great deal of their capital. They are moving their cotton mills South. Just across the road from where I spend the summer, at the home owned by my wife and her two brothers, there is a cotton mill that was put there in 1838. The little post office has been known since that time, up to two or three weeks ago, as Autun. The cotton mill was known as the Autun Cotton Mill. The great La France Corporation have bought it. In the last few months they have built many houses there. They have built two new plants. They are now building another plant. They have changed the name of the little town from Autun to La France. They have named it for the big corporation that bought it. We are glad to have them. We have not any objection to the change of the name of the post office if it will better the condition of the people who are there.

In other parts of my State these manufacturers are coming. We want them all. We are glad to have them, because they are helping us. They are doing us good. They are not bringing in foreign labor, if you please. We are not bothered with foreign labor. South Carolina has less foreign blood in it than any other State in the American Union. I suppose if you should go into all of the States and make a thorough examination you would find that there is more pure, unmixed American blood in South Carolina than in any other State in the American Union. Of that we are proud. So may it remain.

We are not afraid of your cotton mills on account of the negro labor, because the negro can not work in the cotton mills. The hum of the machinery puts him to sleep. Therefore he does not come into competition with our white people in that line of work.

Some of you may think that is curious, but it is an actual fact. It has been tested. They have been tried in the cotton mills of the South, and they can not stand the swish-swash of the big machinery. As proof of it, take an engineer. If you put a colored man on an engine and let him fire it, he will stay awake all day and a good part of the night, if his duty calls him; but if you put him up on the engineer's seat and tell him to put his eyes on the rail, and that big, old engine begins to swag, in 30 minutes you will have a very quietly sleeping engineer. That is why the negro never is promoted to be an engineer on a railroad.

Therefore, I am not speaking on this question or calling attention to it because of any competition that we are afraid of, but I am calling attention to it because of the injustice that is being done the farmer boy and the farmer girl when you drive them off the farm and drive them into doing something else. Who is going to feed you? Who is going to clothe you? These big corporations may go on for a long time; Wall Street may prosper; the New Orleans Stock Exchange may make millionaires; but when you get hungry, somebody will have to go out in the field and sow wheat. When you want clothing, somebody will have to go out and plant cotton. Somebody will have to hoe that cotton when it gets up a little piece. Somebody will have to plow it out after a while, take an old mule and follow him along from daylight until dark.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment to ask him a question?

Mr. BLEASE. With pleasure.

Mr. BRUCE. I should like to know whether any negro in South Carolina has ever been given the opportunity to show whether or not he would fall asleep as a locomotive engineer?

Mr. BLEASE. Oh, yes; they have been put in cotton mills and put on the engines, and they go to sleep. If my friend does not believe it, when Congress takes a recess and he will go down home with me, I shall be delighted to have him; and I assure him that I will not put him in any desert, either. I will see that there is a splendid spring near where we are, so that he can be properly cared for, and I will feed him well, and I will demonstrate just exactly what I am stating on this floor.

Mr. HEFLIN. Mr. President, of course the Senator does not mean that he intends to put the Senator from Maryland behind an engine where the negro is going to go to sleep on him?

Mr. BLEASE. No; I would not do that, because I love the Senator from Maryland, and I would not deprive his State of his great service, even though they have deprived themselves of what I consider a wonderful, brilliant service in this body.

Mr. BRUCE. I thank the Senator.

Mr. BLEASE. Mr. President, I hope the Senate will consider these matters. We can not stop people from farming. We will have to have farmers. I am in favor of stopping gambling on cotton exchanges; and I want to plead guilty right now—I do not want anybody to misjudge me if I can help it—I do not know one thing about it. Now, that is honest. I was born on a farm and reared in a town. I do not know anything about farming except what I see. I do not set myself up as a farm expert; but I do know that there is something wrong. I do not know whether the Caraway bill is best or not. I do not know whose proposition is right or whose is wrong. I am trying to learn. I wish my farmers down in South Carolina would get together and wire me what to do, and I would do it; but the trouble is, they will not get together. We had the alliance in South Carolina. First we had the grange. They got into politics and busted all to pieces. Then we had the alliance. It did the same thing. But we have on this floor a man who has sat here for 20 years as a representative of the farmers of South Carolina. Whether or not they made a mistake, you can judge; but, whether it is a mistake or not, the farmers of South Carolina in 1908 and each sixth year since that time have elected to this body the senior Senator from my State [Mr. SMITH] as the direct representative of the farmers of South Carolina. How well he has performed that service I think is shown from the fact that, if God spares him his health—which I hope He will—at the end of his present term my colleague will have served in the Senate longer than any other South Carolinian has ever served, not excepting the great John C. Calhoun. I shall follow him in this matter. If I make a mistake, it is not my mistake; it is the mistake of the people of my State who have indorsed his career year after year as their direct representative upon this floor; and I will say personally that I think he has made for them a good and faithful servant.

Mr. President, I would like to see this gambling stopped. It is something that does not fool me. As I said the other day, I have never bothered with cotton futures. I might have bothered with them if I had had money enough, but if I had lost I would have been in a devil of a fix, so I decided that I had better keep what I could get by my work. But I know what occurs on these exchanges is gambling. I have seen young men in the town in which I was reared, before South Carolina drove the bucket shops out, and I have seen farmers—I could call the names of two or three who are very well-to-do men—who got to fooling around, or, as they called it, "monkeying" with the cotton bucket shops, and lost everything they had. I have never known a man yet, except a regular speculator who studied the business, and who trained for the business, who has ever been able to make anything out of it.

Our State drove out the bucket shops. As far as they could, they drove out what they thought was the evil, but they left in the city of Columbia and in some other cities places where a man can go, put up his money, and buy futures. Every day at a certain hour the Western Union telegraph offices are thrown, with their great service, into the hands of the cotton gamblers. I know that; that is not hearsay, because I once had an office right next door to a young man who could not attend to his law business because of calling up to find out what the cotton market was doing, and he did as the rest of them did, he went broke.

Those are facts, Mr. President. That is just good, hard, common-sense talk, I hope. How are you going to stop that gambling? As I say, I do not know anything about it. If I make a mistake, you will know it is through unfamiliarity with the subject. If you drive those people out, and the dealings are just between the millman and the man who sells the cotton, in what position will we be then?

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BLEASE. With pleasure; I am trying to learn.

Mr. FRAZIER. Under the amendment that was agreed to here on the floor to-day, if this bill is passed, a year's time will be given before it will go into effect, and within that time a system can be built up, I believe, that will take the place of this so-called future trading system, which the Senator and I call a gambling proposition in handling the farmer's products. If machinery can be built up to handle it in some other way, it seems to me it would be a great deal better than the present gambling system.

Mr. BLEASE. I agree with the Senator; that is what I am trying to get at. But I know something about the cotton-mill people, and I do not blame them altogether. They want to get cotton at just as low a price as they can get it. Suppose you get rid of the speculator and fix it so the dealing will be directly between the fellow who raises the cotton and the cotton-mill man, the manufacturer; how are you helping? That is what I would like to know.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BLEASE. With pleasure.

Mr. CARAWAY. The Senator says that he does not blame them, that the cotton-mill people want to buy cotton at as low a price as they can.

Mr. BLEASE. Yes.

Mr. CARAWAY. Does he believe they could buy it cheaper if this bill should pass?

Mr. BLEASE. Mr. President, I have just said that I was ignorant in this matter, and I am not expressing any opinion on it.

Mr. CARAWAY. Every cotton-mill man is against this bill.

Mr. BLEASE. I think so.

Mr. CARAWAY. Could they buy cotton cheaper if it were passed or if it were defeated?

Mr. BLEASE. Mr. President——

Mr. CARAWAY. They know, do they not?

Mr. BLEASE. It seems to me so; but if they are against it——

Mr. CARAWAY. If they do know conditions, and they are against this measure, it follows that they can buy cotton cheaper under the present conditions than they could if this bill were passed, can they not?

Mr. BLEASE. That might be true of buying the actual spot cotton, but how about the gambling?

Mr. CARAWAY. I do not know what they can make in gambling.

Mr. BLEASE. That is what I am trying to find out.

Mr. CARAWAY. The Senator starts out by saying that the mill people would buy cheaper if they could. Then why should they oppose this legislation?

Mr. BLEASE. Mr. President, that is something I do not know anything about. I have represented but one corporation in my life, and that was a little railroad that ran from Laurens to Columbia. It was less than 75 miles long, and every time the legislature wanted to pass any law about railroads the president would come to me and say, "Get them to exempt roads under 75 miles"; and in the house and in the senate I endeavored to do that, and I think I generally succeeded.

That is the extent of my corporation practice. I never represented a cotton mill or any other kind of a corporation. I have never been a corporation lawyer, and I suspect that that is why I am here now.

Going back to my proposition, if we can get anything better, let us have it, but do not let us jump out of the frying pan into the fire unless we know where we are jumping. That is a common, everyday expression, but that is the way I feel about it.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BLEASE. Yes.

Mr. CARAWAY. If the Senator knows somebody who is not in favor of what will be good for him, he does not want to hook up and go along with him, does he?

Mr. BLEASE. I have hooked up to a good many things I have found out I would better have left alone.

Mr. CARAWAY. That is not my question. If the Senator knows that if he travels with a certain crowd it will hurt him, he will not travel with them, will he?

Mr. BLEASE. Not very long.

Mr. CARAWAY. Then, would not the declaration that the cotton-mill men are opposed to this legislation influence the Senator's action?

Mr. BLEASE. I told the Senator a while ago that I started out by discussing farm-loan banks, and just drifted into this argument. I am going to let the Senator from Arkansas and the senior Senator from my State settle that. If the senior Sena-

tor from my State makes a mistake, and I go back home and should run for reelection and they jump on me about this bill, I am going to say, "I followed the senior Senator," whom they have been voting for for 20 years.

Mr. President, I have a letter from Huntersville, W. Va., dated February 4, 1929, signed by Mr. G. M. Sharp, whose headline reads "G. M. Sharp, farmer."

I have another letter, from Mr. G. A. McDonald, M. D., Fairfield, Ill. When I first read that I thought it was from my State, because we have a Fairfield County down there. It is from G. A. McDonald, secretary-treasurer of the Golden Gate National Farm Loan Association.

I have another letter, from the Black Mingo Hunting Camp, Henry, S. C., signed by Mr. John J. Snow, jr., which sets out some remarkable facts in reference to this bank in Columbia, S. C. I am going to ask that these letters be printed along with my remarks instead of taking up the time of the Senate to read them.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HUNTERSVILLE, W. VA., *February 4, 1929.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SIR: Your resolution appearing in CONGRESSIONAL RECORD of January 28 for an investigation of the Federal farm-loan banks is commendable, and I hope you may press this to a conclusion. I have a farm loan which I have had for 10 years, and contributed 5 per cent, or $200 in stock. In these 10 years I have received three small dividends. If I write the Federal Land Bank of Baltimore about it, they say see your local association; if I ask our local association about it, he says they have to withhold dividends for this reason or that. So it is hard to get any light on the matter. Since these are farmer-owned banks, why is it that our secretary-treasurer is a nonstockholder? Why are we not entitled to a stock certificate, same as any other bank? Why do we not receive, as stockholders, some financial statement from time to time? Why is it that no farmer-owner stockholder within my knowledge ever knows how much dividend is declared each year and whether he gets the amount that is declared or not? Or is all the earnings from this stock which the farmers hold going out in overhead to a bunch of political pulls for good, fat jobs?

I hope you may get some results from your resolution.

Yours very truly,

G. M. SHARP.

FAIRFIELD, ILL., *February 6, 1929.*

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: I desire to congratulate you upon the fight you are making in behalf of the farmers, who now own practically all the stock in the Federal land banks. Much of the information you have caused to be published in the RECORD corroborates the situation here, and the history of the Farm Loan Bank of St. Louis is simply a duplication of the general trend of affairs relating to the management of these banks. I organized one of the first farm-loan associations in these parts, charter No. 540, and have been secretary-treasurer of that association ever since. It is damnable to review the chicanery by which the farmers have been deprived of the rights which the farm loan act conferred upon them in the management of their own business and investment. The farmers have absolutely nothing to do with the control or management of the farm-loan banks. The bunch of politicians who were appointed to set up these banks were no sooner established in office and hung up their hats than they began to plot to perpetuate themselves in office. Through their connivance the farmers have been deprived of every right contemplated by the founders of this great institution, which ought to be the most perfect example of farm cooperation. From its very inception it has been a 1-man system, with Judge (?) Lobdell in full control during his term as chairman of the board. The land-bank officials were simple clay in the hands of Potter Lobdell; whatever he proposed they helped put over. It looks now like the whole system would soon be on the rocks. Recently the St. Louis bank sent out notice that the present rate on loans could not be guaranteed beyond March 1, stating that the "money market" was so unfavorable that it was likely that the next issue of farm-loan bonds would have to be sold with a higher rate of interest. In case the rate is advanced, it will be of advantage to farmers through this part of the country to secure their long-time loans from other sources. Nothing I could say would likely be anything new to you, but I mention some of these things as seeming to be common in other parts. I am not looking for your resolution to meet with any favorable action at present, but want to assure you that many of the associations will appreciate the effort you are making to have this matter aired.

Yours truly,

G. A. MCDONALD,
Secretary-Treasurer Golden Gate National Farm Loan Association.

WASHINGTON, D. C., *February 8, 1929.*

Dr. G. A. MCDONALD,
Secretary Golden Gate N. F. Loan Association,
Fairfield, Ill.

DEAR DOCTOR: Senator BLEASE has your favor of the 6th instant, and the Senator appreciates your kind references to his efforts to procure an investigation of the Federal Farm Loan Bureau and the Federal land banks.

He also wishes to thank you for the information contained in your letter, and you may be assured that he purposes to press for the investigation.

Very respectfully,

JOHN D. LONG, *Secretary.*

BLACK MINGO HUNTING CAMP,
Henry, S. C., February 11, 1929.

Hon. COLE L. BLEASE,
Senate, Washington, D. C.

MY DEAR SENATOR: In 1926 I made application for loan through the Federal Credit Bank of Columbia, S. C., and I purchased $500 stock from the loan agency handling my papers. I paid them in full that year.

In 1927 I made application in like manner, but was required to take additional $500 stock, and I again paid them in for the advance made each year of $5,000.

Now in 1928 my application for loan was rejected, although my financial statement was better than the previous years. The reason for this was that my father's financial statement would not justify the credit risk. I realize that my father's financial statement is not as good as I would like it to be, but his statement in 1928 was identically same as it was in 1926 and 1927, and if it would warrant a loan then, it certainly would warrant one now.

The point is this—they have $1,000 of my money and refuse to loan me, when they are indebted to me.

I have always supported you, and as my Senator want you to please advise me what recourse I have.

As you know, 1928 was a bad year, and I had to pay unheard of prices for fertilizers on time. I managed to pay my debts. Am in better shape than I was in 1926. Why can't I borrow when I was forced to pay $1,000 for stock?

Any information you can secure from the above matter will certainly be appreciated.

Thanking you for your prompt attention, I am,

Your very truly,

JOHN J. SNOW, Jr.

WASHINGTON, D. C., *February 13, 1929.*

Mr. JOHN J. SNOW, Jr.,
Black Mingo Hunting Camp, Henry, S. C.

DEAR SIR: Senator BLEASE has your letter of February 11 with reference to your transactions with the Federal Land Bank of Columbia, S. C.

In reply, I beg to advise you that yours is one of a number of complaints which have been received by the Senator as regards the methods employed by this institution.

He now has pending in the Senate several resolutions asking for a congressional investigation of the affairs of not only this bank but the entire Federal farm-loan system, and so far not a single southern Senator has raised his voice to help him. It appears to be a case of "Nero fiddling while Rome burns."

You may be assured, however, that the Senator will continue to press for the investigation and to do what he can for the relief of the farmers.

Very respectfully,

JOHN D. LONG, *Secretary.*

Mr. BLEASE. I also have an article from the New Republic headed "So This Is Farm Relief," by Gertrude Mathews Shelby. I ask that it be printed also along with my remarks.

I also want to have two other articles, Doing Things for or to the Farmer, by J. P. Warbasse, editor of Cooperation, and Politicians Are All Alike as Bankers. I ask that these be printed along with my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New Republic, February 13, 1929]

SO THIS IS FARM RELIEF!—THE LOAN SYSTEM'S SORRY RECORD

By Gertrude Mathews Shelby

When Mr. H. G. Wells burgeoned forth with spring, in the Saturday Evening Post, expounding the question "Has the money credit system a mind?" he described "the banking financial community" as having control without responsibility, and observed that, "it displays but slight awareness of what as a constituent organ of society it is up to. It is just working uncritically, like a born cart-horse in a cart."

An extraordinarily interesting test of this question exists in that colossal centralized credit community of ours known as the Federal farm-loan system. Now 12 years old, it boasts nineteen hundred millions of assets, and the achievement of having lowered farm-mortgage interest rates by about 2 per cent. Political optimists like President Coolidge, blandly content with vast size and extensive service, ignore—at least, publicly—this system's incidental, but important, powers of social control, the beneficial uses of which require masterly application of mind.

Economists point out that, even with rates lowered 2 per cent, farmers are paying too much for necessary financing. Our rates are higher than those available in 20 other leading countries. Our farm industry earns only about 4 per cent on its investment. It can not afford to pay 5 to 6 per cent for mortgage loans, nor for marketing loans, to say nothing of the customary 10 per cent for financing crop production where such credit is obtainable. Why, the farm organizations demand, with the world's largest rural-credit system, offering tax-exempt bonds denominated as Government instrumentalities, should farmers of the United States pay more for funds than farmers in other lands pay for loans from smaller systems?

That administration of our rural credit has not resulted in low enough interest rates is merely a first point made by critics. They complain that major social powers, carefully prepared for in drawing the farm loan act, have been abused or perverted. One of these powers looks to the prevention of unnecessary deflation of the farmers' permanent investment, his land. That section of our 3-part system for farm-loan relief, the Federal land banks, controls about 10 per cent of the total farm-mortgage business of the country. The 12 regional Federal land banks are under Government control. Nation-wide in their activities, they possess regulatory powers which extend to the authority to sustain farm-land values to an important degree.

The acid test of whether this credit community has a mind involves this point.

Encouraged by high prices and the boom methods of farm realtors, some—by no means all—of our farmers bought too much acreage at inflated postwar prices. With the failure of farm income, deflation occurred, followed by a land crisis. Bankruptcies and foreclosures were widespread and inevitable, and the tragic procession of defeated farm families began to move citywards, seeking livelihood in other occupations than those to which they had been trained. By 1924 it was a migration; then a rout. To-day we know that we suffered a net loss in farm population of 4,000,000, and still land panic is with us. Farms are still being foreclosed in numbers by mortgagors, and land prices are strikingly subnormal. The question is: Did the farm-loan system display the disposition and the intelligence to use its wide powers to sustain land values as much as possible?

Concrete acts allow ground for belief that the system exerted its powers, perhaps blindly, to the positive detriment of agriculture, for whose relief it was designed. For, somewhat casually, when deflation of farm prices was well under way, the Federal Farm Loan Board initiated a drastic policy, the significance of which—since nominally it had to do with accounting—remained obscure for several years. Presidents of the Federal land banks were advised that "acquired real estate"—foreclosed farms—must be completely charged off the books immediately after taking. Since land banks have no assets save lands, this ruling was tantamount to inflicting a rate of 100 per cent depreciation upon the business. Thereafter, for more than five years, all farms foreclosed were not listed in any value whatever as assets. The true asset value of these farms was thus concealed.

The effect of this ruling was calamitous. Like all other agencies lending on land, the Federal banks had to carry an overburden of real estate, although they were not, in most instances, so badly off as State or certain national banks, or many insurance and mortgage concerns.

An identical problem faced all alike: How to carry the land until it could be profitably sold. "Hold" was the watchword. Experts advised a private insurance company with heavy mortgage investments that to sell 5,000 acres in parcels scattered throughout Iowa at forced sale would depress farm-land prices throughout the State $25 per acre.

Commercial banks having demand obligations were soon compelled to sell. Land banks, however, were in a favored position.

Accepting no deposits, free from demand obligations, they were also fortified by the provision in the farm loan act designed to meet just such a crisis, and to allow for the cycle of industrial ups and downs: The land banks are empowered to hold land five years if necessary, and no fixed rate of depreciation is set. Generally speaking, the Federal land banks were in a good position to hold, since appraisals for the most part had been conservative. Testimony given in congressional hearings states that in Iowa, for example, $100 per acre was arbitrarily fixed as the top value that would ever be accepted as a lending basis. The Federal land bank loaned closer to 35 per cent than the legal 50 per cent of the accepted valuation.

The policy of complete, immediate depreciation of all assets, however, changed the complexion of the situation, since it deeply affected the balance sheets of many of the Federal land banks. To make a reasonably good showing the land banks of various districts had to sell. There were few buyers at any price. As tight-pressed commercial banks attempted to liquefy assets nearly all at once, a glut of land accumulated. When, regardless of market conditions, certain land banks joined the stampede and dumped land—sometimes wholesale—on a market which was already bad, prices dropped plummetwise.

The St. Paul Federal Land Bank sent to the auction block in a single batch parcels of land worth one million; the cash price received was $375,000. The transaction brought a large direct loss to the bank, but its indirect losses were worse. By depressing values the security behind every good loan was reduced not only for this bank but for all mortgage agencies. And the human loss! Farmers in no visible way related to the Federal land bank saw their equities in their farms diminish, and, in some cases, vanish. Such a process inevitably increased the migration which it was the obvious duty of the system to exert itself to check.

In the great Spokane Land Bank a serious situation was reached by 1924. Federal land banks have interlocking liability; all are responsible for the losses in any. Spokane's overburden of foreclosed lands (and unpaid taxes) alarmed the Federal board and the other 11 banks. The condition set up by law for receivership of any bank is default of interest on its bonds. This was not reached at Spokane; nevertheless, a receivership, camouflaged under the name of the Spokane Commission, was set up. To-day Spokane stockholders complain that their bank never actually required any such treatment; that had they been allowed to count their real assets at book value (farms appraised at ten millions which the bank had foreclosed), they would have worked out their problem. They complain that a large land-sales department, employing 40 people and extra officials, exerts a costly and dual control over the bank's affairs, which Spokane is required to stand because the other 11 banks furnished, up to 1928, some $2,800,000 to help Spokane out.

We lack sufficient information to test the justice of these contentions. A covering darkness has been maintained for some years over the actual contract between Spokane and the other 11 banks, about the amount of land sold, whether wholesale or retail, as well as about the prices received and the names of the purchasers. The apparent secrecy has its excuse in the probable effect on the bond market. If farmers of other districts had known that three millions of funds otherwise available for dividends to themselves were diverted to the Northwest necessarily or unnecessarily, stockholders as well as bondholders might have exerted themselves in an effort to find out whether the situation was caused and prolonged by stupidity or by design. After the fact, the information did less harm; yet it would appear that a flood of light should still be let in.

For the financial aid given Spokane taxed the resources of other banks, and the continuance of the charge-off policy even more so. To-day the Columbia, S. C., bank is said to face a more serious situation than any other. Six out of twelve of the Federals, by 1927, showed their embarrassment by cutting their dividends; four reduced, two paid none whatever. Why these facts were omitted from the 1927 annual report of the Farm Loan Board to Congress is a question of interest. For two years those annual reports of the Farm Loan Board have been oddly delayed. The 1926 report was withheld until Congress had adjourned. Finally submitted as of a May date in 1927, it was not printed for general distribution until the very last of that year. The 1927 report, due in the first quarter of 1928, was held up until the Senate finally passed a special resolution demanding it; its appearance was made on the eve of the adjournment of Congress in May. Astonishingly, that report included tables for a whole quarter of the year 1928.

Statements from this board before now have puzzled even wise members of the Senate Banking and Currency Committee, usually because they were brief, consolidated, unelucidated. But why should the board have been moved to the unprecedented presentation of figures for 15 instead of 12 months? Explanation lies in the fact that in February, 1928, the 100 per cent depreciation policy on foreclosed farms was at last abandoned. The book value of many million dollars' worth of farms distinctly improved the appearance of the March statements over those of December. Revoking the policy was proper; inclusion of three months of 1928 decidedly improper. Such practices in a presidential campaign year invite damaging comment upon the board, headed by Eugene Meyer, intrusted with the supervision of $2,000,000,000 institutions, and required promptly to present unconfused facts for one year at a time to Congress and to stockholders. Query: Was the action the result merely of inadvertence?

Was the depreciation policy which, according to qualified analysts, unnecessarily embarrassed the farmers' banks, and increased instead of checking deflation, perpetuated through mere inability to use machinery properly?

Perhaps the Federal Farm Loan Board and the political appointees who officer the Federal land banks simply muddled along. Certainly the alternative is not agreeable to consider. It would imply a prolonged hostility toward the farmers' own nonprofit banks. It might entail indictments of successive Farm loan boards, of Mr. Mellon, ex-officio chairman, and of the administration. Nevertheless, the sequence of farm-loan activities is so interpreted in certain quarters. Evidence offered in connection with the long-suppressed joint-stock land bank scandals is pertinent to this theory. In 1926 the privately

owned and parallel system of joint-stock banks, competing with Federals, found themselves confronted by a similar, but far less stringent, ruling of the Federal Board, requiring a charge-off of 20 per cent annually on acquired real estate, and setting aside an extra reserve. The majority fought like wild elephants. They uttered strong charges concerning old-line mortgage interests using Treasury influence to wreck the farm-loan system. They declared that this depreciation policy, not half so exacting as that which had long been in force in the Federals, would actually ruin the joint stocks, which had a much lighter burden of acquired land.

So effectively did the joint stocks protest the right of the Federal Board or the Treasury to interfere with fiscal policy—the clear prerogative of their own boards of directors—that ultimately the rules which had been formally adopted were revoked, with the approval of Mr. Mellon, without ever having been put into force.

Now, if the joint-stocks' contention that such a policy would ruin their banks is correct, it would appear that for years before and a year after the Federal Board let this branch of the system off, it consistently maintained that policy to the prejudice and actual damage of the farmers' Federal land banks. Why the discrimination between the two systems? Since early in the game, the private, profit-making joint stocks have been favored. When Congress, in its alleged wisdom, set up two parallel systems of banks to do the same work, the least that could have been expected of the supervisor, the Federal Farm Loan Board, was impartiality. Yet it appears that the farmers' own branch, for whose stock farmer stockholders have paid in sixty-one millions of hard-earned, crop-made dollars, has suffered a weighty, unseen handicap. These stockholders have never been permitted to control the boards of their own banks—and thereto appends a tale of political chicanery almost without parallel! They have been kept virtually unable even to find out what was actually being done to them. So this is farm relief!

Not unnaturally, the favored joint stocks have been able in recent years to outloan the Federals. Not unnaturally, six of the farmers' banks are less prosperous than they might be expected to be by virtue of the three billions of good lands pooled by their members, the tax exemption their bonds enjoy, and the sublime trust farmers somewhat blindly place in their government. What is remarkable is that, despite losses, because of its vast resources and the faith which has to date bred new business, the farm-loan system is still financially sound.

To make it sound in all other ways is imperative. Dangerous tendencies must be checked and legislative and administrative adjustments made. Before passing new farm-aid legislation, this Congress might well adopt means to achieve the full purposes of that hopeful Congress of 1916, which fathered the farm loan act. Those who advocated social control of banking and credit should concern themselves with fool-proofing the farm-loan credit community, and supplying it with necessary gray matter to allow its development in the superlatively important field of cooperative credit, on lines which do provide low interest, assure self-help, of which politicians can not make ducks and drakes, and prevent dangerous absent-mindedness in regard to genuine information and major policies.

GERTRUDE MATHEWS SHELBY.

DOING THINGS FOR OR TO THE FARMERS

By J. P. Warbasse, editor of Cooperation

The Danish farmers won economic independence not when they created their own cooperative organizations for buying and selling, although this was a long step. They freed themselves from the need of subsidies and philanthropic considerations when they created their own credit institutions.

FEDERAL LAND BANKS USELESS NOW

In the Federal farm loan act the farmers of this country have a tool through which they may gain control of their own credit. But the land-bank system is utterly useless unless it is controlled by the people for whose benefit it was supposed to be created. A Federal farm-loan banking system that is controlled by the great banking interests for their own benefit is neither of nor for the farmers.

GIVE FARMERS CONTROL OF LAND BANKS

Let the farmers get together to secure the control and administration of the land-bank system. If it is for them it should be by them. If they should secure control they prove that they can neither get the control nor successfully administer the system, then we shall have to acknowledge that the orators are wrong. But the farmers should have the chance. Or they must make it. There is hope that they will, if their eyes can be turned away from other people's schemes to have somebody help them, and if they learn to look to themselves for help.

DANGERS LURK AHEAD UNDER SYSTEM

If the farmers are not permitted to create and run a cooperative banking system which is the one thing needed for their salvation, the farmers will continue to lose their land. The land will be worked by a steadily increasing class of tenant and debtor farmers, until we have our farming carried on by a poor peasantry who live at the mercy of those who speculate in the products of the farmer's industry.

This is the prospect toward which this great country is moving—a country that once was rich with healthy and industrious human beings who represented the cultural as well as the greatest economic resource of the Nation, and who dwelt upon its farms where acres of waving harvests were unmortgaged.

Orators go roaring across the countryside telling the rural population that "everybody knows that the American farmer is the most intelligent farmer in the world." Well, everybody doesn't know it. The orator couldn't prove it. The farmers may by this time have heard it so much that they think it is true. There is one man at least who knows it isn't true—that is the commission merchant.

The Danish farmers showed that they were more intelligent than the American farmer when they stopped asking somebody else to help them, and went ahead to help themselves. And the American farmer will take the first steps to confirm the claims of the orators when they do the same thing.

SUBSIDIZED FARM LOAN A MENACE

The American farmer will begin to help himself most effectively when he realizes that any measure for farm relief that subsidizes the farmer and costs money damages the farmer more than it helps him. To understand this he has first got to realize that a subsidy to the agrarian interests does two things; it increases taxes and it weakens the farmers' independent power of self-help.

Anything that increases taxes hits the farmer harder than it hits any other class. All taxes, as a matter of fact, get back to the land sooner or later. Other property can be concealed from the tax collector; but you can't hide a piece of land with a couple of buildings sticking up out of the ground. It pays all that is assessed upon it, and there is no escape. The collector will have his taxes or the sheriff will have the land.

But tax the trader, the merchant, the manufacturer, or the professional worker, and every one of them adds the tax to his prices and passes it along the line to the consumer. All of these people fix the prices on what they sell. The farmer is in the unfortunate position that he does not fix the prices of what he sells; the other fellow does it for him.

The oil producer says, "I need $10,000,000 to endow a university"; and he adds half a cent to the price of gasoline for a few days, and he has the money. The farmer says, "I need $198 to put a new roof on the barn," but he can not say, "I'll put a couple of cents more on the price of wheat or raise the price of pork a half a cent." He does nothing of the kind; he lets somebody else reduce the price for him, and the roof keeps on leaking. He pays his own taxes, and most everybody else's taxes, too; and the pity is that too many farmers do not know it.

The farmers of the United States are our largest class of consumers; they pay the bills that the other fellow passes on to them. They are the largest class of landowners; they pay the direct taxes that are imposed upon them without escape.

Again there is agitation to do something for the farmers. Another bill for farm relief will be laid on the President's desk for his signature or veto.

The farmers seem to get encouragement from these measures—whether they get any help or not. It makes them feel better to think that something is being done for them. But as a matter of fact, most of these measures for farm relief would not do things for the farmers at all if they were enacted into law; they would do things to the farmers. The pity is that such a small part of the rural citizenry understand this fact.

ILLEGAL PRACTICES IN FIRST LAND-BANK DISTRICT

"If you really desire to improve the system," wrote a New Jersey secretary in the Springfield district to a Senator, "get some information from the associations and never mind politicians. Why not find out just why dividends to borrowers of this district were cut in half and the salaries of the bank officials increased $1,000 to $1,500 a year and a new expense of $25,000 for a fiscal agent created at the same time? Are those two facts related?"

LAND BANK VIOLATES LAW

Why are the banks permitted to create a fund of "undivided profits" in violation to the law?

The land bank was never intended to be a profit-making institution, as the reading of the act will plainly show, and if they now have so much profit that they have to increase salaries and to create new ones, why not some power stop them by reducing the interest on loans? (Loans have no vote.)

HOW THE LAND BANK "SOAKS" THE FARMER

Any way you turn the case the farmer is a loser. First, he pays 1 per cent commission to secure a loan, and three-eights of that has to go to the land bank and five-eighths to the association, and, as I understand the annual report, the bank received a little over $5,000 more than they spent on that three-eights, while the associations have to do their work for nothing, and even hold back dividends on shares held by borrowers to get running expenses.

[Extract from letter from Canadian banker]

POLITICIANS ARE ALL ALIKE AS BANKERS

We are having the same experiences here in Canada with political banking as you are in the United States. To illustrate, so far every Province in Canada that has entered into political farm finance has suffered enormous losses. This not because of any particular risks involved, since private institutions are making loans in the same territory and making money; they do not permit partisan politics or "pull" to enter into the making of loans. This is a contravention to the methods adopted by political appointees, who are obliged to do "favors" to their higher-ups and lower-downs in order to hold their jobs.

LIKE THE FEDERAL FARM-LOAN SYSTEM

This past year the Province of Manitoba farm-loan system, for instance, frankly acknowledges losses in operation and, furthermore, has added one-third of a million dollars to its real-estate account. This brings its real-estate holding up to 10 per cent of the total outstanding loans, a condition that would be tantamount to insolvence on the part of a private banking institution, but which is considered as only a "hardship" by the political bankers.

[Extract from a letter from a farmer borrower through Federal farm-loan system]

WHY SHOULD FARMERS BE FARMED?

Just why should our greatest basic industry continue to have a "wet nurse" named to handle its own private affairs? Just why should the Federal Farm Loan Board of the Treasury, working through their appointees in the 12 district Federal land banks, be permitted to manipulate as they please the enormous capitalization of the banks which the farmers have made possible by the payment of their hard-earned cash to establish? Why should politicians instead of financiers dominate? Why should inexperience and inefficiency, absolute dishonesty in many cases, rule banks which farmers have erected?

These are all questions which thousands of farmers are now asking themselves; they are questions which Congress must answer and answer in a patriotic instead of a political way and answer mighty soon. Otherwise Congress must needs expect to draw upon the Federal Treasury to repay to the half million borrowers through the 12 Federal land banks for the enormous losses resulting from the mismanagement of the political bankers the Harding and Coolidge administrations have run up, and which the Hoover administration will continue unless Herbert Hoover does something about making his promises more than thin vapor. If he stands against bureaucratic domination of private business as President as firmly as he stood against this un-American affair as a candidate, he will immediately set about turning these land banks over to the farmers who now own them. If, however, the Hoover administration carries out the same program as the two previous administrations, no move will be made to right the terrible injustice which the Republican Party has enforced upon American agriculture.

LARGEST INDUSTRY IS HANDLED LIKE AN INFANT

Why is it that the politicians in Washington continue to consider the American agricultural industry as an infant still struggling about in swaddling clothes? Only because they feel confident that here is one giant they can easily pluck and pillage, for no other industry of standing would tolerate for a moment, and neither the House nor Senate would consider, a proposition of asking the railroads, the banks, the manufacturers, or any other institution to capitalize an institution for the politicians to manipulate to the exclusion of the private owners. Yet this is precisely the trick these politicians played upon the half million farmers who now own the capital stock and assume all the liabilities of the 12 Federal land banks. The majority of the appointees who serve as directors are named and come under the supreme dictation of the political Farm Loan Board, and manifest only a very slight interest in the farmers who pay their salaries and stand the enormous expenses which this crookedness, inexperience, or lack of comprehension of the proper workings of a farm-loan bank involve. Thus, the Federal land-banking system, as presently constituted, stands without a parallel in human history, a gigantic enterprise owned by and operated for farmers, yet dominated by politicians, not one of whom have one penny involved in its capitalization, and not one of whom assume a cent's worth of liability.

FARMING OUR BIG BUSINESS

The real importance of the American farmer, and his industry, when compared with other industries, reveals that agriculture is by far our greatest industry. According to a survey recently made by Farm Journal, farm people now comprise 30 per cent of the country's population, and this 30 per cent owns 39.25 per cent of the total capital investment in the United States. How is it that men who are brilliant enough to have builded such a gigantic enterprise now require "wet nurse" farm-loan boards to run their business for them in common with the Indian, who has a guardian named to transact his business?

The capital invested in the country's various industries is listed as follows by the Farm Journal and classified and divided thus:

Value of farm property	$60,000,000,000
All manufacturing industries	44,325,470,000
All railroads	21,450,900,000
Mines and oil wells	8,380,000,000
Electric-light industry	7,350,000,000
Iron and steel companies	3,500,000,000
Telephone plants	3,035,000,000
National banks (capital and surplus)	2,970,074,000
Automobile industry	1,888,000,000

STRIKING CONTRAST

Although the farmer owns $60,000,000,000 of property, of which he has put up for security less than one-third, about one-twentieth of which is covered by Federal farm-loan mortgages, through the Federal land banks, Congress permits politicians to run his banks for him, while they have been most zealous in extending to the private banks every possible safeguard of their personal and private interests. However, these banks, all bunched up together, now own less than $3,000,000,000 of property, or one-twentieth the amount represented by the farmer's holdings.

The railroads, representing an investment of only slightly more than one-third that of agriculture, are operated by their own men, selected by their constituted stock-owning members, and do not have a majority of their directors, inspectors, traveling joy riders, and other officials selected by a Federal farm-loan board. That is one reason why the railroads are a success and why farming is a failure so often.

The Senate has spent hundreds of hours, and several hundred thousand dollars have been expended needlessly in printing the long-winded speeches of Senators respecting the menace of private electric power "trusts." These all bunched up represent less than $10,000,000,000 investment, while the farming industry is ten times as large. Why not spend some of that thought, energy, and brilliance in putting the farm-owned banks into the hands of the farmers who own them, instead of worrying about "trusts" that are now in the hands of those who own them? Why not start a campaign to bust some "political trusts," to give the gate to some politicians who are running the farmer's business; yes, and wrecking it, too.

Weeks have been spent considering tariff measures for the various manufacturers. These all bunched together own property valued at only two-thirds that of agriculture. Why not spend just one week in passing an act that will turn the farm-owned Federal land banks over to the farmers who own them? This would long since have been done had we been blessed with statesmen instead of politicians.

Mr. BLEASE. Mr. President, I place these things in the RECORD to show the Senate, if I can, that there is nothing personal in this fight of mine in regard to this farm-loan system or about the Columbia (S. C.) Bank.

When I came to the Senate I did not know a man connected with the Columbia Bank. If I did, I am not aware of it. I knew the ex-Congressman who was the head of the other bank. I could not have anything against these gentlemen, because I did not know them. We have one man who is president of a bank there who is not a South Carolinian. He is not going to get the sympathy and cooperation he should have, because my people are just like others; we resent people being sent from other States into my State to run our affairs. If that man is not pretty smart, we will send him to the Atlanta Penitentiary, or some other seaport just about like that. We are going to watch him, and if we can catch him, we are going to catch him. I hope he will not commit suicide, as the cashier did, and go to this other place down there.

I started this fight because of the complaints that were made from Beaufort and from other parts of my State. Then, when I started the fight on this farm-loan system in Columbia, letters like the ones I just put in the RECORD and others from all over the country began to come to me about the entire farm-loan system.

I introduced a resolution, which went to the Committee on Banking and Currency, and Mr. Eugene Meyer went before them. I had never seen him before, and I have not seen him since, and I hope I never will see him again, because God says we should love our fellow men, and if my salvation depends on my ever loving a thief like him there is no salvation for me. I have the proof right here in his own handwriting. This Meyer went before that Committee on Banking and Currency and told them that there was nothing wrong with the farm-land bank system in Columbia, S. C. He told them that there was nothing wrong with the Columbia, S. C., bank. I ask Senators how he could do that in view of the proof that I have put in the CONGRESSIONAL RECORD for the last six or eight months. How could he do that in view of the facts the Senator from Montana [Mr. WALSH] presented to the Senate yesterday? How could he do that in view of the matter I read a few minutes ago about the bank in Minnesota, where the ex-governor's brother was so mixed up with it?

I know that the Senate is a body of honest men. We may make mistakes; we may vote differently from the way we should vote; that Senators, Republicans and Democrats, are busy, most

of them here a good deal busier than I am because of their committee appointments, and they have other matters that they have to look after; but I do not believe there is a Senator in this body who sits on either side who, if he had the time to sit down and study what has been presented to the Banking and Currency Committee, would not say that this system is wrong, and that it should be corrected in some way.

The great Republican Party has four years ahead of it besides what it has had, and if you want me to be honest with you I think when that four years are up they are going to have some more terms, until the mothers who lost boys and the sweethearts who lost future husbands in the World War pass away and we have a new generation. The World War has been and is going to be the doom of the Democratic Party in this country. They promised the people to keep them out of war at the very time when they knew that there was a standing promise that if a certain man was reelected President of the United States he was going to take us into the war. You can not get over deceiving people like that. You can tell a lie to a woman you love and she will kiss you and forgive you—and God knows there is nothing on this earth like a woman's love—but you can not tell the people this thing here and show them, as a reward for it, dead bodies, fresh-made graves, and debts, and get them to keep that kind of a party in power. The party must have new leaders, new ideals, and honest methods if they wish to succeed. Surely, after so many defeats those who think that they are leaders should retire and let others come forward, and four years from now they will not win unless there are some great changes in the feelings of the people of the country.

In a speech in my State I said—and I repeat it to-day—that if we went into that war it would be so long before the Democartic Party got back into power that they would think that most of the people and God Almighty Himself had deserted them. Therefore, I say that Senators on the other side of the aisle have a responsibility on their shoulders which does not pass when they pass. When they leave this body that responsibility will not have ended. Even though their bodies be carried to the last resting place, their responsibility is not gone.

There was read here yesterday a beautiful eulogy on the life of a once President of these United States. If he could know, and possibly he does—I do not say that he does not—if he could have heard that eulogy, it would have made him as happy as he was in the heyday of his life and glory on this earth. Will such a eulogy be written of Senators of this day? What must we say to him who sees his little children going to bed at night hungry, getting up in the morning half clothed, barefooted, going out into the cold; to him who when the spring of the year comes goes with that happy heart of his, whistling and singing, back to the field that has brought him nothing the year before, following the same mule, ploughing in the same furrow, sowing the same kind of seed, trusting to God to make him happier and more prosperous in the fall to come? Senators can not pass by that responsibility lightly. It will come back to them some day. It will come home to the great Republican Party some day.

I appeal to those of the Republican Party now in charge of the Government of this country and to be in charge of it for the next four years to relieve the situation. Let somebody inquire into the banking situation and ascertain what is the trouble. Let them inquire why thousands upon thousands of acres of land are being sold on the block. Let them ascertain why this man and his wife and little children are driven from the old homestead out into the big road and out into the street. Let them see why men and women in this country this very night will go to bed hungry, while some of them will give some relief to the hungry family by giving them sweet potatoes and drinking water, the only thing they have in their homes.

Some Senators may say that is not a true statement of the situation. Let them come home to South Carolina with me to-night. I will take them into the storm-stricken area of South Carolina and I will prove it to them. You can remedy it, Senators. This great Congress of this wonderful United States can remedy it. I appeal to you to-night not in bitterness. If I had my way I would strike the word "hate" from our language and abolish it altogether. If we should abolish hate from this life, we would almost have a heaven on earth—hate, envy, jealousy. We need not be jealous. You have all of this world's goods. You have the highest position that you can hold. I am not so sure but what the position of United States Senator is a more responsible place than that of the President. He only executes the law that you make. Your responsibility is the making of the law. His responsibility is in its execution. I appeal to you not from the standpoint of a Democrat, although I am one; not because of any religious prejudice, because I have none, thank God; but I appeal to you as an American, as a Senator of these United States, to look into the banking situation and see what is wrong and quit allowing your bankers to sell the farms and turn the poor fellows out, but give them a chance and give their children a chance.

The farmer is made like us in the image of his God. He has a soul. He has the same love for his wife and little children that you have for yours. He must answer as you must answer in the great beyond. Some day you like he, while he may be in a pine box and you may be in the finest casket, must sleep the same sleep and face the same God.

And then may—with you and him—all be well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia, and it was signed by the Vice President.

THE FLAG AND PATRIOTISM

Mr. BROUSSARD. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by Col. R. B. Putnam, of the Marine Corps, at Richmond, Va., on November 11, 1928, which is a tribute to the United States flag and deals with teachings designed to develop loyalty to the flag, patriotism, and devotion to duty.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WE THE PEOPLE OF THE UNITED STATES

It is a long, long call from the middle of the fifteenth century to the present day, and it seems difficult to believe that such a thing as the trading in silks and spices of that remote past should have any relation to, or bearing upon, the signing of the armistice in the Forest of Compiegne, in France. This armistice became effective on the eleventh hour of the eleventh day of the eleventh month of the year 1918, and was the event which brought to an end that horrible cataclysm of death and destruction commonly known as the World War. It was a day of rejoicing throughout the civilized world, a day which marked the beginning of a new peace, and in celebration of which to-day, 10 years later, "we, the people of the United States," are gathering together in our various meeting places throughout the land.

But if we make even a hasty glance over the history of the past we find that silks and spices were the luxuries of the fifteenth century. The necessities were few—a bit of bread and meat, a good charger, a good suit of armor, a piece of cold steel, and a strong right arm to wield it; firearms were just coming into existence.

Note also that trading in those luxuries, silks and spices, was a source of wealth in those days even as trading in luxuries is a source of wealth to-day. The silks and spices of the fifteenth century came from the East Indies. The journey was long, hard, and tedious, one fraught with many dangers. It is not surprising, then, that men sought a shorter and more direct route to the source of their wealth.

In one way the sea gave a promise, but so many ships had sailed out of port and down beyond the horizon, never to be heard from again, that it was believed that they had sailed on until they had simply dropped off the rim of the earth in the great beyond. People of that day and age believed that the world was flat.

You will recall that in the latter part of the fifteenth century a Genoese sailor, one Christopher Columbus, advanced the astounding, and for the times, the most ridiculous theory that the world was round, and that since this was so, he could reach the East Indies by sailing due west. Laughed at and hooted at as a crazy fanatic, he plead his cause before many people of wealth and in many courts, only to meet with disappointment after disappointment. However, there could be no doubt as to his sincerity of purpose or of the earnestness of his own belief in his theory, his arguments in support of which were logical and, to many, convincing.

At last, when he had given up all hope, Queen Isabella, of Spain, espoused his cause, and since the public treasury would not support such a crazy scheme, we are told that she pledged her crown jewels to secure funds with which to fit out an expedition to be conducted by Columbus. In this his hour of deepest trial and disappointment, it was a woman who came to his aid and gave him hope and strength to carry on. So

it ever has been, is to-day, and ever will be. Man in his hour of darkest doubt and deepest despondency will find through the faith of some good woman the strength to "carry on."

Be that as it may, the crown jewels were pledged, and in the year 1492, Columbus, with three pitifully small ships, set sail due west across the broad and trackless seas in search of "the east." And what a voyage it was—what fortitude and courage were required to win success. Added to the known terrors of the deep there were all of the terrors of the unknown; also the superstitious belief of ignorant men, which led them to mutiny and all but caused the cruise to end in disaster. Probably no adventure in all the history of mankind was ever undertaken against such tremendous odds by men so poorly equipped for what they had to face. Certainly no single event was ever fraught with so much meaning to the whole of the wide, wide world and the future of the human race as this, the first voyage of Columbus.

In due time, after overcoming untold obstacles, land was sighted, but it was not the East Indies of silks and spices. It proved to be a new world of inconceivable extent, and apparently of hitherto undreamed-of wealth.

Following the reports of the results of the first voyage of Columbus there came a long period of discovery and exploration, and following this a still longer period of appropriation and colonization. Here, along the mid-Atlantic shores, England gained a foothold, and from the founding of Jamestown, Virginia rapidly grew into a lusty colony. To the south were the Carolinas, Georgia, and farther south the Spaniards in Florida. To the north, in New York, the Dutch. North of them were the English again, in the bay colonies—Massachusetts, Rhode Island, Connecticut, etc. Still to the north of them were the French, in Canada. Away to the Southwest, beyond the Spanish in Florida, and along the broad reaches of the Mississippi, were again the French.

The story of the growth of the Colonies is well known to all. Some men came seeking wealth, some were driven from their home country for one cause or another, some because they had been oppressed and held down almost to penal servitude, due to the fact that they did not happen to be in favor with the powers in control. Others came seeking freedom in religion; the right to worship the God that made them, according to the dictates of their own consciences. The desire for liberty of speech, of thought, and even of their very souls, drove men and women to break all the ties that bound them to their homes, to face the terrors and hardships of a life in the wilderness, beset by savages and wild beasts. But within their hearts and very souls there burned the love of liberty, of righteousness, and of peace, which eventually was to weld them into a mighty nation.

The story of the growth of the Colonies, of how the English Colonies through wars and conquest, eventually gained the supremacy in this New World is a familiar one. We all know how in time the mother country gradually became jealous of the growth of the Colonies, and through greed and avarice sought to enrich herself at their expense by levying heavy taxes, making this demand and that demand, at the same time denying the Colonies any voice in their government.

The Colonies were patient and long-suffering, and the greater their patience and fortitude the greater became the burdens which were laid upon them. "Taxation without representation" became the rule of the day and not the exception. The courts, dominated by the home government, afforded no relief and no protection until at length rebellion came—rebellion against the unjust and avaricious acts of an apparently heartless mother country. At first there was no thought of breaking off all the ties of parenthood and of seeking independence. The Colonies took up arms with the hope and expectation of causing the mother country to give them the rights which had been denied. But the war which followed was a long and tedious one. The Colonies were banded together in a loose confederation to fight as one in a common cause and for the common good. It became increasingly evident that complete independence was the only means through which they could obtain to the fullest measure the sacred rights for which they fought, and at length came the Declaration of Independence.

Now, let us digress a little to consider here an event which had a material bearing not only upon the success of the struggling Colonies but upon the future of the whole world. It was the adoption of a flag for the thirteen united States.

George Washington and other leaders in the early days of the War of the Revolution had noted the necessity for adopting a flag which would be the same for all of the troops of the Continental Army. It was noted that each contingent of troops brought its own flag. There was the pine-tree flag of the Carolinas, the peace-tree flag from Massachusetts, the rattlesnake flags, the stripes of the Philadelphia Light Horse, the Grand Union flag, the Eutaw flag of Colonel Washington, and many others. If men were to fight and win, it was necessary that they should fight as one, under a flag which typified their common interest and their unity of purpose. The presence of so many different flags could only tend toward petty sectional jealousies and discord. Resultantly, early in 1777 General Washington suggested to the Continental Congress the necessity of adopting a flag to be used by all of the Continental Armies. The matter was taken up and discussed, and finally on June 14, 1777, the Congress adopted a resolution reading:

"*Resolved*, That the flag of the thirteen United States shall be 13 stripes, alternate red and white; that the union be 13 stars in a blue field, representing a new constellation."

Now, where did the design of this flag come from? We are told that the first flag was made by Mistress Betsy Ross, of Philadelphia, and in the telling we are led to believe that the design was hers; but note that while she almost undoubtedly was the maker of the first official flag, yet the design of it was prescribed by the Congress sometime before it was made by her; and so the design was not hers. Some have thought that the design of the Stars and Stripes came from the shield of Washington; but although General Washington kept most careful and detailed notes of all his acts, official and otherwise, as leader of the Continental Armies, they nowhere contain any reference to a suggestion for the design of a flag. From what we know of the life and character of the man, it is certain that the use of any design so closely related to the emblem of any individual, more particularly himself, would have been abhorrent to his very nature as well as to the spirit of the times.

Some have suggested that the stripes at least may have been taken from the striped banner used by the Philadelphia Troop of Light Horse under which Washington was escorted out to assume command of the Continental Armies. Others suggest that the design was easily arrived at by substituting stars in the union of the grand union flag in place of the crosses of St. George and St. Andrew. If we turn to the records of the Continental Congress, all we find is that pursuant to the recommendation of the leaders in the field, a committee of three was appointed to consider a design, and that finally the resolution of June 14, 1777, was adopted. It is peculiarly significant that there are no records of the work of the committee which contain any reference to the design of the flag or from whence it came. It is even more significant that no single word as to the origin of the design can be found in any of the writings or memoirs of the historians and public men of that day. It seems we are forced to the conclusion that there was some good reason why the origin of that design should be so shrouded in mystery—and there is.

When the Great Weaver of our destinies looked down upon this world and saw the thirteen Colonies struggling against such powerful odds there can be no doubt that His great heart of hearts was filled with pity and compassion. Then when He considered the cause of the struggle—saw that it was for the sake of human liberty, and knowing the purity of the motives which lay back of it, He, in His omnipotence, realized the great need for unity of thought and purpose on their part. He then and there determined that they should have an emblem which would typify all those things so absolutely necessary to the success of their cause. And so He gathered together from among the cohorts of the dead the heart threads of all those who from the beginning of time had sacrificed their lives for the sake of human liberty. There were those which were dripping red with the blood of the patriots who had died at Concord, at Lexington, and at Bunker Hill; those which had been bleached to a celestial white by the æons of time which had passed over them; and from the blue sky of heaven came the blue threads for the Union in which, also taken from the blue vault of heaven, were to be set the white stars of faith and hope. He fed them into the loom of destiny; the wheels of time turned on, the shuttles of fate flew back and forth, and the warp and the woof ran true to the design in this Master Weaver's mind until the whole was finished; and then—

"When freedom from her mountain height
Unfurled her banner to the air
She tore the azure robe of night
And set the stars of glory there;
And, mingled with its glorious dyes,
The milky baldric of the skies.
Then from His mansion in the sky
She called her eagle bearer down
And gave into His mighty hand
The symbol of her chosen land"—

the most glorious emblem that ever floated on the breeze or rippled in the sun—the Star-Spangled Banner—the direct gift of God Almighty to the cause of human liberty, and it was given to us, "We, the people of the United States"; truly it was not meet that any human agency should be credited with the design of a thing so glorious and so sacred.

We now teach our children that the 13 stripes stand for the thirteen original Colonies, one for each of them—that there is a star for each of the present States; and that these stars in a blue field stand for our Union. It not only stands for that, but, oh, for so much more than that. It is the very heart and soul of the Nation.

Let us also teach our children and our children's children that those red stripes, dripping red with the blood of patriots which flowed at Concord, Lexington, and in rivers down the slopes of Bunker Hill, stand for courage, for zeal, and for devotion, even unto death. Those white stripes stand for the purity of the motives, for the truth, and

the honor for which our forefathers died. That blue field, made from the blue sky of heaven, stands for liberty and freedom, justice and truth, and in it there stands the white stars of faith and hope; faith in the living God who made us, faith in the eternal life of our souls and in the eternal destiny of our Nation; and the stars of hope, the "hope that springs eternal in the human breast" and leads us ever onward unto higher and to better things.

My friends, that flag is a living, breathing thing, vibrant with the eternal life of the living souls of our honored dead, and it belongs to us, "We, the people of the United States." It is ours to love and to cherish, ours to live for, ours to fight for, and if need be, ours to die for.

It is a solemn thought and there can be no sacrilege in standing here, in this house of God, to-night and with bowed heads and humble hearts to say that there is a place on the right hand of God Almighty for every man, woman, and child who has given, or will give up, his, her, or its life in defense of that flag and the cause of human liberty for which it stands.

Under that flag our forefathers carried on the war for human liberty. France came to their aid and with the help of Lafayette and Rochambeau on land, and the fleets of the Comtes de Grasse and D'Estaing at sea, the army of Cornwallis was finally bottled up at Yorktown, where the final surrender of that army brought to a close our war for human liberty. We should never forget, nor underestimate, the value of the help which we received from France, and more particularly our debt of gratitude to the Marquis de Lafayette.

After the close of the war the Colonies, but loosely held together for the period of the war by the Articles of Confederation, struggled along; discord sprang up here and there; sectional needs gave rise to distrust and petty sectional jealousies until it seemed that all the principles for which the patriots had fought were to be cast aside and lost forever in internal strife and dissension. But common sense prevailed, and finally a constitutional convention was called to consider ways and means to unify the Colonies and provide for a common government. The result was the adoption of the Constitution of the United States of America, the most marvelous document ever drafted in the cause of humanity, and the purposes for which it stands are most admirably and forcibly stated in its preamble, to which your especial attention is invited. It was this instrument which first brought us into official existence as "We, the people of the United States," and it was done in the following terms:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Note especially the purpose for which "We, the people of the United States," adopted a constitutional form of government. They are the basic, the underlying purposes of all government, and have never been more clearly, concisely, nor more forcibly stated in any document of any description.

"To form a more perfect union," for in union there is strength.

"To establish justice," for justice is the basis upon which must ever rest all of man's relations to man. "To establish justice," so that each man might deal with his fellow man upon a basis of equality and freedom, with equal rights to all and special privileges to none.

"To insure domestic tranquility," that peace and harmony might exist at home, without which no nation or people could thrive and prosper.

"To provide for the common defense." That does not mean "militarism" in any sense whatever. It does mean, however, such adequate preparation against possible attacks from abroad as will guarantee "We, the people of the United States," the opportunity to live at peace with the whole outside world, as well as that domestic tranquility so necessary to the life of the Nation. It does not mean militarism in the so-called imperialistic sense of the word—for "We, the people of the United States"—that is, the citizens of the United States—are first, last, and all the time, the soldiers of the United States, the defenders of our country's flag, and all the sacred principles for which it stands—and, mark the words, the best citizen makes the best soldier, for in this land of liberty there stands no place for the mercenary soldier, the paid hireling who would sell his birthright for a mess of pottage. Citizens all, soldiers all, and adequate defense simply means such reasonable preparation as will give our children and our children's children that guaranty of life, liberty, and the pursuit of happiness which is the inalienable right of all mankind.

"To promote the general welfare"—that is, to provide for such institutions of science and learning, of government, and welfare, as will guarantee that steady progress to higher and better things toward which we are led ever onward by the white stars of "hope" which blaze forth in our country's flag.

And finally, "To secure the blessings of liberty to ourselves and our posterity." Certainly there could be no nobler purpose at the root of any government. Liberty, that high altar of human desire upon which untold millions from the beginning of time have poured out their life-blood without stint. Liberty, the sacred cause for which the greensward at Concord and Lexington, and later the slopes of Bunker Hill, ran red with patriotic blood, and for the defense of which it is our solemn duty before God and man to keep ourselves adequately prepared.

And now let us see if we have kept the faith.

Under our Constitution, which when first promulgated, was laughed to scorn by the nations of the Old World, "We, the people of the United States" have thrived and prospered, until to-day we hold a place in the galaxy of nations which is second to none. We have had our trials, and they were not light ones. We have also had our days of weakness, days when it seemed that the cause of human liberty was to go down in ignominious defeat. Yet that flag has never been unfurled in any but a righteous cause, never in a war of aggression, but always, always in the cause of human liberty.

From the history of our past we read with shame and aching hearts of the day when as a Nation we bargained with crime and paid tribute to Tripolitan pirates, the robbers of the high seas, in order to secure the right to carry on peaceful trade with the nations bordering on the Mediterranean. And why, we ask ourselves, was such a blot ever put upon the Stars and Stripes? The answer is plain, convincing, and undeniable. It was because we were wholly unprepared to defend our rights and our flag upon the high seas. It is no excuse; it is only a disgraceful and weak-kneed plea in extenuation to say that England, that mighty sea power, France, and other nations did the same. The plain cold truth is that we were forced to bargain with crime, and we placed that blot upon our God-given emblem, "the Stars and Stripes," because we had failed to obey that mandate of our Constitution which bids us "provide for the common defense." Because of this failure we paid some $1,600,000, in tribute to crime. We, a free and independent nation, paid tribute, not to a more powerful nation under stress of arms, but as blood money to a bunch of barbarian pirates. Oh, the pity of it, the eternal shame of it! And, in the end we had to fit our ships and fight for our rights just the same.

Then from 1797 to 1800 was our war with our former ally, France, caused by the persistent plundering of our merchant ships by French cruisers and privateers. This war would not have occurred had "We, the people of the United States" not failed "to provide for the common defense." But for the fact that at the time France was engaged in the Napoleonic wars, it would have been a disastrous war for us. The underlying cause of the action taken by the French was our refusal to become their ally in those wars, and we have been blamed as an ungrateful nation because we refused to do so; but it was not the people of France whom we refused to help on that occasion. It was the cause which we refused to aid because it did not appear to be a just one.

Following the war with France, England began to make certain demands upon us and to claim certain privileges over us. Despite all of our protestations against the injustice of such claims, she continued to enforce them, because she knew that we were not prepared to defend our rights. She knew that again "We, the people of the United States," had failed to "provide for the common defense," and she proposed to take the fullest advantage of our weakness, until in the end we were forced into the War of 1812. During this war, because we were unprepared, we suffered ignominious defeat, and we saw our National Capital, the city of Washington, sacked. It was not until then, and after the success of some of our naval vessels in single combat against the English, that "We, the people of the United States," rose up in our might and drove the conquering invader from our shores. But, oh, the needless price we paid!

A few years later England again put forth certain unjust demands, which we firmly met, and a third war with England was avoided because at that time "We, the people of the United States," had adequate provision for the "common defense." The cost of war in blood and money was avoided on this occasion because we were prepared.

Next we come to the war with Mexico, a war ostensibly for the relief of Texas, but with the certain indefinite purpose of acquisition of territory in the background. We won the war, of course, and then, to save our conscience, paid Mexico $15,000,000 for the territory ceded to us in the treaty of peace.

There followed a period of peace during which the Nation prospered, but during which the seeds of internal discord, planted in the early days, sprouted, grew, and also thrived, until the year 1861 saw the beginning of our War between the States, the Civil War. This was one of the most bitterly fought wars ever recorded in history, a war in which father fought against son and brother against brother, and all in the cause of human liberty, for this war meant the very life or death of the Nation, and the Nation prevailed. We of the South accepted the issue, as all men who are good and true should, and set about healing our wounds and curing our sores. Oh, it was a bitter war, a cruel war. Yet no country need hang its head in shame which in times of stress produces such men as Abraham Lincoln, Grant, Sherman, Sheridan, Robert E. Lee, "Stonewall" Jackson, Jeb Stewart, Longstreet, Pickett, and Beauregard.

To-day if you ask what was the real cause of this war the answer is that God Almighty had a mission mapped out for this Nation, and it

was necessary that the working tools be tried, tried to the breaking point, and proven, and this cruel war was the "fiery crucible" through which we had to pass, from which this country, with its vast stretches of territory, its great diversity of interests, was to emerge a united Nation, a mighty Nation, one and indivisible, a proven Nation, fit to carry out the sacred mission laid out for us by the God of all nations.

There followed a period of peace, during which we were able to settle differences which came up between us and certain foreign nations because there was fresh in the minds of the people of those nations the realization that mighty forces could be called to arms in this country on a moment's notice, and not one of them relished the idea of facing men who had fought so gloriously and so valorously under the leadership of Lee and Grant.

Because we were prepared for the common defense during this period our rights were respected throughout the world and there was no need to resort to arms to maintain them.

But as time went on we became careless of this imperative need to provide for the common defense. There were those who, forgetting the past, said that the seas protected our country from invasion, and "We, the people of the United States," heard and believed. We made not even a gesture to provide for the defense of our flag upon those very seas and made but a pitiful pretense at a fleet. We were miserably helpless to hold back the convoys of any major nation which might seek to destroy us, and so it came about that in time our protestations to the Spanish Government about conditions in "bleeding Cuba" were laughed at. Finally we received our answer when the battleship *Maine*, then on a friendly mission, was blown up in Habana Harbor. It was then that our President asked the Congress for authority to call for 200,000 volunteers, and it was then that "We, the people of the United States," raised our voices in solemn warning and said, "Cuba shall be free." And our Spanish war was on.

All honor to the heroes of Guantanamo Bay, of Santiago Hill, and of the sea battles of Santiago de Cuba and Manila Bay. They, too, fought gloriously for the cause of human liberty, and to-day they, too, have their places within the folds of the Star-Spangled Banner. This war was of short duration but costly in men and money. And oh, the needless sacrifices; made chiefly because we had failed "to provide for the common defense."

However, the life of the Nation was revived, the wide world had seen that we were truly "one and indivisible," and so there followed another long period of peace and prosperity. Then came the time when the Imperial German Government sought to impose its will upon all the peoples of Europe, and the great World War began. We were not a party to it. We sought by every honorable means to keep out of it. But again we were unprepared, and so there came the time when, despite all our protests, our ships were sunk without warning, our women and children sent to the bottommost depths of the sea, and there they rest to-day. The greater our patience, the greater became the trials we were called upon to bear, until finally our President asked the Congress to declare "that a state of war exists between the Imperial German Government and the United States of America." Then, on April 6, 1917, "We, the people of the United States," again raised up our voices and gave him his answer: "We are with you, Woodrow Wilson, 100,000,000 strong."

Wholly unprepared for war—a pitiful Army, National Guard, and reserve of only 200,000 men, where millions were required; a Navy hopelessly inadequate to the task it had before it, and almost no shipping with which to help it out; armies to be raised, equipped, trained, and transported across the seas in the face of the untold dangers and horrors of a submarine warfare, and supplies for those armies. There were not even sufficient arms in our country with which to arm them. It was necessary to build docks in France from which they could disembark. Then hundreds of miles of railway—oh, it was a stupendous task, almost inconceivably so, but not a man faltered.

The souls of our honored dead had called to us from the folds of that flag to take up the torch in the name of human liberty, and "We, the people of the United States" answered that call. Truly, there was no one to falter.

Men were called to arms, ships were built, railways were built, arms and ammunition were procured in part from our allies, and in an incredibly short time the advance elements of the "American Expeditionary Force" had arrived in France, and there came a day when its leaders stood with bowed heads before the tomb of Lafayette. Then "We, the people of the United States" spoke through one of them again, spoke to the heart and soul of France, and to the cause of human liberty. The words were few and simple: "Lafayette, we are here." Few and simple, yes; but oh, so full of meaning. They came direct from the heart and soul of "We, the people of the United States," and they sunk deep down into the very heart and soul of war-torn France, and the people of France heard and understood.

But we were wholly unprepared, only partly trained, and inadequately equipped; and the German high command made no secret of their contempt for the hated Americans, the citizen soldiers from the land across the seas. There came the time when the question was on every lip: "What will the Americans do?" The answer was forthcoming at Chateau-Thierry, at Belleau Wood, at Blanc Mont, and in the forest of the Argonne.

There came the day when "We, the people of the United States," untried citizen soldiers, took our places in the battle lines. We were only expected to hold until a stronger position could be prepared in the rear, but in one place a part of our line was forced to retire. The French suggested that we take up a position in rear of the new line; and then it was that "We, the people of the United States" spoke out again through our leader: "Our flag has been forced to retire; it is inconceivable that such a thing should be. This day the American line will advance."

On that day, May 31, 1918, the picked and tried troops of the Imperial German high command felt the force of the citizen soldiers from beyond the seas, felt it and wavered. And that day "the American line did advance." Not only did they recover all lost ground but they drove the Germans back several kilometers beyond their own original positions. All the world saw; all the world wondered. But all the world know that thenceforward the world was to be "safe for democracy."

That night many men slept "Where poppies grow, between the crosses, row on row," and to-day they, too, have their places within the folds of the Star-Spangled Banner, and are enshrined in the hearts of "We, the people of the United States."

There was another occasion on which the order of the day was that the American line was to hold for a short while and then fall back to a prepared position. In due time a French staff officer conveyed the order to retreat to one of our regimental commanders, and then again "We, the people of the United States" spoke through that commander; "———, let the ——— Germans retreat; we have just come," and again that day the German high command learned that the citizen soldiers are men of iron. The living souls of the heroes of that day also took up their place within the folds of the flag. There they stand to-day, along with those who fell before Blanc Mont, in the forest of the Argonne, and up and down the line, wherever the cause of freedom demanded most.

The end was not long in coming, as was at first expected, and only a little over a year after our declaration of war the German high command, having tasted defeat at the hands of a despised foe—the citizen soldiers from across the sea—read the signs and offered terms of peace, later plead for peace, and finally in the forest of Compiegne, signed the armistice, the event which "We, the people of the United States" have gathered here to-night and in the meeting places throughout the length and breadth of this land to celebrate and give thanks for.

As we are gathered here to-night it seems that we are not alone, for there are voices calling to us. Oh, surely you can hear them! From Concord, Lexington, and Bunker Hill; from Chapultapec; from Gettysburg, Antietam, and the Wilderness; from Arlington on the Potomac; from the slopes of Santiago de Cuba, and from the far-off Philippines; from Chateau-Thierry and Belleau Wood; and from the forest of the Argonne; from the bottommost depths of the seven seas, and from the folds of our beloved flag, the direct gift of God Almighty to the cause of human liberty, the eternal souls of our honored dead are calling to us. They bid us keep faith to the end "that government of the people, for the people, and by the people shall not perish from the earth." It is well that we should heed their call; and so let us here and now rededicate ourselves, our children, and our children's children to the cause of human liberty, to the defense of that flag and all that it stands for, if need be, even unto death. Then

"Its fame on brightest pages,
Penned by poets and by sages,
Shall go sounding down the ages
Until time shall be no more."

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ABRAHAM LINCOLN—ADDRESS BY SENATOR SHORTRIDGE

Mr. GOFF. Mr. President, I ask unanimous consent to have printed in the RECORD a very wonderful address delivered by the junior Senator from California [Mr. SHORTRIDGE] at the Lincoln Memorial in this city yesterday, February 12, 1929, on the anniversary of the birth of Abraham Lincoln. It is eloquent, appealing, concise, and strikingly persuasive. It tells a wonderful story and delivers an impressive message. It is democracy's epitome of one of the greatest characters in human history. It deserves a place in the records of this body, and I deem it an opportunity and an honor to urge that it be so received and permanently incorporated.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, leave is granted.

The address of Mr. SHORTRIDGE is as follows:

ABRAHAM LINCOLN

My countrymen, the Republic "conceived in liberty and dedicated to the proposition that all men are created equal," in the throes of dis-

solution; the Union of Washington and Jackson, framed by the wisdom and sanctified by the blood of brothers, about to be rent asunder; the "government of the people, by the people, and for the people," in mortal danger of perishing from the earth—in that dark hour of estrangement, doubt, and fear the great captain of our country's salvation came.

He came, and thenceforth all was clear. Simple in speech, plain in manner, straightforward in action; tender as a child, fearless as a hero, humble and lowly, he came to speak and to act. Born of southern parents and reared in the broad prairies of the West, whose very winds sang liberty, he realized the curse of bondage and the blessing of freedom. From the unfelled forest, from the log cabin and the country store, from humble forum and obscure dwelling, from out the ranks of the people the great captain came. He came, and statesmen paused and wondered; he spoke, and a Nation hearkened to his counsel.

Devoted to truth and the right, opposed to falsehood and the wrong; scorning the tricks and subterfuges of the self-seeking and abhorring the mean and base; loving his country with a devotion that made him forgetful of all save the preservation of the Union, the incomparable leader rose. In judicial tribunal and hall of state, in capital and village, in stately mansion and log hut bewildered men listened to his words and saw, as they had never seen before, the darkness, the light, and the path; the wrong, the right, and the remedy.

Who was this man that came unheralded out of the West? Who was this man that rose above great statesmen of his day—who was as earnest as Phillips, as gifted as Baker, more profound than Seward, more wise than Chase, more logical than Douglas, more eloquent than Everett?

Who was this man that combined in one soul the simplicity of a child, the wisdom of a sage, and the foresight of a prophet?

Wheresoever among men there is a love for disinterested patriotism and sublime attachment to duty; wheresoever liberty is worshiped and loyalty exalted, his name, his life, his deeds are known. To-day his image is in all hearts, his name is on all lips. That humble, loving, forgiving, sublime man was the rail-splitter of Illinois—sainted and immortal Abraham Lincoln—Abraham Lincoln, child of poverty, champion of freedom, savior of the Union.

Rejoice and give thanks to God. The dark hour of brotherly estrangement is gone forever. The Constitution of Washington and Jackson remains. The Union, strong and great, endures. The "government of the people, by the people, and for the people" did not perish. The sons of America march all one way.

And for all these blessings we stand here to-day in this sacred place, beneath the one and only banner of the loyal heart, to pay the tribute of our veneration and gratitude and love to Abraham Lincoln.

CONSTRUCTION AT MILITARY POSTS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist upon its amendment, that it agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

RELIEF OF FARMERS IN SOUTHEASTERN UNITED STATES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of southeastern United States, which were, on page 1, line 6, to strike out "the southeastern United States" and insert "Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama"; on page 1, line 8, after the word "cotton," to insert "tobacco"; on page 2, to strike out all after "therefor," in line 7 down to and including "$3,000" in line 9 and insert: "In the case of land planted or to be planted in cotton or tobacco, no loan or advance for or sale of seed and fertilizer shall exceed $8 per acre, and in the case of land planted or to be planted in other crops, no loan or advance for or sale of seed and fertilizer shall exceed $3 per acre. No loan, advance, or sale under this resolution shall, in any event, exceed $2,000 to any one person"; on page 2, lines 9 and 10, strike out "advances or loans" and insert "advances, loans, and sales"; on page 2, line 15, strike out "$15,000,000" and insert "$6,000,000"; and to amend the title so as to read: "Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama."

Mr. SMITH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REGULATION OF THE HEALING ART IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, which were, on page 3, line 24, to strike out "section 42" and insert "sections 42 or 43"; on page 7, line 6, to strike out the word "and"; on page 7, line 6, after the word "chiropractic," to insert "; and (d) a board of examiners in naturopathy"; on page 7, line 7, to strike out "(d)" and insert "(e)"; on page 7, line 8, to strike out "(e)" and insert "(f)"; and on page 38, line 12, after "dom," to insert "or by the clystertory treatments."

Mr. COPELAND. I move that the Senate decline to agree to the amendments of the House, ask for a conference, and that the Chair appoint the managers at the conference on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CAPPER, Mr. VANDENBERG, and Mr. COPELAND conferees on the part of the Senate.

PROPOSED TRANSFER OF BATH (N. Y.) SOLDIERS' HOME

Mr. COPELAND presented resolutions adopted by William Vosburg Post, No. 99, Grand Army of the Republic, and the William Vosburg Women's Relief Corps, No. 97, of Newark, N. Y., which were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
WAYNE COUNTY COMMITTEE,
Newark, N. Y., February 5, 1929.

Whereas an act to transfer the New York State Soldiers' Home at Bath, N. Y., to the Federal Government has already been passed by both houses of the New York State Legislature; and

Whereas under the present law indigent veterans of all wars are admitted to the Bath Soldiers' Home for domiciliary care without expense to themselves; and

Whereas if the Bath Soldiers' Home is transferred to the Federal Government it will be managed and supervised by the United States Veterans' Bureau as a hospital, and under the present legislation the Veterans' Bureau can not give domiciliary care to the indigent veterans; and

Whereas the Bath Soldiers' Home is an institution originally instituted by the Grand Army of the Republic of New York State and subsequently has been maintained and supported by the taxpayers of New York State; and

Whereas if the Bath Soldiers' Home is transferred to the Federal Government there will be no home for the indigent New York State veterans, of whom there will be an increasing number for the next three decades: Now be it

Resolved, That the William Vosburg Post, No. 99, Grand Army of the Republic, and the William Vosburg Women's Relief Corps, No. 97, of the village of Newark, N. Y., in joint session go on record as being opposed to the transfer of the Bath Soldiers' Home to the Federal Government; and be it further

Resolved, That a copy of this resolution be forwarded to the Representative in Congress from this district and to both United States Senators from New York State, and to the State assemblyman and State senator from this district.

ESTHER R. DUNCAN, *President.*
LOUEVA FREMOW, *Secretary.*

MEMORIAL CHAPEL AND GYMNASIUM AT PLATTSBURG BARRACKS, N. Y.

Mr. COPELAND submitted an amendment intended to be proposed by him to the second deficiency appropriation bill for the fiscal year ending June 30, 1929, which was referred to the Committee on Military Affairs and ordered to be printed, as follows:

At the proper place in the bill, insert:

"Memorial chapel and gymnasium at Plattsburg Barracks, N. Y.: For the construction and equipment of a memorial chapel at Plattsburg Barracks, N. Y., $150,000, to be available until expended; and for the construction and equipment of a gymnasium at said barracks, $50,000, to be available until expended."

Mr. COPELAND. Mr. President, I should like to have printed in the RECORD, and referred with the amendment to the Committee on Military Affairs for consideration a letter and inclosures from the Churchwomen's League for Patriotic Service, national president, Mrs. William Codman Sturgis, Washington, D. C.

There being no objection, the letter, with the accompanying papers, was referred to the Committee on Military Affairs, to

accompany the proposed amendment, and ordered to be printed in the RECORD, as follows:

CHURCHWOMEN'S LEAGUE FOR PATRIOTIC SERVICE,
Washington, D. C., February 6, 1929.

MY DEAR SENATOR COPELAND: You asked for information concerning the proposed memorial chapel of Plattsburg Barracks.

The league of which I have the honor to be national president has its largest membership in New York, about 1,200 women of the Episcopal Church. Its Army post committee was formed in 1925 to further the work of the United States Army chaplains at the posts, and to increase the interests of civilians in our military service.

The chairman visited the War Department and was welcomed and encouraged by them. This committee, invited to a conference of 42 chaplains on Governors Island, heard there the needs of Plattsburg Barracks. On their decision to further the building of a memorial chapel there approval was obtain from General Pershing, General Summerall, and others. On December 10, 1925, at a meeting of prominent citizens in the home of Mrs. Arthur Curtiss James, of New York, the project was brought before the people. From that time on the league has sought to obtain the necessary funds to build the chapel as planned by the Goodhue Associates, approved by the War Department.

Our aims were:

First, to meet the obvious need of such a building and in a way that would add to the beauty and historical interest of the region.

Second, to show citizen approval of the "Plattsburg idea" and honor President Roosevelt and Gen. Leonard Wood who, with Henry L. Stimson, originated citizen training in our country.

Third, to give a permanent place for the memory of our World War heroes, especially those who went out from Plattsburg.

Fourth, to declare by the plan and use of the structure our adherence to religious toleration as expressed in our Constitution.

So far we have in the fund $20,855.38. We are about to incorporate, as the difficulty in raising the money will necessitate a longer campaign than we had expected. Our incorporators are: Chief Judge Benjamin N. Cardoza, Judge Philip J. McCook, Col. Thomas Denny, Col. William G. Bates, Mr. Thomas F. Conway, Mrs. A. G. Sanford, president of the Church Women's League for Patriotic Service (Inc.), of New York, and Miss Edith D. Hubbard, chairman of the Army posts committee.

I inclose a copy of my letter to President Coolidge which expresses our hope that the United States Government will complete the buildings lacking at Plattsburg, with our aid in raising such additional funds as will be necessary for the chapel.

We ask an apportionment of $200,000 to be divided as follows: $150,000 for the central part, tower, and historical windows of the chapel, and $50,000 for a suitable gymnasium, very much needed for the resident and the summer camp men.

I fear to make my statement too long, though I leave a great deal unsaid concerning this significant project. I should be glad to answer any questions at any time that you care to see me concerning this matter.

Very sincerely yours,

CAROLYN STURGIS
(Mrs. WILLIAM CODMAN STURGIS),
1717 Twentieth Street NW.

MY DEAR MR. PRESIDENT: I ask your kind consideration of the possibility of giving the weight of your commendation to the inclusion in the Budget of a substantial sum toward the two important buildings still lacking at Plattsburg Barracks. I refer to the memorial chapel and the gymnasium. The latter was burned down several years ago and the narrow limits of military appropriations have made it impossible to rebuild. The dilapidated structure that does duty, among other uses, for a house of worship has been for three years the concern of the league of which I have the honor to be national president.

We hope to see built a structure which shall meet the needs of the post, be a worthy recognition of the service rendered by President Roosevelt and General Wood in initiating the "Plattsburg idea," and of the men who carried out those inspirations on the battle field, and also to serve as a proof that the religious toleration enjoined on us by the Constitution has not been forgotten. We have found much difficulty in raising the amount necessary. The so-called pacifists who say Army posts have no reason for being, and those who do not subscribe to General Washington's dictum that "Morality can not be maintained without religion," are hard to interest. Many think a great and proud nation should itself equip its Army posts.

It would be a gracious act if you could suggest to those who are responsible for the national Budget an appropriation to cover the costs of these buildings at Plattsburg Barracks. The league has gathered together $20,855.38 for the chapel. The plan calls for about $200,000 if the building is to be worthy the cause which it represents and the historic associations of the locality.

An appropriation of $150,000 would suffice to erect the central part of the memorial chapel as planned, with its tower and historical windows. The national organization, which I represent, will undertake to raise whatever sum might prove necessary for the completion of the building.

The chapel is the primary concern of the league, but it is obvious that the post is not fully equipped until there is also provided an adequate gymnasium.

CAROLYN STURGIS.

THE WHITE HOUSE,
Washington, January 28, 1929.

Mrs. WILLIAM CODMAN STURGIS,
1717 Twentieth Street NW., Washington, D. C.

MY DEAR MRS. STURGIS: Your letter of January 27 regarding the buildings at Plattsburg Barracks has been received and by the President's direction it is being brought to the attention of General Lord, Director of the Bureau of the Budget.

Sincerely yours,

EVERETT SANDERS,
Secretary to the President.

MY DEAR GENERAL LORD: The President sends me word that my letter to him in regard to the needs of Plattsburg Barracks have been handed on to you.

We have a strong impression that whenever more funds are needed to enforce prohibition they are pinched off the military apportionment. Would it not be just, since the rumor is abroad that the light-hearted apportionment for enforcement of twenty-seven millions is to be cut down that a fragment of that princely sum should go to equipping the premier camp for citizen training in America, with its much and long needed chapel and gymnasium?

I have heard mothers tell what the Plattsburg camp has done for their sons. I know what a solvent of class prejudice it is; we have proof that the disruptive elements in our country are busy there with their propaganda. Can we not make Plattsburg a small reflex of West Point in the power to increase true patriotism, respect for law and order, and belief in God?

CAROLYN STURGIS.

WAR DEPARTMENT NOTES

MAY 3, 1927.

* * * * * * *

The Plattsburg Memorial Chapel: The conference of chaplains of the Regular Army, National Guard, and Organized Reserves, which has been in session in the office of the Chief of Chaplains, United States Army, has given unanimous approval to the plan of building a memorial chapel at Plattsburg Barracks, N. Y., as sponsored by the Churchwomen's League for Patriotic Service. Mrs. William C. Sturgis, 943 Lexington Avenue, New York, N. Y., chairman of the committee on Army posts of the league, said: "The Churchwomen's League is unique in that it was organized after the World War to conserve the energies of church women who had been active in war work. It has approved the principle and practice of military training camps and, since Plattsburg Barracks has had so large a part in training citizens for military service in time of emergency, it has decided to erect a chapel there as a memorial to soldier dead and to serve the religious needs of the young men trained there each year."

It is especially fitting that a chapel should be erected at Plattsburg Barracks where military training camps, that have become so popular, were begun by former President Theodore Roosevelt and Maj. Gen. Leonard Wood, and where hundreds of young men are instructed each year in the art of being soldiers. This structure will serve to make real and tangible those spiritual values of life without which physical and mental attainments are incomplete. Thousands of young men will receive religious training here each year.

Plattsburg Barracks, situated on beautiful Lake Champlain, is an historic Army post. Troops have been continuously stationed there for more than one and one-half centuries. It was fought over during the Indian wars, the Revolution, and the War of 1812. At present the garrison numbers about 2,000 persons and has a Sunday school of about 125 children. It is entirely without a suitable place for worship, and the military personnel on duty there is overjoyed at the prospects of having a well-appointed chapel provided them in the near future.

When completed the Plattsburg Memorial Chapel will be denominationally composite in type suited to the religious needs of men of all creeds and beliefs. Ample space will be provided to house the activities in religious education and for the necessary studies, sacristies, choir, and robing rooms.

The approximate cost of the chapel when completed will be $250,000. It will fittingly express the spirit of religion, sacrifice, and devotion to God and country. It will be nonsectarian in character and open to the ministers and priests of all religious beliefs.

THE PLATTSBURG MEMORIAL CHAPEL

To be erected by the American people at Plattsburg Barracks to perpetuate the memory of those men who on this historic ground dedicated their lives to their country and went out never to return.

Sponsored by the Churchwomen's League for Patriotic Service (Inc.); headquarters, 130 East Fifty-seventh Street, New York; president, Mrs. Henry Gansevoort Sanford; secretary, Mrs. Robert Goodhue Clarkson; treasurer, Mrs. Malcolm Stuart; national president, Mrs. William Codman Sturgis.

WHY BUILD A CHAPEL AT PLATTSBURG?

Because religion should be recognized as an integral part of the Nation's life.

Because the heroic young soldiers who went forth from Plattsburg in the late war should have a memorial worthy of their patriotism and sacrifice.

Because a chaplain should have a chapel as a doctor has a hospital. There is now no place of worship at Plattsburg Barracks.

Because Plattsburg has been for over a century a permanent Army post and will continue to be.

Because the 3,000 to 4,000 young men who go in summer for military training should be trained in moral values as well, if they are to take into civilian life not only the fruits of discipline and order but the higher virtues of loyalty and self-sacrifice.

Because memorials to those who have shown these virtues even unto death should be placed where they can be a constant inspiration to those who follow.

For the purpose of building a memorial chapel at Plattsburg Barracks

I pledge / inclose $_____

Name_____

Street_____

City_____

Make checks payable to the Plattsburg memorial fund and send to the Churchwomen's League for Patriotic Service (Inc.), 130 East Fifty-seventh Street, New York City.

A receipt will be sent and the name inscribed in the Golden Book of Remembrance.

The proposed design by the Bertram G. Goodhue Associates, architects for St. Thomas' Church, New York, shows a beautiful structure, gothic in feeling, expressing the spirit of religion and devotion to God and country. It provides a chapel for Protestant services, a chapel for Roman Catholic services, and a Jewish sanctuary, forming a unique structure, grouping under one roof the three principal forms of worship for which our Government furnishes chaplains.

THE PLATTSBURG MEMORIAL CHAPEL

I can think of nothing finer, if we wish to serve our country, than to erect a memorial to the men of the Plattsburg camp who gave their lives; for at that camp originated many of the ideas which distinguished our Army, and on its ground were dedicated the lives of many of those who went out never to return. (Gen. Charles P. Summerall, Chief of Staff, United States Army.)

WHY BUILD A CHAPEL AT PLATTSBURG?

Because religion should be recognized as an integral part of life.

Because the heroic young soldiers who went forth from Plattsburg in the late war should have a memorial worthy of their patriotism and sacrifice.

Because a chaplain should have a chapel as a doctor has a hospital. There is now no place of worship at Plattsburg Barracks.

Because Plattsburg has been for over a century a permanent Army Post and will continue to be.

Because the thousand men and their families stationed there all the year round should have the essentials of civilized life.

Because the 2,000 to 3,000 young men who go in summer for military training should be trained in moral values, as well, if they are to take into civilian life not only the fruits of discipline and order but the higher virtues of loyalty and self-sacrifice.

Because memorials to those who have shown these virtues even unto death should be placed where they can be a constant inspiration to those who follow.

THE PROPOSED MEMORIAL CHAPEL

Led by the Churchwomen's League for Patriotic Service (Inc.), a movement has been organized to erect at Plattsburg a memorial chapel. For this purpose $200,000 is needed, to be raised by popular subscription.

The chapel, designed by Bertram G. Goodhue Associates, architects of St. Thomas' Church, New York, will be an impressive and beautiful structure, Gothic in general design, expressing the spirit of religion, sacrifice, and devotion to God and country. It will provide a chapel for Protestant services, a chapel for Roman Catholic services, and a Jewish sanctuary. In this it will be a unique structure, having place for the three principal forms of worship to which the men of the training camp are accustomed.

A SHRINE OF PATRIOTISM

Plattsburg! What memories cluster around the most famous of Army training camps! Consecrated by the blood of patriots in the War of 1812, in our own time it became the center of the system inaugurated by Theodore Roosevelt and General Wood known as the "Plattsburg idea," which aroused America to the need of preparedness before our entrance into the World War.

From Plattsburg went forth, at the call of Woodrow Wilson, thousands of the brave young spirits who served under General Pershing on the battle fields of Europe. To Plattsburg, every summer, go thousands of young men for intensive training.

NO PLACE OF WORSHIP THERE

The permanent garrison comprises from 1,200 to 1,500 men. Many of the officers and soldiers have their families with them. There are about 125 children there. Since 1921 more than 18,000 young men have been there for training.

Yet there is at Plattsburg Barracks no place of worship for all these souls. In fair weather services are held on the parade grounds, at the bandstand or any place available, where hundreds gather at the various religious services—Protestant, Catholic, and Jewish.

INDORSED BY ARMY CHIEFS—GENERAL PERSHING WAS THE FIRST TO GIVE HIS HEARTY INDORSEMENT

One of the last letters written from the Philippine Islands by General Wood relative to the proposed chapel tells of his "keen interest and sympathy in the project." Governor Smith, of New York, expresses his "warm commendation of this worthy and patriotic purpose."

Secretary of War Dwight F. Davis says: "Your proposal to honor those who made the supreme sacrifice in the World War by providing a suitable house of worship at an Army post is most commendable. The selection of Plattsburg Barracks as the location for such a memorial is especially fitting because of the very large number of young men who were trained there for duty during the war."

Col. John T. Axton, Chief of Chaplains, United States Army, strongly emphasizes the necessity of a chapel there.

Ministers and prelates of all denominations have given the project their warmest commendation. Bishop Brent, formerly Chief of Chaplains, A. E. F.; Bishop Manning, of New York; the Catholic Bishop of Ogdensburg, northern New York; Rabbi Tintner, the well-known war chaplain, and others of the Jewish faith; Rev. Dr. S. Parkes Cadman, of Brooklyn; Bishop James De Wolf Perry, of Rhode Island; and many others.

(Churchwoman's League for Patriotic Service (Inc.), headquarters, 130 East Fifty-seventh Street, New York)

President, Mrs. Henry Gansevoort Sanford; honorary vice president, Miss Agnes Emily Warren; vice presidents, Mrs. Henry Whitney Munroe and Mrs. Charles Gilmore Kerley; secretary, Mrs. William Codman Sturgis; treasurer, Mrs. Malcolm Stuart; honorary chairman for the Plattsburg memorial, the Right Rev. Charles H. Brent, D. D.; treasurer for the Plattsburg memorial, Lieut. Col. Arthur M. Wolff, 111 Broadway, New York.

EXECUTIVE SESSION

Mr. JONES. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

DEATH OF FORMER SENATOR FRANK P. FLINT

Mr. SHORTRIDGE. Mr. President, with sincere sorrow I wish to announce to the Senate the death of former Senator Frank P. Flint, of the State of California, which occurred today at Manila, P. I. I ask for the adoption of the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions, S. Res. 328, were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. Frank P. Flint, formerly a Senator from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 12 o'clock to-morrow.

Under the last resolution the Senate (at 5 o'clock and 17 minutes p. m.) took a recess until to-morrow, Thursday, February 14, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 13 (legislative day of February 11), 1929

UNITED STATES ATTORNEYS

George Neuner, of Oregon, to be United States attorney, district of Oregon. (A reappointment, his term expiring February 27, 1929.)

Haveth E. Mau, of Ohio, to be United States attorney, southern district of Ohio. (A reappointment, his term expiring February 24, 1929.)

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major general

Brig. Gen. Frank Parker, from February 11, 1929, vice Maj. Gen. Charles D. Rhodes, retired February 10, 1929.

To be brigadier general

Col. Charles DuVal Roberts, Infantry, vice Brig. Gen. Frank Parker, nominated for appointment as major general.

POSTMASTERS

CALIFORNIA

Virgil W. Norton to be postmaster at Sutter Creek, Calif., in place of V. W. Norton. Incumbent's commission expires February 23, 1929.

DELAWARE

Levin R. Hill to be postmaster at Selbyville, Del., in place of V. E. Simpler. Incumbent's commission expired December 10, 1928.

ILLINOIS

Alfred P. Goodman to be postmaster at Verona, Ill., in place of A. P. Goodman. Incumbent's commission expires February 23, 1929.

INDIANA

George H. Griffith to be postmaster at Fremont, Ind., in place of G. H. Griffith. Incumbent's commission expires February 23, 1929.

Roy R. Berlin to be postmaster at Nappanee, Ind., in place of R. R. Berlin. Incumbent's commission expires February 23, 1929.

Elmer S. Applegate to be postmaster at Paragon, Ind., in place of E. S. Applegate. Incumbent's commission expires February 23, 1929.

Orville E. Steward to be postmaster at Rossville, Ind., in place of O. E. Steward. Incumbent's commission expires February 23, 1929.

IOWA

Orwin W. Masching to be postmaster at Exira, Iowa, in place of O. W. Masching. Incumbent's commission expired December 29, 1928.

MARYLAND

Richard H. Williams to be postmaster at Midland, Md., in place of R. H. Williams. Incumbent's commission expired January 22, 1929.

Anna Novy to be postmaster at Overlea, Md., in place of Anna Novy. Incumbent's commission expired January 24, 1926.

MASSACHUSETTS

Ralph H. Parker to be postmaster at Framingham, Mass., in place of R. H. Parker. Incumbent's commission expires February 23, 1929.

MINNESOTA

Lesley S. Whitcomb to be postmaster at Albert Lea, Minn., in place of L. S. Whitcomb. Incumbent's commission expires February 23, 1929.

Frank L. Hoagland to be postmaster at Marshall, Minn., in place of F. L. Hoagland. Incumbent's commission expired December 29, 1928.

MISSISSIPPI

Walter E. Dreaden to be postmaster at Lambert, Miss., in place of W. E. Dreaden. Incumbent's commission expires February 21, 1929.

MISSOURI

Bertha D. Marling to be postmaster at Elsberry, Mo., in place of B. D. Marling. Incumbent's commission expired December 17, 1928.

Charles C. Stobaugh to be postmaster at Triplett, Mo., in place of C. C. Stobaugh. Incumbent's commission expired December 10, 1928.

NEBRASKA

Etta H. Bartlett to be postmaster at Potter, Nebr., in place of E. H. Bartlett. Incumbent's commission expired December 11, 1928.

NEW YORK

C. LaDue Griffin to be postmaster at Oakfield, N. Y., in place of C. H. Griffin, deceased.

NORTH CAROLINA

Cephus Futrell to be postmaster at Murfreesboro, N. C., in place of Cephus Futrell. Incumbent's commission expires February 23, 1929.

PENNSYLVANIA

James G. Galbreath, jr., to be postmaster at Glassmere, Pa., in place of J. G. Galbreath, jr. Incumbent's commission expires February 23, 1929.

James B. Maugle to be postmaster at New Ringgold, Pa., in place of A. G. Bummer, removed.

Arthur J. Davis to be postmaster at Noxen, Pa., in place of A. J. Davis. Incumbent's commission expires February 23, 1929.

Sharp A. Caylor to be postmaster at Punxsutawney, Pa., in place of S. A. Caylor. Incumbent's commission expires February 23, 1929.

Malcolm H. Shick to be postmaster at Sheffield, Pa., in place of M. H. Shick. Incumbent's commission expired February 29, 1928.

Daniel F. Pomeroy to be postmaster at Troy, Pa., in place of D. F. Pomeroy. Incumbent's commission expires February 23, 1929.

SOUTH CAROLINA

Raymond S. Younginer to be postmaster at Irmo, S. C. Office became presidential October 1, 1928.

WEST VIRGINIA

Thomas E. Clovis to be postmaster at Pennsboro, W. Va., in place of B. F. McGinnis. Incumbent's commission expired December 16, 1928.

WISCONSIN

Arthur V. DeWitt to be postmaster at Sayner, Wis., in place of A. V. DeWitt. Incumbent's commission expires February 20, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13 (legislative day of February 11, 1929)

FEDERAL RADIO COMMISSION MEMBERS

Ira E. Robinson, for a term of two years, expiring February 23, 1931.

Harold A. Lafount, for a term of four years, expiring February 23, 1933.

Eugene O. Sykes, for a term of five years, expiring February 23, 1934.

POSTMASTERS

ARKANSAS

Pearl Knod, Gilham.
Estelle Baynham, Success.
Flippen W. Whitner, Wabbaseka.

INDIANA

Fred A. Spray, Lebanon.

KANSAS

Axel F. Holmgren, Lincolnville.

MASSACHUSETTS

Albin K. Parker, Norwood.

MICHIGAN

Edward Keisu, Calumet.
Charles J. Larson, Ironwood.

MONTANA

Ovid S. Draper, Bonner.

NEW JERSEY

Clair MacFarland, Monroeville.
Everton A. Corson, Ocean City.

OHIO

William E. Pangburn, Felicity.

WEST VIRGINIA

Elmer O. Bowyer, Dundon.
Thomas A. Jones, Mount Hope.
John H. Shay, Star City.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 13, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, Thou art our God, and earnestly would we seek Thee. The depths of the riches of Thy wisdom and knowledge draw us apart. Thou art the joy of our joy, the peace of our peace, and the love of our love. Our hidden and unseen desires are before Thee. Sift them that they may be foregleams of Thy plan and presence. Throughout this day may our trusts be administered with minds that are wise and with hearts that are true. Look upon our country and the nations associated with us for the advancement of good will throughout the earth. In all things may they stand together for righteousness and justice. Clothe all of them with the high and noble elements of national life. And unto Thee be praises world without end. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, this is Calendar Wednesday, and I am not entirely clear as to what matters of business might be transacted to-day in spite of that fact. Whatever the situation may be, I ask unanimous consent that the conference report on the independent offices appropriation bill may now be considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the conference report on the independent offices bill may be considered. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, and I shall not object if it be understood that no points of order are waived.

Mr. TILSON. It will be understood that the conference report will be considered under the general rules of the House.

Mr. BLACK of Texas. With the understanding that no point of order is waived by agreeing to the unanimous consent.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON. Mr. Speaker, I call up the conference report on the bill H. R. 16301, and, Mr. Speaker, I ask unanimous consent that the statement of the managers may be read in lieu of the report.

The SPEAKER. Is there objection to the request?

Mr. BLACK of Texas. Mr. Speaker, the conference report is short, and I have a point of order to press to the conference report.

The SPEAKER. The Clerk will read the report.

The Clerk read the report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, and 20, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "$123,520"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency in cooperation with the bureau or office involved during the previous fiscal year; and the Bureau of the Budget shall, upon the request of any appropriation committee of the House or Senate, supply such committee with a statement of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$541,445,740"; and the Senate agree to the same.

EDWARD H. WASON,
JOHN W. SUMMERS,
JOHN C. ALLEN,
THOMAS H. CULLEN,
FRED M. VINSON,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, as to each of such amendments, namely:

On No. 1: Provides two additional secretaries to the President at $10,000 per annum each, as proposed by the Senate.

On No. 2: Appropriates an additional $20,000, as proposed by the Senate, for salaries in the office of the President, on account of the two additional secretaries, and strikes out the Senate provision making $10,000 of the appropriation immediately available.

On Nos. 3 and 4: Appropriates the additional sum of $50,000, to be immediately available, as proposed by the Senate, for alterations in the White House and in the Executive Office Building, incident to the new administration.

On No. 5: Appropriates $5,000 for purchase for the Executive Mansion of an oil portrait of President Coolidge.

On No. 6: Corrects a total.

On Nos. 7, 8, and 10: Strikes out $3,800 provided by the Senate for an investigator in the Bureau of Efficiency.

On No. 9: Restores a House provision, stricken out by the Senate, amended to read as follows:

"Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency in cooperation with the bureau or office involved during the previous fiscal year; and the Bureau of the Budget shall, upon the request of any appropriation committee of the House or Senate, supply such committee with a statement of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency."

On Nos. 11 and 12: Appropriates $3,060, as proposed by the Senate, for an additional examiner for the Civil Service Commission.

On Nos. 13, 14, and 15: Appropriates $52,536, as proposed by the Senate, for 12 additional associate examiners and their expenses.

On Nos. 16, 17, and 18: Appropriates $764,000, as proposed by the Senate, instead of $763,000, as proposed by the House, for salaries and expenses of the Tariff Commission.

On No. 19: Strikes out the Senate provision that "no part of the sums appropriated in this act shall be used to maintain the Sea Service Bureau."

On No. 20: Allocates $300,000, as proposed by the Senate, instead of $350,000, as proposed by the House, for expenditures for services of attorneys in the Shipping Board.

On No. 21: Corrects the total of the bill.

EDWARD H. WASON,
JOHN W. SUMMERS,
JOHN C. ALLEN,
THOMAS H. CULLEN,
FRED M. VINSON,
Managers on the part of the House.

Mr. BLACK of Texas. Mr. Speaker, I make the point of order against the conference report in that the members of the House committee on the conference agree to Senate amendment No. 1, which is in violation of Rule XX, section 2, as amended June 1, 1920. That rule provides:

No amendment of the Senate to a general appropriation bill which would be in violation of the provisions of clause 2 of Rule XXI, if said amendment had originated in the House, nor any amendment of the Senate providing an appropriation upon any bill other than a general appropriation bill, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

Now, Mr. Speaker, the United States Code provides that there shall be appointed by the President one secretary, and it provides that his salary shall be $10,000 per annum. Now, of course, if the proper legislative committee of the House chooses to bring in a bill granting the President two additional secretaries, or if the House itself chooses to agree to an amendment of that kind, then very well and good; but we have adopted a rule that the Appropriations Committee shall not agree to any amendment that proposes new legislation without specific authority of the House, and I think in the interest of proper procedure and economy the Appropriations Committee of the House should understand that it is the will of the House that they follow that rule.

The SPEAKER. Does the gentleman make the point of order against the entire report?

Mr. BLACK of Texas. I think it would have to be made to the entire report, and I therefore make the point of order against the entire conference report.

Mr. SNELL. Would the gentleman from Texas be willing to withdraw his point of order provided there is a separate vote on the amendment to which he objects?

Mr. BLACK of Texas. I will state very frankly that I will withdraw it if we are granted a separate vote on this amendment so that the integrity of the rules of the House will be observed. The only reason why I press the point of order is that the House has very properly adopted a rule to the effect that the Appropriations Committee shall not agree to any legislative amendment put on an appropriation bill by the Senate. I do not think that at any time consent should be given for the rule to be transgressed. The Appropriations Committee should understand they have no power to agree to a Senate amendment which proposes new legislation without specific authority from the House.

Mr. DENISON. No one can demand a separate vote.

Mr. BLACK of Texas. Not except by unanimous consent, the way this conference report is arranged.

Mr. SNELL. Would it not be best to make a unanimous-consent request and have the House vote on that one amendment?

The SPEAKER. The Chair thinks that under the circumstances unanimous consent is possible. This is brought in as a separate disagreement, waiving the rule, and therefore this amendment could be treated separately.

Mr. SNELL. That is why I am submitting this inquiry.

The SPEAKER. The Chair thinks that by unanimous consent the amendment could be considered separately.

Mr. CRAMTON. Mr. Speaker, it seems to me that it being a part of the conference report, which has gone to the Senate as well as having come to the House, and having probably been agreed to by the Senate, the only thing we could do to affect the situation would be by unanimous consent to proceed to the consideration of this proposition in this way. I suggest that we consider the amendment No. 1 with the understanding, if the gentleman will permit, that if the House, after discussion, is in favor of the proposition, then the report will not be subject to the point of order; and on the other hand, if the House is adverse to favorable action on that the conference report goes back to conference.

Mr. SNELL. That is what I had in mind. I wanted a separate vote on that amendment.

Mr. BLACK of Texas. My object in making the point of order is to protect the rules of the House. The House has the right, when the Senate puts on an appropriation bill a legislative amendment, to have that brought back to the House and have it explained by those in charge of the bill. Then vote upon it separately.

Mr. TILSON. If the gentleman will yield, it is perfectly evident that the amendment is subject to a point of order. Nobody contests that point.

Mr. BLACK of Texas. There is no doubt about it.

The SPEAKER. The Chair is informed that this conference report has already been acted upon by the Senate.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that pending the consideration of the conference report the Senate amendment No. 1 be considered in the House and the decision of the House taken with reference to it, with the understanding that if the House acts favorably upon amendment No. 1 there will be no point of order made against the report, and the report can then be taken up for consideration. If, however, the decision is adverse on amendment No. 1, the point of order pending against the report may be made and action taken, the same as is ordinarily done when a conference report is brought in that contains improper matter.

The SPEAKER. The Chair asks whether there is any legislation authorizing this?

Mr. WASON. I do not think there is.

The SPEAKER. Then the point of order would be good. The gentleman from Michigan asks unanimous consent that the Senate amendment No. 1 may be considered first and separate from the rest of the conference report, with the understanding that if the House votes the amendment in, then the point will not lie against the conference report. If the House votes it out, then a point of order will lie against the report.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. In the event unanimous consent shall be given to consider that amendment, would it be necessary to go into Committee of the Whole or would it be considered in the House?

The SPEAKER. The Chair thinks it would be considered in the House.

Mr. BANKHEAD. Are we not doing a vain thing, inasmuch as the Senate has already agreed to the conference report and the conferees have been discharged? Would it not be necessary to take further action?

The SPEAKER. The Chair thinks not.

Mr. SABATH. Mr. Speaker, reserving the right to object, what does the amendment contain?

Mr. SNELL. Provision for two additional secretaries.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]? [After a pause.] The Chair hears none.

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that the amendment in question be reported.

The SPEAKER. The Clerk will report amendment No. 1.

The Clerk read as follows:

Amendment No. 1: Page 2, after line 8, insert "two additional secretaries to the President, at $10,000 each."

Mr. BLACK of Texas. Mr. Speaker, I would like to ask the gentleman from New Hampshire to explain the reason for this amendment and why it was agreed to by the conferees and the necessity that the President should have three secretaries instead of one, as has been the case for a number of years? Why will Mr. Hoover need three secretaries?

Mr. WASON. Mr. Speaker, I move that the House recede and concur in this amendment of the Senate.

The SPEAKER. The gentleman from New Hampshire moves that the House recede and concur in Senate amendment No. 1.

Mr. ABERNETHY. Mr. Speaker, will the gentleman from New Hampshire yield for a moment?

Mr. WASON. Yes.

Mr. ABERNETHY. Are these two additional secretaries deemed necessary on account of the very large majority which the President elect got at the last election? [Laughter.]

Mr. WASON. I was not fully informed, but I understood that this additional man was needed as a clerk to assist the new President, and I have no doubt but that by the addition of that man it will be possible for North Carolina to receive its proportionate part of this man's service. [Laughter.]

Mr. VINSON of Kentucky. While the amendment carries two additional secretaries, there will really be only one additional. There is $7,500 carried in the bill for a gentleman already down there. The increase of the appropriation is $12,500, and there is an increase of but one employee.

Mr. SABATH. Do I understand the gentleman to state that these two additional secretaries are required because one is needed to take care of that section of country from which the

gentleman hails, or is it because of the large number of applications that are now pending and the demands which are being made from that section upon the President that he will have to have a man from that section appointed to take care of all those applications and demands?

Mr. WASON. I want to say to my friend from Illinois that that information was not furnished to us. I was simply answering the inquiry of your friend and mine from North Carolina, and I was not referring to any other part of the country that would be benefited, but I am sure that the district which my distinguished friend from Illinois represents will see the reflected benefit if the House approves of this amendment.

Mr. ABERNETHY. The gentleman recalls what the Governor of North Carolina said to the Governor of South Carolina?

Mr. WASON. I was not present.

Mr. TILSON. Will the gentleman yield?

Mr. WASON. Certainly.

Mr. TILSON. I think the gentleman from Kentucky [Mr. VINSON], a member of the committee, has given an explanation of the amendment which should make it entirely clear to everyone.

Mr. BLACK of Texas. May I inquire who asked for the additional secretary that is provided for?

Mr. WASON. I understand there was a Budget estimate, which went to the Senate. That is my information.

Mr. BLACK of Texas. With the recommendation that the new position be created?

Mr. WASON. With that suggestion; yes.

The SPEAKER. The question is on the motion of the gentleman from New Hampshire that the House recede and concur in the Senate amendment.

The question was taken, and the Senate amendment was agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PROHIBITING THE EXPORTATION OF ARMS TO NATIONS VIOLATING THE PACT OF PARIS

Mr. KORELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Joint Resolution 381, which I introduced on January 18.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD on House Joint Resolution 381. Is there objection?

There was no objection.

Mr. KORELL. Mr. Speaker and Members of the House, our country has manifested its support of the cause of peace throughout the world by concluding a treaty with practically all of the civilized powers of the world in which the signatories have condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy in their relation with one another. By a separate covenant appearing in the same instrument the United States of America, and all the other signatories, have agreed that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means. The treaty to which I refer was concluded at Paris, France, on the 27th day of August, 1928, and is universally known as the pact of Paris. It was ratified after a protracted debate in the United States Senate on the 16th day of January, 1929. The vote for its ratification stood 85 yeas and 1 nay.

The Senate's ratification of the multilateral treaty has produced a result that is revolutionary. The treaty reverses the position that war has heretofore occupied in the realm of international law by delegalizing it. In the past war has been regarded in international law as a perfectly legitimate means by which a nation might advance its interests or its policies. Now, a nation that resorts to arms must vindicate its course or lose the respect of the civilized world. A violation of the treaty constitutes an offense against every signatory to the pact. It makes the nation that shall start a war a lawbreaker and guilty of an international crime. My reason for requesting your consent to these remarks is to place before you a personal observation on one of the criticisms that has been expressed against the treaty. Also, to suggest a method by which greater assurance that its covenants will be respected may be obtained.

The critics who scoff at the treaty because it merely pledges the signatories to a principle of policy have failed to appreciate its full importance. They have strained too much for a technical construction of its language. In doing this they have completely overlooked its real if not its vital significance. They have also ignored the phrase appearing in the preamble which states in effect "that violators should be denied the benefits of the treaty." Manifestly, ratification of the treaty has destroyed the distinction between all kinds of wars. There can not be a legal as distinguished from an illegal war under the treaty. Henceforth it will only be necessary to determine whether a party has violated the pact of Paris in order to say which nation is acting in self-defense and which is the agressor. The covenants of the treaty will be the sole test. Again, the powers which have elected to accept "the benefits furnished by this treaty" are bound to do everything that will assure all of the parties to it the full enjoyment of the benefits to which each as a signatory is entitled. In other words, they are pledged to refrain from doing everything inconsistent with the policy which it declares.

Signing the treaty has ipso facto destroyed the neutral status of each signatory. All are now tangibly and directly concerned with its observance and breach. The very conception of neutrality presupposes the legality of war. Therefore a declaration of neutrality is neither logical nor tenable. Neutrality is inconsistent with the covenants of the treaty.

To denounce and renounce war clearly implies that one will not resort to war. It also implies that one will not aid another in doing that which he himself has expressly covenanted not to do. This conclusion is irresistible. To contend otherwise would be ridiculous. Accordingly applying this construction to the covenants of the treaty it is clear that all the nations that have signed the pact of Paris are bound not to give aid or comfort to a nation that shall resort to war. In fact, to go a step farther, one is justified in insisting that the act of supplying a belligerent nation with the resources of war, would not only be a serious breach of faith under the treaty but also that such an act would be equivalent to making the nation doing so an accomplice to the crime of war in the same manner and to the same extent that placing a gun in the hands of a murderer to kill one's neighbor would make an individual an accessory to the homicide.

I agree with those who entertain the view that the mere signing of the pact of Paris has not obligated the United States to join in positive measures to suppress a war. I also agree that each signatory is still free to a certain extent to exercise its own discretion with respect to the method by which it shall take cognizance of a violation of the covenants of the pact of Paris. But I strongly dissent from the opinion of those critics who believe that a signatory can be indifferent to future wars or to participate directly or indirectly in one except in defiance of its solemn pledge. Such a construction would do violence to language. If I am correct in this contention and in the assumption which naturally follows that the United States is bound to refrain from giving aid or comfort to the nation that shall violate the covenants of the treaty, Congress should, in all honor and good faith, take advantage of this opportunity to prohibit private manufacturers from supplying offending nations with the resources of war.

In connection with the thought which I have hastily and very briefly sketched I will call your attention to the provisions of a resolution that I introduced on January 17, the day following the vote in the Senate, and before the treaty in question was signed by the President. It is marked by the Clerk, House Joint Resolution 381, and reads as follows:

House Joint Resolution 381, Seventieth Congress, second session

IN THE HOUSE OF REPRESENTATIVES,

January 16, 1929.

Mr. KORELL introduced the following joint resolution, which was referred to the Committee on the Judiciary and ordered to be printed:

Joint resolution (H. J. Res. 381) to prohibit the exportation of arms, munitions, or implements of war to nations violating the pact of Paris

Whereas the United States of America having heretofore manifested its support of the cause of peace throughout the world by having concluded a treaty with practically all of the civilized powers of the world in which the signatory parties have condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy in their relation with one another and have also agreed that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means, said treaty being dated the 27th day of August, 1928, and universally known as "The pact of Paris"; and

Whereas the conclusion of said treaty having imposed no legal obligation upon the United States of America or any other power to join in police action against a cosignatory which shall hereafter violate the same except to place upon each party the moral duty to refrain from giving aid or comfort to such cosignatory; and

Whereas it appearing to the Congress of the United States of America that in the event of the violation of said treaty by a cosignatory that the act of supplying the offending party with the resources of war would be tantamount and equivalent to making the state doing so an accomplice to the aggression of such offender and a breach of good faith; and

Whereas that it should therefore be the policy of the United States of America, without recognizing or assuming any obligations to join in positive measures of suppression, to manifest its disapproval of any violation of the covenants and provisions of the pact of Paris: Therefore be it

Resolved, etc., That it is hereby declared to be the policy of the United States of America to prohibit the exportation of arms, munitions, or implements of war to any State which shall violate any of the covenants and provisions of the multilateral treaty concluded on August 27, 1928, known as "The pact of Paris."

SEC. 2. Whenever the President shall recognize the act of a cosignatory party as constituting a violation of the covenants of "The pact of Paris" by proclamation it shall be unlawful, except by the consent of Congress, to export, or attempt to export, any arms, munitions, or implements of war from any place in the United States, or any possessions thereof, to the territory of such offending State or to any place outside of the United States if the ultimate destination of such arms, munitions, or implements of war is within the jurisdiction of such offending State, or in control of either its military or naval forces.

SEC. 3. As used in this joint resolution, the term "arms, munitions, or implements of war" means—

1. Rifles, muskets, carbines.

2. (a) Machine guns, automatic rifles, and machine pistols of all calibers; (b) mountings for machine guns; (c) interrupter gears.

3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.

4. Gun-sighting apparatus, including aerial-gun sights and bomb sights, and fire-control apparatus.

5. (a) Cannon, long or short, and howitzers, of a caliber less than 5⅞ inches (15 centimeters); (b) cannon, long or short, and howitzers, of a caliber of 5⅞ inches (15 centimeters) or above; (c) mortars of all kinds; (d) gun carriages, mountings, recuperators, accessories for mountings.

6. Projectiles and ammunition for the arms enumerated in No. 5 above.

7. Apparatus for the discharge of bombs, torpedoes, depth charges, and other kinds of projectiles.

8. (a) Grenades; (b) bombs; (c) land mines, submarine mines, fixed or floating; depth charges; (d) torpedoes.

9. Appliances for use with the above arms and apparatus.

10. Bayonets.

11. Tanks and armored cars; aircraft designed for purposes of warfare.

12. Arms and ammunition not specified in the above enumeration prepared for use in warfare.

13. Poisonous gases, acids, or any other articles or inventions prepared for use in warfare.

14. Component parts of the articles enumerated above, if capable of being used in the assembly or repair of the said articles or as spare parts.

SEC. 4. Whoever exports, or attempts to export, any arms, munitions, or implements of war in violation of the provisions of this resolution shall, upon conviction thereof, be punished by a fine of not exceeding $10,000 and by imprisonment not exceeding two years. It shall be the duty of the Secretary of the Treasury to report any such violation of the provisions of this resolution to the United States district attorney for the district wherein the violation is alleged to have been committed.

This resolution follows in the main the provisions of the Burton resolution, now before the House with a favorable report from the Committee on Foreign Affairs. The only difference between the two resolutions is that the last one is somewhat narrower in its scope than the first.

If adopted, the resolution I have quoted will put teeth in the multilateral treaty. It will provide a penalty for its violation. Moreover, it points the way to the imposition of more severe penalties should the one suggested prove ineffectual. I believe that it represents the natural and logical step that should be taken by our Government following the submission and conclusion of the pact of Paris. In my opinion, it advances a policy toward international relations in which the world's greatest industrial and peace-loving nation may very properly assume the leadership and invite all other signatories to follow. I am anxious that the principle which it advances should be adopted if the broader principle advanced by the Burton resolution should not prove to be acceptable to the House. Incidentally, I urge everyone to read the report of the hearings on the Burton resolution.

Without undertaking to discuss at this time the provisions of the resolution in detail, I will call your attention to the fact that it does not relate in any way to articles that can be used for peaceful purposes. It deals exclusively with specific articles that are manufactured for war purposes and can only be used for carrying on warfare. If you will read it carefully, you will find that it does not even prohibit the exportation of the articles which it enumerates, except in one respect, and that is to a country which shall violate the covenants of the treaty. It also provides that the President must recognize the act of a cosignatory as constituting a violation by requiring his proclamation before the embargo actually becomes operative. It has absolutely no application to rebellions and civil wars or even foreign quarrels that are not in contravention of the pact of Paris. Another factor which I believe is important is the clause "except by the consent of Congress," which appears in the resolution. This clause preserves a referendum on the action of the President in the event that the Members of the House of Representatives should conclude that he has acted too hastily or unwisely in an instant case.

Some people may conclude after reading the resolution that it places too great a responsibility and power upon the President. I do not think so. Presidents are expected to shoulder just such duties. We already have a law conferring authority upon our Chief Executives to place an embargo on arms when shipped to Central or South America, and two Republican and one Democratic Presidents have exercised their power under it. A specific instance of its exercise occurred in August, 1913, when President Wilson declared that in forbidding the exportation of arms and munitions to Mexico he was following the best practice of nations in the matter of neutrality. Again, upon careful examination, I think that you will find that there is nothing in the resolution requiring the President to make a decision in a close case or that will prevent him from placing an embargo on shipments to both belligerents if circumstances should dictate the wisdom of such a course. Moreover, he is not compelled to exercise his power if he does not think that it will be wise or advisable to do so. Personally, I can not conceive of the President issuing his proclamation in advance of an exchange of views among the various powers to the treaty, in a case where the act alleged to constitute the violation is not clear or in advance of the crystallization of public opinion. On the other hand, he is not bound to confer with other powers. The very broadest discretion is conferred. For one, I have every confidence that our Chief Executives will exercise it wisely. To withhold the responsibility and power from the President to decide when the embargo should become effective, in the first instance, might prevent suppressive steps being taken while Congress is not in session. Such a situation might truly render the treaty a purely "pious gesture" or a "scrap of paper" in cases where time is a vital element.

I have just said that prohibiting the exportation of arms to a signatory violating the treaty is a mild form of penalty—perhaps the mildest rebuke that could be devised, considering the nature and various ways of dealing with a serious international offense. Alongside of force, economic boycotts, withdrawal of financial aid, blockades, and various other devices it can hardly be considered even a punishment. In fact, such an embargo might easily be justified without reference to the treaty at all and solely upon the announcement of a policy that it is the desire of the United States to "starve war instead of babies." This is the purport of the Burton resolution if I understand its meaning correctly. It might be of interest to say in this connection that the United States was the first nation in the world to adopt laws requiring its citizens to observe rules of neutrality. Hence there should not be any fear of establishing a precedent. We have been setting them up for the world for a long time.

The proclamation of neutrality issued by Washington on April 22, 1793, reads as follows:

> Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part, and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:
>
> I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.
>
> And I do hereby also make known that whatsoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations will not receive the protection of the United States against such punishment or forfeiture; and, further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them.

Prior to the issuance of this proclamation it had been the custom and common practice of all nations to permit their citizens to enlist in foreign armies and to aid belligerent nations to

conduct hostilities in every conceivable way. There was no restriction or restraint whatever. The only penalty that had been imposed was merely the danger which individuals ran of having their goods confiscated if they fell into the hands of belligerent powers, a penalty to which their own country warned them in advance that they would be abandoned. A notable instance of how neutrality was observed prior to Washington's proclamation was the employment of Hessian soldiers by the British Government during the Revolutionary War.

Just to give you a slight conception of how nations remained neutral prior to Washington's proclamation, reference might be made to the way maritime warfare was waged. Everyone familiar with history knows that freebooters were converted into a sort of irregular militia under the name of "privateers" and subject to the jurisdiction of Admiralty courts. To speak more plainly, warfare was waged along strictly piratical lines. Down to the end of the sixteenth century neutral commerce had not yet attained any great proportions and was left to the mercy of belligerents and the so-called privateers. With the establishment of regular navies, however, the existing customs commenced to be abrogated or modified and increasing navigation made it necessary to establish rules which are recognized to-day as part of international law in order to secure the free intercourse of nations. The first organized effort for the purpose of protecting freedom of navigation against belligerents was a league of nations formed by Russia in 1780. This league formulated a declaration which is known as the First Armed Neutrality. The substance of this declaration was that neutral nations might freely navigate from port to port and along the coast of nations at war and that the goods belonging to subjects of powers at war should be free on board neutral vessels, with the exception of contraband merchandise.

In 1871 the treaty of Washington provided:

> A neutral government is bound, first, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace; and also to use like diligence to prevent departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use. Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men. Thirdly, to exercise due diligence in its own ports and waters and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

In The Hague convention of 1907 the duties of neutral powers in naval warfare were restated, as follows:

> The supply in any manner, directly or indirectly, by a neutral power to a belligerent power, of warships, ammunition, or war material of any kind whatever is forbidden.
>
> A neutral power is not bound to prevent the export or transit for the use of either belligerent of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

From this brief and hasty review of what neutrality meant prior to Washington's proclamation and the development of neutral rights since the conclusion of the first armed neutrality pact in 1780, you will see that the traffic in arms, munitions, and implements of war by private citizens of neutral nations with the governments of foreign countries engaged in hostilities has never been recognized as legitimate commerce, that the most that can be said for it is that it has not been expressly prohibited or restricted by our Government, and that the only change that the resolution proposes to make is to prohibit private manufacturers from running the risk of having their goods seized and confiscated.

While prohibiting the exportation of arms to a signatory that shall break faith with us is a mild penalty—it is important to recall that, if the outlaw nation's resources for conducting war could be effectively cut off, it would be reduced very quickly to impotence. The experience of the last war demonstrated that even the most powerful, highly industrialized, and well-prepared nations can be successfully curbed under this kind of pressure. In my opinion the threat of an arms embargo by the United States would serve as a great deterrent to pugnacious nations contemplating future wars of aggression. The certain knowledge that an embargo would be established, coupled with the realization that the nation against which it was directed would be under a heavy handicap from the start would unquestionably cool the martial spirit and ardor for war. Under the present policy only the nation that has been strong enough to control the seas has gotten the benefit of American arms and ammunition. Hence we have had the anomalous situation of the United States aiding the strong against the weak in every instance, regardless of the merits of the conflict.

I have just said, and I repeat, that it is altogether unlikely that the President will issue his proclamation in advance of an exchange of views with other signatory powers. Suppose he follows this course. Suppose, moreover, that the leading industrial nations of the world should decide the question of war guilt and establish a common embargo. Would the treaty have teeth? Will it be an "idle gesture" or "a scrap of paper"? Will there be a penalty provided for its violation? And while you conjure over these thoughts I will ask another question. Is it unreasonable to think that the nations that followed the lead of the United States in signing the treaty would not follow our lead in the method of its enforcement? On the other hand, suppose that all of these expectations should prove to be too altruistic. What would we have lost—anything more than a few dollars? Is the cost too great a sacrifice for such an experiment? I, for one, refuse to say so. It is notorious that our very handling of this business has condemned us abroad as a nation of war profiteers.

Just a few days ago the world was startled by the rumble of war between Bolivia and Paraguay. Drums were beating, flags were flying, and the martial spirit was running high. Through the friendly intercessions of foreign diplomats these two countries were halted on the very brink of battle. They were induced to resort to arbitration for the settlement of their differences. A pact was concluded between them in which both agreed not to resort to force. Following the signing of this agreement two friendly neighbors to our south, upon their own initiative and commendable judgment, refused to permit shipment of arms, munitions, and implements of war either from or through their respective countries to Bolivia and Paraguay. This evidence of national consciousness, in addition to being revolutionary, was inspiring. It shines out to-day as a worthy example for other nations of the world to pattern. It is destined to rank in history with the epochal proclamation of Washington. Every people and every country can profit from the precedent set up by Chile and Argentina.

The resolution which I have introduced does not go as far as Chile and Argentina have voluntarily gone. If it is adopted it will only require the United States to withhold aid in cases where a clear breach of faith has been committed against us and when our own pledged word to other nations is involved.

In conclusion let me say the paramount question in the minds of many people to-day is: What policy should the United States pursue in the event the multilateral treaty is violated? The answer to this question is one of supreme importance. It can, of course, be delayed until an actual breach occurs, but eventually it must be faced. With this question before us I ask you, Is it not better to solve the problem now while our country is at peace instead of waiting until it shall come under the strain of an emergency and the pressure of conflicting war sentiment? We have brought the principle of policy expressed in the pact of Paris to fruition. Therefore let us become the leaders in strengthening it. Let us be the first to propose one of the means by which its covenants will insure real security. Let us silence the cynics and those who taunt us with hypocrisy. It is our highest duty and for our greatest interest to strengthen the treaty. An enduring peace throughout the world is necessary for our greater progress and prosperity. Any armed conflict, however remote from our shores, will necessarily affect us. At the present time our foreign trade extends to the most distant geographical regions. Our foreign loans aggregating a substantial percentage of our national wealth are spread all over the globe. Economic conditions make world peace a necessity for us. Our adherence to the covenants of the treaty places us under a moral obligation to exert our every influence against the outbreak or the continuance of another war.

Since House Joint Resolution 381 was first introduced a number of bills and resolutions seeking the establishment of the same principle and the accomplishment of the same purpose have been received in both branches of Congress. I am glad to note and welcome their appearance. Their introduction evidences the very widespread interest that exists to-day in proposals to strengthen the covenants of the pact of Paris. I am also delighted to see the cordial and very general approval that the press throughout the country has given the various resolutions as they appeared in both branches of Congress. Favorable news comments have done much in developing public opinion supporting the cause of world peace in the United States. While it is probably impossible to obtain a vote on House Joint Resolution 381 during the short time that remains of this session of Congress, I hope that all the resolutions that have appeared will be carefully studied by the Members and that a vote may be had on one or more of them in the next Congress. I especially urge that careful attention be given to the advisa-

bility of incorporating in any legislation that shall be adopted a list of the specific articles to fall under the ban which the various resolutions proposed should be placed. The difficulty in deciding what constitutes contraband has frequently given cause for disputes in the past. These should be avoided in the future, and I have endeavored to anticipate them in my resolution. In this respect it differs from many that have since been introduced.

CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 13825, a bill to authorize appropriations for construction at military posts, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 13825, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I objected yesterday for the reason that this bill contains among other appropriations an item of $400,000 for a new building at Governors Island, notwithstanding the fact that both the distinguished chairman of the Military Affairs Committee and the next ranking member, the gentleman from Michigan [Mr. JAMES], has agreed that nothing should be done on Governors Island which would encumber all of the land there so as to make it impossible to be used later on as a terminal aviation field. If we authorize more building and later the island will be used as a landing field, it will necessitate the destruction of the buildings now there and the loss of millions of dollars. I have conferred with the chairman and also with the gentleman from Michigan [Mr. JAMES], and they are now working out a plan which will draw a dead line so as to prevent the War Department from carrying on its intentional and destructive plans of placing new buildings all over the island in order to defeat the wishes of Congress and the logical and inevitable use of the island as a terminal aviation field.

Now, I want to ask the gentleman from Pennsylvania another question. In this bill and in another bill we have appropriated several hundred thousand dollars for new buildings at West Point. When the West Point buildings bill went through the House I raised the point that we were providing $800,000 for that new building and asked the acting chairman if that was all that was required. He frankly stated that he would see to it that the amount would be sufficient to complete the building. No sooner had the bill passed the House than the West Point officials commenced to change the plans and the location of the building so as to put it up against a hill which would require more excavation and without any question increase the cost by $350,000, an amount which will surely be requested in a deficiency bill next year. The War Department refuses to cooperate with us on this point, although the distinguished gentleman from Pennsylvania [Mr. MORIN] and the gentleman from Michigan [Mr. JAMES] agree that the honest thing to do is to keep faith with the House and not permit the shifting of this bill so as to require additional cost. I want to ask the gentleman from Pennsylvania if he has taken that matter up with the War Department and what assurance the War Department has given him that the intent of Congress will not be defeated.

Mr. MORIN. I will say to the gentleman that I have taken it up with the War Department, but they have not given me any assurance.

Mr. LAGUARDIA. What is the gentleman going to do about it?

Mr. MORIN. So far as it lies within my power I am going to try to see that they keep faith with Congress.

Mr. LAGUARDIA. Will the gentleman favor a bill that will fix the location of this building at West Point?

Mr. MORIN. I will, and I think that should be done.

Mr. LAGUARDIA. Mr. Speaker, with that assurance, I withdraw my reservation of objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

CARVILLE D. BENSON

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Maryland asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, it is my painful duty to announce the death of a former Member of this House on Saturday, February 8, 1929, the Hon. Carville D. Benson. I ask unanimous consent to extend my remarks by inserting a brief statement covering his public career.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, the Hon. Carville D. Benson, who died on February 8 last, was one of Maryland's outstanding citizens, and his life, the respect, and esteem in which he was held by the people of his State is worthy of record thereof being made in this form.

Mr. Benson was born at Halethorpe, Baltimore County, on August 24, 1872, being the eldest son of the late Oregon R. and Carvilla Brian Benson. During his entire life he lived in Baltimore County, Md. Following his admission to the practice of law in the State of Maryland, he soon gained the position of distinction and was recognized as a capable, earnest trial lawyer. Public life, however, soon attracted his attention, and in 1904, a comparatively young man, he was elected by his county to the house of delegates. This seat he retained from 1904 to 1910; during the season of 1906 he was speaker of the house of delegates. At the session of 1908 and 1910 he was the Democratic floor leader. Recognizing his ability as a legislator, he was elected in 1912 and 1914 to the State senate, and in 1918 was returned to the house of delegates. Upon the death of the late J. Fred C. Talbott, Representative in Congress from the second congressional district of Maryland, Mr. Benson was elected in 1918 to fill out Mr. Talbott's unexpired term, and later to a full 2-year term. He served therefore in the Sixty-fifth and Sixty-sixth Congresses. He was renominated in 1920, but was defeated in the Harding landslide. In 1924 Gov. Albert C. Ritchie appointed him State insurance commissioner, in which office he served until his death. He was a member of numerous lodges and organizations, including the Masonic fraternity; thirty-second degree Scottish Rite Masons; the Beauseant Commandery, Knights Templars; the Boumi Temple, Mystic Shrine; the Tall Cedars of Lebanon; St. John's Chapter, Royal Arch Masons; the Mount Vernon Lodge; the Chesapeake Consistory; the Towson Lodge of Elks; the Loyal Order of Moose, the Jerusalem Council; the Baltimore Athletic Club; the Real Estate Board of Baltimore; and the Southern Maryland Society. Mr. Benson died February 8, 1929, at the age of 56 years and was buried in Cedar Hill Cemetery, Anne Arundel County, on February 11, 1929. He leaves surviving his widow, Mrs. Harriette Miller Benson, and six children, namely: John O. Benson, Carville D. Benson, jr., William Howard Benson, Brian Miller Benson, Miss Harriette Benson, and Mrs. Carvilla Benson Beecher, and also a brother, Mr. Oregon R. Benson, jr.

From the time of Mr. Benson's first election to public office, in 1904, and prior thereto, he was most active in the cause of the Democratic Party, with which he was affiliated. He soon was recognized as a capable organizer and a forceful speaker. He represented his party in the Democratic National Conventions at St. Louis in 1916, New York in 1924, and Houston in 1928. Taking up his duties in the Sixty-fifth Congress, following as he did the almost unbroken service of his illustrious predecessor over practically a quarter of a century, his task was not an easy one. The second congressional district had become accustomed to service at the hands of Congressman Talbott, which was hard to match. The district, almost as large as any two in Maryland and one of the largest in the country, presented business and individual interests which made it necessary for him to be familiar with almost every important piece of legislation. He performed that task well, and when the test came he was reelected to the Sixty-sixth Congress by a very flattering majority. But for the landslide in 1920, it is safe to predict, Mr. Benson would have ended his life in the House of Representatives or in the United States Senate.

When one's journey through life has been so marked with public service to his people lies down to permanent rest, nothing presents a fairer estimate and a more lasting monument to that service than the expression from those who are familiar with his life, who have been closely associated with him in that public service, and who were his friends. Let me therefore set forth what a few of those possessing that advantage and pleasure had to say following his death.

Gov. Albert C. Ritchie, of Maryland:

I had known Senator Benson for the greater part of my life. Before I took any part in politics I knew him, and my admiration for him then was great. My devotion to him increased as he became successively an earnest public leader and an excellent officer of the State.

His death comes to me as a personal loss. The State, too, loses by his death. His work in the insurance department was marked by progress and by the confidence he elicited from those persons most concerned with insurance in the State.

Hon. MILLARD E. TYDINGS, United States Senator, Maryland:

Carville D. Benson was the kind of man who made strong friendships. Analytical, industrious, and energetic, he was always one of the dominant figures wherever men congregated. He was interested in the individual man and in men in the mass. He understood them. He sensed their feelings and strived with might and main to improve the general condition of mankind. His contacts were permanent. His early friends were his last friends. He never traded old friends for new. He was loyal to the core to the cause and to the men he chose to follow.

He had many of the finest qualities of leadership.

He passes after a notable career of public service and leaves for all of us a void and a host of friends behind who will always think of him in the most affectionate manner.

Hon. WILLIAM CABELL BRUCE, United States Senator:

I was brought into contact in many ways with Carville D. Benson. I knew him well, and met him frequently both when he was a member of the Maryland House of Delegates and when he was a member of the Maryland Senate. His conspicuous abilities and his great force of will made him one of the most influential of the members of those bodies. Later, after he had been a Member of the House of Representatives, he managed the political campaign which resulted in my election to the United States Senate. This was in 1922. His management was distinguished by the highest degree of energy, tact, and intelligence. For years—indeed, down to the day of his death—he was one of the best known of the public men of Maryland. Faithful in his family relations and friendships, honorable in his personal and business life, a forceful speaker and sagacious legislator and party leader, the death of Carville D. Benson was a grave loss to both social and political life.

Hon. J. CHARLES LINTHICUM, Representative from the fourth congressional district of Maryland:

I knew "Carville Benson" (the name by which the Hon. Carville D. Benson was familiarly known to his friends) from his boyhood days. He was of purely Maryland ancestry, his people, both paternal and maternal, having been residents of the State for several centuries. From childhood he was always of a cheerful nature; he saw the bright side of things, and always tried to enjoy the good things of life; he was never happier than when he was surrounded by his family or his host of friends, and usually he was one of the ringleaders for enjoyment and pleasure. He, like all men in public life, had his enemies, but I do not believe he was an enemy to any of them; he couldn't be; it wasn't his nature to be unkind or hold enmity toward anyone.

I think he must have inherited this cheerfulness, happiness, and good will toward all from his most estimable mother, who was always so good, kind, and charitable to all and likewise a very devoted Christian.

I entered the Legislature of Maryland in 1904 with Mr. Benson, and later served with him in Congress. While we did not agree upon everything, he was earnest, energetic, and able, and I can safely say was one of the ablest men of the 1904 General Assembly of Maryland. His delegation represented the wealthiest and most populous county of our State; its needs for legislation far exceeded those of any other county; in fact, was largely in line with those of the great city of Baltimore—our metropolis.

One of the outstanding pieces of legislation which was passed at that session, and to which Mr. Benson and I gave our unstinted support was a bill by Dr. Richard S. Hill, of Prince Georges County, appropriating $100,000 for the improvement of the Washington Boulevard. This I know to be the first piece of good-roads legislation in Maryland and almost the pioneer legislation for good roads in this country. Other speakers have mentioned Mr. Benson having served several terms in the house of delegates, was elected to the State senate, and there again, if we should evaluate the various legislative bills passed and which Mr. Benson supported, there would stand out as the most progressive, the most worthy, and the most useful piece of legislative the bill which he introduced providing a good-roads system for Maryland under the administration of Gov. Austin L. Crothers. Under this system millions of dollars have been expended in the State of Maryland upon its road system, so that every section of the State has been connected by improved highways second to none in the land. These highways have given to Maryland an impetus such as no other movement could have done.

Mr. Benson was certainly one of the most forceful leaders of our State; he had a good voice, was of commanding appearance, and always agreeable. It is a great loss to our State to have one of its useful citizens such as was Mr. Benson pass away at such an early age. It is, however, a gratification that he lived long enough to see his family grow up, well educated, and self-supporting. Certainly his great ambition in life was the welfare of his wife and his fine family of boys and girls.

Hon. STEPHEN W. GAMBRILL, Representative from the fifth congressional district of Maryland:

In the death of Carville D. Benson the State of Maryland has sustained a serious loss. As a lawyer he had a fine analytical mind, which had little sympathy with technical obstructions and artifices so often employed by lawyers not so richly endowed as he was with a comprehension of the true purposes of his profession. But it was in the broad field of public life that he found his greatest usefulness. To him public service had an appeal and a fascination, and it was in this service that he displayed a knowledge of statecraft and a personal charm which soon made him one of the outstanding figures of his State.

He was elected to Congress from the second congressional district of Maryland to serve in the Sixty-fifth Congress, and was reelected to and served in the Sixty-sixth Congress.

He performed his duties as a lawmaker with great credit and distinction. He came to Congress well versed in all the intricacies of parliamentary procedure, gained as that knowledge was through conspicuous and notable service in the Maryland House of Delegates from 1904 to 1910, being speaker of the house of delegates in 1906. As a reward for services and work well performed, his constituents sent him to the Maryland State Senate for the sessions of 1912 and 1914, and it was with this knowledge to guide him that he took up his congressional duties.

He was a man of great human qualities, free and approachable, and in all his dealings with others, whether in business or politics, he was at once frank, straightforward, and devoid of dissimulation.

His death is a distinct loss to his State and his wise counsel will be missed in the councils of his political party, for which he had such a deep attachment.

Hon. FREDERICK N. ZIHLMAN, Representative of the sixth congressional district of Maryland:

I learned of the death of Hon. Carville Benson, formerly a Representative from the second congressional district of Maryland, with profound sorrow.

I knew Mr. Benson when he was a Member of the House and served with him in the State senate, and also during his two terms as Member of Congress.

He was a man of unusual courage and was an experienced and able legislator. He was a devoted and loyal friend, and a consistent worker for the advancement of the interest of the people of Baltimore County and of the State.

Maryland loses a conscientious public servant, who was intensely loyal to his native State and its traditions.

Hon. VINCENT L. PALMISANO, Representative of the third congressional district of Maryland:

While I did not have the pleasure and honor of serving in Congress with the Hon. Carville D. Benson, I was associated with him at Annapolis at a time when he represented Baltimore County in the State senate, and I represented Baltimore City in the lower house. Recalling evidences of his ability at that time, and knowing independent of that the character of legislator he was, it is easy for me to say that the State of Maryland has seldom been represented in the State legislature or National Congress by a more able, astute, and capable statesman. By his straightforward manner in dealing with the people he became a leader and was admired by all who knew him.

Mr. Benson was more closely identified with Baltimore County than any other subdivision of his State, and in that county he had a host of friends and admirers and the respect of those practicing the profession of the law and of the judges who presided over the courts. Just as we attempt in life to rebuild the beauties of nature as they fade from our view and await new seasons, just as we by example try to emulate the life of those who have left a record of worth-while service, so will the people of Maryland keep ever before them much of the splendid life of Carville D. Benson. Let us be consoled with the language of the poet:

The leaves die and fade away;
They only wait through wintry hours the coming of the May.

The stars go down to rise upon some fairer shore,
And bright in Heaven's jeweled crown they shine forevermore.

An angel form walks o'er the earth with silent tread;
It bears our best-loved things away and then we call them dead.

RECESS

Mr. TILSON. Mr. Speaker, it is my intention to move that the House take a recess, subject to the call of the Speaker, in order that the electoral vote may be counted. After that function is over, Calendar Wednesday business will be called, the Committee on Territories being the committee now on call.

In accordance with House Resolution 294, Mr. Speaker, I move that the House now take a recess, subject to the call of the Speaker.

The motion was agreed to.

Accordingly the House stood in recess, subject to the call of the Speaker.

AFTER RECESS

At 12 o'clock and 58 minutes p. m. the House was called to order by the Speaker.

COUNTING THE ELECTORAL VOTE

At 1 o'clock p. m. the Doorkeeper, Mr. Bert W. Kennedy, announced the Vice President of the United States and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by the Vice President of the United States and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The VICE PRESIDENT. Mr. Speaker and gentlemen of the Congress, the Senate and House of Representatives, pursuant to the requirements of the Constitution and laws of the United States have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. Under well-settled precedents the reading of the formal portion of the certificates will be dispensed with unless demand therefor shall be made. After it is ascertained that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

In accordance with precedents, the Chair suggests that there should be no manifestation of approval or disapproval on the part of the galleries or on the part of the members of the joint session as the counting proceeds.

The tellers heretofore appointed will take their places at the desk.

The tellers, Mr. SHORTRIDGE and Mr. KING, on the part of the Senate, and Mr. GIFFORD and Mr. JEFFERS, on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. JEFFERS (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Alfred E. Smith, of the State of New York, received 12 votes for President, and Joseph T. Robinson, of the State of Arkansas, received 12 votes for Vice President.

The VICE PRESIDENT. If there be no objection, the Chair will omit in the further procedure the formal statement just made, and will open in alphabetical order the certificates showing the votes of the electors in each State, and the tellers will read, count, and announce the result in each State as was done with respect to the State of Alabama.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in an alphabetical order.

The VICE PRESIDENT. Gentlemen of the Congress, the certificates of all the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the result:

The undersigned, SAMUEL M. SHORTRIDGE and WILLIAM H. KING, tellers on the part of the Senate, and CHARLES L. GIFFORD and LAMAR JEFFERS, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1929:

Electoral votes of each State	States	For President		For Vice President	
		Herbert Hoover, of California	Alfred E. Smith, of New York	Charles Curtis, of Kansas	Joseph T. Robinson, of Arkansas
12	Alabama		12		12
3	Arizona	3		3	
9	Arkansas		9		9
13	California	13		13	
6	Colorado	6		6	
7	Connecticut	7		7	
3	Delaware	3		3	
6	Florida	6		6	
14	Georgia		14		14
4	Idaho	4		4	
29	Illinois	29		29	
15	Indiana	15		15	
13	Iowa	13		13	
10	Kansas	10		10	
13	Kentucky	13		13	
10	Louisiana		10		10
6	Maine			6	
8	Maryland	8		8	
18	Massachusetts		18		18
15	Michigan	15		15	
12	Minnesota	12		12	
10	Mississippi		10		10
18	Missouri	18		18	
4	Montana	4		4	
8	Nebraska	8		8	
3	Nevada	3		3	
4	New Hampshire	4		4	
14	New Jersey	14		14	
3	New Mexico	3		3	
45	New York	45		45	
12	North Carolina	12		12	
5	North Dakota	5		5	
24	Ohio	24		24	
10	Oklahoma	10		10	
5	Oregon	5		5	
38	Pennsylvania	38		38	
5	Rhode Island		5		5
9	South Carolina		9		9
5	South Dakota	5		5	
12	Tennessee	12		12	
20	Texas	20		20	
4	Utah	4		4	
4	Vermont	4		4	
12	Virginia	12		12	
7	Washington	7		7	
8	West Virginia	8		8	
13	Wisconsin	13		13	
3	Wyoming	3		3	
531		444	87	444	87

SAMUEL M. SHORTRIDGE,
WILLIAM H. KING,
Tellers on the part of the Senate.

CHARLES L. GIFFORD,
LAMAR JEFFERS,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Herbert Hoover, of the State of California, has received for President of the United States 444 votes; Alfred E. Smith, of the State of New York, has received 87 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Charles Curtis, of the State of Kansas, has received for Vice President of the United States 444 votes; Joseph T. Robinson, of the State of Arkansas, has received 87 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1929, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The VICE PRESIDENT. Gentlemen of the joint session, the purpose of this meeting having been accomplished, the joint session is now dissolved, and the Senators will return to the Senate Chamber.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

AUTHORIZING CERTAIN PAYMENTS BY THE TREASURER OF ALASKA

The Clerk called the committees; and when the Committee on the Territories was called—

Mr. DOWELL. Mr. Speaker, I call up the bill S. 4257, on the House Calendar.

The SPEAKER. The gentleman from Iowa calls up the bill S. 4257, which the Clerk will report.

The Clerk read as follows:

An act (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska

Be it enacted, etc., That any salaries to United States officials or employees of the United States Government in Alaska appropriated by the Alaska Territorial Legislature, session of 1927, may be paid to such United States officials or employees of the United States by the treas-

urer of Alaska up to and including the date of March 31, 1929, any Federal law to the contrary notwithstanding: *Provided*, That subsequent to March 31, 1929, all appropriations by the Alaska Territorial Legislature shall be in conformity with the provisions of the act of Congress approved August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes," and amendments thereto.

Mr. DOWELL. Mr. Speaker, I yield 15 minutes to the gentleman from Alaska [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Speaker, this bill is a sequence to a bill that was defeated on the floor of the House on the 5th of March last. Up in the Territory of Alaska an unusual situation has arisen by reason of the fact that the Territorial legislature has imposed many duties on Federal officials illegally, in violation of the provisions of the enabling act of the Territory. This has gone on for some years, although the legislature has been warned repeatedly that they should desist in the practice. Finally a suit was brought in the court at Juneau to enjoin the Territorial treasurer from paying these salaries, in addition to the regular salaries from the Government.

A bill was introduced last winter for the relief, not of the Territory but for the relief of the Federal officials. That bill provided for the repeal of a portion of the enabling act which would fix the situation whereby Federal officials might administer the Territorial administrative government permanently. They proposed to repeal all restrictions placed on Federal officials. That bill was defeated on the floor of the House; Members may recall that it was up under suspension of the rules and failed by a vote of 130 to 12.

The injunction order extended only to the secretary of the Territory, who was receiving $2,000 from the Territory in addition to $3,600 from the Federal Government.

He continued to perform the services without receiving the salary for a period of almost two years. The people felt that he should continue, for if he gave up the work entirely a chaotic condition would prevail in the administration of Territorial affairs.

So he kept on performing the services for nearly two years. This bill would permit the treasurer of the Territory to pay him the salary which he has earned honestly.

The bill also provides that the practice of employing Federal officials to do the work of the Territory officials shall cease. The man undoubtedly is entitled to the money. It was not his fault, but was the fault of the Territorial legislature, as is shown in the report of the gentleman from Iowa.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SUTHERLAND. I yield.

Mr. LAGUARDIA. The gentleman knows that a similar bill was before the House, and some of the friends of Alaska—and Alaska has a good many friends, sincere friends, on the floor of the House—and we went to the rescue of Alaska, and under a suspension of the rules we defeated that bill. Now the gentleman comes in here and seeks to destroy the action of the House on that bill by permitting this to pass. When this man took office he knew that he could not draw two salaries, and the gentleman is establishing a dangerous precedent for his Territory.

Mr. SUTHERLAND. I want to express my thanks to the gentleman from New York in helping us defeat the vicious measure of last March, for it was a vicious measure. The provisions of this bill are such that the Territorial legislature will desist, and if they should continue they can not ask relief from the Congress.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. SUTHERLAND. I yield.

Mr. TAYLOR of Tennessee. Are there other Federal officials drawing salaries from the Territory?

Mr. SUTHERLAND. Yes.

Mr. TAYLOR of Tennessee. What class?

Mr. SUTHERLAND. Secretary to the governor of the Territory. I can not enumerate all who are receiving a salary, but I know the secretary of the governor of the Territory is receiving additional salary, and I am assured by lawyers in the Territory that it is absolutely illegal and ought to be stopped.

Mr. TAYLOR of Tennessee. This does not apply to the judiciary, the judges, or the district attorney?

Mr. SUTHERLAND. No; presumably they would not be permitted to receive it. Here is the situation. The Federal officials in Alaska are a very powerful influence politically, and they have been able to dominate the legislature. They are aided in that by the press of the capital city of Juneau. The press seems to be under the domination of the Federal officials, and when any measure of a progressive nature, any measure along the lines of establishing a better American ideal of government, comes before the legislature the press of Alaska is opposed to it. Perhaps I should qualify that by saying the press of the capital city. These men coming down to the capital are naturally afraid of the press. I think there is a general fear of the influence of the press among statesmen of greater standing than those of our local legislators in Alaska. That is the whole trouble. The press and the Federal officials combined to place the control of Territorial affairs in the hands of the Federal officials, and that control is lodged there now.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. RANKIN. My experience with the Territory of Alaska is that those people up there have been clamoring for a good many years for a greater measure of self-government—not only the people of the Territory, but the legislature and even the press itself. How do they expect the American Congress and the American people to grant them a greater measure of self-government than they have now, when they attempt to surrender what they already have as they are doing, it seems to me, to a large extent by asking for the passage of such legislation as this?

Mr. SUTHERLAND. I have to admit, although it is somewhat humiliating, that the gentleman from Mississippi raises a good point; but I say that it is not the will of the people of the Territory of Alaska that these conditions exist. It is simply weakness upon the part of our legislators in contact with the strong influence of Federal officials and the press of the capital city.

Mr. LAGUARDIA. If by the passage of this Senate bill now before the House we established this precedent, what protection will the people have if some of these Federal job holders manage to be elected to the Territorial legislature and then come here and say they were duly elected and served as legislators and want an enabling act so that they could draw two salaries? Is not the gentleman risking turning over his whole local government to these job holders he complains of?

Mr. SUTHERLAND. I hope not. I think I can assure the gentleman that if this practice continues after next March, when the legislature sits, the whole matter will be taken to the courts, and that there will be no relief for these fellows if they accept these salaries and go through with it.

Mr. LAGUARDIA. Would the gentleman be very unhappy if we were to defeat this bill?

Mr. SUTHERLAND. I feel that I owe it to this man who has given his services and who has not received a cent, who is not responsible for the situation, to do what I can to get the relief for him, and I think that the instruction in the bill to the legislature ought to be sufficient.

Mr. DOWELL. And does not this bill legislate that we do not approve of that practice and will not continue it?

Mr. SUTHERLAND. It expresses the disapproval of the Congress.

Mr. LAGUARDIA. Eliminating the personal equation, the personal relation between the Delegate from Alaska and the particular individual involved in this bill, the gentleman will state that he is opposed to the practice.

Mr. SUTHERLAND. The practice of relief in cases of this kind?

Mr. LAGUARDIA. Yes.

Mr. SUTHERLAND. Yes; I think the practice is wrong, when this thing is done deliberately. I have to admit that the practice of granting relief by Congress is wrong; but, at the same time, I reassert that this man was not responsible for it, that it was the legislature.

Mr. LAGUARDIA. The gentleman is acting out of the wholesomeness and the bigness of his heart rather than being actuated by the usual acute intellect that he displays in this House.

Mr. SUTHERLAND. I thank the gentleman.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. RANKIN. If this bill passes, will it not be establishing a precedent for the passage of legislation of this kind in the future?

Mr. SUTHERLAND. I do not think so. I think the remarks of the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Mississippi [Mr. RANKIN] this morning on this measure will have an influence to prevent a continuation of this thing in the future. And I believe the warning contained in the bill ought to be sufficient for that.

Mr. RANKIN. The gentleman from Alaska knows, and I think he will admit, that the people of the Territory of Alaska have not had any better friend in this House than I am. I have been there and I have studied their conditions and I have done everything I could to try to give them a greater measure of control over their local affairs, but if they are going to indorse legislation of this kind and attempt to turn the Territory back to the United States, I would like to know what encouragement

it will be to those of us who have been trying to help them to continue to fight their battles in the future.

Mr. SUTHERLAND. The point is very well taken. At this time I want to express my appreciation of the help of the gentleman from Mississippi [Mr. RANKIN], which he has always given me in the Committee on Territories in any measure that seemed beneficial to the Territory of Alaska, and that would extend local self-government further, and I say the same of the gentleman from New York [Mr. LAGUARDIA]. Ever since he has been here he has always supported every progressive measure for the Territory that ever came up on the floor of the House. I do not know that I want to be in the position of apologizing to him for the passage of a bill of this kind. Nevertheless I appreciate the way he feels about it. He rendered yeoman service in the defeat of that other vicious bill, and now he feels that we are attempting to accomplish almost the same thing in this measure. I do not take that view of it.

Mr. ARENTZ. How many departments and bureaus, and so forth, are operating in Alaska in the government of that Territory at the present time?

Mr. SUTHERLAND. In the administration of Territorial affairs?

Mr. ARENTZ. Yes.

Mr. SUTHERLAND. It is pretty difficult for me to say.

Mr. ARENTZ. How many activities in administration are being done by the people of Alaska themselves?

Mr. SUTHERLAND. Virtually none.

Mr. ARENTZ. Now, it seems to me that pride alone, pride of men who have been there since the gold rush of 1898, would be a sufficient motive to cause them to run their own country and to do everything they possibly could to eliminate the various bureaus and administrations that are running every solitary affair that is run in Alaska.

Mr. SUTHERLAND. The gentleman is right. I want to say for the men who were in the gold rush of 1898, they are the men who are opposed to this, but with the advent of the bureaus have come a great many people of the States who are new to the Territory and are unacquainted, and they are in many cases employed by the bureaus, while others come under the bureau influence, and many are guided somewhat by a reactionary press that is committed to the policies of the bureaus and the exploiting interests. I do not want Members of this House to understand that the majority of the people of the Territory are in favor of present conditions; in fact, a large majority would be just the other way.

Mr. IRWIN. I understand the gentleman is against this kind of legislation, but he does honestly believe this man has earned it and ought to be paid.

Mr. SUTHERLAND. Yes, sir.

Mr. IRWIN. And the gentleman has given this matter considerable consideration, and the gentleman desires this to be a warning to the officials of the Territory?

Mr. SUTHERLAND. Yes, sir.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOWELL. I yield the gentleman five additional minutes.

Mr. SUTHERLAND. I hope this will be a warning to the officials of the bureaus of the Territory, that if they expect to get more money out of the Territorial treasury illegally they will get no relief whatsoever if they are enjoined in court, and I am sure they will be.

Mr. MORTON D. HULL. Will the gentleman yield for a question?

Mr. SUTHERLAND. I will.

Mr. MORTON D. HULL. These Federal officials who are getting salaries from the Territorial Legislature are performing some regular duties, are they not, for the Territory?

Mr. SUTHERLAND. Yes.

Mr. MORTON D. HULL. They are not engaged in Federal duties?

Mr. SUTHERLAND. Yes, sir; they have rendered service for the money received.

Mr. MORTON D. HULL. That is the question; I do not know what the duties are, but why can not they be permitted to perform both duties? If they are doing work legally, why should they not be paid for it?

Mr. SUTHERLAND. Of course, they are doing it illegally.

Mr. SCHAFER. Will the gentleman yield?

Mr. SUTHERLAND. I will.

Mr. SCHAFER. Could not that be done by employing people to do this work who are not employed by the Federal Government?

Mr. SUTHERLAND. Certainly; but, of course, the Federal officials prefer to take the money and do the work.

Mr. SCHAFER. Is the gentleman in favor of this bill?

Mr. SUTHERLAND. Yes; I am in favor of it.

Mr. SCHAFER. I will say the gentleman has always been advocating before this Congress that more power should be given to the Territorial government in Alaska, but what if Congress should give more power, the facts the gentleman has brought out seem to indicate they are disposed to give over to Federal officials the powers they have already received from Congress?

Mr. LAGUARDIA. This gives them $2,000 more power.

Mr. SUTHERLAND. I can not make a reply to the statement of the gentleman from Wisconsin under the circumstances. He is absolutely right in what he has just said.

Mr. PERKINS. I am almost persuaded to vote for anything for which the gentleman is in favor, but would not the better way to discourage such practices be by defeating this bill?

Mr. SUTHERLAND. No; I do not think so. I think the local legislature should be given a chance to redeem itself without depriving the secretary of the $4,000 he has honestly earned.

Mr. DOWELL. As a matter of fact, this man was employed under the provisions of the Legislature of Alaska, and he performed the services, and, except for the fact that it was learned later that he was not legally entitled, he would have been paid. Yet it is a fact that he earned the money and should receive it.

Mr. SCHAFER. Did he receive his pay from the Federal Government covering the same period of time for which he is asking pay under the provisions of this bill?

Mr. SUTHERLAND. Yes. He received $3,600 a year from the Federal Government. Formerly he received more than that, but when the Secretary of the Interior learned that he received $2,000 a year from the Territory his Federal salary was cut to $3,600.

Mr. SCHAFER. Was all his time occupied in the working hours for the Federal Government?

Mr. SUTHERLAND. During the same day, possibly at different hours, these duties were performed.

Mr. SCHAFER. Is it not a fact that if we pass this bill we will send notice out to the Federal officials in Alaska that they shall continue in the future as in the past and usurp the whole functions of the Alaskan Territorial government?

Mr. SUTHERLAND. A proviso has been inserted in the bill to this effect:

Provided, That subsequent to March 31, 1929, all appropriations by the Alaska Territorial Legislature shall be in conformity with the provisions of the act approved August 24, 1912, which is the enabling act for Alaska.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. PERKINS. Why is that necessary? This is a warning. Let me suggest that the best way to warn these people up there is not to vote the money.

Mr. SUTHERLAND. I think they will be warned.

Mr. LANKFORD. Mr. Speaker, I understood I was to be yielded 10 minutes by the gentleman from Iowa. If permitted, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

The SPEAKER pro tempore. Under the rules the gentleman is not permitted to yield.

Mr. LANKFORD. Will the gentleman give me 10 minutes?

Mr. DOWELL. Mr. Speaker, the gentleman from Georgia is the ranking member of the committee, and it was my purpose to give him 10 minutes to use as he desires, if that is proper.

The SPEAKER pro tempore. Is there objection? Without objection, the gentleman from Iowa [Mr. DOWELL] yields 10 minutes to the gentleman from Georgia [Mr. LANKFORD] to be in turn yielded by him as he may desire.

There was no objection.

Mr. LANKFORD. I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes.

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to speak for five minutes, not on the bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, will the gentleman yield to me for a moment in order that I may ask unanimous consent to extend my remarks by printing a clipping from an Alaskan paper?

Mr. LOWREY. Certainly.

The SPEAKER pro tempore. The gentleman from Alaska asks unanimous consent to extend his remarks by printing a clipping from an Alaskan paper. Is there objection?

There was no objection.

Following is the clipping referred to:

[From the Alaskan of January 18, 1929]

That Juneau, the capital of the Territory, is the hotbed of the bureaucrats in Alaska there is none to deny. The real Alaskans residing there have been so long under the iron heel of Federal officials who swarm around there that the Alaskans not imported have become servile condoners of all the conspiracies concocted by the bureaucrats to rob the Territory.

Whenever the imported stock ask for a little additional salary to be paid by the Territory in violation of law, these Juneau people smile serenely and say "Thank you."

They have peddled out Territorial offices to legislators for a surrender of our personal rights as American citizens until there is nothing but the shell left to the organic act, our Territorial constitution. So familiar have voters of the first division become with this deplorable condition of political affairs in the capital city a resident of Juneau, nominated for a public office, is heavily handicapped as a candidate, for the people of the first division well know that the Alaskans residing in Juneau long ago became servile sycophants of the imported Federal bureaucrats and offer no resistance to their conspiracies to bleed the Territorial treasury and domineer over our legislative officials.

Mr. LOWREY. Mr. Speaker, we have just finished counting the presidential vote. As some of us expected, the Republicans have counted Al Smith out. The Democrats, you know, as far back as I can remember, have been charged with being experts in counting the vote. They used to say that we believed in a fair ballot and a free count. [Laughter.] It is also asserted that some people said we were in favor of a free ballot and a free count. We at least admit that Democrats have always been ardent advocates of full and absolute freedom.

After the vote was finished to-day I gave a good Republican friend of mine a little lesson in American history, which was appreciated, and then it was suggested that I give this lesson to the House. Away back yonder in the days of better public morals and better public ideals, Grover Cleveland was elected President of the United States in a Democratic landslide, and the Memphis Commercial Appeal came out the following day with these headlines:

Only hell and Vermont left to the G. O. P.

[Laughter.]

But four years later there was as great a landslide to the Republicans, and the Democrats were completely snowed under, and the same Memphis Commercial Appeal came out with similar headlines—

Heaven and Mississippi still stand by the Democracy.

[Laughter.]

I simply wanted to rise and call this House to witness that history still repeats itself, and heaven and Mississippi still stand for the Democracy. [Laughter.]

A friend over here inquires in an undertone, "How about Massachusetts?" When so unexpected a thing happens as that Mississippi and Massachusetts get together, it is such a good combination that it ought not to be interfered with. That is something that ought to be allowed to grow.

Mr. SCHAFER. And Mississippi still stands by the eighteenth amendment and the Volstead Act?

Mr. LOWREY. Yes, sir. And will continue to do so regardless of all political parties and all political candidates.

Mr. RANKIN. Mr. Speaker, may I have three minutes?

Mr. DOWELL. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Mississippi is recognized for five minutes.

Mr. RANKIN. Mr. Speaker, I was somewhat surprised to hear the ranking Democrat on the committee say he will vote for this bill. I am very fond of the gentleman from Alaska [Mr. SUTHERLAND]. He ably represents his people here at all times. But I can not conscientiously support this legislation.

You know we start by setting precedents here which ultimately develop into policies which are detrimental to the welfare of American institutions, and I am afraid that if I should sanction the passage of this bill, even impliedly by sitting silently by, it would rise up to smite me in the future when I shall most assuredly attempt to prevent a repetition of the passage of such legislation as this.

I have never seen in all my career finer men or finer women or more noble citizenship that I find in the Territory, strong in intelligence, virile, forceful people. I should like to see them building up there a community spirit, a local spirit, if you please, a spirit of patriotic devotion to Alaska, assuming charge of and responsibility for the conduct of their public affairs.

That has been my attitude ever since I have been a member of the Committee on Territories, and I do not feel now like receding from that position merely to pass one bill which is contrary to my ideas touching legislation of this kind. My objections to it have been brought out in this debate, and I sincerely trust that this legislation will not pass.

Mr. DOWELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I agree with my colleague from Mississippi [Mr. RANKIN] and I join with him in protesting against this measure. I shall vote against it.

Every Member of this House has the utmost confidence in the judgment of the Delegate from Alaska. He not only represents the views and the ideals of the people of his Territory but in his charming and attractive personality typifies the rugged, honest manhood which settled that great country. [Applause.] I appreciate the predicament and the embarrassment of our colleague from Alaska. He took this floor some time ago, and in one of the ablest appeals ever made in the House of Representatives defeated, decisively and overwhelmingly, under suspension of the rules, a bill which embodied the very principle contained in the bill now before the House for consideration. But, gentlemen, we must go to his rescue. He is in exactly the same position as many of us are when through personal appeals, friendship, and contact, we introduce a private bill that we are absolutely ashamed of; we bring it on the floor of the House and make a feeble attempt to support it, knowing it should be defeated and hoping for a miracle to happen. Of course, gentlemen, you can not eliminate entirely the personal equation. The gentleman from Alaska naturally knows the secretary of the Territory. The secretary of the Territory says to him, "Now, look here; you defeated the bill which would have permitted these other fellows to get their extra pay; but I will tell you what I want you to do for me; introduce a bill so that I will get mine." Why, gentlemen, what are we doing here? After having stated by an overwhelming vote that we would not permit the practice of having Federal job holders to receive pay from the Territory, thereby serving in a dual capacity and receive two pays, we are now asked to pass upon a bill which will give this privilege to one individual who has been selected and singled out. Why, the very bill itself is stultifying. After providing for the payment of the dual salary for this man, we say, "Oh, this bill is only good up to March 31, 1929, and if you come back hereafter we are not going to permit it any more."

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TAYLOR of Tennessee. Does not the gentleman think that if the Secretary of the Interior took into consideration the fact, when he fixed this man's salary, that he was being paid this additional salary that would add some merit to this proposition?

Mr. LAGUARDIA. But it was unlawful.

Mr. TAYLOR of Tennessee. The Delegate from Alaska stated that the Secretary of the Interior, in fixing the salary, had taken this into consideration.

Mr. LAGUARDIA. But any such consideration is unlawful, just as if we were to fix the salary of a Federal judge or United States marshal at so much and then say "We will fix the salary of the United States marshal in the next county at so much because as sheriff of that county he receives an additional salary." We can not take an unlawful proposition into consideration.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. In taking the last census for Alaska, Federal employees were placed upon two pay rolls for the same period of time and this Congress passed a bill approving the disbursement for their salaries. I think the last paragraph of this bill will serve notice on the officials that they can not expect any such relief from Congress in the future.

Mr. LAGUARDIA. If that is the purpose of the bill it is something new in legislation, the fact that we have to serve notice of an existing law, because all this bill does is to reiterate existing law. I have never heard of anything in legislation which served notice on officials of existing law and that such a law is on the statute books.

Mr. UNDERHILL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. UNDERHILL. Does this bill provide for anything worse than the usual practice of going ahead and doing something that is wrong and then coming to Congress for the validation of something that has already been done.

Mr. LAGUARDIA. That is what we are doing here.

Mr. UNDERHILL. That is what they do in the matter of presenting claims.

Mr. LAGUARDIA. And that is what we are doing here and I say it is wrong. This bill ought not to pass.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DOWELL. Mr. Speaker, I yield myself five minutes.
Mr. PERKINS. Will the gentleman yield for a question?
Mr. DOWELL. Yes.
Mr. PERKINS. Under the present law two salaries can not be paid to one individual performing two functions?
Mr. DOWELL. The court has so held. The Legislature of Alaska, however, when they made this arrangement of consolidating the Federal office with the Territorial office, did not have that information. The court has made that determination since that time.
Mr. PERKINS. What effect has the bill other than to say that hereafter they will have to obey the law which was enacted August 24, 1912?
Mr. DOWELL. The exception which I will try to explain.
The gentleman from California [Mr. CURRY], who is chairman of this committee and unfortunately is quite ill and unable to be present, has asked me to take up this bill in his absence and present it to the House, and I am presenting it on his behalf because he is interested in its passage and has felt that a great injustice will be done an employee unless the bill is passed.
Now, here is the situation as I understand it: The Territory of Alaska, by its legislature, believing it had the right to do it, employed some of the Government employees there and paid them a salary out of the funds of the Territory. That was done in this case, and the court held that under the law they had no right to do it. This man was employed by the Government, and his salary out of the Public Treasury was reduced because the Territory of Alaska was to pay him $2,000 per year. He was only receiving $3,600 from the Government, because that office had been consolidated with the Territorial office.
The court has determined that the Territory of Alaska had no right to consolidate these offices, and this man has served his term, rendered the service, and this bill is for the purpose of paying this man.
Mr. UNDERHILL. Will the gentleman yield?
Mr. DOWELL. Yes.
Mr. UNDERHILL. This has been done repeatedly, and at almost every Private Calendar reading several cases of a similar character are passed by the House without an objection on the part of anyone.
Mr. LAGUARDIA. If the gentleman from Massachusetts will permit, not of similar character.
Mr. UNDERHILL. Well, why not?
Mr. LAGUARDIA. I will say that many bills of as little merit pass the House, but not of similar character.
Mr. UNDERHILL. They are to pay employees of the Government who are drawing one salary for services rendered in another capacity, where they have rendered the service, delivered the goods, and the Government is morally bound to pay them for the services rendered.
Mr. LAGUARDIA. Yes; but they do not involve the fundamental principle of receiving two salaries from two different sources, the Territorial government and the Federal Government.
Mr. DOWELL. As a matter of fact, the Federal Government received the benefit of this, and this bill is merely to permit the Territory of Alaska to pay what they agreed to pay. As I understand, this man's salary was reduced as a Federal employee.
Mr. CLAGUE. Will the gentleman yield?
Mr. DOWELL. Yes.
Mr. CLAGUE. What was he receiving before his salary was reduced?
Mr. DOWELL. I do not know the amount.
Mr. RANKIN. Some one ought to be able to answer that question.
Mr. SUTHERLAND. I am not sure of the exact amount, but the salary of the secretary of the Territory of Hawaii is $5,400. Under the system our secretary has been working in Alaska he was receiving $5,600, $200 more a year, from both the Federal Government and the Territorial government. I assume when this salary from the Territory is shut off the Secretary of the Interior will have to raise his salary to $5,400, or somewhere near that, to correspond with the salary of the secretary of Hawaii.
The SPEAKER pro tempore. The gentleman from Iowa has used five minutes.
Mr. DOWELL. Mr. Speaker, I will yield myself more time.
Mr. GIBSON. Will the gentleman yield?
Mr. DOWELL. Yes.
Mr. GIBSON. These services were performed when it was legal to pay the secretary the $2,000 out of the Territorial fund?
Mr. DOWELL. It was supposed to be legal and was legal until the court determined that they had no right to do it.
Mr. GIBSON. But the services were performed when it was legal; that is, before the court had determined that.
Mr. DOWELL. Yes.
Mr. GIBSON. So there is a moral obligation, to say the least, resting on the Government to pay this amount.
Mr. DOWELL. I think so.
Mr. PERKINS. Will the gentleman yield?
Mr. DOWELL. Yes.
Mr. PERKINS. Is not the effect of this proposed legislation to repeal the decision of the court in this particular case?
Mr. DOWELL. Well, you may construe it in that way.
Mr. PERKINS. In other words, the court determined that under the act of August 24, 1912, that they had no right to employ this man.
Mr. DOWELL. Yes.
Mr. PERKINS. And now we are saying, "You may pay him but hereafter you will not be able to do it."
Mr. UNDERHILL. Will the gentleman yield?
Mr. DOWELL. Yes.
Mr. UNDERHILL. But the court decides upon the law and not upon the equities of the case.
Mr. DOWELL. And while he believed he was being legally employed——
Mr. LAGUARDIA. Will the gentleman yield?
Mr. DOWELL. Yes.
Mr. LAGUARDIA. That being so, would not the proper procedure be to bring in a bill here for the relief of this gentleman and let us pay him the difference?
Mr. DOWELL. Yes; we might do it in that way, but we have the matter clearly before us now, and if he is entitled to this pay he ought to receive it, and if he is not entitled to it he ought not to receive it. It seems to me, gentlemen, when we get down to the question here, he is entirely an innocent employee who believed that the Territory of Alaska had the right to employ him; believed they had the right to consolidate the duties of these officers, and he performed these duties.
Mr. PERKINS. Will the gentleman yield a bit further?
Mr. DOWELL. Certainly.
Mr. PERKINS. This is a general act and applies to any salaries due to any employees?
The bill says—

any salaries to United States officials or employees of the United States Government in Alaska—

And so forth.
Mr. DOWELL. But it only applies to the one.
Mr. PERKINS. Now, I wonder about that. I spoke to the gentleman from Alaska [Mr. SUTHERLAND], and I am under the impression he said it might apply to a good many.
Mr. DOWELL. No; I think it applies to only one.
Mr. PERKINS. Will the gentleman yield for me to ask that question?
Mr. DOWELL. I yield on that question to the gentleman from Alaska.
Mr. PERKINS. Then I would like to ask the gentleman from Alaska if this does not apply to more than one or may apply to more than one?
Mr. SUTHERLAND. The action in the court was applied to only one individual, the secretary of the Territory.
Mr. DOWELL. That was in the construction of the law.
Mr. SUTHERLAND. There was a suit to enjoin a number of other cases, but the court never got to render a decision on the others for the reason that the judge passed away while the case was pending. So there has never been a decision with regard to the others.
Mr. DOWELL. But it only applies to one.
Mr. LAGUARDIA. The bill says that—

any salaries to United States officials or employees of the United States Government in Alaska may be paid to certain officials—

And so forth.
Mr. DOWELL. Some years ago the chairman of the committee [Mr. CURRY] introduced a bill upon which there was extensive hearings by the committee for the consolidation of the work of many of the Federal departments of the Government in the Territory of Alaska. There is no doubt, it seems to me, that there is a great need for some consolidation of the work in that Territory, and I am hoping that there will be a consolidation of some of these Federal activities in the Territory, and I believe we will get as good service and save a great deal of money to the Government of the United States. I believe it can be done, I believe that the chairman of the committee when he returns to his work—which I hope may be soon—will be glad to take up that work.
Mr. RANKIN. Will the gentleman yield?
Mr. DOWELL. I yield.
Mr. RANKIN. If you are attempting in the bill to relieve one individual, why do you not say so in the bill and limit it to that individual case?

Mr. DOWELL. The Delegate from Alaska explained the situation.

Mr. RANKIN. In other words, you will be doing this—that instead of relieving one man you are throwing open the floodgates for other fellows to creep in.

Mr. DOWELL. No; this closes the door.

Mr. UNDERHILL. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. UNDERHILL. I want to ask the gentleman why it would not be better to clean up these old cases than to have them coming back here one by one?

Mr. RANKIN. Members of the House have understood that this was merely to relieve this individual case, but at this late period in the debate it develops that the floodgates are to be opened to others who may want to get in under it. I do not think the bill ought to pass at all. It is virtually the same bill that Congress defeated a year ago.

Mr. DOWELL. No; the gentleman is not correct. The bill at the last session merely continued the situation as heretofore.

Mr. RANKIN. This comes along and wipes out the decision of the court in favor of possibly a great multitude of these claimants.

Mr. DOWELL. I think the statement of the gentleman from Mississippi is not correct. It is true that the bill recognizes the decision of the court, which was not known to anyone until the court rendered the decision. Congress recognizes the decision of the court and holds that hereafter none of these offices shall be consolidated with the Territory office.

Mr. RANKIN. The gentleman admits that it does not limit the application of the bill to any one man.

Mr. SUTHERLAND. There is no relief required for others because they received their salaries and the treasurer of the Territory has not been enjoined. They now know what the decision of the court is and they will not go beyond this Territorial legislature for they know that they will be enjoined, and there will be no relief. I think they know the attitude of Congress and the attitude of the courts.

Mr. DOWELL. As I understand, all the other officials have been paid.

Mr. RANKIN. How does the gentleman know?

Mr. DOWELL. Because I have great confidence in the Delegate from Alaska.

Mr. RANKIN. How does the Delegate know?

Mr. SUTHERLAND. Because I know that the others have received their pay.

Mr. DOWELL. There is no way to get it back. This man has earned his pay and he ought to have it. [Applause.]

Mr. Speaker, I ask that the bill be read.

Mr. LAGUARDIA. Mr. Speaker, I have a preferential motion.

Mr. TILSON. The gentleman from New York has not the floor.

Mr. DOWELL. Mr. Speaker, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore (Mr. MAPES). The question now is on the third reading of the Senate bill.

The bill was ordered to be read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. RANKIN. Mr. Speaker, I move to recommit the bill to the Committee on the Territories.

The SPEAKER pro tempore. The gentleman from Mississippi moved to recommit the bill to the Committee on the Territories.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were 15 ayes and 32 noes.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. DOWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DOWELL. Mr. Speaker, that is all from the Committee on the Territories.

The SPEAKER pro tempore. The Clerk will continue the call of the committees.

The Clerk called the Committee on Insular Affairs.

RATIFYING AMENDMENT TO CORPORATION LAW OF THE PHILIPPINE ISLANDS

Mr. KIESS. Mr. Speaker, I call up the bill H. R. 16881, to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

The SPEAKER, pro tempore. The gentleman from Pennsylvania calls up the bill H. R. 16881, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928, be, and the same is hereby, approved, ratified, and confirmed.

Mr. KIESS. Mr. Speaker, I now yield 30 minutes to the Commissioner of the Philippine Islands [Mr. GUEVARA].

Mr. GUEVARA. Mr. Speaker, I consider myself fortunate in having a share in the discussion of the bill now under consideration, to ratify and validate all the provisions of the law enacted by the Philippine Legislature in its last regular session, introducing amendments to the corporation law of the Philippine Islands.

These amendments place a new instrument of progress in the hands of the people. They lay down the principle of free investment necessary to the development of commercial and trade freedom. They also strengthen credit which is essential to commerce and industry.

These amendments also constitute a friendly gesture on the part of the Filipino people toward capital, and discredit, once and for all, their supposed unfriendly attitude toward investment. The Philippine Legislature, in enacting any legislation takes into consideration, like any other legislative body, local conditions and the needs and idiosyncracies of the people for whose benefit and protection it is enacted. No legislative body can depart from this fundamental principle of legislation. To enact a law which is not calculated to meet the loyal support of the people because it does not respond to their needs and inclination, is something that is foreign to democratic institutions which are the source of inspiration of all wise and just legislation.

These are the reasons, Mr. Speaker, why the corporation law of the Philippine Islands was not substantially amended during its existence of almost 23 years. But now local conditions in the islands have greatly changed through the growth of communication facilities, trade, commerce, industry, and agriculture. And now that investment is searching every nook and corner of the country to bring about the wealth that nature has hidden in its virgin soil, it is the duty of the legislature to enact laws, not only to encourage such investment but also to protect it. But the Philippine Legislature has not limited itself to enacting laws for the encouragement and protection of investment alone but has also provided measures to protect the public from unnecessary and wasteful exploitation.

The amendments to the corporation law of the Philippine Islands enacted by the Philippine Legislature in its last session, and to be ratified now by the Congress of the United States, through the bill now under consideration, has aroused a great deal of interest in public opinion, which proves that the people are conscious of the needs and difficulties of the present time. In the earnest desire of the Filipino people, and of their representatives in the legislature, to build an economic structure more in harmony with the requirements of modern commerce and trade, quite considerable opposition was registered against some of the amendments of the corporation law. The opposition was based on (a) sincere desire to ascertain whether the interests of the people would be duly safeguarded, and (b) partisan opposition, criticizing that which they themselves would have done had they been in the position of responsibility in the legislature. For the latter I plead forgiveness; for the former, I wish to say that their interests have been duly safeguarded and protected in the enactment of the amendments to the corporation law.

Now, Mr. Speaker, I wish to examine briefly the provisions of the amendments to the corporation law, to be ratified by the Congress of the United States through the bill now under consideration.

The amendments introduce in our corporation law the right of a corporation to issue stocks or shares, with or without par value, following the principle governing these cases now in practice in the United States and all over the world.

This amendment has been strongly criticized on the ground that the no-par-value stock is or may be the source of continuous fraud. The opposition almost instilled in the public mind that the authorization to issuing no-par-value stock by the corporation is an authority given to speculators to exploit the country. Those who speak thus do not even realize that the public is often misled by the sale of stock with par value, thereby cheating the innocent investors, who are frequently persuaded by speculators to purchase stock which sells at a nominal price upon the assurance that the stock is worth much more than they are paying for it. Commercial experience has demonstrated that

many a man or woman, uninitiated in the intricacies of financial ventures, has been induced to buy worthless stock for a few dollars which carries a face value of $100 or more. It is easy under these circumstances for the swindler to convince his victim that a real bargain is being offered and that the stock will soon be brought to par or more than par. Also those who have criticized the authority granted to corporations to issue stock with no par value have not considered, or do not want to consider, that it will permit much greater flexibility and accuracy in accounting procedure, since there are a number of satisfactory methods for carrying such issues on the balance sheet.

The opposition to the amendment, as regards the no-par-value stock, has even infected some of the distinguished legal minds in the Philippine Islands, who could not have any other apology for supporting such opposition than having been nursed by the old and stale school of thought. The opposition to this new system introduced in the Philippine corporation law has given rise more to academic discussion than to practical reasoning. But the Philippine Legislature, composed of men of broad vision and knowledge of the modern principles of trade and commerce, wisely and justly rejected such opposition and adopted the system of authorizing corporations to issue stock with no par value.

It is important to note that whether or not corporations are authorized by law to issue stock with or without par value, the fact is that their credit in the market and their standing in the public confidence are the best guaranty of the stability of their stock. The old corporation law of the Philippine Islands did not authorize corporations to issue stock or shares with no par value. This system has to some extent weakened credit in the Philippine Islands, for there are many instances in which a man buying stock has been disappointed, if not swindled, for in buying the stock he did not investigate the financial status of the corporation, blindly accepting the face value of the stock.

Also the single system authorized by the old corporation law of the Philippine Islands, as to the issue of stock or share with par value, has given rise to the evil of stock watering. Furthermore, one of the advantages of the no-par-value stock is that the holder is free from the liabilities to assessment, sometimes confronting the holder of the par-value stock, which has not been fully paid, or the nature of the payment about which serious objections in times of financial difficulties are often raised.

I am making this analytical exposition of the advantages of the no-par-value stock, in order to enlighten the mind of those of my countrymen from the misleading arguments advanced against this system in the aftermath of the approval of the law now to be ratified by the Congress of the United States. And to those of my countrymen who insist upon making political capital out of this question, I wish to say, that they owe to their country the service of their mental integrity which should be inspired by their patriotism.

I ask unanimous consent to extend in the RECORD, as a part of my remarks, the explanatory notes prepared by the joint committee on banks and corporations of the Senate and House of Representatives of the Philippine Islands, which is, as follows:

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

EXPLANATORY NOTE OF REVISED AMENDMENTS

The fundamental idea underlying the proposed amendments to the corporation law is to place our corporations on a certain level with American corporations so that they may enjoy the same advantages that American corporations doing business in the Philippines are allowed to enjoy both under American and Philippine laws. In other words, the proposed amendments are intended to remove the handicaps placed on Philippine corporations when competing with American corporations doing business in the Philippines. These amendments are primarily designed to benefit Philippine corporations and Philippine business rather than American corporations and American business.

The additional powers and privileges sought to be conferred on Philippine corporations under the proposed amendments are now available to American corporations under American laws. So that, while American corporations doing business in the Philippine Islands may issue stocks without par value, and may declare stock dividends, Philippine corporations also doing business here are not allowed to do the same thing, or, at least in the case of stock dividends, it is doubtful whether Philippine corporations may legally declare them.

The changes sought to be introduced in our corporation law by the proposed amendments refer specifically to corporate purposes, stock without par value, stock dividends, the disposition of corporate assets, the modification of restrictions as to ownership of stock in agricultural and mining corporations by individuals, and investment companies. The proposed changes do not in any way, manner, or form, alter or affect the present laws with regard to public lands.

SECTION 1. This amendment merely combines two sections of the present law referring to the same subject matter. The amendment does not alter their provisions.

SEC. 2. The purpose of this amendment is to allow the issue of several classes of stock, with such rights, voting powers, preferences, and restrictions as may be provided in the articles of incorporation. Under existing statutes ownership of stock is necessarily coupled with the right to vote, thus precluding the issue of nonvoting preferred stock. Experience in the management of corporate business has shown the convenience of giving to corporations greater elasticity in defining the relative rights of their shareholders and in determining the methods that they may seek to employ in securing proper financing. This power is specially necessary in the reorganization of weak and moribund corporations, as well as of those requiring additional capitalization to enlarge their business.

This amendment authorizes the issue of no-par-value stock. The present corporation law prohibits the issue of stock except for par value. Almost all of the States of the American Union have recognized the advantages of authorizing corporations to issue stock without par value. The value placed on the certificates of stock, which is based on the original capitalization, is very often misleading, as in many instances that actual value of such stock is very far from the actual amount received by the corporation for the same, such difference depending upon the success of the venture. It does away with the evil of stock watering and prevents the sale of below par. Stock manipulation is avoided, for stocks without par value compels investors to examine the real and true condition of the corporation to determine the real value of the shares they desire to purchase.

This amendment will place domestic corporations on the same level with foreign corporations, most of which have the powers sought to be granted by this amendment to domestic corporations under the laws of the States where they have been organized.

Moneyed corporations, such as banks, trust companies, insurance companies, and building and loan associations, are prohibited to issue no-par-value stock under this amendment. The same exception is made in many of the States of the American Union. The reason for this exception is found in the fact that moneyed corporations depend very vitally on the reputation that they enjoy with the general public, and sudden fluctuations in the market value of their stock may produce financial upheavals and panics which may disrupt its own business, as well as that of other organizations dealing with them.

It is an admitted principle of corporate finance that no dividend should be declared out of capital. For this reason the proposed amendment requires that the entire consideration received from the sale of no-par-value stock should be treated as capital and should not be available for distribution as profits.

The provisions in this section referring to no par value stock have been modeled after the statute in force in the State of New York.

SEC. 3, PAR. 2. Under our corporation law corporations may be formed for only one specific purpose. Foreign corporations, however, may engage in the Philippine Islands in various pursuits. The proposed amendment seeks to remedy this anomaly. There does not seem to be any valid reason why corporations may not engage in two or more legitimate business ventures, provided that in so doing they neither stifle wholesome competition, gain an undue advantage over competitors, nor tend to create monopolies in any line of commerce. To prevent the occurrence of these conditions corporations engaged in transportation or communication systems are restricted to their own special line of activity.

With regard to banks and trust companies, the amendment seeks to authorize what is called as departmental banking, to regulate which the amendment provides for the insertion of new articles 147 to 153 in our corporation law, the old sections 147 to 153 having previously been repealed by the insurance law.

PARS. 7 and 8. This amendment determines how the capitalization of corporations issuing no par value stocks should be expressed in the articles of incorporation.

SEC. 4. The amendments to this section seek to conform the form of the articles of incorporation to the modifications provided in the proposed amendments with regard to the purposes, classes of stock, capitalization, etc.

SEC. 5. This amendment fixes an arbitrary value for all no par value stock for the purpose of fixing the fees to be collected upon the filing of the articles of incorporation.

SEC. 6. This amendment is logical consequence of previous amendments.

SEC. 7. This amendment may be divided into two parts.

1. The present law expressly prohibits corporations from conducting the business of buying and selling real estate. This provision is now being violated almost without restriction by companies engaged in the business of subdividing real estate. The restriction is sought to be eliminated by this amendment, provided the corporation is not organized for the purpose of buying lands and selling them at a profit.

2. The present law prohibits a corporation engaged in agriculture or in mining and any corporation organized for any purpose except irrigation from being in any way interested in any other corporation engaged in agriculture or in mining. The provision is maintained in the proposed amendment with regard to corporations engaged in agriculture or in mining. With reference to other corporations, the modification sought to be introduced is treated under the section dealing with "Investment corporations" hereafter to be considered.

The present law also prohibits any member of a corporation engaged in agriculture or in mining from being a stockholder in any other corporation engaged in agriculture or in mining. This provision seems to be unreasonable, for it prevents a bona fide investor from purchasing shares of stock in several agricultural or mining companies purely as a matter of investment, with no desire either to control said corporations or as an indirect way of acquiring the ownership of large tracts of land. The proposed amendment will allow any person to own stock in two or more corporations engaged in agriculture or in mining, provided his stock does not exceed 15 per cent of the total shares of stock of any of the corporations in which he is thus interested, and provided, further, that this interest in said corporations is solely for investment and not for the purpose of bringing about or tending to bring about a combination to exercise control in any of such corporations. This amendment also allows corporations organized for any purpose, except agriculture or mining, to own stock in two or more corporations engaged in agriculture or mining, subject to the same limitations imposed upon natural persons. Corporations are made up of individual stockholders and there would seem to be no valid reason for prohibiting a corporation to acquire what each of its individual members could acquire. This provision would also be made available to agricultural and mining corporations within certain limitations.

The proposed amendment, while allowing investors in good faith to acquire interest in agricultural and mining corporations, imposes clear, definite, and effective restrictions for the double purpose of preventing the control of innumerable corporations by a group of individuals, as well as of safeguarding the policy underlying the present land laws, namely, to promote the distribution of our lands, both public and private, among the greatest number of people. While this amendment will not satisfy the advocates of organized mass production, it will nevertheless bring about the more desired condition of agricultural development by the cooperative effort of investors in good faith in adequately reasonable quantities.

SEC. 8. This amendment will authorize the organization of investment corporations in the Philippine Islands. The present law does not seem to prohibit the organization of companies for the purpose of owning stock or in any way dealing with the shares and securities of any corporation except those engaged in agriculture or in mining. The law, however, is not clear on this point, even with regard to commercial companies, and the present amendment seeks to authorize expressly the organization of said corporations. There is nothing in the present law which would seem to prevent a commercial corporation from acquiring stocks in an agricultural corporation, but it merely provides that a stockholder, whether an individual or a corporation, that already owns stock in an agricultural or mining corporation, shall not be allowed to be in any way interested in any other agricultural or mining corporation. To allow investment corporations within proper limitations to acquire stock in mercantile corporations is the purpose of this amendment.

If individuals are to be allowed to acquire stock in as many corporations as they may choose to invest in, there would seem to be no valid reason to prevent corporations organized by different individuals to acquire stocks in any kind of corporations under exactly the same restrictions and limitations. In fact, the authority with regard to corporations would seem to be more justifiable. It would make practicable the application of fundamental principles now accepted in corporate investment which require the spreading of investments over a wide field with the consequent diversification of risks. The only objection to this scheme might be that it could promote the establishment of monopolies. To guard against this possibility, there are included in this section the provisions of the Federal statutes of the United States against monopolies or combinations in restraint of trade which are accepted as sufficient to check such tendencies.

A proviso has also been inserted to the effect that moneyed corporations such as banks, trust companies, insurance companies, and building and loan associations shall not invest more than 10 per cent of its capital and surplus in stocks of another corporation. This is in line with State statutes found in the United States.

SEC. 9. This amendment authorizes the issue of stock dividends. The present law seems vague and indefinite with regard to the power of a corporation to declare stock dividends. But it is a well-known fact that many corporations in the Philippines have been declaring stock dividends, either for the legitimate purpose of increasing the capitalization from earned surplus, or for the illegitimate purpose of avoiding the payment of the income tax. The amendment will clarify the law on this subject and, while authorizing the declaration of stock dividends, it imposes the following restrictions:

1. That it must be approved by the stockholders representing not less than two-thirds of all stock entitled to vote then outstanding.

These restrictions are considered sufficient to protect all concerned, and whereas it may occur that a small minority may not be in favor of the declaration of stock dividends, which would in effect compel them to invest in stock of the corporation the amount which they are entitled to receive in cash from the profits of the corporation, the injury that may be caused to them can not outweigh the advantages which may accrue to the greater number of stockholders by allowing them to use the net surplus of the corporation for the expansion of the business. Moreover, under the present law the minority stockholders in a corporation are in condition of greater helplessness in this regard, for there is not any provision in our present law which would compel the board of directors, representing only a majority of the shareholders, to declare any dividend at all out of the net surplus of the corporation. With the declaration of the stock dividend the condition of the shareholder in this particular is greatly improved, for whereas in the case when no dividends at all are declared he holds nothing except an expectancy to receive a share in the profits when a stock dividend is declared the shareholder is given a certificate representing an interest in the corporation which he may negotiate.

SEC. 10. The proposed amendment is a logical consequence of the previous amendments in reference to no par value stock.

SEC. 11. The proposed amendment authorizes the amendment of the articles of incorporation with regard to the relative rights of the holders of the different kinds of shares of the corporation. In order to protect the rights of the minority, which may be injured by this action, the proposed amendment grants them the right to receive in cash the actual value of their shares, to be determined in the fair and equitable manner provided in the amendment.

SEC. 12. The proposed amendment changes the present law only as to form, except that it provides expressly the granting of proxies with regard to the particular case referred to in the section.

SEC. 13. The law is not clear as to right of the stockholders of a solvent corporation to dispose of all its assets, nor is there a legal procedure prescribed for carrying out such a purpose. The amendment authorizes a corporation, by the vote of stockholders representing two-thirds of its stock then outstanding and entitled to vote, to sell, lease, exchange, or otherwise dispose of all or substantially all of its assets. Dissenting stockholders are guaranteed the right to recover the actual value of their shares as may be determined in accordance with the procedure outlined in the amendment. The purpose of this amendment is to allow two-thirds of the shareholders of a corporation who desire to transfer the whole business of a corporation as a going concern to be able to carry out said purpose without being hindered by a small minority, who very often may not act in good faith.

SEC. 14. The proposed amendment only affects corporations which have no capital stock, and seeks to prohibit the system of cumulative voting with regard to said corporations; for experience has shown that with regard to said corporations, in view of the frequent absence of a great number of members, small minorities very often availing themselves of this system, are able to elect the whole board of directors.

SEC. 15. This amendment refers to voting trusts. The present law allows individual stockholders to execute voting proxies, which is in effect a power of attorney granted to a certain individual to vote a share of stock. A voting trust agreement is merely a proxy granted by several stockholders of a corporation on the consideration, among others, of their mutual agreement to create the voting trust. The present law is silent as to the right of shareholders to execute agreements for the purpose of establishing a voting trust, but it is the consensus of opinion among lawyers that such agreements are legal and permissible under the present law. As a matter of fact, many voting trust agreements have been executed in the Philippine Islands, the best known being the voting trust created in favor of the Philippine National Bank by the stockholders of the Binalbagan Estate (Inc.). Voting trusts have been found convenient and necessary instruments of corporate managements in order to establish definite and permanent policies, as a condition required by capitalists or banks before they come to the rescue of distressed corporations, with a view to securing competent management thereof. The amendment proposes to clear up the law on this subject, prescribes the procedure to be followed and, at the same time, imposes certain important limitations, as for example, that no voting trust shall be created for the purpose of placing under one management two or more corporations which under the law may not be organized as one corporation by reason of their purposes. The present amendment is permissive and not compulsory. It does not compel any individual stockholder who does not so desire to sign a trust agreement.

SEC. 16. This amendment merely converts section 36 of the corporation law into section 37.

SECS. 17 and 18. The amendments make a readjustment of the numbers of the sections of the law and authorize the dissolution of a corporation and the distribution of all of its assets among its members without the necessity of court action, provided it does not affect the rights of any creditor having a claim against such corporation. Two-thirds of the stockholders is required for this action.

SEC. 19. The proposed amendment deals principally with investment of the stock in certain corporations, and authorizes their payment by installments.

SEC. 20. This new section maintains in full force and effect the provisions of the law prohibiting monopolies and combinations in restraint of trade, and also the integrity of the provisions of the present land laws of the Philippine Islands.

SEC. 21. This section is a transitory provision for the purpose of obtaining the approval of the Congress of the United States to the provisions of this measure which may require congressional action, because of their conflict with the Jones Act.

Mr. GUEVARA. I wish to say a few words concerning the entry of American capital into the Philippine Islands. It is not necessary for me to say, for I have done so time and again, that the Filipino people not only welcome American capital but are also moved by the highest spirit of friendship toward it. The Philippines are in need of capital for their economic development. The Filipino people are aware that foreign capital is bound to come to the islands, and if they are to follow the modern trend of national life they can no longer isolate themselves from the outside world. Their preferences must necessarily be for American capital. Its prosperity is the prosperity of the Filipino people, and I consider it a privilege to say that our future and that of our country will be safer with American investors than with any other. American investment has never meant peaceful penetration. It has always been an instrument for friendly cooperation. It is law-abiding and the American Government, founded on humanitarian principles, has never used its power to make of that capital an instrument of oppression. [Applause.]

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. HOOPER. As I understand it, the real purpose of this bill is to liberalize the corporation act in the Philippine Islands?

Mr. GUEVARA. Yes.

Mr. HOOPER. And to make it more possible in a business-like way to handle business in those islands?

Mr. GUEVARA. Yes.

Mr. HOOPER. Holding corporations are provided for here?

Mr. GUEVARA. Yes.

Mr. HOOPER. And investment corporations?

Mr. GUEVARA. Yes.

Mr. HOOPER. The gentleman has recently been reelected as the Commissioner from the Philippine Islands?

Mr. GUEVARA. Yes.

Mr. HOOPER. On behalf of the committee I congratulate the gentleman.

Mr. GUEVARA. I thank the gentleman from Michigan.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. MORTON D. HULL. What particular business interests have been boosting this particular legislation?

Mr. GUEVARA. No particular business has been boosting this bill, but the Philippine Legislature itself, as representing the people of the Philippine Islands, saw fit to modernize the corporation law.

Mr. MORTON D. HULL. It was modernized in the Philippine Legislature at the request of some people there who had some particular motive in it?

Mr. GUEVARA. No.

Mr. MORTON D. HULL. Was it the sugar interests?

Mr. GUEVARA. No; it does not affect the sugar interests at all.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. SCHAFER. Was it the rubber interests?

Mr. GUEVARA. No; because we have no rubber interests in the islands.

Mr. SCHAFER. The rubber interests have studied the question of planting rubber trees in the Philippine Islands. If this bill is enacted into law, will it remove the limitation that we now have regarding the number of acres of land that one corporation can hold?

Mr. GUEVARA. By no means.

Mr. SCHAFER. And the gentleman does not know of any particular interest or monopoly that is advocating the passage of this bill by Congress, or that has been advocating its passage before the Philippine Legislature?

Mr. GUEVARA. No. I am positive that no special interest is backing this bill.

Mr. SCHAFER. I know that the Commissioner from the Philippines [Mr. GUEVARA] has ably represented his people, and that they could not find a better representative. If this bill meets with his approval, I shall certainly not oppose it.

Mr. GUEVARA. I thank the gentleman. It has my approval.

Mr. JENKINS. Mr. Speaker, will the gentleman mind going into detail and giving us a little of the history of the growth of this bill through the Legislature of the Philippines?

Mr. THURSTON. Is it not true that this bill was passed by the insular assembly at the instance of the Governor General?

Mr. GUEVARA. The Governor General recommended the modification of our corporation law. And he was in favor of the passage of this measure.

Mr. THURSTON. Does this bill in any way modify or affect the amount of land that a corporation can hold in the Philippine Islands?

Mr. GUEVARA. No.

Mr. MORTON D. HULL. How much land can they hold?

Mr. GUEVARA. Two thousand five hundred acres of land.

Mr. THURSTON. One additional question. Is any measure now pending in the insular assembly which would remove the restrictions of 2,500 acres that a corporation can own?

Mr. GUEVARA. I believe that the working of this amendment will accomplish that end.

Mr. THURSTON. And that is of highly economic importance to the development of the island?

Mr. GUEVARA. Yes.

Mr. HOOPER. As reflected by the vote in the assembly of the Philippine Islands, does the gentleman believe that this bill meets with the general approval of the business interests and the business people?

Mr. GUEVARA. Of the people, too, because the business interests represent a minority, but the people as a whole approve this amendment.

Mr. HOOPER. It meets with the approval of both the native and the American population?

Mr. GUEVARA. Yes.

Mr. GIBSON. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. GIBSON. The gentleman, in addition to being a very able representative of the Philippine Islands, is a distinguished lawyer of the Philippine Archipelago. He is fully familiar with the conditions there. Do I understand that this will help in the commercial development of the islands?

Mr. GUEVARA. Yes.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. JENKINS. There was one question I asked that the gentleman did not have an opportunity to answer. I would like to know what opposition there was to the enactment of this bill?

Mr. GUEVARA. As I pointed out, the opposition was based upon the theory that the authority given to corporations to issue stock without par value would make possible the practice of fraud upon innocent investors.

But I believe it is wrong, because the issue of a stock with par value leads to the deceiving of the innocent investor. For instance, if in the market is offered for sale 200 shares of stocks, with par value of $100 each, the innocent investor who does not care to investigate the financial status of the corporation blindly accepts the face value of it and pays $100 for each of such stocks, which probably is not worth 2 cents.

Mr. O'CONNOR of New York. Is it not a fact that the whole theory of the no par value of stock shows that it was adopted for the purpose of preventing fraud on the innocent purchaser, and that is the reason that the no par value stock was adopted throughout the United States?

Mr. BANKHEAD. I would like to ask a question or two for information. Is the stock exchange at Manila similar to that in New York?

Mr. GUEVARA. Oh, no, sir.

Mr. BANKHEAD. Nothing of that sort?

Mr. GUEVARA. Not even a shadow of it.

Mr. HOOPER. Who drafted this law—a commission appointed by the legislature?

Mr. GUEVARA. A committee of the Bar Association of the Philippine Islands, and this committee was composed of prominent lawyers who reported and recommended the amendments to the Governor General, and the Governor General sent a message to the legislature recommending their approval.

Mr. SCHAFER. Will the gentleman yield?

Mr. GUEVARA. I will.

Mr. SCHAFER. Is this bar association composed of Filipino attorneys as well as American attorneys?

Mr. GUEVARA. Ninety per cent Filipinos and 10 per cent Americans.

Mr. HOOPER. And Filipino lawyers had a proportionate part in the representation on the board or commission which drafted the law?

Mr. GUEVARA. They constituted the majority.
Mr. HOOPER. And it meets with their acquiescence?
Mr. GUEVARA. Yes, sir.
Mr. LEHLBACH. Do I understand this bill meets with the approval of the Governor?
Mr. GUEVARA. Yes, sir. I thank you. [Applause.]
Mr. KIESS. Mr. Speaker, I move the previous question.
The previous question was ordered.
The bill was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

BOARD OF VISITORS FOR PHILIPPINE ISLANDS

Mr. KIESS. Mr. Speaker, I call up the bill (H. R. 16877) providing for the biennial appointment of the board of visitors to inspect and report on the government and conditions in the Philippine Islands.
The Clerk read the title of the bill.
The SPEAKER pro tempore. This is on the Union Calendar.
Mr. KIESS. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.
The SPEAKER pro tempore. Is there objection?
Mr. BANKHEAD. Reserving the right to object, Mr. Speaker, is this a unanimous report from the committee?
Mr. KIESS. Yes.
Mr. BANKHEAD. There is no opposition to the bill in the committee?
Mr. KIESS. No.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?
There was no objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That there shall be appointed biennially, during the second regular session of each Congress prior to the Seventy-fifth Congress, a board of visitors to the Philippine Islands to investigate the state of the government of such islands, including the economic and social conditions of the people thereof. Each board shall consist of three Members of the Senate, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, who are Members or Members elect of the next Congress. A vacancy in a board shall not affect the powers of the remaining members to execute the powers of the board. Each board shall select a chairman from among its members. Each board shall cease to exist upon the date of making the report prescribed in section 3.

SEC. 2. The members of a board shall receive no additional compensation for their services as such members; but they shall be reimbursed for necessary expenses, including actual expenses for travel of such members and a clerk, incurred by them in the performance of duties vested in the board. The expenses of a board shall be paid three-eighths from the contingent fund of the Senate and five-eighths from the contingent fund of the House of Representatives, upon vouchers signed by the chairman of the board and approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

SEC. 3. Each board shall make a report to Congress during the first regular session of the Congress succeeding the appointment of its members, which shall contain a statement of the results of such investigation, together with recommendations for appropriate legislative or other action.

The SPEAKER pro tempore. Without objection, the Clerk will be authorized to correct the spelling of the word "effect" on page 2, line 3.
There was no objection.
The SPEAKER pro tempore. Without objection, the Clerk will also be authorized to correct the spelling of the word "three-eighths," on page 2, line 13.
There was no objection.
Mr. KIESS. Mr. Speaker, I move to strike out the last word.
The SPEAKER pro tempore. The gentleman from Pennsylvania moves to strike out the last word. The gentleman is recognized for five minutes.
Mr. KIESS. Mr. Speaker, the bill under consideration is almost identical with the bill which passed the House of Representatives on June 21, 1926. It provides for a board of visitors somewhat similar in character to those already provided by statute for such governmental activities as the Military and Naval Academies. It is not a special investigating commission. It assumes nothing in the nature of a criticism of existing conditions and in no way conflicts with or reflects upon individual investigations which have been or may be made by the executive branch of the Government for its own purposes.

We believe that in view of the responsibility resting upon Congress for the safety, security, and just government of those millions of people who live in the Philippine Islands, and in view of the remoteness of those islands and the difficulty experienced by Members of Congress in obtaining first-hand, personal information regarding the government of the Philippine Islands and the conditions in those islands, it is highly important that there should be a regular biennial official visit made by Members of Congress to gather information and to inspect governmental activities.
It is my opinion that such a board of visitors visiting the islands regularly every two years will serve to allay any fears on the part of residents in those islands that the Congress is likely to neglect their duties to the Philippine Islands. There is no other way in which the citizens of those islands can present their grievances in person before a committee of the Congress without incurring the expense of a long and costly journey.
The practice of sending a board of visitors to West Point and Annapolis at regular intervals has worked admirably. It has served to keep the Congress in constant touch with actual conditions at the academies. The Congress has not waited until serious difficulties arose, and as a result the conduct of the academies has been most satisfactory. In the Philippines no such policy has been followed. It is believed that this has been detrimental to the progress and prosperity of those islands.
The bill makes provisions for carrying out President Coolidge's recommendation contained in his message of December 6, 1927, to the Seventieth Congress, when, in referring to the Philippines, he said:

It would be well for a committee of the Congress to visit the islands every two years.

This legislation has also the indorsement of the Bureau of Insular Affairs of the War Department and is favored by the representatives of the Philippine government.
Mr. SCHAFER. Mr. Speaker, will the gentleman yield for a brief question?
Mr. KIESS. Yes.
Mr. SCHAFER. I have been reading section 2. I would like to be informed whether, in the gentleman's opinion, provision is made for only one clerk for the committee. The language of the bill can be construed so as to provide one clerk for each member of the committee.
Mr. KIESS. The intention was to provide for one clerk for the committee.
Mr. UNDERHILL. The word "members" is plural, not singular, and consequently it means the committee and not the individual members.
Mr. JENKINS. Is it not true in your handling of the affairs of Porto Rico that very frequently delegations come from Porto Rico?
Mr. KIESS. Yes; every year.
Mr. JENKINS. Is it not true also that they do not come from the Philippines?
Mr. KIESS. Yes.
Mr. JENKINS. Is not the object of this bill to obtain contact with the Filipinos when it is too expensive for the Filipinos to come here?
Mr. KIESS. Yes. This would give the Filipinos a chance to get in touch with Congress.
Mr. DALLINGER. Is it not a fact that as chairman of the Committee on Insular Affairs it is your experience that in every case where people have appeared from the islands, pro or con, any change, the one thing that they have great hope for is that a committee will visit the place and study the conditions on the ground?
The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.
Mr. KIESS. Mr. Speaker, I ask for five additional minutes.
The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to proceed for five additional minutes. Is there objection?
There was no objection.
Mr. KIESS. In answer to the inquiry of the gentleman from Massachusetts [Mr. DALLINGER] I will answer yes.
Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?
Mr. KIESS. Yes.
Mr. COCHRAN of Missouri. This appears to be rather a little joy ride for Members of Congress. Are you going to appoint similar commissions or committees to visit Hawaii and Porto Rico?
Mr. KIESS. I may say to the gentleman that our particular committee has no jurisdiction over Hawaii or Alaska. They are under the Committee on Territories. Our committee has

the Philippines, Porto Rico, the Virgin Islands, Samoa, and Guam.

Mr. COCHRAN of Missouri. We have a representative over in the Philippines. He reports annually to the President, and his report comes to Congress, and the Bureau of Insular Affairs reports to Congress. It seems to me that this is an absolutely useless expenditure of funds, to send Members of Congress over there, because Congress as a whole is not going to listen to the representations of a few men who take a ride over there.

Mr. KIESS. It is going to be a considerable sacrifice to some Members who may be appointed on this committee to go to the Philippines, which will take three months or more out of the year.

I have had an experience recently in Porto Rico after the hurricane. I went down there and personally saw the damage and talked with the people. It had a wonderfully beneficial effect there. It showed those people that Members of Congress were sufficiently interested in them to take the time to go there and travel over the island.

I believe that if this bill is passed and this commission is sent to the Philippines it will bring the Philippine people in closer relations to the people of the United States, and so long as we are going to keep them I think we ought to do everything we can to better our relations.

Mr. SCHAFER. Would it not be a good thing to be sure that at least one member of this committee should be a Member of Congress who favors Philippine independence?

Mr. KIESS. The appointments will be made by the Speaker, and I am sure we all have confidence in him. The bill does not provide that the members shall necessarily be members of the Committee on Insular Affairs. That question was brought up by the committee, and it was the unanimous opinion of the committee that we should not put that restriction in the bill. We do not want anyone to feel that the members of the Committee on Insular Affairs desire to press a bill limiting the membership of the proposed committee to members of the Committee on Insular Affairs.

Mr. THURSTON. Is it not a fact that the War Department recommends this?

Mr. KIESS. Yes. The War Department and the Philippine representatives have urged it for a number of years. The Resident Commissioner from the Philippines [Mr. GUEVARA] is here and will speak for the bill later.

Mr. RAGON. I certainly hope this bill will pass unanimously. I think I am one of the early proponents of this measure. The gentleman from New York [Mr. WAINWRIGHT] and I discussed this bill for some time before he first introduced it several years ago. I think the purpose this bill will serve will meet the commendation of every man on the floor of this House. I am no longer a member of this committee, but having been a member of it for the last six years I feel an abiding interest in the provisions of this bill and its effects on the Philippine Islands.

For years we have had people go to the Philippine Islands. They come back and write syndicated articles for some of the great newspapers, either fighting Philippine independence or espousing the cause of Philippine independence. The result of that propaganda has been to secure the individual opinion of various persons as to conditions existing in the Philippine Islands which, from my own investigation of the question, has proven to be, in nine cases out of ten, an absolute enlargement and all out of proportion to the importance of the thing about which they talk or write.

Mr. UNDERHILL. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. UNDERHILL. And those opinions largely depended upon from whom they received the greatest courtesies and entertainment?

Mr. RAGON. Absolutely. I will tell you what I can do. I can meet a man who has made a trip to the Philippine Islands, and before I have talked with him for three minutes I can tell with which crowd he associated while he was there.

Now, it has always been the opinion of the committee bringing out this bill that what we need in Congress is a nonpartisan committee that can go to the Philippine Islands and meet the people, representing all factions, and ascertain their needs. They would know the committee bore an official authority, so that they could come before it and give such information as they had bearing upon the economic and political progress of the islands.

I think it is more important that we send this committee there now than ever before. I do not want to deal with any delicate relations, but I am going to venture this expression here this afternoon, that we have been playing entirely too much politics with the Philippine Islands. It has been too much of a Democratic and a Republican argument for the good of the islands. I can see a certain amount of the criticism that was leveled at the head of the Governor General during the administration of President Wilson might have been just. I can see some of the criticism which was leveled at the head of General Wood was perhaps just. But back of the criticisms of both I think was an unnecessary—and in some instances an ignorant—political motive which prompted them. I do not know but what we could have had better Governors General than either one of those gentlemen, but that is beside the question. However, I do say to men on both sides of this aisle to-day that I do not believe that in the history of the Philippine Islands there has ever been a better condition than exists there to-day under the present Governor General of the Philippine Islands. [Applause.] I have been one who has fought as stubbornly as anyone for the protection of these islands, and these men on the committee know it; but I believe in giving credit where credit is due. And one of the regrets that comes to me is the news that is now published in the columns of the press that perhaps the Philippine Islands is going to lose their present Governor General. He has been a good man. He has the support of all the factions over there. I do hope and trust that when this committee goes over there it will have in view only one thing, and that is to get at those things that are important for the progress of that community. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. RAGON. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RAGON. There are 12,000,000 people over there. Among them are many poor people. To my mind those islands represent one of the greatest prospects in all the world for a great future, and I think their progress depends upon the sane and sensible view we take here in Congress as to their future.

I have seen some suggestions brought before the Ways and Means Committee recently, and if those suggestions are carried out I say to you they will reflect, in my opinion, to the everlasting shame upon the treatment that America is according the Philippine Islands. [Applause.] I do hope and trust that the Members of Congress will inform themselves upon the great questions that are pending before the Ways and Means Committee with reference to placing a duty upon sugar, cocoa, coconut oil, and so forth, coming from the Philippines. I trust you will study these questions before you lend your support to the placing upon these products tariff rates that will eventuate in the practical starvation of the Philippine Islands.

What these islands need to-day more than anything else, my friends, is capital. There is but one source of capital to which they can look for support, and that is American capital; and I say to you that American capital is timid now because of the uncertain political status of the islands, and whenever you take off the inducement of free entry into American ports of Philippine products you are absolutely going to foreclose forever from the Philippine Islands American capital.

Mr. PERKINS. Will the gentleman yield there?

Mr. RAGON. Yes.

Mr. PERKINS. What about the proposed restriction on the quantity of imports of sugar and other products; would that have the same effect?

Mr. RAGON. I think unquestionably it would.

Mr. UPDIKE. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. UPDIKE. Does not the gentleman think this bill will tend to establish the confidence of investors in the Philippine Islands when men of authority go over there and interest themselves in the condition of the Philippine Islands?

Mr. RAGON. There is no question about it; and if any tariff changes must be made with respect to the Philippine Islands they ought to at least await the investigation started by this committee.

This committee will serve the same purpose as your committees in Congress. They will investigate, and the information they secure will be first-hand information. It will not come from the unsustained lips of some propagandist or some member of a faction, but your committee will be over there and they will see and will bring back first-hand information.

Mr. JENKINS. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. JENKINS. Does not the gentleman think the fact that this is to be a continuous committee is very important?

Mr. RAGON. I think so; I have always insisted it should be a continuous committee, and the only objection I see to the present bill is that the committees dies as soon as it makes its report. I think the committee that goes there this year should

be the committee to go there two years hence, because the committee going there this year two years hence will see the progress or the lack of progress which has been made in the islands.

Another thing is that this involves a great study of the people, their habits and customs, some of which run back into the centuries, longer than the life of America, and this necessarily entails a great deal of study, and a man must familiarize and acquaint himself with all these things in order to properly understand the Philippine question. If you change the personnel of the committee every two years, then you have a crowd of freshmen on each committee every two years solving the problems of the Philippine Islands. That is one thing which I contend has been the trouble all the time with a solution of the Philippine problems—we have handled them too much with the hands of inexperience.

Mr. DALLINGER. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. DALLINGER. There is nothing in the bill to prevent the Speaker from reappointing.

Mr. RAGON. Not a thing; and I hope that the committee that is pressing this bill will keep it fresh in the minds of the administration of the House that they do that.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

Mr. RAGON. Mr. Speaker, I ask unanimous consent to proceed for two minutes more, and I shall not ask for any further time.

The SPEAKER pro tempore. Without objection, the gentleman from Arkansas is recognized for two additional minutes.

There was no objection.

Mr. BRIGGS. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. BRIGGS. Has the gentleman any suggestion to make as to the appointment of this committee to handle a matter of so great importance to the Philippine Islands and the Congress, so that we can be sure that the divergent views that are entertained shall be represented on the committee, so that the Congress may have the full benefit of the conclusions which are reached and not have, perhaps, just a reflection of a one-sided opinion or a confirmation of impressions that already exist?

Mr. RAGON. I agree with the gentleman, and I think that is the purpose of the bill, and I think that is in the minds of the proponents of the measure and the Speaker of the House. I think it would be quite unfortunate to put on the committee a solid group of either Republicans or Democrats, and I think, as the gentleman from Wisconsin suggested, it would be an unfortunate thing if all those who are on the committee were unqualifiedly in favor of immediate independence; and, on the other hand, I think it would be quite unfortunate if everybody on the committee was against it.

Whether the Philippine Islands are now ready for independence is beside the question in respect of the issues involved in this bill. So far as I am concerned, my attitude is known in the committee; but I do think that in the absence of any plan to give them independence at any time in the future, that the best step and the most sensible step that this Congress and succeeding Congresses can take, would be to have a committee that would go there and not stay a month, but, if necessary, stay two months; go into the interior of that country; see their products, their natural resources, and then bring back to the Congress some first-hand information upon which we can depend in order to properly legislate for these people. [Applause.]

Mr. HOOPER. Mr. Speaker and gentlemen, I do not like the casual way in which the gentleman from Missouri [Mr. COCHRAN] referred to the proposed "joy ride" of members of the commission to be appointed by the Speaker. If that is a "joy ride," I took a joy ride to the Republic of Panama, and it was one of the best rides I ever took in my life. I came home more full of information gained in the space of 20 days than I could have gotten at home in my life. The information that I acquired will be useful to me as long as I remain a Member of Congress and the rest of my life. I think "joy rides" of this kind are essential in such matters. A Congressman can go and inform himself about matters of which he has very little knowledge and come back and give that information to Congress; he does more than that, he carries information to his district for which his friends and constituents are truly thirsty.

I have been used to public speaking all my life in one way or another, and I do not believe I was ever able to interest the people in what I said as I did when I came home and told them about the little time I spent in Haiti and on the Isthmus of Panama learning about that great governmental institution, the canal.

The Philippines are an empire; we are legislating for an empire and know shockingly little about it. It extends from near Formosa on the north almost to the great island of Borneo on the south, more than 1,000 miles. It has more than three times as many people as the thirteen Colonies contained when they became the United States of America.

How are we going to find out, how are we going to act intelligently, how are we going to legislate for the benefit of eleven or twelve million human beings unless from time to time Members of the legislative branch of the Government go there and inform themselves about it?

I do not expect to be one of the members of that commission going on the "joy ride," as the gentleman from Missouri calls it. But I want to see Members of this House go there; I want them to get the information first hand that will enable them to go from Luzon on the north to Sulu on the south; I want them to see what I have read about, but of which I know nothing from observation. I want them to come back and tell us what they saw, and I hope there will never be any question when a bill such as this one comes before the House of Representatives upon the part of any person about sending the very best and the very wisest men we can from this body to bring back that information which we need and which the people of the Philippine Islands need so that we may have proper legislation for these people.

There will always be a division in Congress as to whether it was best for the United States to acquire the Philippine Islands, but they are the possessions of the United States to-day, and in all human probability they will be a part of our territory for many and many a long year to come, at least until we are convinced beyond the shadow of a doubt that the people of those islands, so well represented by this able lawyer, the Resident Commissioner from the Philippines [Mr. GUEVARA], are capable of self-government. [Applause.] We will never cast them adrift until we are satisfied that they will become the prey and victim of nations ready and eager to take up the task where we laid it down. [Applause.]

Mr. QUIN. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Speaker and gentleman, in my judgment this is a wise bill, though, as was stated by the gentleman from Arkansas [Mr. RAGON], it may be necessary to amend it in some particulars. It was my pleasure to go to the Philippine Islands not long since. I rode in an automobile from north to south of the island of Luzon. Our people in the United States are trustees, and this Government of ours acts in a measure as a trustee for the Philippine Islands. If I had my way about it, that race of people would be given their independence; but since this Government does not see fit to follow that policy, there is an obligation resting upon this Congress to see to it that the very best thing possible is at all times done for what I conceive to be an oppressed people, who, if properly treated, have a great future before them.

The people in those far-distant islands are rapidly developing, and as an evidence of their civilization we have this distinguished gentleman on the floor of the House, who represents them, the Commissioner from the Philippine Islands [Mr. GUEVARA]. Then, also, there is our friend Senator Quezon, president of the Philippine Senate, and an abler man does not live in the Orient than Mr. Quezon. These gentlemen are a type of the high-class citizenship who are there, but it seems that the propaganda put over this country through newspapers and magazines and on every boat that carries anybody to the Philippine Islands, has been more or less successful. Even before you are off the Government transport propagandists are there telling you that the people of the Philippine Islands are not capable of self-government.

The United States Congress ought to familiarize itself with the conditions there, and with the people and with the chances that they would have in the future. This committee provided for would be appointed by the honorable Speaker of this House, not from people holding one view but from people of different views. There are some people who think that the people of the Philippine Islands ought never to have their independence; some who think they should not have the chance. We know that they will not have the chance if you are going to cut off their imports into the United States. If we are going to hold the islands, let us do what is just. Our trade relations with that little Republic depends upon a sensible Congress. Instead of talking about stopping their imports from coming into this country, or cutting off the reciprocal relations that exist and putting them on a parity with foreign nations, we ought to be encouraging reciprocal relations. The idea of cutting off their imports seems to me to be utter nonsense. It will not alone affect their commerce but it will be detrimental to the success of the Filipino people as a nation.

They are not a homogeneous people. There are many classes and different strata. They have poor people just like we have in the United States. They have some few rich, cultivated, and cultured people. I never saw anywhere in the United States a more refined and elegant set of ladies than I saw at some of the entertainments I attended in the city of Manila. I have attended entertainments in practically 15 States of this Union, in the most cultivated and refined homes, and I pledge you my word that the swarthy-complexioned ladies who have been cultivated and trained and who attended those entertainments in Manila had all of the earmarks of refinement and culture and I might even say of aristocracy. The people of this country do not understand, because of this propaganda, what the Filipino people stand for and what prospects they have if they are given a chance. Up to this minute since our Government took over these islands they have not been given the chance that they are entitled to, in my humble judgment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. GUEVARA. Mr. Speaker and gentlemen of the House, I am rising now to give my hearty support to the bill introduced by the gentleman from New York [Mr. WAINWRIGHT] providing for the biennial appointment of a board of visitors to inspect and report on conditions in the Philippine Islands.

I regard the provisions contained in the bill now under consideration as a constructive step to be taken to put the Congress of the United States in a close contact with the people of the Philippine Islands. This should have been done long ago. A frequent visit on the part of the Members of the Congress of the United States to the Philippine Islands will convey to its inhabitants the great interest that this Government takes on their behalf and its desire to know conditions and needs requiring the enactment of necessary legislation.

This visit will have the effect of promoting mutual sympathy and friendliness between the two peoples while living under the shadow of the same flag and protection of the same Government.

The state of isolation which has characterized the relationship between the United States and the Philippine Islands has given rise to some kind of misconception of such relationship on the part of a group of the American people. Why? Because the Philippine Islands, which are 10,000 miles away from Washington and 7,000 miles from the nearest port of the United States, can not be fairly known by the American people unless their Representatives in Congress visit that country as frequently as they can.

The passage of the bill now under consideration will also facilitate a mutual understanding between Americans and Filipinos, whose present problems demand an immediate solution. One of the effects of the state of isolation in which the Philippine Islands has been placed in relation with the United States is the move now on foot on the part of the people of a certain section to curtail the free-trade relations existing between the two countries. The American people as a whole have always considered the Philippine Islands as a foreign country, and they have but a slight idea as to the true nature of the aims and purposes of their Government toward the Philippines.

This movement to curtail the free-trade relation between the United States and the Philippines is causing a tremendous financial loss in the business life of the islands. Native capital is frightened by this movement and is now lying idle in the bank chests. American capital which is needed for the economic development of the Philippine Islands, in accordance with the program of the United States Government, is naturally fearful of making investment in view of the proposed curtailment to our free-trade relations. Uncertainty is now the characteristic of the business life in the islands. It is a miracle that business in the Philippines has not come to a standstill. In a word, Mr. Speaker, there is a tremendous economic crisis in the Philippines in view of the proposed curtailment of the existing free trade. If the board of visitors created by the bill now under consideration had been approved two years ago when it was first introduced by its author, this agitation for free-trade curtailment would not have taken place. I am afraid, Mr. Speaker, that this unfortunate situation now prevailing in the islands may cause a depression also on the cotton textile trade from the United States. The Philippines are one of the best customers for exports of cotton textile from the United States, as was recently testified before the House Ways and Means Committee. Depression in the Philippines will, of course, reduce the purchasing capacity of the Filipino people for cotton textiles as well as other American products. [Applause.]

Before concluding I wish to congratulate the author of the bill now under consideration, the gentleman from New York [Mr. WAINWRIGHT], for his constructive plan to place the Congress of the United States in a position to acquire true knowledge and information regarding the Philippine Islands and its people.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. UNDERHILL. Does the gentleman not think that as well as informing Members of Congress of affairs over there the visit of such a committee would be very informing to the Filipino people of the attitude of this Nation, and the general character of the men who are its representatives?

Mr. GUEVARA. Yes; I think so.

Mr. WAINWRIGHT. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. WAINWRIGHT. Mr. Speaker, and gentlemen of the House, everything that could be said in favor of this bill, everything that I, as the sponsor for and introducer of this measure, might have said, every reason that could be advanced for its passage, has already been said and so well said, probably so much more cogently and better said than I could say it myself, that I would not be justified in consuming much more of the time of the House on this measure. May I express my great gratification at the turn this debate has taken, my enthusiasm, one might say, at the sentiments expressed and the attitude which the gentlemen who have spoken have assumed toward this measure and toward our duty and relation to the Philippine Islands. The character of the debate and the views expressed here justify the enthusiasm, the respect, the regard that I have for this body in which I have the honor to serve.

This is not a new proposition nor a new measure. This bill, substantially in its present form, passed this House unanimously in the last Congress.

The proposed procedure has been recommended by the President of the United States. I violate no confidence in saying that I had, or until the day he left for the Philippine Islands had—I have not had the honor of hearing from him in regard to it since then—the very great approval of the present Governor General of the Philippine Islands, whom you remember made a notable visit to the Philippine Islands some two years ago. No one can go to the Philippines and not realize the enormous responsibility which rests upon our country in regard to the future of this people. As the gentleman from Arkansas [Mr. RAGON] said, the Philippines are a great empire. We should particularly realize the grave responsibility resting upon the Congress of the United States to promote the prosperity and the progress and to develop and safeguard the future of this great island empire. They stretch for a thousand miles in length, are several hundred miles across, and have more than 11,000,000 people. No one who visits them, as I have, can fail to be impressed with the lack of the knowledge of our people of these islands; yes, with the lack of interest that our people have displayed in these brothers of ours for whose fate we have been made responsible. One of the resolutions which I made when I returned from the Philippines after my election but before I took my seat in Congress was to try to establish procedure such as this as a link, you might say, between the Congress of the United States, which is the branch of our Government charged with the fundamental responsibility with regard to these islands and the people and government of the islands themselves.

It is indeed remarkable, Mr. Speaker, in the light of the responsibility we have assumed toward these islands, and in view of all the perplexing questions and situations that have arisen from our relation with them, that no provision has been made in all these years for authoritative and official visits to the islands on the part of the branch of the Government primarily concerned with all fundamental policies and measures. Let us not forget that under the Constitution the responsibiiity rests directly on Congress. In my judgment, that responsibility can not be satisfactorily met, or our duty fully performed, except by periodic visits by authoritative representatives of the Congress itself as here proposed. The great advantage that must ensue, can not fail to more than justify the comparatively trivial expense involved. Also, the advantage of regular and periodic visits must be obvious. Again, advantage will come not only from the informative value of such visits but from the inevitable gratification which the people of the islands themselves will derive from this manifestation of the interest and concern in their welfare by the direct representatives of our own people.

Mr. JENKINS. Will the gentleman yield?

Mr. WAINWRIGHT. I will.

Mr. JENKINS. It is the fact that the gentleman is the author of this measure, the original measure.

Mr. WAINWRIGHT. I am glad to assume full responsibility for it.

Mr. JENKINS. One question, and I do not think this was brought out heretofore as I am able to gather. Does not the gentleman think that the establishment of a biennial visit to the Philippine Islands by a committee on a permanent basis will have a tendency to induce the Philippine business men, those who have the problems in the island to face, to gather themselves together and be a medium by which our commission sent over there can take up those problems and thereby sew both countries together, so as to be of great benefit both to this country and the Philippine Islands?

Mr. WAINWRIGHT. Of course, I do. It will establish a direct medium of communication between our people and their people and their government and our Government, which has never yet existed and can not fail to increase the mutual regard and improve the relations between the two peoples.

Mr. SCHAFER. Will the gentleman yield?

Mr. WAINWRIGHT. I prefer not to do so just now. I have been so glad to hear the distinguished Delegate from the Philippine Islands express himself as he has in favor of this measure. I consider this is a procedure not only for the immediate future but for all time, for so long as we are charged with the responsibility of exercising sovereignty over those islands, and caring for the relations between the Philippines and the United States. [Applause.]

Mr. DENISON. Mr. Speaker, I move to strike out the last three words. Mr. Speaker, I came into the Chamber after most of the discussion on this resolution was over. I have read the report and I have taken the floor to say that I am in favor of it. I remember very well when we commenced to expand after the Spanish War, and we took over Porto Rico, Cuba, and the Philippines; there was a great national campaign in this country in which the question of imperialism on the part of our Government in taking over these islands was the paramount political issue. It was often stated during that campaign that our Government was not suited to governing distant possessions, and there was some force in that argument; it was claimed that Members of Congress will not take an interest, will not take sufficient interest in such insular possessions to enable them to legislate intelligently for them. Now, I have always endeavored since I have been a Member of Congress to induce the Members to visit our distant possessions and become better acquainted with them, to learn something about those peoples and the conditions which exist there in order to enable us to legislate intelligently and govern them properly. But it has been very difficult.

I might mention the Panama Canal Zone. We have a community down there of 50,000 or 60,000 Americans, our own citizens. They have no right to vote. They have no representaive in Congress. And yet they have all the same problems that we have in this country and many more besides; and we have the greatest project down there that any government ever had—the Panama Canal. Congress has to legislate for them, and we are the only ones that can legislate for them. Yet the average Member of Congress does not feel enough interest in the welfare of our people down there to go there and study their conditions. In order to induce Members of Congress to go to the Panama Canal Zone and study the conditions there in order to enable them to legislate more wisely, the Government furnishes to Members free transportation to and from the Canal Zone any time they wish to go; yet even with that inducement not many Members go down there.

I have taken the floor to emphasize this point, that it is important for the Members of Congress to visit these insular possessions and become acquainted with conditions there, so that we can legislate more wisely for them, and such a trip ought not to be called a "junket" or a "joy ride." That sort of loose remark injures the cause of the people who are dependent upon us for legislation; and the Members of this body and of the Senate ought, when they can, so long as we have jurisdiction of these possessions and so long as we have to govern them from here, to take advantage of every opportunity they have to visit them and study their conditions.

I think this bill now under consideration is a great step in the right direction, and we ought to do this not only with reference to the Philippines, but also with reference to Porto Rico and the Virgin Islands and Hawaii.

Mr. UNDERHILL. And Alaska?

Mr. DENISON. And the Members ought to take some such action to get better acquainted with conditions in Alaska, and, as I have just said, with the people on the Canal Zone. The people on the Panama Canal Zone have to have laws the same as we have here, and there is often need of changes in those laws. And yet there is no one to do it unless Congress does it. As chairman of the subcommittee on the Panama Canal, I go down there as often as I can. I spend my own money in studying conditions down there. Some day soon when I can have opportunity I am going to address the House on the conditions on the Canal Zone. There is every reason why we should take this action now and provide for an official committee to visit the Philippines and get information for the benefit of Congress in considering any legislation that may be needed in carrying out our great responsibilities toward those people.

Mr. KIESS. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. SHREVE].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. SHREVE. Mr. Speaker and Members of the House, I have been deeply interested in the discussion this afternoon, because it has been my good fortune to spend some time in the Philippines. I have been greatly interested in the intelligent and splendid people who live over there. I want to speak not only in the interest of the Filipino but of Americans in the Philippines. Not much has been said about the American side of it. That is the reason why I rise on this occasion, to let you know a little of what our own people are doing over there at the present time.

Of course, you gentleman know that for eight years I have been handling appropriations for the Department of Commerce, and during those eight years we have had our attachés and trade commissioners visit the various countries of the world. One of those countries, I am happy to say, is the Philippine Islands. It was natural that I should be interested in the work being done there in connection with international trade, and to ascertain whether it was really a worth-while proposition or not. I was invited one night to a banquet given by one of the great American commercial companies of the United States. I was invited to attend that banquet to meet their traveling men. I suppose that night there were 20 of their representatives from 20 different countries, and I want to say to you that they were speaking not less than 20 different languages. Many of them came there speaking through interpreters.

After I had left the islands and had gone over to China, one day I was riding along in a ricksha and I saw a little mark on the tire of the vehicle which caused me to ask the ricksha driver to hesitate a moment. I found on examination that that tire was made in my city, and I found that that same tire was sent out to the Philippines and distributed from that point along with many other things that they were distributing.

I want to say to the House that we should pass this bill for no other purpose or reason than that Manila is a distributing point of great value to American business. The Philippine Islands are in the Orient along the edge of China; China will offer great possibilities; we find that the Philippine people can manufacture anything and do it more cheaply than we can do it; and the longer I stayed the more I was pleased and delighted with what I found there, and I rejoiced to learn how glad those people were that the Philippine Islands were a part of the United States of America. I found that the Filipinos were proud of the fact; when they came here to the United States they were able to meet on an equality.

I never discussed the question of independence. In fact, I was the guest of Senor Osmenia, the president of the Philippine Senate, for a week, and he did not discuss the question of independence. We talked of other things. I was also a guest of a leader on the other side. I was honored by having a visit with General Aguinaldo for half an hour, and I know how he feels on these questions.

I do not intend to quote him, but I want to say to you that I found nothing from the highest to the lowest but splendid friendship for the people of the United States, and I am heartily in favor of this bill.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended for one minute.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the gentleman from Pennsylvania may proceed for one additional minute. Is there objection?

There was no objection.

Mr. PERKINS. I would like to ask the gentleman if he knows of anything that will interrupt the pleasant relations between the Philippine people and the American people quicker than to put restrictions on their imports to this country?

Mr. SHREVE. The gentleman is absolutely right about that. [Applause.] We must leave conditions just as they are. We now have the confidence of the Philippine people and have had that confidence for many years. I do not feel that at this time

we should do anything that would cause them to lose that confidence. I will say to the distinguished gentleman from New Jersey that I fully agree with him.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. TILSON. Mr. Speaker, I rise in opposition to the pro forma amendment. It seems to me that this bill is distinctly worth while, for the many valid reasons which have been cited by others who have taken the floor before me. One point, however, it seems to me, has not been impressed as it might be. Much has been said about the information which the members of the proposed board will bring back from the Philippines, and this, of course, is important. I, for one, believe that Members of Congress should visit the places on this globe where this country has great interests just as often as possible and learn just as much about them as possible. I have no patience with people—newspaper correspondents and others—who continually refer to these trips of Members of Congress as junkets, joy rides, and things of that sort. [Applause.] Such characterization of trips of this character is entirely out of place. It is misleading and very unfair as well as unjust to Members of Congress who honestly and earnestly seek for information concerning matters with which we must deal here in this House.

Mr. THURSTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. THURSTON. Is it not true that great corporations require some of their officers to visit their outlying plants?

Mr. TILSON. Of course they do, and the corporations pay for the visits, whereas most of the Members of Congress who visit these places do so at their own expense. Yet they are glad to do it, because they realize the benefits flowing from such visits.

I think that the board to be appointed under this bill will probably render its greatest service not by the amount of information which its members may bring back—because such information, to a certain extent, might be gathered through other sources—but by the benefit to the relations between us and those people that will flow from the appointment of an official board by this country to visit them. Such an official board will have a great effect upon the people there. It will seem to them that this great Government of ours has a particular interest in them sufficient to justify us in appointing an official board to visit them to hear anything they may have to say in the way of grievances, protests, requests, or anything else they may wish to submit. It seems to me that perhaps the very greatest good that will flow from the appointment of such a board will come in this way. I regard it as of very considerable importance that the people of these distant lands, bound to us by the ties now existing, should understand how deeply we are interested in them and their well-being. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I move to strike out the last four words. The sentiment of the House is manifestly practically unanimous in favor of this resolution and sufficient argument, I think, has been made to justify it in the public mind and to prevent any sort of public criticism of the Congress from any who are at all thoughtful for passing this resolution and sending some of its Members to the Philippine Islands each year for the purpose of studying questions growing out of our relations with that people.

This is a thing which I have long thought ought to be initiated. Out of 24 years of service in the House, something like 18 years, as I now remember it, were spent by me as a member of the Committee on Insular Affairs. I was appointed to that committee to fill a vacancy that occurred during my first term, and I served on it until a few years ago when I retired from all committees of the House except the Committee on Rules. I had the honor of being chairman of that committee for a brief period. I was associated very closely with those who drafted the present organic law of the Philippine Islands, commonly known as the Jones Act, as well as the Porto Rican act.

Yet in all this time, charged with a responsibility of legislating, conditions were never such as that I was able to visit the Philippine Islands. Notwithstanding I sometimes think I gave more attention to them than anything else in my entire service here, I never felt I had the real grasp of the situation there that gave me as good equipment as I would like to have had, at least, in dealing with legislation affecting that people.

I do not know why this has not been done long ago. It ought to have been done. I know it ought to be done now; at least, I feel so.

Let me say this further word, not exactly upon this resolution but in view of some of the questions that have been asked here this afternoon. I think it was in the first Congress of which I became a Member, the Fifty-ninth, or if not, the Sixtieth, that the free-trade relations were established by law between the United States and the Philippine Islands.

Prior to this time duties had been levied on products coming in from the Philippines and I believe duties levied on products that we exported to the Philippines, the revenues going into the Philippine treasury. President Taft, then Secretary of War, who had been the first Governor General of the Philippines, had such a keen sense of justice upon this subject as that he was perhaps the leading advocate of the establishment of the free-trade relations between the Philippine Islands and the United States. There were many at that time in the party of which Mr. Taft was a member who were very reluctant. Upon the Democratic side there were some who were also reluctant, not so much because of the economic ideas involved as because of a belief that the establishment of free-trade relations between the Philippine Islands and the United States would postpone the day of independence. This was particularly true of some of the strong "independence" people upon my side of the Chamber. But all that was overcome and, as I remember it now, by a pretty unanimous vote—I have forgotten just what the vote was—we established those relations.

I just want to say in passing—I shall not be here to deal with it—that to my mind it is inconceivable that this Government now will turn the hands of the clock back to where they stood 25 years ago. [Applause.] I do not anticipate that anything of that sort is going to happen. [Applause.]

Mr. KIESS. Mr. Speaker, I ask unanimous consent to return to section 1 of the bill in order that I may offer a perfecting amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to section 1 for the purpose of offering a perfecting amendment. Is there objection?

There was no objection.

Mr. KIESS. Mr. Speaker, I offer an amendment. On page 2, line 5, at the end of the line, strike out the period and insert "and shall appoint a clerk and fix the compensation of said clerk."

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KIESS: Page 2, line 5, after the word "members," strike out the period and insert "and shall appoint a clerk and fix the compensation of said clerk."

Mr. UNDERHILL. Mr. Speaker, I want to ask my chairman if this provides that the commission or committee shall fix the salary or is that left with the Committee on Accounts, as the rest of the fiscal relations of the bill are left?

Mr. KIESS. The bill provides that the board shall select a chairman from its members and this amendment provides for the selection of a clerk. My attention was called to the fact that section 2 provides for the expenses of the clerk, along with the members, but there is no provision made for the selection of the clerk or the pay of the clerk. This will leave it to the members of the commission.

Mr. UNDERHILL. In the second section, is it not left with the Committee on Accounts?

Mr. KIESS. The expenses are to be paid out of the contingent fund, with the approval of the Committee on Accounts. This does not change that part.

Mr. UNDERHILL. The clerk is a part of the expense.

Mr. KIESS. There is some ambiguity in the second section where it says "actual expenses for travel of such members and a clerk.

Mr. UNDERHILL. That is for the traveling expenses of the clerk. Now, you provide further on, in section 2, for the payment of the clerk.

Mr. BANKHEAD. No; if the gentleman will pardon me, I took the liberty of calling this ambiguity in the bill to the attention of the gentleman from Pennsylvania [Mr. KIESS]. If the gentleman from Massachusetts will get the text of the bill and read the second section he will see it carefully provides for the payment of the traveling expenses of the members of the commission and a clerk, but nowhere in the bill, unless the amendment now proposed is adopted, is there any authorization for the employment of a clerk by the commission or the fixing of his compensation.

The amendment was agreed to.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to return to section 2 of the bill in order that I may offer a perfecting amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to section 2 of the bill for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. KIESS. Mr. Speaker, I offer an amendment. Line 8, page 2, strike out the word "a" and substitute the word "such"; and also in line 13 of the same page, strike out the word "a" and substitute the word "such."

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KIESS: Page 2, line 8, after the word "of," strike out "a" and insert in lieu thereof the word "such"; and also in line 13, strike out the word "a" and insert in lieu thereof the word "such."

The amendment was agreed to.

Mr. KIESS. Mr. Speaker, I move that the debate on this bill be now closed.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KIESS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the House this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE SAMOAN GROUP OF ISLANDS

Mr. KIESS. Mr. Speaker, I call up Senate Joint Resolution 110, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up the Senate Joint Resolution 110, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Joint resolution (S. J. Res. 110) to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes

Whereas certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundredth and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, having in due form agreed to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over these islands of the Samoan group by their acts dated April 10, 1900, and July 16, 1904: Therefore be it

Resolved, etc., That (a) said cessions are accepted, ratified, and confirmed as of April 10, 1900, and July 16, 1904, respectively.

(b) The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the said islands of eastern Samoa for educational and other public purposes.

(c) Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(d) The President shall appoint six commissioners, two of whom shall be Members of the Senate, two of whom shall be Members of the House of Representatives, and two of whom shall be chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper.

(e) The sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Mr. KIESS. Mr. Speaker, Senate Joint Resolution 110, which provides for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States has been given careful consideration, and this resolution has the unanimous indorsement of the committee.

These islands form what is now known as American Samoa. A brief reference to the historical background of these islands is given in the report accompanying this resolution:

Prior to 1898 the Samoan Islands were governed as an independent kingdom. When King Malietoa died, in that year, the Samoans were unable to agree upon the choice of his successor and disorders arose. These became so pronounced that in March, 1899, naval craft of the United States and Great Britain shelled some of the Samoan villages and subsequently, on April 1, 1899, landed a force which participated in hostilities at close range, the Samoans finally yielding.

The following year the United States, Great Britain, and Germany divided the Samoan Islands by treaty, which the Senate ratified on February 13, 1900. The United States thus fell heir to the island of Tutuila and others of the group, which constitute what is now known as American Samoa. On February 19, 1900, an Executive order was signed by the President, reading as follows:

"The islands of Tutuila, of the Samoan group, and all other islands of the group east of longitude 171' west of Greenwich are hereby placed under the control of the Department of the Navy for a naval station. The Secretary of the Navy shall take such steps as are necessary to establish the authority of the United States and to give to the islands the necessary protection."

The Secretary of the Navy issued an order conforming thereto on the same date.

The islands of American Samoa from east to west are Rose Island, Tau, Olosega, Ofu, Aunuu, and Tutuila. The islands of Tau, Olosega, and Ofu are generally known as the Manua group, while the island of Aunuu is embraced in the name of "Tutuila." Rose Island is a coral atoll, uninhabited, and of practically no value. Two hundred and ten miles to the northward of Tutuila lies Swains Island, the United States sovereignty over which was extended by a joint resolution of Congress approved March 4, 1925. It thus became part of American Samoa. Pago Pago (or Pango Pango) Bay nearly cuts the island of Tutuila in twain and furnishes the safest and best harbor in all the South Seas.

On April 17, 1900, the high chiefs of Tutuila, without solicitation, ceded the islands of Tuailtu and Aunuu to the Government of the United States, and by deed signed July 14 and executed July 16, 1904, the islands of the Manua group were ceded to the United States. The preamble of the cession of Tutuila recites that the step is taken "for the promotion of the peace and welfare of the people of said islands, for the establishment of a good and sound government, and for the preservation of the rights and property of the inhabitants of said islands," and goes on to declare that "the chiefs, rulers, and people thereof are desirous of granting unto the said Government of the United States full power and authority to enact proper legislation for and to control the said islands, and are further desirous of removing all disabilities that may be existing in connection therewith and to ratify and confirm the grant of the rule of said islands heretofore granted," etc. It was the understanding that the United States was "to erect the same as a separate district to be annexed to the said Government, to be known and designated as the district of Tutuila."

It was not until July 21, 1902, that official recognition of the cession of Tutuila was made by the President, when Theodore Roosevelt sent a greeting to the chiefs and people expressing the great appreciation of the people of the United States in receiving the islands, and stating that the local rights and privileges would be respected. A watch, a medal, and a diploma were sent to each signer of the deed of cession. Similar recognition was made of the 1904 cession.

Since that time the government of American Samoa has been administered by a naval officer, in whom has been vested supreme executive, legislative, and judicial power.

Although acknowledged by the President, the cessions of 1900 and 1904 have never been acted on by Congress. The enactment of legislation for the islands, which was one of the stated purposes of the cession, has not been accomplished.

The United States in taking over this group of islands was particularly desirous of obtaining the use for naval purposes of the harbor of Pago Pago, on the island of Tutuila, where a naval station has since been established. The Samoans, by the action of their high chiefs, were particularly anxious for the establishment of a good and sound government. They had every reason to believe that when they surrendered the sovereignty of their islands they would become citizens of the United States. At the present time they are not citizens of the United States. The American flag flies over Pago Pago, but the citizens are only citizens of American Samoa.

The inhabitants are of the Polynesian race, a race which has produced magnificent specimens of the human race. They are a peaceful, gentle, kindly race, proud in bearing, still very primitive and backward as compared with the white races. They still live much as did their forefathers.

The present government is unusual and the result only of Executive orders. In many respects the government has been good for the Samoans, inasmuch as it has prevented the alienation of their lands and taken care of their physical well-being. There is, however, a lack of continuity in the administration and certain features of the administration which need correction, particularly with respect to the judiciary.

The joint resolution is intended to provide for the ultimate remedying of this situation. It makes provision for (a) acceptance, ratification, and confirmation of the cessions of these islands of eastern (American) Samoa.

It specifies (b) that Congress shall enact special laws for the management and disposition of public lands in the islands and that the revenues derived therefrom shall be used for the benefit of their inhabitants.

It further stipulates (c) that until Congress shall provide for the government of the islands, civil, judicial, and military powers shall be vested in such persons as the President shall direct.

Finally, the resolution provides for a commission to be appointed by the President, composed of 6 members, 2 of whom shall be Members of the Senate, 2 of the House of Representatives, and 2 of whom shall be chiefs of the islands, to recommend to Congress necessary and proper legislation concerning the islands.

Due to many causes, the islands of western Samoa, now under the mandate of New Zealand, have been disturbed by civil difficulties. Many of these difficulties are due to a lack of understanding of the psychology of the Samoans and to the particular circumstances existing in the islands. There has been some agitation and some uneasiness as to the ultimate decisions of the United States Government, so that it is believed that the passage of this joint resolution will make for a better understanding in this little community. [Applause.]

Mr. MORTON D. HULL. Will the gentleman yield for a question?

Mr. KIESS. Yes.

Mr. MORTON D. HULL. What is the explanation of the fact that while the islands were acquired more than 25 years ago no legislative action, apparently, like this has been taken?

Mr. KIESS. That is rather hard to explain. We had almost a similar condition in the Virgin Islands. It was not until 10 years after we acquired them that we gave them citizenship; that was done at the close of the Sixty-ninth Congress. You will also remember that neither Porto Rico nor the Philippines had an organic act until 1916, 18 years after we took them over. I should say that it has been largely the neglect of Congress.

Mr. DENISON. I would like to say that I think the reason that there has been no action by Congress is that Congress did not have the necessary information.

Mr. MORTON D. HULL. Mr. Speaker, I move to strike out the last word in order to get some information. What has been the government of the Samoan Islands during this interval?

Mr. KIESS. They were accepted by the President of the United States and placed under the control of the Navy Department. There is a naval station and a naval officer who governs Samoa.

Mr. MORTON D. HULL. What kind of a civil government does he administer?

Mr. KIESS. He is the government.

Mr. MORTON D. HULL. How many people are there there?

Mr. KIESS. Nine or ten thousand people.

Mr. MORTON D. HULL. And he issues his decrees in the form of a civil code?

Mr. KIESS. Yes.

Mr. MORTON D. HULL. He is the judge and executioner all in one?

Mr. KIESS. Yes; but we have been very fortunate in having good men in that position; otherwise there would have been more complaints. The government of the islands has been well done by the Navy Department. We have not given the islands the recognition that the native chiefs thought they were to receive when they ceded the islands to the United States. The action provided in the resolution will make them feel that they are a part of the United States. As I said, they are not now citizens of the United States but are citizens of American Samoa. While the United States flag flies over them they are not citizens of the United States.

Mr. MORTON D. HULL. We have provided a civil administration for the Virgin Islands, the gentleman says?

Mr. KIESS. Yes; we did that two years ago, near the close of the Sixty-ninth Congress.

Mr. TILSON. Mr. Speaker, I move to strike out the last word. When the gentleman from Pennsylvania [Mr. KIESS] called up this resolution I asked him to make an explanation of it because of the fact that the action proposed seems somewhat overdue, it being 25 years since the original action was taken referred to in the resolution. As I understand the situation, these islands are practically on the same footing as the island of Guam, in which we have a government under the direction of the Navy Department. An officer of the Navy is the governor; a chaplain of the Navy, I believe, is the superintendent of public instruction of the island. The Navy doctors are the only doctors on the island, and they give free attention to all the people on the island. There are about 16,000 people on the island of Guam, almost twice as many as there are on the Samoan group covered by this resolution. There has been no complaint, so far as I have heard, from either Samoa or the island of Guam as to the administration of governmental affairs. The administration there by the Navy Department has been beyond all reproach. The people on the island of Guam are eminently satisfied, so far as I was able to ascertain from a personal visit to the island, except that they would like to have the little recognition that they are under our flag and that they belong to some country in the world. I suppose that this is the idea which the gentleman from Pennsylvania wishes to embody in this resolution in connection with the Samoans. They wish by this action to be officially and formally taken under the wing of the United States.

Mr. MORTON D. HULL. This resolution calls for further legislation. It provides for the appointment of a commission.

Mr. TILSON. Yes; and the commission will recommend what further laws and regulations are needed there. Meanwhile I suppose that they will continue under the control of the Navy Department, just as is the case with the island of Guam.

Mr. DENISON Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. DENISON. We took over the Panama Canal Zone in 1904.

The fundamental act for the Canal Zone was not passed until 1912. In the meantime Executive orders ruled the Canal Zone, and most of the legislation enforced in that interval between 1904 and 1912 was legislation by the President under Executive order. Some question was raised as to its validity, and in the canal act of 1912 Congress ratified those Executive orders.

Mr. TILSON. I understand that is in effect the situation in these Pacific islands, where Executive orders are tantamount to law.

Mr. JENKINS. And after this commission reports, some sort of an organic law would be adopted?

Mr. TILSON. Yes. It probably will be done after somebody who knows the situation makes recommendation of what the law should be.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HOCH. The first section provides:

That said cessions are accepted, ratified, and confirmed as of April 10, 1900, and July 16, 1904, respectively.

This is what lawyers would call a nunc pro tunc order. Will any consequences flow from now dating back to the ratification of the cession of these islands? Are there any obligations that will arise by virtue of dating back this order, instead of having it take effect now? We provide here that we shall be considered as having taken legal possession of those islands as of those dates after 25 years have gone by. Did the committee give any consideration to what legal or other consequences flow from that side?

Mr. KIESS. That question was raised, and we were advised that there were no reasons why this resolution, if passed, would affect any action that has taken place in these years.

Mr. BANKHEAD. Mr. Speaker, I move to strike out the last word for the purpose of getting a little more light on the question. This is a rather unique legislative and historical situation with which we are confronted. It is apparent here that we are entering by ratification of these old treaties upon some expenditure, and it probably may amount to considerable expenditure out of the Treasury before we get through with the business. Was there any information before the committee as to whether or not these little specks on the horizon out there in the south Pacific had any mineral or agricultural or economic value to the Government of the United States? I do not know whether they are worth $25,000, and that is the initial appropriation we are making. It seems to me that the information presented here by the committee is very vague and indefinite as to the real value of this proposal to our Government in the future. We have enough troubles out there, it seems to me, now in the Philippines and in the other places where our flag is flying without assuming additional burdens for some inconsequential stretch of territory which we do not know anything about, and that may never be of any economic or strategic value to the Government or the people of the United States. Can the gentleman give us any information whatever on that phase of the matter?

Mr. KIESS. Mr. Speaker, in answer to my colleague I will say, of course, that in the consideration of this measure we did not take the view that we were now planning to buy the islands. We have them, and we are told by the Navy Department that the harbor there is one of the best harbors

in that section of the Pacific, and naturally we are not going to part with it. As to the natural resources and the real economic value of the islands, I think that the Delegate from Hawaii, who has told me that he would ask for recognition in a few minutes, is in better position to tell us about those facts than anyone on the floor, because the Hawaiian Islands are so much nearer to the Samoan group than we are here in Washington. But we are of the opinion that insomuch as we have accepted these islands by cession we can not turn them adrift. We have done much for them and there is no question but that their condition is much better than are the conditions in what were German and British Samoa, both of which groups are now under the mandate of New Zealand.

There is much more discontent and trouble in those islands than in American Samoa. The Samoans are a proud, sensitive people, and they feel that they have not been properly treated, in view of the fact that they have been brought under our flag, but have never been made United States citizens or given a civil government.

Mr. BANKHEAD. That is entirely responsive to my inquiry, as the gentleman said we are not going to buy the islands, but notice we propose to buy $25,000 worth of legislative advice. I notice some commissioners are to be appointed. I must confess I am more concerned with regard to the expenditure over there than in reference to the sentimental side of the proposition. I do not see the necessity of authorizing an amount that large just to get some legislative recommendations about what we shall do with those islands through acts of Congress. It seems to me a rather exorbitant authorization. Does the gentleman propose that those commissioners shall go over there to confer with the chiefs of these islands, designated as joint commissioners, or propose they meet half way, or that those chiefs shall come to the city of Washington to negotiate with the representatives of the Congress? What is the program with regard to the expenditure of that $25,000?

Mr. KIESS. This is a Senate bill, introduced by Senator BINGHAM, who for many years lived in Hawaii. He is naturally interested in the subject, and the resolution was introduced in the Senate and passed and came to our committee. Exhaustive hearings were had, and I will be glad to send to my colleague a copy of these hearings, which will give him more information than I can in the short time at my disposal. However, this report of the Senate bill has the unanimous indorsement of our committee. I believe that when the Delegate from Hawaii speaks he will be able to give additional information.

Mr. BANKHEAD. The gentleman understands I am not opposing the bill. I was merely endeavoring in good faith to get information.

Mr. KIESS. I do understand.

Mr. HOUSTON of Hawaii. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, about 2,300 miles to the southward of Hawaii there lies a small group of islands which has been under the control of the United States flag for some twenty-eight-odd years. They only cover a territory of about fifty-seven and a fraction square miles and have only about nine thousand and odd people. It was first discovered in 1722 by a Dutch exploring expedition. We first cast our eyes in that direction in 1878 when there was negotiated a treaty by Mamea for the Samoan Government and the American Government which was ratified by the Senate. That treaty gave to the United States the use of the harbor of Pago Pago. That harbor is the best harbor in that part of the South Seas. It is a hurricane-proof harbor and those of you who are familiar with the history back in 1888 will recall the occasion when three of our men-of-war were wrecked at Apia, Samoa, during the troubles that occurred at that time. There were then lying in the roadstead of Apia 3 German, 3 American, and 1 British ship, and the only ship saved was the British ship, the *Calliope*, which was of a newer character than any of the rest of them. Ours were all wooden frigates. Now along about 1898 the King of Samoa, Malietoa, died and there were fresh troubles as the result of his succession.

We sent another force down there. The Germans sent a force down there, and the British also, resulting eventually in a convention in which the British and the Germans recognized our rights and claims over a certain part of the Samoan group, namely, the island of Tutuila and the Manua group. The British and the Germans arranged a separate negotiation between themselves and the British surrendered to the Germans their right to the part that had been allocated to them, so that the Germans succeeded to the rights and claims, whatever they may have been, to the islands of Savali and Upolu. Upolu is where Robert Louis Stevenson lived for many years and where he died.

That convention, which was ratified here in Washington February 16, 1900, did not cover any rights or titles over the islands, because they were still governed by the native chiefs and kings. But we did want to occupy the harbor, which occupation we had been given the right to by the treaty negotiated in 1978. So, following upon these events, subsequent to the death of Malietoa, during which we lost two officers and two men and the British one officer and two men, the President, by Executive order on February 19, 1900, directed the Navy Department to take over the government and control of the two islands set apart to us in this tripartite convention, and the Secretary of the Navy on his part thereafter issued the necessary instructions setting up those islands as a naval station and directing the commandant of that naval station to take care of their government.

The SPEAKER. The time of the gentleman from Hawaii has expired.

Mr. HOUSTON of Hawaii. I ask unanimous consent, Mr. Speaker, to proceed for five minutes more.

The SPEAKER. The gentleman from Hawaii asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HOUSTON of Hawaii. The government, by Executive order, having been established, the chiefs of Tutuila and Manua, by two different instruments, made a voluntary cession of their islands to the United States Government, and that in fact was the passing of title to ourselves. In that way, I will remind you, the government of the Republic of Hawaii was passed on to the Government of the United States, only in the case of Hawaii there was a joint resolution passed here ratifying and accepting the cession that had been made by the Republic of Hawaii. This resolution is in effect the same thing, and we are pursuing the same course as was pursued at the time of the annexation of Hawaii. In both instances it was the act of the people of those Territories. In this case it is the act of the people of Samoa, and they have asked, and rightly ask, this, "What has become of this cession we have made to the United States Government?" They are quoted as having said in 1902 that the chiefs and people of Tutuila no longer want to be ashamed that the cession that they have made has had no notice paid to it.

The Secretary of the Navy at that time made a recommendation that the cession be accepted, but no action was taken except that, following upon that recommendation, President Roosevelt sent a communication to the chiefs and people of American Samoa, expressing the appreciation of the people of the United States at receiving the island.

That was in effect one way perhaps of taking over territory, but it is not the way in which the Government usually does such things, and it was not the action of the legislative branch of our Government. They would like to receive a ratification of this cession. They came over of their own free will. They do not complain of the government, but they would like to have the government set up by legislative action rather than by Executive action, which is the case at the present time.

I think that, in brief, explains the question, but I shall be glad to answer questions.

Mr. DENISON. On which one of these islands is our naval station?

Mr. HOUSTON of Hawaii. On Tutuila.

Mr. DENISON. Are there any large towns in that island?

Mr. HOUSTON of Hawaii. The people are mainly in villages. The total population amounts to only 9,000.

Mr. DENISON. The gentleman means on the two islands?

Mr. HOUSTON of Hawaii. On the groups of islands.

Mr. DENISON. How many islands do we get by reason of this cession?

Mr. HOUSTON of Hawaii. We get, I think it is, six islands, small and large.

Mr. DENISON. Are there any Americans there besides the naval officers who have control.

Mr. HOUSTON of Hawaii. Only those who are engaged in the missions. There are several missions there—one of the London Missionary Society, one of the Methodist Church, one of the Mormon Church, and one of the Catholic Church.

Mr. DENISON. The people of these islands belong to the Maori race, do they not?

Mr. HOUSTON of Hawaii. Yes; they are Polynesians—pure Polynesians, of the race to which the Hawaiians belong, the Marquesans, the Tongans, and the Tahitians.

Mr. DENISON. How far are these islands from those on which Apia is located and which now belong to New Zealand?

Mr. HOUSTON of Hawaii. Eighty miles. The island of Upolu is within sight of Tutuila. [Applause.]

The SPEAKER. The time of the gentleman from Hawaii has again expired.

Mr. KIESS. Mr. Speaker, I desire to offer an amendment. On page 3, line 4, after the word "hereby," I move to insert the words "authorized to be."

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KIESS: Page 3, line 4, after the word "hereby," insert the words "authorized to be."

Mr. BANKHEAD. Will the gentleman allow me to suggest that he include in his amendment the striking out of the words "and to be immediately available."

Mr. KIESS. Mr. Speaker, I accept the amendment to strike out the words "and to be immediately available."

The SPEAKER. Is that offered as a part of the original amendment?

Mr. KIESS. It is.

The SPEAKER. Without objection, the amendment will be modified.

There was no objection.

The SPEAKER. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. KIESS: Page 3, line 4, after the word "hereby," insert the words "authorized to be"; and in line 5, after the word "appropriated," strike out the words "and to be immediately available."

Mr. ABERNETHY. Will the gentleman yield?

Mr. KIESS. Yes.

Mr. ABERNETHY. As I understood the gentleman's statement a while ago, the greatest benefit that will come to the United States is this harbor. That is practically so, is it not?

Mr. KIESS. That is true.

Mr. ABERNETHY. And that is desirable as a base; is that correct?

Mr. KIESS. That is the reason the islands were taken over, as I understand.

Mr. ABERNETHY. And we have had control of them for a number of years?

Mr. KIESS. Since 1900.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

SENATE BILLS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 432. An act for the relief of Martin E. Riley; to the Committee on Claims.

S. 1109. An act for the relief of Little Rock College, Little Rock, Ark.; to the Committee on Claims.

S. 1979. An act for the relief of the Union Shipping & Trading Co. (Ltd.); to the Committee on War Claims.

S. 2409. An act to amend section 1223 of the Revised Statutes of the United States; to the Committee on Military Affairs.

S. 4250. An act for the relief of David E. Jones; to the Committee on Claims.

S. 4815. An act for the relief of members of the crew of the transport *Antilles;* to the Committee on War Claims.

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.); to the Committee on Claims.

S. 4841. An act establishing a fund for the propagation of salmon in the Columbia River district; to the Committee on the Merchant Marine and Fisheries.

S. 4938. An act granting war-risk insurance to the estate of Herbert Toll; to the Committee on Claims.

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second-class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers; to the Committee on Post Offices and Post Roads.

S. 5040. An act to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on Post Offices and Post Roads.

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868; to the Committee on Indian Affairs.

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes; to the Committee on Post Offices and Post Roads.

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.; to the Committee on Military Affairs.

S. 5361. An act for the relief of Bertha Hanson; to the Committee on Claims.

S. 5443. An act to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries; to the Committee on Post Offices and Post Roads.

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper; to the Committee on Claims.

S. 5474. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics; to the Committee on the Census.

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928; to the Committee on Expenditures in Executive Departments.

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes; to the Committee on Banking and Currency.

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics; to the Committee on Naval Affairs.

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3771. An act vacating the alley between lots 16 and 17, square 1083, District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor;

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks;

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 967. An act for the relief of George J. Illichevsky;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2492. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;

H. R. 3949. An act for the relief of Frank F. Moore;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy or as warrant or commissioned officers in the United States Naval Reserve Force for purpose of promotion to chief warrant rank;

H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

H. R. 7392. An act for the relief of John I. Fitzgerald;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;

H. R. 9716. An act for the relief of Charles H. Salley;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;

H. R. 10327. An act for the relief of Charles J. Hunt;

H. R. 10624. An act for the relief of William J. Casey;

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918;

H. R. 10913. An act to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 11749. An act for the relief of H. A. Russell;

H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;

H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union stationed in the United States;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;*

H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;

H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service;

H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garage-men drivers in the motor-vehicle service;

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14572. An act for the relief of William Ghrist;

H. R. 15004. An act for the relief of Florence P. Hampton;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15039. An act for the relief of Winston W. Davis;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15092. An act to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.;

H. R. 15279. An act for the relief of the family of Wang Erh-Ko;

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments;

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission;

H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes;

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; and

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Thursday, February 14, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 14, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Papers and books, February 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

Authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus (H. J. Res. 377).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To authorize an appropriation for the American group of the Interparliamentary Union.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

For the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital (H. R. 15524).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

834. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the National Advisory Committee for Aeronautics for the fiscal year ending June 30, 1929, $208,000, to remain available until June 30, 1930 (H. Doc. No. 584); to the Committee on Appropriations and ordered to be printed.

835. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Federal Board for Vocational Education for the fiscal year ending June 30, 1930, for cooperative vocational education in agriculture and home economics $500,000, and for salaries and expenses, Federal Board for Vocational Education $95,000; in all, $595,000 (H. Doc. No. 585); to the Committee on Appropriations and ordered to be printed.

836. A communication from the President of the United States, transmitting records of judgments against the Government by the United States district courts in special cases, as submitted by the Attorney General, through the Secretary of the Treasury, amounting to $47,659.82 (H. Doc. No. 586); to the Committee on Appropriations and ordered to be printed.

837. A letter from the Assistant Secretary of Labor, transmitting report on accumulation of miscellaneous papers in the Immigration Service, Bureau of Labor Statistics, United States Employment Service, Children's Bureau, and Women's Bureau which will be of no further use in the transaction of official business; to the Committee on Disposition of Useless Executive Papers.

838. A letter from the secretary of the Federal Radio Commission, transmitting a list of useless papers accumulated in the files of the commission, which have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

839. A letter from the Secretary of the Treasury, transmitting draft of a bill "authorizing the Secretary of the Treasury to sell the Government property acquired for a new post-office site in Binghamton, N. Y., and for other purposes"; to the Committee on Public Buildings and Grounds.

840. A letter from the Acting Librarian of the Library of Congress, transmitting the first Index and Digest to the Legislation of the States of the United States enacted during the biennium 1925–26, under the act of Congress approved February 10, 1927; to the Committee on Printing.

841. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Director of Public Buildings and Public Parks of the National Capital for the fiscal years 1929 and 1930, in the sum of $48,000, together with proposed legislation to make Government property at Mount Weather, Va., available for the use of the President (H. Doc. No. 587); to the Committee on Appropriations and ordered to be printed.

842. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of headwaters of the Mississippi River, with a view to maintaining a minimum fixed head of water in all the channels of this system at all times; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BECK of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 16349. A bill authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at or near Cambridge, Md.; with amendment (Rept. No. 2474). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16603. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.; with amendment (Rept. No. 2475). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16604. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.; with amendment (Rept. No. 2476). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16605. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.; with amendment (Rept. No. 2477). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16606. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.; with amendment (Rept. No. 2478). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16609. A bill extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.; with amendment (Rept. No. 2479). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16610. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.; with amendment (Rept. No. 2480). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16640. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.; with amendment (Rept. No. 2481). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 16641. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.; with amendment (Rept. No. 2482). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 16645. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.; with amendment (Rept. No. 2483). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 16725. A bill authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Mont-

gomery, La.; with amendment (Rept. No. 2484). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16764. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.; without amendment (Rept. No. 2485). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16791. A bill to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.; with amendment (Rept. No. 2486). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16818. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; with amendment (Rept. No. 2487). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 16824. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.; with amendment (Rept. No. 2488). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. S. 4438. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; without amendment (Rept. No. 2489). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.; without amendment (Rept. No. 2490). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16531. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.; without amendment (Rept. No. 2495). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 16920. A bill granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; with amendment (Rept. No. 2496). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 17020. A bill to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.; with amendment (Rept. No. 2497). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17024. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.; without amendment (Rept. No. 2498). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. J. Res. 213. A joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress; with amendment (Rept. No. 2499). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 16792. A bill to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia; with amendment (Rept. No. 2500). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes; without amendment (Rept. No. 2501). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11726. A bill to authorize the construction of a memorial building at Champoeg, Oreg.; with amendment (Rept. No. 2502). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 16661. A bill to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.," approved May 16, 1928; with amendment (Rept. No. 2503). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 17026. A bill granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes; with amendment (Rept. No. 2504). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BRITTEN: Committee on Naval Affairs. H. R. 15976. A bill for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy; without amendment (Rept. No. 2491). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16887. A bill for the relief of Capt. George S. Seibels, Supply Corps, United States Navy; with amendment (Rept. No. 2492). Referred to the Committee of the Whole House.

Mr. HOUSTON of Hawaii: Committee on Naval Affairs. H. R. 16888. A bill for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy; without amendment (Rept. No. 2493). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 17001. A bill for the relief of Capt. Walter R. Gherardi, United States Navy; without amendment (Rept. No. 2494). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 9515. A bill for the relief of Homer N. Horine; with amendment (Rept. No. 2505). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 13288. A bill to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material; without amendment (Rept. No. 2506). Referred to the Committee of the Whole House.

Mr. TATGENHORST: Committee on Naval Affairs. H. R. 16891. A bill for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy; with amendment (Rept. No. 2507). Referred to the Committee of the Whole House.

Mr. EVANS of California: Committee on Naval Affairs. H. R. 16899. A bill for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy; without amendment (Rept. No. 2508). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GIBSON: A bill (H. R. 17074) to provide for the acquisition of a residence for the use of the Vice President, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. BURTNESS: A bill (H. R. 17075) to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. CONNERY: A bill (H. R. 17076) to amend the World War adjusted compensation act, as amended; to the Committee on Ways and Means.

By Mr. ROY G. FITZGERALD: A bill (H. R. 17077) to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 17078) to authorize the establishment of an employment agency for the Indian Service; to the Committee on Indian Affairs.

By Mr. LEAVITT (by request): A bill (H. R. 17079) to repeal the provisions in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools; to the Committee on Indian Affairs.

By Mr. SNELL: A bill (H. R. 17080) to amend section 97 of the Judicial Code, as amended (sec. 178, title 28, U. S. C.); to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Joint resolution of the Legislature of the State of Nebraska, urging the Congress of the United States to enact into law House bill 14461; to the Committee on the Judiciary.

By Mr. CARSS: Memorializing the Congress of the United States for the relief of the Lake of the Woods settlers for past damages suffered at the hands of power trust and enterprises in Canada; to the Committee on the Judiciary.

By Mr. EATON: Memorial of the Legislature of the State of New Jersey, urging the Congress of the United States to appropriate sufficient funds to train not less than 21,000 reserve officers each year for a period of 14 days on an active-duty status; to the Committee on Appropriations.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States to amend existing law to provide that settlers suffering alleged damage to their lands bordering on the Lake of the Woods may

have their claims filed and tried in the courts of the land; to the Committee on the Judiciary.

By Mr. HOWARD of Nebraska: Memorial from the House of Representatives of the State of Nebraska, memorializing the Congress in behalf of a Federal appropriation for the survey, improvement, construction, and maintenance of a road on the Omaha and Winnebago Indian Reservation in the State of Nebraska; to the Committee on Roads.

Also, memorial from the Senate of the State of Nebraska, pleading for Federal appropriation for survey, improvement, construction, and maintenance of a road on the Omaha and Winnebago Indian Reservation in the State of Nebraska; to the Committee on Roads.

Also, memorial from the House of Representatives of the State of Nebraska, memorializing the Congress in behalf of House bill 14461, Seventieth Congress, second session, which provides for a joint reunion of the survivors of the war of 1861 to 1865, to be held in the city of Washington in the year 1929, and to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion and to provide for a commission to carry into effect the provisions of said act; to the Committee on the Judiciary.

Also, memorial from the Senate of the State of Nebraska memorializing the Congress in behalf of House bill 14461, Seventieth Congress, second session, which provides for a joint reunion of the survivors of the war of 1861 to 1865, to be held in the city of Washington in the year 1929, and to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion and to provide for a commission to carry into effect the provisions of said act; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 17081) for the relief of James L. Hannon; to the Committee on Military Affairs.

Also, a bill (H. R. 17082) for the relief of dependent wife and child of Leonidas B. Linger; to the Committee on Military Affairs.

Also, a bill (H. R. 17083) for the relief of Herbert L. Burge; to the Committee on Military Affairs.

By Mr. BACHARACH: A bill (H. R. 17084) granting an increase of pension to Mary Conover; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 17085) granting an increase of pension to Betsy Van Amburg; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 17086) granting an increase of pension to Mary L. Briggs; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 17087) granting an increase of pension to Mary E. Buffin; to the Committee on Invalid Pensions.

By Mr. HALL of Illinois: A bill (H. R. 17088) granting an increase of pension to Mary E. Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17089) granting an increase of pension to Matilda Edmonds; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 17090) granting a pension to Ella V. Zeluff; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 17091) granting a pension to Mrs. Harrison Lantz; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 17092) granting an increase of pension to Susannah Null; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 17093) granting a pension to Lucy E. Huff; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 17094) for the relief of John F. Green; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 17095) to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11172. By Mr. BACHMANN: Petition of A. G. Bihler and other citizens of Wheeling, W. Va., protesting against the enactment of the Lankford Sunday bill; to the Committee on the District of Columbia.

11173. By Mr. BLOOM: Petition of persons protesting against the enactment of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

11174. By Mr. BOYLAN: Resolution adopted by the New York State Bar Association at the last annual meeting of the association urging the passage of House bill 10639; to the Committee on the Judiciary.

11175. By Mr. CANFIELD: Petition of Dr. John B. Talmage and 48 other citizens of Lawrenceburg, Ind., petitioning against the passage of the Lankford Sunday bill, known as House bill 78; to the Committee on the District of Columbia.

11176. By Mr. CANNON: Petition of the First Baptist Church, of Oklahoma City, Okla., indorsing equal distribution of broadcasting facilities by the Federal Radio Commission; to the Committee on the Merchant Marine and Fisheries.

11177. By Mr. CARLEY: Petition of postal employees of New York, asking special rule on certain bills; to the Committee on Rules.

11178. By Mr. CARTER: Joint petition of Shasta County Board of Supervisors and the Redding Chamber of Commerce, Calif., urging the passage of House bill 14665, appropriating $10,500,000 for the next 3-year period in building highways; to the Committee on Roads.

11179. By Mr. CULLEN: Petition of the New York Holstein-Friesian Association, urging Congress to direct its attention to the better protection of our dairy industry by adequate increase of existing tariff duties on milk, cream, cheese, butter, and other dairy products and competing products, to the end that returns to the dairy branch of agriculture may be on a fair parity with the other business industries of our country; to the Committee on Ways and Means.

11180. Also, petition of the board of trustees of the Foreign Language Information Service, urging that Congress permit aliens who entered the United States before July 1, 1924, but of whose admission there is no record, and who are not for any cause subject to deportation, to regularize their status in the United States and to obtain the certificate of arrival required for naturalization; to the Committee on Immigration and Naturalization.

11181. Also, petition by the New York State Bar Association, urging passage by Congress of the bill pending before it, designated as House bill 10639; to the Committee on the Judiciary.

11182. By Mr. EVANS of California: Petition of Mrs. L. C. Craig and 192 others, of North Long Beach, Calif., protesting against the enactment of the Lankford Sunday bill; to the Committee on the District of Columbia.

11183. By Mr. GARBER: Petition of the First Baptist Church of Oklahoma City, Okla., requesting Congress and the Federal Radio Commission to remedy certain discriminations against the churches in the matter of broadcasting; to the Committee on the Merchant Marine and Fisheries.

11184. By Mr. JOHNSON of Texas: Petition of Texas Farm Bureau Federation, protesting against a tariff on lumber, shingles, and logs from Canada; to the Committee on Ways and Means.

11185. By Mr. KVALE: Petition of the Marietta Study Club, Marietta, Minn., by Mrs. C. C. Ross, corresponding secretary, urging prompt enactment into law of the Shipstead-Newton bill, so called (H. R. 12780); to the Committee on the Public Lands.

11186. By Mr. LINDSAY: Petition of Ford & Co. (Inc.), Brooklyn, N. Y., urging passage of House bill 12693, regulating traffic, labeling, and standards of various types of preserves; to the Committee on Agriculture.

11187. Also, petition of the New York State Bar Association, favoring House bill 10639, involving certain changes in trial procedures; to the Committee on the Judiciary.

11188. Also, petition of Irving Cohen, 50 Bocrum Street, and H. Bronstein, 201 Varet Street, Brooklyn, N. Y., urging support of Mead-La Follette bill for postal employees; to the Committee on the Civil Service.

11189. Also, petition of James Kennaugh, president Local No. 10, New York Federation Post Office Clerks, New York, N. Y., urging support of La Follette and Dale-Lehlbach retirement bills; the Committee on the Civil Service.

11190. By Mr. O'CONNELL: Petition of the Foreign Language Information Service, New York City, with reference to amendments to the immigration law; to the Committee on Immigration and Naturalization.

11191. Also, petition of George Borgfeldt & Co., New York City, favoring the passage of Senate bill 1462; to the Committee on Irrigation and Reclamation.

11192. Also, petition of Ford & Co., Brooklyn, N. Y., favoring the passage of House bill 12693; to the Committee on Agriculture.

11193. Also, petition of the New York State Bar Association favoring the passage of House bill 10639; to the Committee on the Judiciary.

11194. By Mr. O'CONNOR of New York: Resolution adopted by the New York State Bar Association, urging the passage of House bill 10639; to the Committee on the Judiciary.

11195. By Mr. QUAYLE: Petition of Henry W. C. Block, St. Louis, Mo., and other citizens, with reference in the settlement of claims of former enemies to any property turned over to the Alien Property Custodian; to the Committee on Ways and Means.

11196. Also, petition of the National Association of Retail Meat Dealers (Inc.), of Chicago, Ill., opposing an increase in tariff on meats; to the Committee on Ways and Means.

11197. Also, petition of Ford & Co. (Inc.), of Brooklyn, N. Y., favoring the passage of House bill 12693, referring to the question of standards covering the making of fruit preserves; to the Committee on Agriculture.

11198. Also, petition of George Borgfeldt & Co., of New York, favoring the passage of Senate bill 1462, which authorizes preparations to be made for completing surveys and studies for the Columbia Basin project; to the Committee on Irrigation and Reclamation.

11199. Also, petition of New York State Bar Association, urging the passage of House bill 10639, granting to an accused in the United States district court the right voluntarily to waive a jury trial and to elect to be tried by the court without a jury; to the Committee on the Judiciary.

11200. By Mr. SANDERS of Texas: Petition from the First Baptist Church of Oklahoma City, asking to remedy discriminations that are being practiced upon the Christian churches of the Nation, etc.; to the Committee on the Merchant Marine and Fisheries.

11201. By Mr. VINCENT of Iowa: Petition of Joseph Dotzler, Defiance, Iowa, protesting against any change in present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

SENATE

THURSDAY, *February 14, 1929*

(Legislative day of Monday, February 11, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska.

The message also announced that the House had passed the joint resolution (S. J. Res. 110) to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16877. An act providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; and

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Gould	Oddie	Thomas, Okla.
Bruce	Greene	Overman	Trammell
Burton	Hale	Phipps	Tydings
Capper	Harris	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Curtis	Hayden	Robinson, Ark.	Walsh, Mont.
Dale	Heflin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson
Edge	Keyes	Shipstead	Wheeler

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is still detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, and I ask that the announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are absent because of illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

SUPPLEMENTAL ESTIMATES—INCREASE OF THE NAVY (S. DOC. NO. 222)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, three supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1930: For increase of the Navy—construction and machinery, $5,800,000; armor, armament, and ammunition, $6,000,000; and improving and equipping the navy yards for construction of ships, $570,000—amounting in all to $12,370,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, reporting, pursuant to law, relative to an accumulation of certain papers on the files of the Government Printing Office which have no permanent value or historical interest and asking for action looking toward their disposition as waste paper, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. SHIPSTEAD and Mr. FLETCHER members of the committee on the part of the Senate.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of the Interior, reporting, pursuant to law, relative to an accumulation of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. NYE and Mr. PITTMAN members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

LEGISLATURE OF THE STATE OF IDAHO, TWENTIETH SESSION,
IN THE SENATE.

Senate Joint Memorial 2 (by agricultural committee)

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent: That—

Whereas Idaho is principally an agricultural State and many of her products come in direct competition with those imported from foreign countries; and

Whereas on account of the low tariff, some of our products are being sold at pre-war prices; and

Whereas the present tariff rates do not give sufficient protection to allow our products to successfully compete with the cheap labor of foreign countries: Now therefore be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That we most respectfully urge the Congress of the United States of America to give careful consideration to the report submitted by the Idaho State tariff committee, and now on file with the House Committee on Ways and Means, in the Congress of the United States, to the end that the proposed schedules therein shall be adopted, all of which we fully indorse and heartily recommend; and be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies hereof be sent to the Senators and Representatives in Congress from this State.

Mr. WALSH of Massachusetts. Mr. President, I present a petition numerously signed by citizens of Massachusetts residing in Salem, Peabody, and Danver, and employed as leather workers in industries located in their respective communities, praying for a fair tariff on imports of finished leather. I ask that the body of the petition may be printed in the RECORD and that the petition itself be referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD without the signatures of the petitioners, as follows:

FEBRUARY 5, 1929.

Hon. DAVID I. WALSH:

The leather industry in our community and from what figures we have throughout the country is in a very precarious condition at the present time. We can not help but blame this on the leather imports coming into the United States. We realize that the tanners can not compete with the foreign manufacturers in the cost of making leather, where the wages are much lower than in the United States.

The figures from the United States Bureau of Labor Statistics show that there were about 7,700 less people employed in the American tanneries in the first six months of 1928 than there were four years ago when the imports began to increase.

The lines which seem to be the hardest hit are the calf and kip, and these are the two in which we are vitally interested. In fact, the figures show that more than one-third of the calf leather used in the United States was imported.

During the three months ending September 30, 1928, the imports of leather were actually greater than the exports for the first time in history.

We believe that a fair tariff on imports of finished leather would greatly benefit the American leather worker and leather manufacturer. We believe that this is the only solution to an adjustment of the conditions that prevail at the present time.

We respectfully request that this petition be laid before the Ways and Means Committee or other appropriate committee of the Congress.

LEATHER WORKERS OF ESSEX COUNTY,
STATE OF MASSACHUSETTS.
(Employed by A. C. Lawrence Leather Co. and National Calfskin Co.)

REPORTS OF COMMITTEES

Mr. PINE, from the Committee on Indian Affairs, to which was referred the bill (S. 5346) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes, reported it with amendments and submitted a report (No. 1728) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 5245) to purchase land for the Indian colony near the city of Ely, Nev., and for other purposes, reported it with amendments and submitted a report (No. 1739) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 5752) authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado, and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, to sue in the Court of Claims, reported it without amendment and submitted a report (No. 1743) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 5601) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, reported it without amendment and submitted a report (No. 1745) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4520) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended (Rept. No. 1729);

A bill (H. R. 5952) for the relief of Robert Michael White (Rept. No. 1730);

A bill (H. R. 10957) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920 (Rept. No. 1731);

A bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property (Rept. No. 1732);

A bill (H. R. 13957) to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa (Rept. No. 1733);

A bill (H. R. 14466) to provide for the sale of the old post-office property at Birmingham, Ala. (Rept. No. 1734); and

A bill (H. R. 15468) to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States Subtreasury and other governmental offices at New Orleans, La. (Rept. No. 1735).

Mr. FESS, from the Committee on Public Buildings and Grounds, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 4975) to create a commission on establishing a country summer White House (Rept. No. 1756); and

Joint resolution (S. J. Res. 185) to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C. (Rept. No. 1757).

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 5738) to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928, reported it without amendment and submitted a report (No. 1736) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium (Rept. No. 1737); and

A bill (H. R. 16274) to provide for the establishment of a municipal center in the District of Columbia (Rept. No. 1738).

Mr. BLAINE, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5676) to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928 (Rept. No. 1740); and

A bill (H. R. 12697) to amend the Code of Laws of the District of Columbia relating to interest and usury (Rept. No. 1741).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 12793) for the relief of Alonzo Durward Allen, reported it with an amendment and submitted a report (No. 1742) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5664) to extend the times for commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr. (Rept. No. 1746); and

A bill (S. 5685) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn. (Rept. No. 1755).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky. (Rept. No. 1747);

A bill (H. R. 14472) to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss. (Rept. No. 1748);

A bill (H. R. 15201) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio (Rept. No. 1749);

A bill (H. R. 15714) to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga. (Rept. No. 1750);

A bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania (Rept. No. 1751);

A bill (H. R. 16026) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo. (Rept. No. 1752);

A bill (H. R. 16270) to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924 (Rept. No. 1753); and

A bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky. (Rept. No. 1754).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 5794) granting an increase of pension to Jennie Beal; to the Committee on Pensions.

A bill (S. 5795) for the relief of Charles F. Dalton; to the Committee on Military Affairs.

By Mr. GEORGE:

A bill (S. 5796) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON:

A bill (S. 5797) to amend the act entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928; to the Committee on the District of Columbia.

By Mr. HEFLIN:

A bill (S. 5798) providing for the enforcement of the civil service law for apportionment of positions in the Federal service at Washington, and for other purposes; to the Committee on Civil Service.

By Mr. FRAZIER (by request):

A bill (S. 5799) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools; to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 5800) for the relief of Eddie Gordon; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 5801) to amend the act approved March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5802) to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.; to the Committee on Commerce.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 5803) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; to the Committee on Commerce.

By Mr. VANDENBERG:

A joint resolution (S. J. Res. 216) to establish a joint commission on airports; to the Committee on the District of Columbia.

HOUSE BILLS PLACED ON THE CALENDAR

The following bills were each read twice by their titles:

H. R. 16877. An act providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; and

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

The VICE PRESIDENT. The Senate committee having reported similar bills, these bills will be placed on the calendar. The Senate resumes the consideration of the unfinished business.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. CARAWAY. Mr. President, I ask unanimous consent that after 3 o'clock to-day no Senator may speak more than once or longer than 10 minutes upon the bill now before the Senate or upon any amendment pending thereto.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Mr. President, I shall be compelled for the moment to withhold my consent. There are certain matters which I desire to present to the Senate to-day, and if there is placed upon debate such an early limitation I am afraid I shall not be able to do so.

Mr. CARAWAY. If I make it 4 o'clock, will that meet the Senator's objection?

Mr. BRUCE. That depends on whether I would have an opportunity to submit what I wish to say.

Mr. CARAWAY. I want to say, if the Senator will pardon me, that there are but a few days left of this session and there are many things yet to be done. I do not feel that there is much more to be said upon the bill. If so, it will mean merely general discussion upon matters which are entirely academic. I had hoped we might reach an agreement so we would get a vote sometime to-day. We ought to vote on the bill. If it is to be passed, it ought to pass, and if it is to be defeated, it ought to be defeated, so the program may go forward.

I think the Senate has been very patient, and I am very much obliged to Senators for their courtesy and kindness in the consideration of the measure. I do want to get some disposition of the bill. If the Senator from Maryland will pardon me, if he will consent that we may fix 4 o'clock as the time for beginning the limitation of 10 minutes for debate on the bill and any amendments that might be presented, I think we could get a vote sometime this evening.

Mr. WALSH of Massachusetts. Mr. President, I suggest to the Senator from Arkansas that he renew his request after the Senator from Maryland has taken the floor and concluded his speech.

Mr. CARAWAY. I shall be glad to yield to the Senator from Maryland now, and then he will have the floor.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. SIMMONS. Mr. President, I understand the order with reference to the limitation of debate to provide 20 minutes for each Senator after 4 o'clock. Is that the Senator's proposition?

Mr. CARAWAY. No; it is proposed to place a limit of 10 minutes upon debate after 4 o'clock so that we shall get through sometime this evening—10 minutes for each Senator on the bill and pending amendments.

Mr. HARRISON. Or any amendment that might be offered. It does not apply merely to pending amendments.

Mr. CARAWAY. Yes; the Senator is correct.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was reduced to writing, as follows:

It is agreed by unanimous consent that beginning at 4 o'clock p. m. on the calendar day of February 14, 1929, no Senator may speak more than once or longer than 10 minutes upon the bill (S. 1093) to prevent the sale of cotton and grain in future markets, or any amendment that may be pending thereto.

THE ROMAN CONCORDAT

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Birmingham News of February 7, 1929, entitled "A Reactionary Step: the 'Concordat' at Rome."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Birmingham News, February 7, 1929]

A REACTIONARY STEP: THE "CONCORDAT" AT ROME

It is difficult if not impossible for Americans, mindful of their treasured political and religious ideals, to felicitate either the Italian

Government or the papacy upon the adoption of the "concordat," signed at Rome on Monday by representatives of the Quirinal and the Vatican.

What has come to pass after months of negotiations between the high contracting parties definitely realigns, if it does not actually unite, church with state in the Kingdom of Italy.

This concordat revives the reputedly outworn formula that that government is best wherein the state props, and is propped by, the church. By reason of this fact, the work conceived by Mazzini and achieved by Cavour in Italy is in part undone. Victor Emmanuel and Garibaldi are retired from the Italian scene. Pius IX reemerges, none too cleverly disguised as Pius XI. Temptation is strong to add that the wraith of the holy alliance, the sworn foe of democracy throughout Europe and the world, apparently comes out of its tomb.

Where Metternich, the Austrian fox, failed, Mussolini, the Italian lion, succeeds. Where Pius IX was beaten, his latest successor to the papal throne wins. And, paradoxical though it may seem to be, the latest successor of Gustavus Adolphus, the stay of Protestantism, to the Swedish throne is the first of earth's rulers to felicitate the Pope upon the Vatican's triumph!

It is true that in their sovereign capacities the Quirinal and the papacy have the naked right to conclude any agreement that may please them. It is true that other states, including the United States of America, may not properly interpose any objection of their own. But free and full expression of public opinion respecting the wisdom of this concordat can not be, and should not be, repressed—particularly in a country like the United States, where government is based upon the theory that state and church should function not only separately but even independently.

"A free church in a free state"—this is the ideal that has been set up and maintained in these United States by Protestant, Catholic, and Jew alike. Irrespective of religious faith, this is the polity to which all Americans, capable of appreciating their country's laws and resolved to defend institutions built up under those laws, unreservedly subscribe.

Of all elements of this country's population, there is perhaps none that regrets more keenly the negotiation of this concordat between the Vatican and the Quirinal than do thinking Catholic laymen, if not Catholic ecclesiastics, here.

* * * * * * *

A momentous step—a distinctly reactionary one—has been taken by the papacy as well as by the Italian Government. It is incredible that this intelligence from Rome can find sympathy or support even in enlightened Catholic circles of this country, or of this hemisphere. Undeniably, non-Catholics will not fail to reflect upon what has come to pass with a very lively sense of apprehensiveness.

THE DECENNIAL CENSUS

Mr. BRUCE. Mr. President, I wish to bring to the attention of the Senate, in connection with the larger phase of the subject, two newspaper dispatches which communicate to the world the attitude which the Senator from Pennsylvania [Mr. REED] has taken with reference to the next decennial census. I read, first of all, an Associated Press dispatch, as follows:

Sharp protest against the reappointment for the 1930 census taking of the "Democratic political appointees employed" on the 1920 census was voiced to-day by Senator REED, Republican, Pennsylvania, in a letter to Director Steuart of the Census Bureau.

Senator REED declared that, despite protestations from Mr. Steuart that he was not pursuing such a course, he had found recent evidence in Pennsylvania of the bureau offering employment again to those who participated in the 1920 census.

"I will not consent under any circumstances," REED wrote to Steuart in a letter made public to-day, "to the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or by my colleagues in Congress."

Sending to Mr. Steuart a copy of a letter received by a Pennsylvanian signed by the director and offering reappointment for the 1930 census taking, the Senator called upon Steuart to—

"First. Explain why such a letter was sent out (assuming it to be authentic) when it was well known that the census enumerators employed 10 years ago were chosen on a political basis, and in most instances were Democrats.

Mr. President, I really must ask for order in the Chamber. I can understand why it may not be very palatable to my Republican friends to listen to what I am reading, but I think that I am entitled to have a certain degree of quiet in the Chamber.

The VICE PRESIDENT. Senators will be in order.

Mr. BRUCE. I continue reading:

Second. Explain the discrepancy between your statement to me and the implications of your letter to this former enumerator.

Third. State now what you have in mind as to the method of assembling the organization for taking the 1930 census.

REED said if the appointments were to be made on a political basis, he expected that he and his colleagues would be consulted. If the appointments are not made on that basis, he said he would insist that all civic organizations interested in an efficient census taking be consulted.

And I read this other dispatch as it appeared in the Baltimore Sun this morning:

WASHINGTON, February 13.—Republicans at the Capitol alarmed over prospects for the reappointment of the 1920 census takers for the compilation of the 1930 census, Senator REED (Republican), Pennsylvania, one of those most active against the reemployment of the 1920 census organization, which, he says, was filled with Democrats, announced to-night he had received assurances from Secretary of Commerce Whiting that no appointments will be made which are not satisfactory to the "responsible political leaders."

"I shall oppose any plan," REED announced, "for the reemployment of the Democratic politicians who assisted in the notoriously inefficient census of 1920, or the employment of individuals whom they may recommend."

Mr. President, I must say that assuming the verity of those dispatches they fill me with nothing less than painful astonishment. I have been cherishing the impression that the Senator from Pennsylvania was a statesman, and now, unless he denies the truthfulness of those dispatches, I am compelled to harbor the idea that he may, after all, be nothing but an ordinary political spoilsman, with conceptions of the public service totally at war with the more enlightened ideas that prevail among the American people with reference to its just demands.

I can speak upon this subject without the least reserve or without the slightest opportunity being afforded to anyone to impute to me any partisan motives, because practically since my boyhood I have been a consistent and uncompromising advocate of the merit system of appointment. I have done everything in my power to see that it was applied not only to the Federal civil service but to the civil service of the States and their municipalities. As far back as the eighties of the last century my attention was called in a newspaper to the fact that a partisan Congressman of that time, Jay Hubbell, into whose class I would, indeed, regret to see the Senator from Pennsylvania drift, had issued an order imposing political assessments even upon the charwomen about the National Capitol. So filled was my soul with indignation—though I never had before given any deliberate thought to the proper principles upon which the civil service of the Federal Government should be based—that from that time on I have never failed to do what I could to promote such principles.

Mr. President, every Senator knows that I am a Democrat, and I can not conceive of myself as being anything else. If there is any man in the United States who believes more firmly than do I in the principles of the old Jeffersonian creed, I know not who he is; nor if there is any man in the United States who believes more firmly than do I in the principles of international policy which were added to that creed by the political ideas of Woodrow Wilson, do I know who he is; but I have always felt that a rigid line of separation should be preserved between the officers of the Federal Government who are concerned with the execution of party policies and the principles that should govern appointments to subordinate offices under the Federal, State, and municipal governments, which have nothing to do with the execution of party policies.

In my own State of Maryland I, and others with far more capacity for furthering the success of any cause than I could claim, both Democrats and Republicans, were engaged for more than a generation in the effort to apply to the State government of Maryland and to the municipal government of Baltimore city the merit system of appointment.

I venture to say that there never was more fervid and disinterested zeal, that there never were more brilliant intellectual powers enlisted in any cause than in that cause in Maryland.

Among its leaders was the late John K. Cowen, the general counsel and afterwards the president of the Baltimore & Ohio Railroad, one of the few men whom I have known in my life who was a truly great man. His powerful mind when fully exerted could handle the hammer of Thor as if it were but a willow wand. Side by side with him stood the late Severn Teackle Wallis, the most brilliant individual with whom I have ever come into contact in the Old World or the New. If anyone should undertake to contrast almost any man that I have ever known in public life in my own or any other party with him I should be ready to say, in the language of Shakespeare:

> So
> With the dove of Paphos might the crow
> Vie feathers white.

Associated with these two great Democrats were also Republican leaders who honored themselves and the community in which they lived by devoting their faculties to the purification of election abuses and to placing the civil administration of the

State of Maryland and the city of Baltimore upon the plane upon which it can be placed only by the proper application of the merit system of appointment.

For a long time the contest seemed to be a hopeless one, as all noble contests of lasting significance in their earlier stages appear to be. At times our hearts almost died down in despair with the sense of our impotence ever to attain the exalted goal upon which through so many years we had had our eyes fixed. Finally, when the Democratic Party was in complete control in the State of Maryland under its able and enlightened leader, Albert C. Ritchie, the merit system of appointment was applied to both the State civil service and the municipal service of Baltimore. So now the people of Maryland at least are in the happy position of seeing that system of appointment control not only the subordinate Federal positions in their midst, but all the thousands of subordinate positions within the gift of the State of Maryland and the city of Baltimore as well.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. BRUCE. I yield.

Mr. REED of Pennsylvania. I was not in the Chamber when the Senator commenced his remarks, but I understand that he began them by some compliments to myself, calling me among other things a "political despoiler."

Mr. BRUCE. I did not call the Senator a spoilsman. I said that I hoped that I should never have any occasion to call him one. If there is any satisfaction in that distinction the Senator from Pennsylvania is welcome to it.

Mr. REED of Pennsylvania. I sincerely hope that there will be no occasion for the Senator to call me that. However, I wanted to ask the Senator if he was referring to some correspondence that has passed between the Director of the Census and myself.

Mr. BRUCE. I was; and I read two dispatches, which I take it for granted were correct. They go to show that the Senator was intolerant even of the idea that some individual Democrats who were connected with the last census, the one taken in 1920, should have anything to do with the taking of the 1930 census. Indeed, if the dispatches are true, the Senator seems to have pounced on certain Democrats of that description up in Pennsylvania, almost with the ferocity with which a ferret might pounce upon a rat.

Mr. REED of Pennsylvania. Does the Senator understand that in the census of 1920 the enumerators were appointed under the civil service?

Mr. BRUCE. They were in 1910, and that is enough for me; and that census has been pronounced by the Census Bureau the most honest and accurate census that has been taken within the last 40 years.

Mr. REED of Pennsylvania. Very good; but the Senator surely can not understand that they were so appointed in 1920; and if he does so understand I wonder why he objects to my protesting against the continuance of those men in the office without giving a chance to efficient men to apply for the places now.

Mr. BRUCE. What right has the Senator to say that the Democrats to whose appointment he objected were not efficient? It is fair to assume that the Director of the Census wished to appoint them largely because they had proven by the character of their service in connection with the census of 1920 to be faithful and valuable servants of the Government.

Mr. REED of Pennsylvania. It depends upon how much we indulge in presumptions. If we presume that every Democrat is appointed because he is efficient and presume that every Republican is appointed for political reasons, of course we will reach that conclusion.

Mr. BRUCE. I assume nothing of the sort. The Senator has yet to learn the A B C of correct civil administration. My point is that these census employees should be selected in a nonpartisan way, without reference to whether they are Democrats or Republicans.

Mr. REED of Pennsylvania. The Senator applies that point so as to compel the continuance of the Democrats in office and not give any Republicans a chance.

Mr. BRUCE. I do nothing of the sort. I have offered an amendment to the census bill relating to the decennial census of 1930, now on our calendar, providing that all census supervisors, supervisor-clerks, special agents, interpreters, and enumerators shall, without reference to whether they are Democrats or Republicans, be selected under the civil-service rules and regulations.

Mr. REED of Pennsylvania. Then the Senator surely will join with me in protesting against the continuance of these Democrats without giving the civil service a chance.

Mr. BRUCE. I will do so when the Senator from Pennsylvania pledges himself to support my amendment, and not before.

Mr. REED of Pennsylvania. I will make my pledges in my own time.

Mr. BRUCE. The Senator will never make them.

Mr. REED of Pennsylvania. Now, will the Senator also tell me whether he approves of the action of the Director of the Census in telling me in a letter that he had written to these 1920 enumerators only to get information about local conditions, when I later was able to confront him with his own letter offering them the positions? Does the Senator approve of that?

Mr. BRUCE. I have never seen the letter. All I know about it is what is mentioned, and mentioned in a meager way, in the dispatches to which I have referred. I am not interested in the Senator's correspondence. The Senator's idea was to place under the ban any and every man in the State of Pennsylvania, so far as the taking of the next decennial census was concerned, who happened to be a Democrat, and I have no doubt that he was faithfully voicing the feelings of the Vare machine and of every other political machine that exists in the State of Pennsylvania when he took that position. But I did say that I have been in the habit of classifying the Senator from Pennsylvania as a statesman; and I should be sorry, indeed, to find that he had to be classified along with the rest as a mere political spoilsman, incapable of lifting himself up to the proper plane of intelligence as respects the subordinate civil administration of the Federal Government.

Mr. REED of Pennsylvania. If the Senator's regard is as high as that, it occurs to me that he might at least have asked to see the letter itself before he began to denounce me on the strength of a newspaper clipping about it.

Mr. BRUCE. Here are the two dispatches. One is from the Associated Press, a pretty trustworthy agency, my observation has led me to believe. The other is from the Baltimore Sun, a very cautious and conservative journal, as the Senator well knows.

Mr. REED of Pennsylvania. Absolutely; always fair to Republicans. I have noted that about the Baltimore Sun.

Mr. BRUCE. The Baltimore Sun is one of the most independent newspapers in the United States. Indeed, it shrinks from the idea of being called a Democratic paper. My observation is that it is always anxious to make a point of its character as an independent journal.

Mr. REED of Pennsylvania. I have no doubt that the Baltime Sun is better evidence of what was in my letter than the letter itself; but it occurs to me that the Senator, who is usually so fair and so scrupulous of the feelings of others, might have asked to see the letter before he began to denounce it.

Mr. BRUCE. It is not so much what the letter of Mr. Steuart says but what the Senator said to Mr. Steuart. There can not be any mistake about that, I imagine.

Mr. REED of Pennsylvania. I told Mr. Steuart, in effect, that he had written an untruth to me; that he had offered the jobs to these Democrats, whereas he told me, in effect, that he had not, and I protested against that. Does the Senator disapprove that?

Mr. BRUCE. What the Senator is reported as saying is—it is all in quotation marks:

> I will not consent under any circumstances to the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or my colleagues in Congress.

Mr. REED of Pennsylvania. Precisely; and I believe that.

Mr. BRUCE. Then if the Senator is ready to commit himself to that, it does not seem to me that the colloquy that is now pending between him and me can possibly have any fruitful results.

Mr. REED of Pennsylvania. I am anxious to find out what the Senator's position is. Does the Senator mean that he does approve of the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census?

Mr. BRUCE. As far as I can see, the "arbitrary reappointment" consists entirely in the fact that the individuals happened to be Democrats; that is all.

Mr. REED of Pennsylvania. Will not the Senator give a direct answer to my question? Does the Senator approve of the arbitrary reappointment of those people?

Mr. BRUCE. The Senator will have to produce some evidence to me going to show that there is anything arbitrary

about their reappointment. The men were connected with the taking of the last census; and I have every reason to believe that they were going to be reappointed by Mr. Steuart, the Director of the Census, because when they were connected with the taking of the 1920 census they had proved themselves to be efficient and faithful public servants.

Mr. REED of Pennsylvania. The Senator's answer is not as responsive as his answers usually are. He denounces me for disapproving of this arbitrary reappointment. Now he is unwilling to say that he approves it.

Mr. BRUCE. What was there arbitrary about it, pray, except that the men were Democrats?

Mr. REED of Pennsylvania. Does the Senator approve of the arbitrary appointment of these Democrats who were in the census of 1920 without giving anybody, either Republican or Democrat, a chance to compete for the positions under civil service?

Mr. BRUCE. The Senator knows, as I say, that my wish is to take all the appointees under the coming census out of the field of spoils politics and to place them under the civil-service rules and regulations.

Mr. REED of Pennsylvania. Then the Senator admits that they were in the field of spoils politics in 1920, does he not?

Mr. BRUCE. I believe that the census of 1920 was taken under Democratic auspices, perhaps.

Mr. REED of Pennsylvania. It is so rumored; yes.

Mr. BRUCE. I think it was. I will say that I think it was taken under Democratic auspices.

Mr. REED of Pennsylvania. Yes; there is a rumor to that effect.

Mr. BRUCE. If it was taken under Democratic auspices exclusively, I am perfectly free to say that I have not the slightest doubt that its workings were attended by a certain amount of political abuses, because not one single census that has ever been taken in the history of this country under partisan conditions has been otherwise than attended by such abuses.

Mr. REED of Pennsylvania. Now the Senator is more candid. He admits that in the taking of the 1910 census, which was taken under a Republican administration, the spirit of the civil service was observed and the work was well done; that the taking of the 1920 census was attended by political abuses, and the civil-service system was not observed.

Mr. BRUCE. The appointees connected with that census not having been selected under the Federal merit system of appointment, I have no doubt—though I do not know—that the operations which resulted in that census were attended by a certain amount of maladministration; but I am told—I know not how correctly—that that census, partisan as may have been its origin, will compare, so far as the honesty and the accuracy of its results are concerned, more than favorably with the two censuses taken under Republican auspices in 1890 and 1900.

Mr. REED of Pennsylvania. The Senator says the taking of the census of 1920 was attended with political abuse, and then he denounces me for protesting against a continuance of it.

Mr. BRUCE. Why, because there were a few or even a considerable number of political abuses attendant upon the taking of a census, is that any reason why every individual who had a hand in taking it should be set down as unfit for future census taking?

Mr. REED of Pennsylvania. It is a perfectly good reason against the perpetuation of the system that was attended with the abuses.

Mr. BRUCE. I am trying to break up that system; but I must say I have very little hope of receiving any assistance from the Senator from Pennsylvania in my efforts to break it up.

Mr. REED of Pennsylvania. The Senator's hopes will rise if he will ever take the trouble to read my letter.

Mr. BRUCE. I shall be glad to be disabused.

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield to me for the request——

Mr. BRUCE. Certainly I will.

Mr. REED of Pennsylvania. I ask that the correspondence referred to may be put in the RECORD at this point, so that the Senator will not have to resort to the Baltimore Sun.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRISON. Why can we not have the correspondence read?

Mr. REED of Pennsylvania. I shall be glad to have it read.

Mr. HARRISON. We want to be let in on this controversy.

Mr. REED of Pennsylvania. I do not want to encroach too much on the Senator's time.

Mr. BRUCE. I have not the slightest objection to the Senator's encroaching on my time, certainly if he does not make any more substantial points against my case than he has made so far.

The PRESIDING OFFICER. Does the Senator from Maryland yield for the purpose of having the letters read?

Mr. BRUCE. Yes; certainly.

The PRESIDING OFFICER. The Secretary will read the letters.

The legislative clerk read the letters, which appear at the end of Mr. BRUCE's speech.

Mr. BRUCE. Of course it is perfectly obvious——

Mr. GLASS. Mr. President, why may we not have Mr. Steuart's reply to this letter?

Mr. REED of Pennsylvania. Mr. President, there are several reasons why I can not put the director's letter in reply into the RECORD, but reason number 1 is that he has not sent me any.

Mr. GLASS. That is sufficient.

Mr. BRUCE. It is perfectly obvious, of course, that the letter addressed by the Senator from Pennsylvania to the Director of the Census was simply a partisan letter, written with a partisan motive, for the purpose of accomplishing a partisan purpose; that is all. I may say, looking at its blustering tone, that it is very much such a letter as Bishop Cannon, or some other high priest of the Anti-Saloon League, might have written to a Member of the Senate or of the House of Representatives.

Mr. REED of Pennsylvania. Does the Senator mean that he does not approve Bishop Cannon's stand on prohibition?

Mr. BRUCE. Now the Senator is attempting the rôle which of all others I think he is least likely to shine in, the rôle of a wit.

Mr. REED of Pennsylvania. It seems to have hit its mark for once, anyway.

Mr. BRUCE. The only thing that the Senator was objecting to was what he chose in an euphemistic phrase to call "the arbitrary reappointment" of Democrats. There is not a line in the letter to indicate that he was in the slightest degree concerned about the reappointment of any Republican. It was simply the reappointment of wicked, worthless Democrats that he desired to proscribe.

The Senator did not content himself with this letter to Mr. Steuart—I will not call it this bulldozing, bully-ragging letter, for those might be deemed unparliamentary expressions, but only this menacing letter to Mr. Steuart. The next step he took was to go up to see the present Secretary of the Interior, whose administrative life I am happy to say is now hanging in the balance. I call the attention of the Senator from Pennsylvania, and I do so all the more boldly now that the verity of those dispatches in other particulars has been so completely confirmed, to what one of those dispatches said about his interview with the Secretary of the Interior. The Sun dispatch says that the Senator announced that "he had received assurances from Secretary of Commerce Whiting that no appointments will be made which are not satisfactory to the 'responsible political leaders.'"

Translated into my vernacular, that means that no appointments will be made which are not satisfactory to the sordid, squalid political spoilsmen of the Senator's party——

Mr. REED of Pennsylvania. Something like what was done in 1920.

Mr. BRUCE. Who usually concern themselves about all appointments that are within the reach of their clutches.

I continue the reading of the Sun dispatch:

> "I shall oppose any plan," REED announced, "for the reemployment of the Democratic politicians who assisted in the notoriously inefficient census of 1920, or the employment of individuals whom they may recommend."

I am sorry to hear that any Secretary of the Interior, especially the immediate successor of Mr. Hoover, who has always been supposed to have correct ideas about administration, should have given any such assurance. Mr. Secretary Whiting—he ought to be called Mr. Secretary Whitewash——

Mr. GLENN. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. GLENN. I think he should at least be called the Secretary of Commerce.

Mr. BRUCE. What is that, Secretary of Commerce?

Mr. GLENN. The Senator has been referring to him as the Secretary of the Interior.

Mr. BRUCE. He has emerged from obscurity so recently that the mistake was a perfectly natural one.

Mr. GLENN. The Senator has been referring to him as Secretary of the Interior.

Mr. BRUCE. Then I was mistaken; he is the Secretary of Commerce, but he has made such a slight impress upon the

Federal Government that I really forgot for the moment whether he was Secretary of the Interior or Secretary of Commerce.

It makes very little difference. I recollect that John Randolph once, when referring to a member of my family in the public life of Virginia, said that he was not referring to a certain William Cabell, but to another Cabell, "A far better man," he added. "But," he continued, with a contemptuous wave of the hand, "posterity will know no better." And that observation might be applied to my slip in relation to the correct official designation of Mr. Whiting.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. FLETCHER. Will the Senator allow me to suggest that I gather from this letter which has been read to us, not that a Democrat was tendered an appointment, but that a former enumerator who happened to be a Democrat was tendered the opportunity to apply. There is no tender of an appointment here that I can see, but he is allowed the privilege of applying.

Mr. BRUCE. But even that was sufficient to excite the jealousy of such an intense partisan as the Senator from Pennsylvania.

Mr. BLEASE. Mr. President, if the Senator will permit, I would like to ask him whether the 1920 census that is spoken of in such terms in the letter of the Senator from Pennsylvania is the one on which it is expected the reapportionment of Congress is to be made?

Mr. BRUCE. As I understand it, the reapportionment of Congress has been due ever since 1910. The reapportionment is expected to be based on the coming census.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. BRUCE. I yield to the Senator from West Virginia.

Mr. NEELY. By a variety of means 4,000,000 Democrats were induced to marry into the Republican Party during the last campaign. These Democrats rendered heroic service. They defeated their own ticket and helped to commission the Republican Party to govern the country for four more years.

But we now learn with amazement from the remarks and the correspondence of the able Senator from Pennsylvania that he seeks to divorce these Democrats from Republican bed and board and that he purposes to prevent them from consuming a single crumb that falls from the Republican table in the State of Pennsylvania.

In the absence of a statutory penalty for ingratitude, should not these disappointed Democrats sue the Republican Party for nonsupport?

Mr. BRUCE. I am afraid the apprehensions of the Senator from West Virginia are entirely well founded.

As I was saying a few minutes ago, I am not in the least concerned, in the purpose which brought me to my feet to-day, whether the individuals who will take the next decennial census shall be Republicans or Democrats. I wish to see all such distinctions completely obliterated as respects that census. In other words, I feel about it as that great man, Theodore Roosevelt, and that other great man, William Howard Taft, one of the ablest and most admirable and lovable men in the world to-day, felt about the census of 1910. They both knew that the censuses of 1890 and 1900 were deeply tainted with corruption, dishonesty, and inaccuracy. They were determined therefore that the census of 1910 should be taken under the auspices of the United States Civil Service Commission.

The subordinates who were selected to take the census of 1890 in the city of New York were selected by Republican Congressmen, if I am not incorrectly informed. The latter, of course, simply accepted, to a great extent, at any rate, the names that were passed up to them by the smaller politicians on the lower levels of political activity. What was the result? More than one man who was selected to take that census in New York turned out to have a criminal record. In other words, more than one individual who aided in taking that census in the city of New York enjoyed the privilege of entering private houses, notwithstanding the fact that he had a criminal history.

The census lists in 1890 relating to the city of New York, were deliberately padded to a material extent for the purpose of keeping down Democratic representation in Congress. Thousands of individuals in New York City who should have been placed upon the census lists were not placed upon them because of the dishonesty and incapacity of many of the census takers. Indeed, in some cases it was afterwards ascertained that entire houses in the city of New York had been omitted from the census together with all their inmates. So unsatisfactory, so far as public approval was concerned, was the taking of the census of 1890 in New York City, that the police authorities of the city, acting at the suggestion of its mayor, had another census taken in that city, and that census disclosed the fact that no less than 200,000 residents of the city of New York had been omitted from the Federal census of 1890. It was afterwards computed by the Director of the Census himself—that is to say, after the city census had been taken—that the Federal census of 1890 might have been taken at a cost of some $200,000 less and within a year's less time than it was actually taken.

Now I am not saying that the Federal census of 1890 would not have been just as defective and objectionable if it had been taken under Democratic auspices, because it is my belief that it would have been. A census should not be taken under any partisan auspices whatsoever, Republican or Democratic. Such abuses as characterized the Federal census of 1890 will inevitably creep in just as soon as we give free play to partisan rapacity.

Now the census of 1900——

Mr. EDGE. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Maryland yield to the Senator from New Jersey?

Mr. BRUCE. I yield.

Mr. EDGE. Does the Senator feel that better results would have been obtained by having recommendations for the appointment of supervisors and enumerators come from civic organizations rather than having them presented by members of Congress?

Mr. BRUCE. We could not rely upon that plan. Of course, just as soon as the civic organizations were chosen as the selective agencies, the ordinary run of politicians would hurry to the Congressmen and the Congressmen would hurry to the civic organizations and bring to bear all the pressure they possibly could which would be great to secure appointments at their hands, and so we should find that no improvement had been really worked at all.

The advantage about the civil-service system as the agency for the selection of subordinate employees is that it is a wholly impersonal system to begin with. Then it is a wholly nonpartisan system. I am going to use another illustration peculiarly familiar to the Senator from New Jersey and myself. I refer to the selection of prohibition agents. I hope that such illustrations will always be familiar to the Senator. They have been since I have been here, and I hope they will be after I shall have gone. General Andrews testified in 1926 that prohibition field agents had been largely appointed at the instance of the evangelical churches, the Anti-Saloon League, and Wayne B. Wheeler. I have always said that whatever else may be said about the prohibition movement in this country, it is one of the most disinterested movements, certainly in its beginning, that our political history has ever known.

I am not suggesting, therefore, that the churches and the Anti-Saloon League and Wayne B. Wheeler, in passing up names to the Prohibition Commissioner, consciously suggested unconscionable or incompetent men, and yet what was the result? Out of a small force of a few thousand prohibition agents some 875 of them were dismissed either for violations of the Volstead Act or for downright rascality in some form or other.

Mr. EDGE. But, Mr. President, if the Senator will permit me——

Mr. BRUCE. Just a moment, if the Senator please.

Mr. EDGE. I merely desired to repeat my question.

Mr. BRUCE. It was because of those results that the prohibition leaders, most wisely from their point of view, insisted that in the future prohibition agents should be selected in accordance with the civil-service statutes and regulations.

I yield now to the Senator from New Jersey.

Mr. EDGE. The Senator expressed doubt as to the advisability of permitting civic associations to recommend the supervisors and enumerators rather than to have them recommended by Members of Congress. I agree with him absolutely, but I want to invite his attention to a passage in a letter from the Department of Commerce in answer to a letter from me on the subject that has been discussed by the Senator from Pennsylvania [Mr. REED]. Without reading the entire letter, the administrative assistant of the Department of Commerce makes this statement, referring to the Director of the Census:

> He believes that probably satisfactory results could be obtained by having some responsible local organization of business men of the city selected as the headquarters suggest the name of a leading qualified citizen who would be willing to do the work required of a supervisor or enumerator.

I merely invite attention to this because it demonstrates that the Director of the Census disagrees with the Senator from Maryland and the Senator from New Jersey in apparently starting an innovation in having chambers of commerce recommend enumerators and supervisors rather than having them recommended by Members of Congress, who are expected to recommend

judges and prosecutors and district attorneys and practically every other officer in the Federal service.

Mr. BRUCE. That is from the Director of the Census?

Mr. EDGE. It is a letter from the administrative assistant of the Secretary of Commerce.

Mr. BRUCE. Speaking for the Director of the Census?

Mr. EDGE. I assume so.

Mr. BRUCE. What could the poor bedeviled man do when he was pressed by powerful Senators like the Senator from Pennsylvania [Mr. REED] and others except suggest that some other agency than the Civil Service Commission should be selected to make the appointments?

Now we pass on to the Federal census of 1900, another census that was taken under purely partisan auspices. Of course, that census too was a Republican census, but if it had been taken under Democratic auspices it would not, in my judgment, have been any better. I need not go further than the boundaries of my own State to show what sort of census that proved to be. Down in St. Marys County, Md., in order to pad the census lists in such a manner as to secure a larger representation for one of the two parties in the Maryland House of Delegates, even the graveyards and the summer hotels were canvassed. Individuals who had long been sleeping in the repose of death and individuals who had cooled their brows only for a few days, or weeks at the most, during the heated spell of the summer in that fair and historical county, were placed on the census lists. So brazen was the dishonesty that marked the taking of the 1900 census in Maryland alone that when the Federal grand jury in that State came to review some of the criminal offenses which arose out of its taking they said:

> So long as such appointments are treated as part of the spoils of politics, the recurrence of such frauds and scandals as have been revealed by our investigation may be expected.

And so they may.

I forget what Federal census it was, but I recall the time when an enumeration of the negro population at the South was generally accepted as being utterly inaccurate and inconclusive. Perhaps the Senator from South Carolina [Mr. SMITH] can refresh my memory as to just which of the Federal censuses this was. It was not until a later census was taken of the negro population at the South that anyone in the United States really knew how rapidly or how slowly the negro population in the South had grown since negro emancipation.

Now, having said what I have with respect to the 1890 and 1900 censuses, both of which were lamentably defective censuses, I repeat that the census of 1920, taken under Democratic auspices, will, to say the least, favorably compare, if not more than favorably compare, in every respect with those Republican censuses.

Let us pass on, however, to a real census, a census which bears the impress of the two great men to whom I have already referred, Theodore Roosevelt and William Howard Taft, a census which has been pronounced by the Census Bureau to have been the most accurate and honest census that has been taken in this country within 40 years. I am referring to the Federal census of 1910.

Congress passed a bill providing that this census should be taken by political spoilsmen in the old way and President Theodore Roosevelt vetoed the measure. There never was in the history of this country a more fearless and more puissant champion of the Federal merit system of appointment than was he. His belief in the beneficient workings of that system was not skin deep. It was a part of the very marrow of his bones. So he vetoed that bill and it was returned to Congress just before President Taft came in. President Taft in turn let Congress know that it would be useless for it to send such a bill to him, because in his judgment, too, the subordinate employees who would take the 1910 census should be selected under the civil service laws and regulations.

So a large body of office census takers, some 7,000 or 8,000, as I recollect, were selected under the auspices of the United States Civil Service Commission, and Mr. Durand, a friend of the Federal merit system of appointment, who was the Director of the Census at that time, with the aid of some 4,000 or 5,000 examining boards of the United States Civil Service Commission throughout the country, selected the field agents for the taking of the 1910 census, that is to say, the supervisors, the supervisors' clerks, the special agents, the interpreters, and the enumerators, in accordance with plans of selection formed by the United States Civil Service Commission. So far as I know not the slightest stigma, not one solitary reproach from that day to this has ever attached to the 1910 census.

Then came along the 1920 census, which afforded the Senator from Pennsylvania [Mr. REED] the opportunity for writing the letter that he did to Mr. Steuart. House bill 393 provides that the census force that is to be employed in the District of Columbia for the taking of the 1930 census shall be selected subject to the Federal civil service laws. Then it proceeds to exempt from the operation of the civil-service statutes and regulations all the supervisors, supervisors' clerks, special agents, interpreters, and enumerators that are to be employed in connection with the taking of that census. In other words, the object of the bill is not so much to secure an honest, accurate, and trustworthy census of our American population and of many of our economic interests as to create a vast mass of party spoils for the Senator from Pennsylvania and those who share his views about what the civil-service administration of our country should be.

It is computed that under the workings of the bill there will be 375 supervisors, some 9,000 or 10,000 supervisor-clerks, special agents, and interpreters, and from 90,000 to 95,000 enumerators. A wonderful morsel, indeed, will that be for the voracious maw of the old spoils system of patronage. It cost us years and years of effort to snatch—to use the language of the Scriptures—the spoils of some 300,000 or 400,000 subordinate offices under the Federal Government from between the teeth of the political machine. Now we are asked to commit to those hungry teeth more than 100,000 Federal officers. I, for one, will never consent to do it; and I feel that I have a rather better standing than some other Members of this body to withhold my consent because of the fact that throughout my entire manhood my convictions have wedded me to the just, the efficient, and the enlightened system of civil appointment known as the Federal merit system.

How perfectly hollow is the pretense that the proper employees for the 1930 census could not be selected under the auspices of the United States Civil Service Commission! The chief argument against that method of selection is that most of the appointments are temporary. That is no argument at all. When the United States Civil Service Commission comes to make up eligible lists of appointees it is not bound to hold competitive examinations. It can hold competitive examinations or noncompetitive examinations as it believes that the special conditions of each case require. Under the provisions of the civil service laws the President of the United States can exempt from examination any subordinate office that falls within the scope of the Federal classified service; and I am bound to say that I think that the Senator from Pennsylvania, unless he is absolutely certain of his ground, was rash indeed when he suggested that the President elect, Mr. Hoover, would be favorable to the wild scramble for office that would ensue if the plan of selecting census employees that the Senator from Pennsylvania has in mind were adopted. If Mr. Hoover has been distinguished for anything it has been for successfully conducting any office of which he may have been the incumbent along lines of administrative efficiency. Until I know the contrary, to my mind, at least, it is inconceivable that he would not be glad, as Theodore Roosevelt was, as William Howard Taft was, as any man worthy of his presidential salt would be, to see all of these census subordinates selected under the auspices of the United States Civil Service Commission.

There is another thing that must be remembered. Not only is there a vast number of subordinate offices—upward of a hundred thousand, as I have said—to be filled in connection with the taking of the next census, but upon that census is to be based the next apportionment of congressional representation. Whether that apportionment shall be fair or unfair, whether it shall create public satisfaction or public dissatisfaction will depend largely on the conditions under which the census of 1930 shall be taken as respects the appointment of census employees.

As everybody knows, the next apportionment of representation in Congress is being watched with the most jealous circumspection. I do not wish to say any untimely thing when the chair happens to be occupied, as it is at present, by a Member of the Senate for whom I entertain the profoundest respect, but who as we all know is a prohibitionist, but our prohibitionist friends, all of us are aware, are peculiarly interested in seeing that the next apportionment of congressional representation shall be based, so far as possible, upon an accurate and reliable census, because the next apportionment of representation is likely to result in any event in a considerable addition to urban representation at the expense of rural representation, and after all it is in the rural communities that the influence of prohibition mainly resides.

That, I believe, Mr. President, concludes all that I have to say at this time with reference to my amendment to House bill 393. Whether I have spoken feebly or cogently matters little in the long reckoning; but I can honestly say that I have spoken from the depths of an intensity of intellectual and moral conviction touching the matter to which I have been addressing myself such

as I almost believe that it would be impossible for me to bring to any other subject whatsoever.

Mr. BRUCE subsequently said: Mr. President, if there is no objection, I would like to have the correspondence which the Senator from Pennsylvania [Mr. REED] injected in the speech which I delivered at an earlier stage of the session to-day inserted at the end of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Pennsylvania. Which end does the Senator mean? [Laughter.]

Mr. BRUCE. I take it the Senator is in doubt because he is so much in the habit of playing both ends against the middle. [Laughter.]

The letters referred to are as follows:

FEBRUARY 12, 1929.

Hon. S. G. PORTER,
House of Representatives, Washington, D. C.

MY DEAR MR. PORTER: I am sending you herewith copies of a letter addressed to Dr. W. M. Steuart, Director of the Bureau of the Census, under date of February 9.

This letter directs attention to a serious condition in connection with the plans for taking the 1930 census. Whether considered from the viewpoint of an efficient enumeration, without regard for political factors, or in its political factors, or in its political aspects, the apparent plan to reemploy supervisors and enumerators who served 10 years ago is, in my judgment, indefensible.

Under the circumstances, there is no other course open to us but to protest as vigorously as we may, keep the facts before the public, bring them to the attention of our colleagues, and by such representations and actions as may seem appropriate compel those in charge of the census to recognize the public's interest in the enumeration and right to be heard in connection with the plans for taking it.

I may say further that unless Doctor Steuart can satisfactorily explain the letters which have gone to former enumerators, particularly in the light of his own letter to me, I shall bring all the facts to the attention of President-elect Hoover following his inauguration.

I shall greatly appreciate it if, in consultation with the other members of the advisory group of the Pennsylvania delegation, you can arrange to have the copies I am sending you placed in the hands of each Member of the House from Pennsylvania for their reference and such action as they may desire to take either individually or collectively.

Faithfully yours,

D. A. REED.

Mr. BRUCE. For the life of me I can not see any inconsistency whatever between that letter and the dispatches which I have cited, except that the dispatches——

Mr. REED of Pennsylvania. Will the Senator permit the other letter to be read? All that the clerk has read was the covering letter that went with it.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator yield for the reading of the other letter?

Mr. BRUCE. Oh, certainly, if there is anything left to be read.

The PRESIDING OFFICER. Without objection, the Secretary will read, as requested.

The legislative clerk read the letter, as follows:

FEBRUARY 9, 1929.

Hon. W. M. STEUART,
Director Bureau of the Census, Department of Commerce, Washington, D. C.

DEAR MR. STEUART: On January 24 I wrote you saying that reports had reached me to the effect that some one speaking for the Census Bureau had sent out calls for applicants with a view to making up the personnel of supervisors and enumerators for the 1930 census. I stated that these calls, as I understood it, had gone to former supervisors and workers employed in connection with the 1920 census, all or most of whom were political appointees and presumably Democrats. I asked whether or not this report were true, and asked, further, on what basis it was proposed to appoint these enumerators this year.

Under date of January 28 you wrote me, saying you "imagined my constituents had received a letter from the United States Chamber of Commerce, representatives of which had been making inquiries concerning census work and methods." You stated further that in connection with the preliminary work for the coming census "the bureau has been corresponding with persons who acted as enumerators at prior censuses for the purpose of securing information concerning local conditions that would enable us to fix the rates of pay of the enumerators." You stated further that such correspondence had also been carried on with other persons who were familiar with local conditions. The clear import of these statements by you was that it was not the plan to reemploy enumerators who assisted in taking the 1920 census.

After hearing repeatedly from various sources that letters purporting to offer employment to former enumerators were going out from your office, I have now received a copy of a communication addressed under date of January 23 to Peter M. Lowry, 631 Hillside Avenue, Franklin, Pa., and signed by you, which contains the following language:

"Preparations for the field work in connection with the Fifteenth Census are now under way. This work will probably be done during the coming fall or the spring of 1930.

"The records of the bureau show that you were employed as an enumerator at the 1920 census, and it would be of considerable assistance to know whether you would be interested in a similar position in connection with the Fifteenth Census work.

"The census of 1930 will cover population as well as agriculture and other subjects. If you are interested, please make an indorsement to this effect at the bottom of this letter and return it in the inclosed official envelope, which requires no postage. At a later date, a form will be sent you to be used in filing your formal application.

"If you are not personally interested you may be able to furnish the name and address of some other person, and I shall be glad to have you do so on this sheet and return as indicated above."

In view of these circumstances, I should like to have you—

1. Explain why such a letter was sent out (assuming it to be authentic) when it is well known that the census enumerators employed 10 years ago were chosen on a political basis, and in most instances were Democrats.

2. Explain the discrepancy between your statement to me and the implications of your letter to this former enumerator.

3. State now what you have in mind as to the method of assembling the organization for taking the 1930 census.

4. State whether it is your plan—

(a) To have these appointments made on a political basis; or

(b) Draw all appointees through the civil service; or

(c) Conduct an examination of your own for the purpose of obtaining desirable appointees.

As to my own position, I desire to say:

First, that I think the census ought to be taken efficiently.

Second, that I am concerned only incidentally in the method of choosing those who are to take it.

If the appointments are to be made on a political basis, with adequate guaranties that the work shall be done efficiently, I shall expect to be consulted before any appointments are made or any eligible list is prepared in Pennsylvania, and I shall insist that the Republican Members of Congress and the Republican organization in Pennsylvania be consulted in connection with the preparation of eligible list and the selection of those who are to conduct the enumeration.

If the appointments are not to be made on a purely political basis, then I shall insist that all elements interested in having the census taken efficiently, including Members of Congress, responsible business and political leaders, civic groups such as chambers of commerce, civic clubs, Rotary, Kiwanis, and Lion Clubs, and similar organizations be permitted to prepare lists of candidates and, through appropriate agencies respecting their common purpose, critically scrutinize the applicants before appointments are made.

In either case I think there should be some examination of candidates to insure intelligence and integrity in the enumeration.

Finally, I will not consent under any circumstances to the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or my colleagues in Congress.

An early reply giving me your frank views on these points and explaining the apparent conflict between your statements to me and your letter to former enumerators will be appreciated.

Yours very truly,

D. A. REED.

CALLING OF THE ROLL

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Gould	Oddie	Thomas, Okla.
Bruce	Greene	Overman	Trammell
Burton	Hale	Phipps	Tydings
Capper	Harris	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Curtis	Hayden	Robinson, Ark.	Walsh, Mont.
Dale	Heflin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson
Edge	Keyes	Shipstead	Wheeler

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

JAMES W. BASS

Mr. MAYFIELD. Mr. President, a few days ago, when the Senate was considering the calendar, I was absent on account of illness. I ask unanimous consent for the present consideration of H. R. 8748, Order of Business 1565. This is a measure for the relief of the internal revenue collector at Austin, Tex., in the sum of $2,400, to cover that amount of revenue stamps which were lost in his office. The bill has passed the House. A very searching investigation was made of the matter, and no blame was attached to any of the employees of the office. The stamps were simply lost, and the Secretary of the Treasury has recommended that the measure be passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8748) for the relief of James W. Bass, collector of internal revenue, Austin, Tex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE SULLIVAN EXPEDITION

Mr. COPELAND. Mr. President, this year occurs the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Gov. George Clinton and General Washington and authorized by Congress. The legislature of my State has passed resolutions asking the Postmaster General to issue some postage stamps commemorative of this campaign. I call attention to the fact that the legislature requests that the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts, whose officers and troops participated in the expedition, be invited by New York to indorse this request. I am very happy to present the resolutions to the Senate, and ask that they be included in the RECORD.

The PRESIDING OFFICER. Without objection, the resolutions will be printed in the RECORD. The Chair hears no objection.

The resolutions are as follows:

IN SENATE, STATE OF NEW YORK,
Albany, February 11, 1929.

By Mr. Wales

Whereas there occurs this year the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Gov. George Clinton and Commander in Chief George Washington and authorized by Congress;

Whereas this successful military enterprise was participated in by officers and troops of New York, Pennsylvania, New Hampshire, New Jersey, and Massachusetts;

Whereas the Sullivan expedition weakened the Indian alliance with the English, cut off supplies of food, gave protection to frontier settlements, opened the western part of the State for settlement, and helped to win for the American Republic the rich interior of the continent; and

Whereas the legislature and governor have made an appropriation for suitable exercises and historic monuments to observe the Sullivan sesquicentennial:

Resolved (if the assembly concur)—

1. That the Hon. Harry S. New, Postmaster General of the United States, be, and he is hereby, requested to cause to be issued 100,000,000 postage stamps of the denomination of 2 cents each commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

2. That a copy of this resolution be transmitted to the Postmaster General of the United States and to the Senators and Members of Congress from the State of New York, properly authenticated by the clerks, respectively, of the senate and assembly.

3. That the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts, whose officers and troops participated in the Sullivan expedition, be invited by New York to indorse this request.

By order of the senate.

A. MINER WELLMAN, *Clerk.*

In assembly, February 11, 1929.
Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 11, 1929:

S. 3581. An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; and

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah.

On February 12, 1929:

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

On February 13, 1929:

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 12, 1919, as amended; and

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians.

REPORT OF THE ALIEN PROPERTY CUSTODIAN (H. DOC. NO. 369)

The PRESIDING OFFICER (Mr. JONES in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith, for the information of the Congress, the annual report of the Alien Property Custodian on proceedings had under the trading with the enemy act for the year ended December 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 14, 1929.*

SUIT INVOLVING LAND IN ANDERSON COUNTY, S. C.

Mr. STEPHENS. Mr. President, I ask unanimous consent to report back favorably from the Committee on the Judiciary House bill 12809, to permit the United States to be made a party defendant in a certain case; and I submit a report (No. 1744) thereon. This matter is of interest to the Senator from South Carolina [Mr. BLEASE].

Mr. BLEASE. Mr. President, this is a private claim. The bill does not carry any appropriation. It simply gives the United States Government the right to make itself a party to a foreclosure suit, and we are anxious to get it through. I ask unanimous consent for the present consideration of the bill.

Mr. CARAWAY. Mr. President, I am not going to object unless the matter is going to lead to controversy. In that case I must object.

Mr. SMOOT. Mr. President, I simply wish to ask the Senator whether this bill has been reported from the committee

Mr. BLEASE. Yes, sir; there is a unanimous report. The bill does not carry any appropriation. It simply confers upon the Government the right to make itself a party to this foreclosure suit.

Mr. CARAWAY. May I ask the Senator from South Carolina whether there will be any debate on the bill?

Mr. BLEASE. None at all.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TELEGRAM FROM REPARATIONS COMMITTEE TO VICE PRESIDENT DAWES

Mr. BORAH. Mr. President, when the second reparations committee met on February 11 the first work of the committee was to select a chairman; and they selected Mr. Owen D. Young. The second action of the committee was that of sending a telegram to General Dawes, chairman of the first committee. This was not only a gracious but a just thing to do. It was a fine tribute and well deserved.

I ask unanimous consent that the telegram itself, without copying the entire news item, be incorporated in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the New York Times of February 12, 1929]

The second committee of experts at the inception of its first meeting in Paris addresses to General Dawes the homage of its respect and the expression of its hope of accomplishing work as useful as that which was realized under the chairmanship of General Dawes in 1924.

OPERATORS' PERMITS FOR ENLISTED MEN IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to

enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia, which was, on page 2, line 3, after the word "vehicles," to insert "while engaged in official business."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

ASSESSMENT AND COLLECTION OF TAXES IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4441) to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes, which were, on page 5, line 3, after the word "That," to insert "beginning July 1, 1930"; on page 5, line 3, after the word "all," to insert "personal"; and on page 5, line 9, strike out "on July 1" and insert "during March."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HEFLIN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add, on page 7, after line 15, the following:

The provisions of this act shall not prevent any spinner from selling future contracts against actual purchases or contracts to purchase spot cotton.

Mr. HEFLIN. Mr. President, on yesterday I discussed that proposition briefly. The amendment simply provides that a spinner who goes into the market and buys actual cotton for spinning purposes may, if he chooses, sell a contract and hedge his purchase of real cotton. I think that is legitimate speculation; there is a bale of cotton behind every bale that is sold on the contract.

The provision I seek to reach by that amendment is one placed in the bill by the Senator from Arkansas, that all persons selling cotton shall declare their purpose to deliver the cotton. The spinner does not expect to deliver the cotton. He is seeking to protect his purchase of spot cotton. He has already bought cotton from the farmer. When he made his purchase the farmer was called on for cotton with which to fill that contract. If the spinner desires to sell a contract for insurance purposes, or hedging purposes, as they call it, I think he ought to be allowed to do that, and I am willing to have that provision go into the bill. In that case the spinner who buys a thousand bales of cotton could sell a future contract for a thousand bales.

If the sale of cotton futures was limited to transactions where every man who originally sold a future contract had to be a cotton farmer, a merchant who buys spot cotton, a banker who advances money to produce cotton, and the spinner who spins cotton, it would go a long way toward stabilizing cotton prices and correcting the evils of present-day speculation.

Mr. SMOOT. Mr. President——

Mr. HEFLIN. I yield to the Senator from Utah.

Mr. SMOOT. I did not catch the full meaning of the Senator's amendment. Does it cover a case like this: A cotton manufacturer prepares his samples six months ahead, before delivery of the goods. In the meantime those samples are taken to every business concern producing cotton goods in the United States, or to a wholesaler who will distribute them to the retailers. The manufacturer then knows exactly how much cotton he requires, but the finished goods will not be delivered for six months; in fact, they will not be made for some time. The manufacturer, in order to secure himself, must make some arrangement to see that his cotton will cost no more than he figured in the cost of producing those goods. The same thing applies to wool that applies to cotton.

If the manufacturer did not have the chance of buying cotton futures, we will say, or wool futures, and the cotton should rise in price $5 a bale, or whatever the amount may be, more or less, the manufacturer will lose an amount of money equal to that rise, and in many cases it would absolutely ruin him. In fact, I know that to have been the case. Does the Senator's amendment cover cases like that?

Mr. HEFLIN. It does. It takes care of a situation like that. For instance, suppose a spinner buys his cotton at 20 cents a pound to-day, and 30 days from now the price of cotton should decline 1 cent a pound or $5 a bale, the spinners hedge or sale of a futures contract would protect him against such a loss. If the price goes up $5 a bale the spinner would base the selling price of his cotton goods on the higher price of cotton. The purpose of this amendment is to give the spinner the right to protect a purchase of spot cotton. The cotton farmer, the merchant who handles spot cotton and the banker interested in the cotton financially, can sell a hedge under the Caraway bill.

But there are millions of transactions on the exchanges where no spinner and no one else who owns or handles real cotton is back of the transaction, and that is what we are trying to eliminate. If I had my way about it, and I think the Senator's bill goes a long way toward doing it, I would confine speculation to the number of bales produced each year. If there are 14,000,000 bales made, they can speculate, if they testify that they have cotton that they have produced or cotton purchased in the 14,000,000 bales actually produced. So then the 14,000,000 bales speculated in would be based on the 14,000,000 bales of cotton produced by the farmers of the United States. I hope the Senator from Arkansas can accept my amendment.

Mr. CARAWAY. I have no objection to it, because I think the bill provides exactly what the Senator's amendment provides.

Mr. COPELAND. Why should not the same privilege be extended to the miller in respect of grain?

Mr. HEFLIN. I will say to the Senator that I talked with some of the western Senators yesterday, and they may want to have that done later, but they want time to look into it. As this bill will not go into effect for a year, there will be plenty of time to look into that matter and to amend it in that particular.

Mr. COPELAND. I have in mind the small mill where they produce 200 barrels of flour a day. It is very important to order ahead for October delivery, or for some later delivery, and their practice is to hedge in exactly the same manner that the cotton spinners do.

Mr. HEFLIN. I think they ought to have that right, because they are buyers and users of actual grain.

Mr. COPELAND. They are using actual grain. They are simply buying 1,000 or 10,000 bushels of wheat, whatever the amount may be, for delivery in October, and in order to protect themselves against variation in price they sell the same amount of wheat at the same time.

Mr. CARAWAY. I want to call attention to the facts of the matter, because I do not want anybody to be mistaken about the effect of the Senator's amendment. He understands it, but I am afraid some others may not grasp it.

No man can sell a contract unless he has on hand or has the prospect of owning the actual cotton or grain. That would be the effect of the Senator's amendment. It does not open the exchanges to a man who neither has nor expects to have. The Senator's amendment permits the man who has bought cotton to sell a future contract against it.

Mr. HEFLIN. The proposition of the Senator from New York regarding grain is along the same lines.

Mr. CARAWAY. But, if I may be permitted to say so, I judged from what he said that he did not quite grasp the limitation in the amendment of the Senator from Alabama.

Mr. COPELAND. I think the Seantor is mistaken about that. I think the Senator from Arkansas has another matter in mind in reference to the bill in general.

Mr. HEFLIN. Let us see if the Senator did not have this in mind: If a miller buys a thousand bushels of wheat, we will say, he is going to make that into flour, and wants a chance to hedge his purchase and he can, therefore, contract for a thousand bushels of wheat or sell as he likes. That is what the Senator meant, I think.

Mr. COPELAND. Absolutely. As a general matter, I would not consider it; but I thought that if an amendment was to be added to protect the cotton spinner, the same provision should be added to protect the miller.

Mr. CARAWAY. Mr. President, let us have the amendment pending. I have no objection to it.

If no one else wants to speak, I desire to say just a few words. I presume everybody has made up his mind as to how he is going to vote, largely as the result of propaganda and lobbying outside of the Chamber. Not since I have been in Congress have as many people importuned Members of the Senate to vote against a measure as have solicited votes against this measure.

Mr. HEFLIN. Let us have order, Mr. President, so that we can hear.

Mr. CARAWAY. More Senators are going to vote against this bill without knowing what the measure is than possibly against any other that has been pending, and that is rather a wild assertion, because we know how they vote. They will all get up and denounce gambling. As the exchanges are now run that is all they do. They are not aids to business, and they have not been.

There was read into the RECORD yesterday by the Senator from South Carolina the announced policy of legislation, and the Senator assured the Senate that the exchanges—I am talking about cotton, particularly—were manipulated, were controlled, were exploited, by people who were gambling in them. That is the announcement of policy.

Every fact necessary to substantiate those things has been offered over and over again. Now it is contended, without anybody saying who or how—Mr. President, I think I will just yield the floor; there is so much conversation in the Chamber. I can not discuss the matter when everybody else is talking.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HEFLIN].

The amendment was agreed to.

The PRESIDING OFFICER. If there is no further amendment to be offered to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BRATTON. Mr. President, I understood the Senator from Georgia [Mr. GEORGE] to say a few days ago that he expected to offer a substitute. He is not in the Chamber, and in view of the importance of the legislation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Mexico suggests the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Gould	Oddie	Thomas, Okla.
Bruce	Greene	Overman	Trammell
Burton	Hale	Phipps	Tydings
Capper	Harris	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Curtis	Hayden	Robinson, Ark.	Walsh, Mont.
Dale	Heflin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson
Edge	Keyes	Shipstead	Wheeler

The PRESIDING OFFICER (Mr. SACKETT in the chair). Eighty-four Senators having answered to their names, a quorum is present. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. FRAZIER. Mr. President, in my remarks on yesterday I made the statement that most of the manipulations on the market in the fall of the year when wheat was going on the market had the effect of keeping the price down and that the bulk of the wheat was marketed at that time owing to the financial condition of the farmer. To-day before the Committee on Agriculture and Forestry, in a hearing on another measure, it was brought out from investigations and figures taken from 90 farmers' elevators in the States of Montana, North Dakota, South Dakota, and Minnesota that in the season of 1924–25 68.54 per cent of the grain sold for that season was sold in the month of September. In the next year, in 1925–26, 75.54 per cent of all the grain sold was sold in September. In 1926–27 69.21 per cent of all the grain sold was sold in September. I think that is about the average throughout those wheat States. The bulk of the wheat from the hard spring wheat States is sold in September. In some of the States, like Kansas and Oklahoma, it is sold somewhat earlier than that.

It also develops that the price of wheat on the exchanges in September of the fall of 1924 was $1.36 per bushel, when 68.54 per cent of the wheat for the whole season was sold. During the following winter wheat went to $2.09 per bushel. It would have made a very great deal of difference, of course, in the income of the farmers if they had gotten that higher price instead of a low price for the bulk of their wheat that year.

If the exchange market system of handling our wheat and cotton is a proper system, if it is perfectly legitimate and honorable to speculate in grain and cotton futures, and if it is necessary for the farmer to hedge or for the local buyer to hedge under the system in order to protect himself either in the way of sales or purchases, what is the use of the farmer going to the trouble of raising the wheat or the cotton? Why should he not just speculate in the market and save all his labor and trouble and work in raising and producing the crops during the summer?

A representative of one of the Southern States told me very recently that he owned a large cotton plantation in his State. He said that in the spring after the cotton was planted and started to grow and the weather seemed to be good and the cotton getting a good start, he went to a broker and sold as many bales of cotton as he expected under normal conditions to have that fall. He said that in doing that he generally made a little profit. He said by that method of doing business, by selling his crop early in the spring or along in the middle of the summer at least, he generally got a better price than he would have gotten for it by waiting until the crop was actually made and selling his actual cotton in the fall. I asked what was the use under those conditions of going to the trouble of raising the cotton? I said that all he had to do was to buy and sell futures and make his profits, and thus save himself the trouble of going through the farming operations.

It seems to me that is the whole question. If the gambling principle is right, let the farmers do the gambling and, perhaps, they can make more money in those transactions than they can by raising their products on the farm.

RELIEF OF FARMERS IN SOUTHEASTERN UNITED STATES

Mr. TRAMMELL. Mr. President, yesterday afternoon at a time when I was absent from the Senate on account of illness—and I have been detained from the Senate due to illness a considerable part of this week—the Presiding Officer laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood-stricken areas of southeastern United States. By these amendments it was provided that a limitation should be placed upon the provisions for loans and for advances for the purchase of seed and fertilizer by the farmers within the area referred to, the provisions in the Senate bill being altered most materially in the House.

The House amendments provide that loans for the purchase of fertilizer and seed for cotton farmers shall be limited to not exceeding $8 per acre. It is also provided as to other character of crops that only $3 per acre shall be loaned for fertilizer and for seed.

I am very sorry that on account of sickness I was unable to be present in the Senate during the afternoon of yesterday. In fact, I am scarcely able to be here to-day, and am here against the advice of my physician. Had I been present yesterday when the matter came up I certainly would have asked for a conference on the amendments proposed by the House. Those amendments restrict the loans for fertilizer and for seed to not exceeding $8 per acre for the planting of cotton. Such limitation is entirely too small for that particular character of farming.

Then to say that farmers engaged in vegetable farming or tobacco farming and carrying on operations of that character shall not be allowed a loan of more than $3 per acre for the purchase of seed and fertilizer is absolutely ridiculous and absurd, and carries with it no relief whatever. Three dollars per acre is not sufficient to buy enough seed to plant one-fifth of an acre for the average vegetable crop. It is not sufficient money to buy fertilizer for one-tenth of an acre for the average truck farmer in my State or in any other State that is affected by the bill. Yet that is the restriction which has been placed upon the loans which may be made to them under the amendments which were made by the House and concurred in by the Senate yesterday.

I wish very much there were some way by which we could reconsider that action of the Senate yesterday and that we might ask for a conference with the House on the amendments of the House and have the conferees consider the matter of so amending the joint resolution that it might afford some real relief to the fruit growers and vegetable farmers in the hurricane and flood sections of my State and other States.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. TRAMMELL. I yield.

Mr. SIMMONS. I desire to express my entire concurrence in the views expressed by the Senator from Florida. The amendments provide for a loan of not more than $8 per acre for fertilizer and seed for land planted in cotton or tobacco. Eight dollars per acre might possibly be sufficient in some regions to buy fertilizer for cotton, but in many regions it would be utterly inadequate. Eight dollars per acre for fertilizer and seed with reference to tobacco is ridiculous. In that part of North Carolina in which the bulk of the tobacco crop is grown the usual amount of fertilizer used to an acre planted to tobacco is one-half a ton and the cost of that would be somewhere between $15 and $20. If it is a vegetable crop such as potatoes, where there

is a much higher grade of fertilizer used than is used for tobacco, the $3 per acre allowed by the joint resolution for that character of crop would be ridiculously low. I know of a great many potato farmers who use as much as a ton of fertilizer to the acre. A half a ton is considered a very small amount for fertilizer for vegetables, and a half a ton of that character of fertilizer which is used on vegetable crops would cost $20-odd per acre.

I do not see how this could be of any advantage because if the farmer undertakes to avail himself of the benefits of the measure he has to give security, and the only security, as a rule, which he can offer is the crop itself. If he should mortgage the crop to get $8 per acre for fertilizer for his tobacco crop, then he would not be able to negotiate a loan upon his crop for the additional $8 or $9 or $10 that he would have to have in order to secure an adequate amount of fertilizer for his tobacco. The case would be very much worse where vegetables are involved.

I was not aware of the fact that we had concurred in any such amendments. I understood that there was some difficulty growing out of the obscure definition of the territory to which the relief provided in the bill should apply and that the amendments confined themselves to making certain what particular States would be entitled to the benefits of the legislation. I did not know that any such restrictions as to the amount of money available for loans were in the bill at all. I would like to have the Senator from South Carolina [Mr. SMITH] advise us about the matter.

Mr. TRAMMELL. I yield to the Senator from South Carolina for that purpose.

Mr. SMITH. Mr. President, the Senate is aware of the fact that I introduced a joint resolution in the Senate asking for $15,000,000. I thought after a survey had been made that that amount was the minimum that would be wholly effective in relieving the individual farmers of the terrible condition which confronted them. The joint resolution passed the Senate without any limitation whatever as to the amount that might be used. It went over to the House and there, after all this lapse of time, they not only reduced the amount to $6,000,000, but also specified the amount that would be available.

In conference with the representatives of the States affected and those who had charge of the bill, I was informed that this was the very best that could possibly be done, if anything was to be done, to meet the situation this year. I agree with the Senator from North Carolina and the Senator from Florida that, in the first place, $6,000,000 is totally inadequate.

Mr. SIMMONS. Of course it is.

Mr. SMITH. I also agree that the amount specified per acre is only helpful——

Mr. SIMMONS. Is it helpful? That is the question.

Mr. SMITH. If the cotton grower and the tobacco grower are to be restricted to $8, the $8 itself is wholly inadequate.

Mr. SIMMONS. Mr. President, does not the Senator from South Carolina know, as a matter of fact, that in order to give the Government the security that would be exacted under the terms of the bill the average cropper would have to mortgage his crop; and having given a mortgage for $8 when he needs $18, we will say, how would he be able to get the other $10?

Mr. SMITH. If the partial relief afforded by the bill—for it is partial—the $6,000,000 should be used in an effort to furnish the growers of cotton and tobacco the full amount they might need, it would not relieve one-half of those who need relief.

Mr. SIMMONS. But, Mr. President, I wish the Senator from South Carolina would direct his attention to the thought I have suggested.

Mr. SMITH. I am coming to that right now. My idea was that perhaps the Agricultural Department could work out some plan by which the money appropriated might be used to supplement whatever credit the cotton and tobacco planters might otherwise obtain and in that way the $6,000,000 could be distributed as far as possible to relieve the situation. That was the idea I had in mind, and yesterday when the matter came up and the representatives of the various States interested were here I asked them what was the best thing to do under the circumstances. As planting time begins in March, and as the control of the appropriation was placed in the hands of the Agricultural Department, I thought, perhaps, that department might afford some partial relief.

The fact of the business is, Mr. President, that the appropriation of $15,000,000 in the bill as originally framed was itself inadequate. The Senator from North Carolina knows that; every man who is acquainted with conditions in the affected territory knows it; but as it seemed hopeless to get any more because——

Mr. SIMMONS. If the Senator from South Carolina will pardon me, I wish to say that I do not think under this bill there will be any applications made to the Government in my State for relief.

Mr. SMITH. No.

Mr. SIMMONS. And I think we shall be passing a bill here that will be futile and ineffective. I also think it is an insult to the southern people when they come to Congress and ask for relief for Congress to say, "We will give you a crumb and nothing but a crumb."

Mr. SMITH. Mr. President, so far as I am individually concerned, I am still of the opinion that if judiciously handled by the Agricultural Department the appropriation will afford some relief, though nothing like adequate relief. It will at least enable the farmers to get some cottonseed that they otherwise might not get. It may also enable them to supplement some other method of getting fertilizer. However, the minute the proposed appropriation was reduced from $15,000,000 to $6,000,000 I recognized that it was totally inadequate to meet the situation.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. TRAMMELL. I yield.

Mr. SIMMONS. I want to say for myself that it is so inadequate, it is such trifling with a serious situation, that I would rather see no legislation at all enacted upon this subject.

Mr. SMITH. Mr. President, if the Senator from Florida will allow me just a minute, I myself feel very much the same as does the Senator from North Carolina [Mr. SIMMONS]; but under the circumstances, after conferring with others, I thought that perhaps there might be some relief afforded by the appropriation of $6,000,000.

Mr. SIMMONS. Mr. President, does not the Senator from South Carolina know that in certain parts of the South—I think in his State and also in my State—the bulk of the cotton is actually grown by small croppers?

Mr. SMITH. Certainly.

Mr. SIMMONS. It is probably grown by from 1-horse to 3-horse farmers.

Mr. SMITH. Yes.

Mr. SIMMONS. Those people who would naturally apply lost their crops; they were unable to pay their indebtedness; they would have no security to offer except the crops this year. We all know when the Government is to make such loans only upon sufficient security the Agricultural Department and the agents of the Government are very exacting about the security. Does the Senator from South Carolina suppose that if those croppers should give a mortgage to the Government upon their crops for the cost of one-half of the amount of the fertilizer they need they would then be able to furnish security in order to get the other half?

Mr. SMITH. I myself think that would probably be one of the difficulties that would be met with; but I want to say again that when I insisted upon the appropriation of $15,000,000, and the Senate without a dissenting vote agreed to it, I was hoping that that amount at least would be retained, and that, if possible, it might be increased. It was not an appropriation; it was not a gift; it was merely extending the credit of the Government to ameliorate a very disastrous and distressing condition. However, when in the other body, as far as I was able to follow the proceedings, the Representatives from the Southeastern States had exhausted every effort in their power and could get no further than agreement to the measure which was sent here, having only about two more weeks in which to act, I was advised that perhaps that measure was the limit of present possibilities. I believe—as the Senator from Florida and the Senator from North Carolina believe—that the provision made was absolutely inadequate. If no limitation had been put upon the amount appropriated, the $6,000,000 for the States involved was itself wholly inadequate.

However, for the reasons which I have stated, I asked that the amendments of the House be agreed to, in the hope that even the small amount allowed by the other body might in some way aid the situation in the Southeastern States. I repeat, I agree with both the Senator from Florida and the Senator from North Carolina that the relief afforded is going to be very small compared with what is necessary.

Mr. TRAMMELL. Mr. President, the trouble about the amendment, so far as the State of Florida is concerned, is that it gives absolutely no relief except in a most meager and niggardly way in the northern part of the State, where there are a few counties in which the farmers might be able to borrow up to $8 an acre with which to buy tobacco seed and fertilizer or to borrow up to $8 an acre with which to buy cottonseed. I have asked for and want relief for that section; but that was not the section of my State that was most disastrously affected

by the hurricane and the flood of 1928. The section that was most disastrously affected is the lower east coast, beginning at West Palm Beach and following in a northeasterly direction out to and beyond Lake Okeechobee and into the interior of the State. That is a vegetable producing section, and that character of farming is engaged in almost exclusively there by those for whom I was seeking relief.

Under the House amendment it is proposed to lend them not exceeding $3 an acre with which to buy fertilizer and seed. Anyone who knows anything whatever about truck farming and vegetable farming knows that $3 an acre is not enough in the case of most of the crops to buy sufficient seed to plant one-fifth of an acre, and it is not enough to buy sufficient fertilizer to fertilize one-tenth of an acre. So the provisions of the House amendment and the restriction placed by it are equivalent to giving absolutely no relief to the great section of Florida which suffered most disastrously from the hurricane and the flood.

I admit that the limitation on fertilizer and seed in the case of cotton and tobacco is also entirely too limited and restricted; but in the planting of cotton there is not so great an amount of fertilizer required per acre and the cost of seed and the cost of fertilizer in the case of cotton do not equal the cost of fertilizer and seed for the planting of vegetable crops. Yet the limitation in the case of cotton is placed at $8 an acre, and in the case of the vegetable crops $3 an acre. Why such discrimination against the vegetable grower. Why deny him any relief whatever?

I did not desire, Mr. President, to have it appear that I was at all agreeable to the amendments which were accepted on yesterday, and I desired to have the RECORD show that I was unavoidably detained from the Senate at the time on account of illness. I wanted it to be understood, so far as I am concerned—and I have taken a very active part in the matter of seeking relief for the sufferers from the hurricane and flood in Florida—that the amendments which came from the House and which were adopted by the Senate afford no relief so far as Florida is concerned. I agree with the Senator from North Carolina, and, so far as Florida is concerned, I wish it distinctly understood that this measure as amended by the House affords no relief whatever to my State.

I started the fight for relief for Florida when the request first came before the Senate in regard to relief for Porto Rico. I called for the measure providing relief for Porto Rico to be read from the desk in order that I might know what provisions it contained. As soon as it was read I then and there took the floor and stated that I wanted the situation cared for in my State, because the people there had suffered similar disasters to those which had been visited upon the people of Porto Rico. I later introduced an amendment providing for relief for Florida, but when the question came up that the other Southeastern States on account of flood conditions felt that they were also entitled to relief, I very generously said, "Well, we will work in harmony for the benefit of all of the Southeastern States," and withdrew my amendment applying specifically to Florida.

Now the resultant of it is, and the tragedy of it is, that after I was the first among the Senators to appeal for relief in the hurricane-stricken and flood-stricken section of the United States, the Senate adopted an amendment on yesterday when I was absent on account of illness, which allows my State practically no relief whatever; and that is what I am complaining about.

If a farmer in the section producing vegetables in Florida were told that Congress had provided that he could get loans to an amount not exceeding $3 an acre for the purchase of seed and fertilizer, he would immediately reply, "That is a bunko game, or else those people up there know nothing about truck farming, and the production of vegetables, and the expense of fertilizer and seed necessary to carry on this industry. We hoped our Representatives up there at least knew better, if nobody else knew better."

Mr. President, if this amendment could be brought back to the Senate, and we could have a conference, that is what I should like to have done, and then we might be able to work out something more satisfactory.

Mr. SIMMONS. Mr. President, if the Senator will allow me, I desire to enter a motion to reconsider the vote by which the Senate agreed to the House amendments to Senate Joint Resolution 182.

Mr. CARAWAY. The Senator simply wishes to do that without asking for the consideration of the motion now?

Mr. SIMMONS. Yes; I wish to enter that motion now. Further, I want to move——

Mr. CARAWAY. I hope the Senator will not move to do it.

Mr. SIMMONS. I simply want to move that the House be requested to return to the Senate the message announcing the concurrence of the Senate in these amendments.

Mr. CARAWAY. Would the Senator mind asking unanimous consent to do that? I do not want to have the pending business displaced.

Mr. SIMMONS. If it would displace the regular order, I will do that.

The PRESIDING OFFICER. This is a privileged motion. It will not displace the unfinished business.

Mr. CARAWAY. All right.

Mr. SIMMONS. I ask unanimous consent to enter this motion.

The PRESIDING OFFICER. Without objection, the motion will be entered.

Mr. SIMMONS. I now move that the House be requested to return to the Senate the message announcing the agreement of the Senate to the amendments of the House to the joint resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina to request the return of the joint resolution.

The motion was agreed to.

Mr. TRAMMELL. Mr. President, I have nothing further to say, except that I do not wish it to be understood that I mean to criticize the Senator from South Carolina for agreeing to these amendments. I unfortunately was absent on account of illness yesterday, and I had not seen the amendments which were brought in from the House. In some discussion with regard to the matter several days ago I had understood that the House amendments placed a restriction only upon cotton and tobacco. Of course, if it placed a restriction upon cotton and tobacco, and that was acceptable to the representatives from the States producing these crops principally, I had no objection to that; but I did not know that the amendment placed a restriction of $3 per acre upon all other kinds of farming, which would include the principal farming operations in the territory involved in my State.

Mr. SMITH. Mr. President, it was my opinion, in looking over the amendments sent over from the House, that the amendment in question had reference to the other field crops, and I thought it left intact the provisions in the bill in reference to nursery stock and other provisions put in by the Senator from Florida.

I desire to state here now that in view of the action taken in reference to recalling this message from the House, I think it is a question of whether we accept this, which is perhaps doubtful relief, or no relief at all. That is my candid opinion. I have worked in season and out of season to try to get some relief. As every Senator here knows, this was not involved in the joint resolution that I had put through the Senate. The Senate very magnanimously and unanimously voted for the $15,000,000, with provisions in the measure that seemed to be satisfactory to all the representatives of the States affected by the storm. Of course, however, I had no control whatever over its vicissitudes in another body. I did confer with them from time to time, and I found that those who had charge of the matter, representing the States affected, had agreed to this very proposition as the only thing they could get at all.

I do not know just what may be the result of recalling the joint resolution and having it amended or sending it to conference, but it is my opinion that it is either this or nothing at all. I myself was not satisfied with it, but I took occasion yesterday evening to confer with those Senators who were present, and I was advised that perhaps we had better try to work out some relief with the $6,000,000, rather than to get no recognition and no relief at all.

Of course, I want it understood that I would do everything in my power to bring about the relief that was indicated by me on this floor, as necessary, when the original joint resolution passed. The present status is not mine at all. It was what I believed had been worked out by the best efforts of those who were likewise interested on the other side of the Capitol. Perhaps we did not have the difficulties here that they faced over there; and I desire to have my colleagues here thoroughly apprised of my part in the matter and my attitude. It was simply a question in the short time I had, knowing the difficulties that had been encountered elsewhere, of whether or not it was best to take what was offered—scant, imperfect, and perhaps not available, but yet trying to work out with the $6,000,000 some measure of relief rather than none at all. That was my attitude in the whole matter.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment. If there be no further amendment to be proposed, the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. HEFLIN and Mr. SIMMONS called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll.

Mr. JONES. I desire to announce the following general pairs:

The Senator from New Mexico [Mr. LARRAZOLO] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON]; and

The Senator from Oregon [Mr. MCNARY] with the Senator from Tennessee [Mr. MCKELLAR].

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is unavoidably absent. I therefore withhold my vote.

Mr. REED of Pennsylvania (after having voted in the negative). Has the Senator from Delaware [Mr. BAYARD] voted?

The VICE PRESIDENT. He has not voted.

Mr. REED of Pennsylvania. I am authorized by the Senator from Delaware to say that the general pair which he and I have should not prevent me from voting, as he would vote the same as I have voted.

Mr. BINGHAM. The junior Senator from Rhode Island [Mr. METCALF] is detained at home on account of illness. If he were present, he would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Maryland [Mr. TYDINGS], the Senator from Missouri [Mr. HAWES], and the Senator from New Mexico [Mr. BRATTON] are detained on official business.

Mr. SHEPPARD. I was requested to announce that the Senator from Kentucky [Mr. BARKLEY] and the Senator from Missouri [Mr. HAWES], if present, would vote "nay."

The result was announced—yeas 27, nays 47, as follows:

YEAS—27

Black	Fletcher	McMaster	Sheppard
Blaine	Frazier	Mayfield	Shipstead
Borah	George	Neely	Thomas, Okla.
Brookhart	Harris	Norbeck	Trammell
Capper	Heflin	Norris	Waterman
Caraway	Jones	Nye	Wheeler
Dill	King	Robinson, Ark.	

NAYS—47

Ashurst	Gillett	Overman	Steiwer
Bingham	Glenn	Phipps	Stephens
Blease	Goff	Pittman	Swanson
Broussard	Gould	Ransdell	Thomas, Idaho
Burton	Hale	Reed, Pa.	Tyson
Copeland	Harrison	Sackett	Vandenberg
Couzens	Hastings	Schall	Wagner
Curtis	Hayden	Shortridge	Walsh, Mass.
Deneen	Johnson	Simmons	Walsh, Mont.
Edge	Keyes	Smith	Warren
Edwards	Moses	Smoot	Watson
Fess	Oddie	Steck	

NOT VOTING—21

Barkley	Glass	Larrazolo	Reed, Mo.
Bayard	Greene	McKellar	Robinson, Ind.
Bratton	Hawes	McLean	Tydings
Bruce	Howell	McNary	
Dale	Kendrick	Metcalf	
Gerry	La Follette	Pine	

So the Senate refused to pass the bill.

Mr. JONES obtained the floor.

Mr. HARRISON. Mr. President, will not the Senator yield to me to enter a motion to reconsider the vote by which the bill just acted on was defeated?

Mr. JONES. Mr. President——

Mr. HARRISON. May I say that I want to make the motion for the purpose of getting the bill back to the Senate in order that I may offer a substitute, which substitute has already passed the House of Representatives, so as to give the Senate an opportunity to vote upon it. I hope the Senator will not object to this procedure so that we may get a vote on the matter. It will take only a few moments.

Mr. HEFLIN. I hope the Senator from Washington will agree to that. It will not take much time.

Mr. JONES. I wanted to make a motion. I make the motion that the Senate proceed to the consideration of Senate bill 2901, to amend the national prohibition act, as amended and supplemented.

Mr. HARRISON. I hope the Senator will permit me to get a vote on my motion. I move to reconsider the vote by which the bill just acted on was defeated.

Mr. JONES. If the bill I have moved is taken up, it could be temporarily laid aside. I would have no objection to that.

Mr. HARRISON. We can get through with this very quickly. I do not think there will be any great amount of discussion.

Mr. JONES. Very well. Without yielding the floor, I have no objection to the Senator making his motion.

Mr. HARRISON. I ask unanimous consent that we recur to the consideration of the bill just voted on, and that I may be permitted to offer an amendment striking out everything after the enacting clause and inserting the following, and the following is the so-called Vinson bill, which has already passed the House unanimously, I may say, which places the cotton exchanges in the same position with reference to deals in cotton as that in which the law now places the board of trade with reference to dealing in grain.

Mr. SMITH. I will ask the Senator from Mississippi to permit me to make a statement just here. There is already on the calendar a bill that is, so far as the amendatory features of the bill are concerned, identical with the one which the Senator proposes to offer, but differs very radically in other particulars. It was my purpose, as soon as this measure was disposed of, to take the bill that has been passed by the House through its regular course through the Committee on Agriculture and Forestry, and see whether or not we could not work out a plan by which the matter might be expedited, because the parliamentary situation would be such that we could take advantage of the one bill having already passed the House and another one having been reported out by the Committee on Agriculture and Forestry. We could expedite the matter by getting a bill that would maintain the parliamentary status of the bill that has already passed the House, and also accommodate itself to what is necessary to be done in connection with legislation so important. I had intended to take the floor to make that statement, as I had already stated to other Senators my intent, when the Senator from Mississippi got the floor.

Mr. HARRISON. May I say to the Senator that I have no objection in the world to that course, but the majority side of the Senate have a program mapped out; certain bills are to come up, and right now is our opportunity either to offer the bill of the Senator from South Carolina as a substitute or to offer the bill that has already passed the House of Representatives. If we do not take advantage of the opportunity now, a measure covering this subject will never become a law during this session of Congress, because we have only about two weeks left. If the Senator can offer his amendment as a substitute, to strike out everything after the enacting clause, I will have no objection to it. That will get it into conference; but let us do something now.

Mr. SMITH. Mr. President, it may be worked out in conference, but this matter is a matter of such far-reaching and grave importance to all of us whose living depends on the production of cotton, that we do not want to take hasty action in reference to that which affects the markets of the great southern staple. I am sure that if the Committee on Agriculture agrees on a measure that is favorable to those interested in the matter, at any time we bring it in here it can be passed. I believe that those on the other side, when we shall have agreed on a measure that will have such a parliamentary status that it can be passed at this session, will grant the right of way at least for a vote on it.

Mr. JONES. Mr. President, I can not yield further.

Mr. HARRISON. I make my motion as a privileged motion.

Mr. JONES. I raise the point that it is not privileged.

Mr. HARRISON. I have a right to move to reconsider the vote by which the bill was defeated, when I voted in the negative.

Mr. JONES. The Senator can make the motion.

The VICE PRESIDENT. The entering of the motion is privileged, but whether or not it shall be considered will be determined by a vote of the Senate.

Mr. JONES. I have moved that the Senate proceed to the consideration of Senate bill 2901.

Mr. HARRISON. I ask for a roll call on my proposition. I have entered the motion, and I make the motion now.

Mr. JONES. Mr. President, I raise the point of order that the Senator has not the floor to do that.

Mr. HARRISON. A parliamentary inquiry. If this motion should go over for a day, would we lose our privileged status here of having this bill before the Senate? It is now the unfinished business.

Mr. JONES. Mr. President, it was voted on, and the vote was completed. The bill was disposed of.

Mr. HARRISON. It is not disposed of.

Mr. JONES. I have moved that the Senate proceed to the consideration of Senate bill 2901, to amend the national prohibition act, as amended and supplemented.

The VICE PRESIDENT. A bill can be brought before the Senate by a majority vote at any time.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Alabama will state his parliamentary inquiry.

Mr. HEFLIN. The Senator from Mississippi voted just a moment ago, as others did, on the Caraway bill. He voted in the negative. Therefore under the rules he has the right, having voted on that side, to move to reconsider the vote by which the bill was defeated. Why can he not do that now while the bill is still up in the Senate? He obtained recognition, and he wants to make that motion, and I think the Senate ought to act on it while the bill is here, rather than transact some other business.

The VICE PRESIDENT. The Senator from Washington in the meantime had made a motion to proceed to the consideration of Senate bill 2901. That motion was made before the Senator from Mississippi made his motion.

Mr. HARRISON. I have been on my feet——

Mr. HEFLIN. The Senator from Mississippi addressed the Chair two or three times.

The VICE PRESIDENT. The motion of the Senator from Washington was entered and is before the Senate for consideration.

Mr. SWANSON. Mr. President, when the matter of the Senator from Washington shall have been disposed of, will the motion of the Senator from Mississippi take precedence over any other motion? I do not think the Senator from Washington yielded to the Senator from Mississippi, but I wish to submit that the Senator from Mississippi entered a privileged motion, and I think a vote on a privileged motion ought to take precedence over any other motion.

The VICE PRESIDENT. Such a motion can be entered, but when a motion is entered, the privilege is exhausted. The motion of the Senator from Washington is now before the Senate.

Mr. SWANSON. When that shall have been disposed of, does the Chair rule that the next motion in order will be the motion of the Senator from Mississippi?

The VICE PRESIDENT. The motion of the Senator from Mississippi can be taken up during the first morning hour, at the conclusion of morning business.

Mr. HARRISON. There should not be any difficulty about this matter. A unanimous-consent agreement was entered into that at 4 o'clock to-day debate should be limited to 10 minutes. Many of us thought that the bill would not be voted on until after that hour. The Senator from Washington would not lose anything by allowing this motion to be acted on. There is not going to be a great amount of discussion on his measure, and I ask the Senator if he will not withhold his motion so that we can get this matter disposed of at this time?

Mr. WALSH of Montana. Mr. President, let me suggest to the Senator from Mississippi that the Senator from Washington has signified his willingness to lay his measure aside, and then the Senator from Mississippi can make his motion.

Mr. HARRISON. I did not know that.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington.

Mr. VANDENBERG. Mr. President, I arose at the same time the Senator from Washington rose, or preceding him, for the purpose of moving to lay before the Senate House bill 11725, an act to provide for the reapportionment of Congress. But the Senator from Washington obtained recognition and thus secured the floor. I have no desire to draw an issue between the reapportionment bill and the bill which my distinguished friend from Washington is pressing before the Senate and which is a measure I shall favor at the proper time. I would not care to have a division taken upon that particular priority because it would suggest a fictitious disagreement. Therefore I am not going to oppose his motion. But I want to give notice now that as soon as I can obtain the floor after his motion has been carried, as I understand it will be, I intend to seek a vote in the Senate upon considering this reapportionment bill in its own right. I shall do so not on the theory that I am seeking any priority whatever over the bill of the Senator from Washington but that I am undertaking to secure the Senate's judgment as to whether or not a paramount degree of constitutional privilege, equivalent to that which is given to appropriation measures, does not and should not and must not attach to a measure that involves the fundamental rights of 32,000,000 comparatively disfranchised American citizens, and which involves the ultimate constitutional validity of future presidential electoral colleges, and which involves the validity, perhaps, of the very act of Congress itself because of the fact that it is organized contrary to the constitutional mandate, and which involves the sanctity of the Constitution itself and the validity of the oath which Senators in this Chamber take when they assume their seats. I can conjure no other legislation which so fundamentally involves the root sources of our representative Government. Therefore, I submit, no other legislation has so vivid a claim upon the Senate's attention.

I shall have to ask the Senate to take the responsibility for any further postponement of a measure so basically constitutional in its character and so obviously challenging to this body. It is challenging to the Senate with particular emphasis because of the fact that it was this body eight years ago which refused to accept and validate a similar act of reapportionment from the House of Representatives and at that time adroitly took the measure down a blind alley and cut the Constitution's throat. So far as I am concerned I can not take the responsibility, as the Senator in charge of the bill upon the floor, for subjecting this constitutionally privileged measure any longer to the hazards of filibuster and of the Senate calendar congestion during the final two weeks of the session and the possibility that it may suffer another anæsthetic. Therefore, although I do not, I repeat, oppose the immediate motion of the Senator from Washington, yet I shall undertake as soon as I can obtain the floor after his motion is put, to move the consideration of this constitutionally privileged measure, and thus obtain the Senate's judgment as to whether it considers the unofficial party program of an unofficial party committee more binding and more authoritative than a constitutional mandate which already has been ruthlessly ignored for eight sterile years.

Mr. GLASS. Mr. President, with a comparable degree of earnestness, but with much less misdirected vehemence, I want to give notice that I shall ask the Senate, after the disposal of the bill of which the Senator from Washington [Mr. JONES] is in charge, to take up and consider the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, which has been upon the calendar since the 3d of April last.

I may say incidentally that I would regard it as a distinct violation of faith if any other bill were permitted to intervene and further postpone the consideration of that bill, because I have deferred bringing it up upon the assurance of those having charge of the business program of the Senate that the bill would be included in the next group of bills to be considered by the Senate. It may be regarded as more or less a local bill, but it is not as apt as the bill of the Senator from Michigan to proceed to cut the Constitution's throat again.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. EDGE. I am in entire agreement with the Senator from Virginia as to maintaining orderly procedure, but I think he is mistaken in assuming that the bill of which he has charge, H. R. 8298, would be the next bill in order as arranged by the committee on procedure.

Mr. GLASS. Possibly so. I am in favor of orderly procedure, of course. If the Senator's measure is ahead of mine, that is all right, and I am in favor of considering his bill first, of course.

Mr. EDGE. I was quite sure that was the Senator's attitude, and I simply wanted to invite the attention of the Senator to the fact that the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal precedes his bill.

Mr. GLASS. Very well. Let us consider that and let us then consider my bill.

AMENDMENT OF NATIONAL PROHIBITION ACT

Mr. HARRISON. Mr. President, may I ask the Senator from Washington if he will now submit his request to temporarily lay aside the unfinished business?

Mr. JONES. I would like, first, to get a vote on the question of whether it shall be made the unfinished business.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington to proceed to the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

Mr. NORRIS. Mr. President, we are now in the condition in which we always find ourselves near the end of every short session of Congress. The time we are taking up now to decide on a program is time lost. Even the time that I am using is time lost, but I think it is well to lose a little more time in order to call attention of the Senate and of the country, and particularly of the House of Representatives to the fact that we are confronted with a condition now which confronts us every two years, because the Senate must adjourn on the 4th day of March

with a calendar crowded with more important legislation than can possibly be considered between now and then.

We all know that the larger portion of the legislation now on our calendar is going to be left unconsidered because of a lack of time, and that when noon of the 4th of March comes those measures, some of which have taken up the time of committees and Senators for weeks in their preparation and consideration, must all die; that all the work put upon them will be lost, and that at another session of Congress if an attempt is made to legislate upon any of those subjects we must commence at the beginning.

If the House of Representatives had approved and given the legislatures of the States an opportunity to approve the so-called "lame duck" amendment to the Constitution of the United States, we would not be confronted with the illogical condition in which we find ourselves now. It will always be that way until the Constitution is changed, until we get rid of the short session of Congress. The particular dilemma in which Congress and the country find themselves now will recur two years from now unless the Constitution shall be amended in the meantime. It will happen every two years thereafter as long as the Constitution and the country stand. It will get worse every two years. As the country grows in population and in business the legislation will then become more important even than it is now.

It will be said, "Why, some of the legislation pending in the various committees and some of it now on the calendar, to which committees have devoted a great deal of time, might very well be permitted to die there. It would be better if every one of those measures were not enacted into law. There is controversy about them." It is true that they are controversial. It is probable that every one of them has two sides and that those who are opposed to them would rather not see them enacted into law. But what is Congress for except to settle controversial questions of legislation? If we are to enact nothing into law except by unanimous consent, we ought to abolish the Congress almost entirely. There is no necessity for the taxpayers of the country paying the enormous expenses connected with the Congress if we are not to settle controversial questions. That is what we are here for, and that is the reason why we ought to settle them. But under existing conditions we can not do it because it is a physical impossibility.

The situation has become such that when we presume to ask a question about an appropriation bill and the debate on some important item in an appropriation bill runs along for an hour or two, where hundreds of millions of dollars of the public money is involved, we are at once reminded, "Why, we must get along; we can not debate this so long. We must not consider it at such great length. We will not get it through by the 4th of March if we do." We have been reminded of such a condition at least fifty times during the present session and will be reminded of it from now on until the 4th of March every day, and yet, without that change of the Constitution which I have proposed we are helpless.

There is no filibuster. It is a well-known principle that commencing to-day any reasonable number of Senators could defeat any legislation without undertaking to fight it, not because they could keep up a filibuster until the 4th of March but because those behind the bill would realize that every moment is precious and that the bill would take up so much time that other bills still more important would not be given consideration.

Not only does this condition of affairs result, but it interferes with the orderly and logical work of every standing committee of the Senate. When we are half way or more through the short session the committees commence to get busy. They call special meetings, and those meetings conflict one with the other, with the result that half of the committees find themselves without a quorum, with important legislation before them for consideration. Senators are not to blame. They are on several committees and can not be in two places at once. In other words, it is like a room full of men who have to pass out of a door where it is known in advance that only one-third of them can get out, and yet they are all trying to get out at once, with the result that no one gets out. That is what happens to legislation. It is not only the consumption of time in the consideration of the bills in the case of a filibuster, but it is after that in the jam that we are called upon to do things that are impossible of accomplishment.

I could not permit this opportunity to pass by without calling attention to the real condition and the real evil that is behind the deplorable condition in which we now find ourselves.

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from Washington that the Senate proceed to the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

Mr. BRUCE. Mr. President, I want to make a proposition to the Senator from Washington [Mr. JONES], and that is that he shall not insist upon his bill being taken up now. I am perfectly willing that it should be set down for some hour to-morrow or any other day that suits the Senator from Washington, and that debate on it be limited, but it is not convenient for me and it is not convenient, I am sure, for at least one other Member of this body who is opposed to the bill to take up discussion of it to-day. I am perfectly willing it shall be set down for any particular hour to-morrow or on any subsequent day, and the time for discussion limited, but I will advise the Senator, though I am hardly in a position to give any advice to him, that he accept this suggestion of mine, because, as he well knows, this is a subject upon which I experience no difficulty in speaking at very considerable length, even when I have no desire to filibuster it.

Mr. JONES. Mr. President, I would be perfectly willing if an agreement can be made so that the bill may be called up to-morrow. I would be perfectly willing to enter into an agreement of that kind. If we can take the bill up at 12 o'clock to-morrow and vote on it later in the day. I am perfectly willing to agree to vote not later than half past 2.

Mr. BRUCE. The Senator would hardly expect me to expose the iniquities of the bill in that time?

Mr. JONES. I would like to ask the Senator to suggest a time to-morrow to vote.

Mr. BORAH. I suggest that we take up the bill to-morrow and let us have a little debate on it before we agree on a time to vote.

Mr. HEFLIN. Let us take it up the first thing when we meet to-morrow. Let us proceed to the consideration of the bill immediately after 12 o'clock, which we could do by taking a recess this evening.

Mr. BRUCE. I have no disposition to filibuster, none whatever. I merely want to have an opportunity to discuss the bill.

Mr. CURTIS. Mr. President, I suggest that the measure be taken up so as to become the unfinished business, and then be temporarily laid aside so the Senate may proceed to the consideration of the motion of the Senator from Mississippi [Mr. HARRISON], and that it be agreed that the bill of the Senator from Washington shall not be taken up before 2 o'clock to-morrow.

Mr. BRUCE. That is satisfactory to me.

Mr. JONES. I would like to couple with that an agreement at not later than a certain hour to-morrow we shall vote on the bill.

Mr. JOHNSON. Mr. President, may I ask the Senator from Washington if it is the bill (S. 2901) to amend the national prohibition act, as amended and supplemented, to which he refers?

Mr. JONES. Yes; it is.

Mr. JOHNSON. May I ask just one question respecting it? Does that make any offense under the prohibition act a felony?

Mr. JONES. It creates no new offenses; it merely provides for an additional penalty in certain cases. It does not expressly create a penalty, but prescribes an increased penalty.

Mr. ROBINSON of Arkansas. It raises the maximum penalty.

Mr. JONES. It raises the maximum penalty and leaves the minimum penalty unaffected.

Mr. ROBINSON of Arkansas. But it does not create any new penalties.

Mr. JONES. It does not.

Mr. BORAH. Or any new offenses.

Mr. JONES. No.

Mr. BRUCE. Mr. President, so far as I know there are only a few Members of the Senate who are opposed to this bill who desire to discuss it. I think the Senator need have no fear that debate on it will be unduly protracted; so that I think the suggestion of the Senator from Kansas is one which the Senator from Washington might well accept.

Mr. JONES. I am willing to have the bill made the unfinished business, and then let it go over until 2 o'clock to-morrow, with the understanding, without probably an express agreement, that we shall dispose of it to-morrow.

Mr. BRUCE. I could not say that, because I desire to discuss the bill; and, as I have said, while I have no desire unduly to obstruct the passage of the bill——

Mr. ROBINSON of Arkansas. I call for the regular order.

Mr. BRUCE. I desire to speak on it, and I happen to know that some other Senators also desire to speak on it.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. BRUCE. Mr. President, have I not the right to discuss my views about the motion? I most assuredly intend to do so.

The VICE PRESIDENT. The motion is debatable.

Mr. HEFLIN. Mr. President, if the Senator will permit me, I thought the understanding was that the bill, if made the unfinished business, would go over until to-morrow.

Mr. BRUCE. Mr. President, I hope the Senator from Washington will consent to the suggestion which has been made.

Mr. JONES. I was going to agree to it.

The VICE PRESIDENT. The bill is not as yet before the Senate. The question is on the motion of the Senator from Washington, and that motion is debatable. The Senator from Maryland has the floor.

Mr. JONES. Mr. President, I think we can reach an agreement with the Senator after the vote is had on taking up the bill.

Mr. BRUCE. After the bill has been taken up?

Mr. JONES. Yes.

Mr. BRUCE. I am sure we can.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

Mr. HARRISON. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Mr. President, if there is no objection, I should be glad to have the bill temporarily laid aside, with the understanding that we will take it up at 2 o'clock to-morrow and dispose of it, as nearly as possible.

Mr. VANDENBERG. Mr. President, I can enter into no agreement which will prevent the roll call for which I am asking on the question of determining whether the Senate desires longer to postpone consideration of the reapportionment bill.

Mr. JONES. I ask that the unfinished business be temporarily laid aside.

Mr. VANDENBERG and Mr. HARRISON addressed the Chair.

The VICE PRESIDENT. The Senator from Michigan.

Mr. VANDENBERG. I move that the Senate proceed to the consideration of House bill 11725.

Mr. HARRISON. A parliamentary inquiry.

The VICE PRESIDENT. The Chair will inquire, first, is there objection to the request of the Senator from Washington that the unfinished business shall be temporarily laid aside? The Chair hears none, and it is so ordered.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. VANDENBERG. Mr. President——

Mr. HARRISON. I had understood that after the bill had been taken up I would be permitted to make a motion.

Mr. VANDENBERG. Mr. President, have I the floor?

The VICE PRESIDENT. The Chair recognizes the Senator from Michigan.

Mr. VANDENBERG. I move that the Senate proceed to the consideration of House bill 11725, and upon that question I ask for a roll call.

Mr. HEFLIN. Mr. President, I make the point of order that the understanding was that the Senator from Mississippi [Mr. HARRISON] was to be recognized when the bill of the Senator from Washington was out of the way or some agreement reached concerning it. That was my understanding, and I think it was the understanding of other Senators.

The VICE PRESIDENT. There was no agreement or understanding. The Chair has to recognize the Senator first addressing the Chair, and that is the reason why the Chair recognized the Senator from Michigan.

Mr. HEFLIN. The Senator from Mississippi has been standing on his feet for some time.

Mr. HARRISON. Mr. President, I have no desire to delay the business of the Senate. Let us have a yea-and-nay vote on the motion now.

Mr. VANDENBERG. Very well.

Mr. EDGE. Mr. President, there will be some debate on that motion.

Mr. NORRIS. I wish to debate it.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES. If the motion of the Senator from Michigan shall be adopted, as I understand, it will displace the unfinished business?

The VICE PRESIDENT. It will displace the unfinished business.

Mr. EDGE. Mr. President, I wish to speak very briefly on the motion of the Senator from Michigan, which is now before the Senate. I want to make it very clear that so far as the measure which the Senator has in charge is concerned, the so-called reapportionment bill, I am heartily in favor of it, and I have every wish and hope and expectation that the Senate will pass the measure before final adjournment. Nevertheless, as has been indicated by the Senator from Virginia [Mr. GLASS], we have a system which has been in vogue in the Senate for many years, which recognizes a committee known as the committee on procedure of order of business. That committee considers the requests of Members of the Senate representing both political parties, and decides in its judgment the order in which the Senate shall consider various measures that have been on the calendar or before the Senate for a long time.

Mr. VANDENBERG. Mr. President, would it interrupt the Senator if I asked him one question?

Mr. EDGE. I yield.

Mr. VANDENBERG. I merely want to make it plain that the motion I am making raises the fundamental point as to whether the committee on order of business of the Senate has a superior right to the Constitution of the United States.

Mr. EDGE. Mr. President, I am not going to discuss the question of constitutionality. I repeat that the bill the Senator has in charge is a very important measure, and I have no doubt that it will receive the final consideration of the Senate before the Congress shall adjourn, but the committee on program, I repeat, has been recognized for years as an instrumentality to maintain an orderly procedure. In other words, it affords Members of the Senate who, as the chairmen of committees or as the sponsors for various measures, have the responsibility of looking after them, an opportunity, known to some extent in advance, to be prepared to move their consideration and have them debated and finally disposed of by the Senate.

Demonstrating that the policy of the committee has always been to recognize both sides of the Chamber, I merely wish to call attention to the present program. There are four bills on the program. The first bill is the one of the Senator from Arkansas [Mr. CARAWAY], which has just been disposed of. The second bill is that of the Senator from Washington [Mr. JONES], which is now the unfinished business. The third measure is the joint resolution sponsored by myself as chairman of the Committee on Interoceanic Canals. The fourth bill is that referred to by the Senator from Virginia [Mr. GLASS]. So two bills which have been placed on the program are being handled by members of the Democratic Party and two are being handled by members of the Republican Party.

In my judgment, either we must maintain the responsibility of the committee on procedure, or there should be no such committee. Either we should go through with the program or, I repeat, the committee should be discharged. In my judgment, the three bills that remain on the program, with debate directed to the subject matter, could be disposed of in two or three days.

We have still over two weeks remaining of the session, and there seems to be no adequate reason why the reapportionment bill should not come up in the regular way and be given proper consideration by the Senate. But certainly this is the test—not the test as to the constitutionality of any measure or of any disposition to challenge the Constitution—of the necessity of deciding by the Senate whether we will proceed in an orderly manner under a method of procedure which has been accepted for many years, or whether suddenly we are going to have a grab and grasp and hustle on the part of this or that or the other Senator to have one bill made the unfinished business one moment and displaced the next.

We are under the criticism of the country—some of it justified, in my opinion, and much of it unjustified—as to the time consumed to transact business. Certainly we will add to the confusion if we deliberately do away with this established, recognized method through which we can approach different measures, prepare to debate them, and be in a position to expect those measures to be before the Senate within a reasonable time.

So, for that reason, Mr. President, much as I am interested in the reapportionment bill, I propose to uphold the traditions of the Senate, the rules of the Senate, the recognized practice of the Senate, and vote against the motion of the Senator from Michigan to displace the unfinished business.

Mr. HEFLIN. Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have not been ordered.

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. NORRIS. Mr. President, I want again to call attention to the same situation to which I called attention a few moments ago. We are killing time; even I am doing that now, in order that I may call the attention of the country to just what is going on in the Senate on account of the failure of the House of Representatives to pass the so-called "lame duck" amendment to the Constitution.

Mr. President, I am in favor of taking up the bill which the Senator from Michigan has in charge. If he had been recognized and had moved to take up the bill and the Senate had adopted his motion, I would have voted against the motion of the Senator from Washington to take up the other bill. I am in favor of both of the bills, but if we go from one to the other we will not secure action on either one of them; neither one of them will get out of the door before the 4th of March.

We are all in an embarrassing position; those, at least, who feel as I do, that both of these bills ought to be enacted into law. We are under the necessity, in order to do anything, to vote against taking up one or the other of them if their adherents continue to make motions to take one up and displace the other. So, while I shall vote on the roll call which is about to take place against the motion of the Senator from Michigan, I shall not do so because I am opposed to his bill; but because I am confronted with the fact that if I shall vote to take up that bill and if the motion should prevail it would displace another bill which is now already before the Senate and of which I am in favor.

Mr. President, I do not agree with the Senator from New Jersey [Mr. EDGE] entirely. Usually I do, but on this occasion I do not entirely agree with him in his argument that the unofficial committee on order of business to which he has referred, which is not recognized by the Rules of the Senate, shall say to the Senate what its order of procedure shall be. Under the rules the Senator from Michigan is in order in making the motion he has made.

I am not against this unofficial committee; perhaps it does much good; I only reserve the right, when they place a bill on the program for consideration which I would rather not have considered, to vote to take up some other measure when I get an opportunity to do so. I do not mean any disrespect to the committee, and no disrespect can possibly, or rightfully at least, be implied by such a vote. The committee, as I have said, is an unofficial one. Its object is to bring order out of chaos, if it can, but at the same time the committee must submit its work to the Senate, which in that instance is the supreme court. The members of the committee are merely justices of the peace, and not even official justices of the peace; they have not taken the oath of office, so far as their committee is concerned, even to support the Constitution. That is the reason the Senator from New Jersey, perhaps, disregards the Constitution as he does defiantly in the face of the constitutional argument of the Senator from Michigan.

Mr. FESS. Mr. President——

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. FESS. I am in the same situation as is the Senator from Nebraska in being in favor of both motions, but I am rather impressed with the conviction that the bill of the Senator from Washington has strength enough behind it to be passed, even if we do not take it up at once.

Mr. NORRIS. The Senator may be entirely right about that.

Mr. FESS. For that reason I am rather inclined to vote for the motion of the Senator from Michigan.

Mr. NORRIS. The Senator from Ohio may be entirely right; his reasoning satisfies him certainly, and I am not finding fault with it, because I think he is taking what, from his viewpoint, is a perfectly logical position. I, myself, do not feel that I should vote to displace a bill that I am in favor of by another one that I am also in favor of unless the second bill is a great deal more important.

It may be that the Senator's bill is the more important. I would not say that it is not; but, personally, I feel very much in favor of both of them.

After listening to the conversation between the Senator from Washington and those who are opposed to his bill I do not believe the bill is going to take very much time. I hope it will not. I think we will be able to dispose of it without much debate, and then I hope we can take up the bill that the Senator from Michigan advocates. I think he makes a mistake, however, when he makes his motion now to take it up.

Mr. ROBINSON of Arkansas. Mr. President, the Senate has just voted to proceed to the consideration of Senate bill 2901, increasing maximum penalties for violation of the prohibition law. Before any debate on the measure has occurred following the vote, a motion is made now to proceed to the consideration of a bill which everyone knows will call for much discussion.

I do not object to the consideration of the bill proposed by the Senator from Michigan [Mr. VANDENBERG]; but I do object to what must appear to be unusual, inexcusable, and absurd procedure, namely, voting to take up a measure and then immediately voting to pass from its consideration to the consideration of another measure. If the Senate establishes that precedent during the closing days of this session, the greater part of our time, instead of being devoted to legislation, to deliberation upon measures, will be required for passing upon motions to take up bills.

Nothing whatever is to be accomplished by any such practice. There is nothing in the present situation to indicate that the bill brought forward by the Senator from Washington will require prolonged debate. It presents a simple issue. According to the report of the committee, the maximum penalty for violations of the prohibition laws is now so small that professional bootleggers, who earn enormous sums from their illegitimate traffic, openly violate the law, pay the fines imposed under the present law, and proceed with their business.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. BRUCE. I wish to call the attention of the Senator from Arkansas, however, to the fact that the application of this bill is not limited to bootleggers.

Mr. ROBINSON of Arkansas. No; it could not well be limited to any one class of violators of the prohibition law; but the provisions of the bill, as I understand them—and I will ask the Senator from Washington to correct me if I am in error—make no material change in existing law except in enlarging the maximum penalty for violations of the prohibition law. Is that correct?

Mr. JONES. That is correct. That is, the bill increases the penalties for violations of the express things mentioned in the Constitution itself. It amounts to the same thing that the Senator has stated.

Mr. ROBINSON of Arkansas. Well, it is the same thing?

Mr. JONES. Yes. It does not affect the minimum penalties at all.

Mr. ROBINSON of Arkansas. No; but it does give a court the power to impose upon a violator of the prohibition law a penalty that is calculated to restrain him from future violations of the law.

What does a bootlegger who makes a million dollars a year out of his dishonest and unlawful practice care for the payment of a fine of a thousand dollars? It is true that the same argument would apply in some degree to the enlarged penalty carried in this case.

Mr. BRUCE. Mr. President——

Mr. ROBINSON of Arkansas. I yield with pleasure to the Senator from Maryland.

Mr. BRUCE. But it would make considerable difference to a man who took a drink to which the incident of transportation was attached to be sent to the penitentiary for five years or to be fined $5,000.

Mr. ROBINSON of Arkansas. Oh, yes. The existence of maximum and minimum penalties always implies in the courts enforcing the law discretion in the imposition of penalties; and it is also true that there have been cases, and there probably will be other cases, in which the discretion has been abused and excessive penalties have been imposed; but my point is that it is necessary and essential from the standpoint of those who believe in law enforcement, whether they favor prohibition or oppose it as a principle, to permit the imposition of penalties adequate to restrain violations of the law.

The questions involved in this bill can not require very lengthy debate except from those who desire to employ what are known as filibustering tactics. The Senate ought not to vote one minute to take up this measure, and then, before it has been considered for any length of time, vote to proceed to the consideration of another measure. It is inefficiency of the worst form, and it is not justifiable from the standpoint of either those who favor the legislation or those who oppose the legislation.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan [Mr. VANDENBERG] that the Senate proceed to the consideration of the reapportionment bill.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question, I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague [Mr. HOWELL] is detained from the Senate by reason of illness.

The roll call was concluded.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the junior Senator from Kentucky [Mr. BARKLEY], and will vote. I vote "nay."

Mr. GLASS. I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to the junior Senator from Missouri [Mr. HAWES], and will vote. I vote "nay."

Mr. JONES. I desire to announce the general pair of the junior Senator from New Mexico [Mr. LARRAZOLO] with the junior Senator from Maryland [Mr. TYDINGS].

Mr. SHEPPARD. I desire to announce that the Senator from Missouri [Mr. HAWES], the Senator from Maryland [Mr. TYDINGS], the Senator from Florida [Mr. FLETCHER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

I also desire to announce that the Senator from Rhode Island [Mr. GERRY] is necessarily detained from the Senate. If present, he would vote "yea" on this question.

The result was announced—yeas 23, nays 48, as follows:

YEAS—23

Bingham	Deneen	Johnson	Shortridge
Blaine	Dill	King	Simmons
Borah	Gillett	McMaster	Vandenberg
Broussard	Goff	McNary	Walsh, Mass.
Burton	Gould	Oddie	Waterman
Couzens	Hastings	Overman	

NAYS—48

Ashurst	Frazier	Norris	Steck
Black	George	Nye	Steiwer
Blease	Glass	Phipps	Stephens
Bratton	Glenn	Pittman	Swanson
Brookhart	Hale	Ransdell	Thomas, Idaho
Bruce	Harris	Reed, Pa.	Trammell
Capper	Harrison	Robinson, Ark.	Tyson
Caraway	Hayden	Sackett	Wagner
Curtis	Heflin	Schall	Walsh, Mont.
Dale	Jones	Sheppard	Warren
Edge	Keyes	Smith	Watson
Edwards	Mayfield	Smoot	Wheeler

NOT VOTING—24

Barkley	Greene	McKellar	Pine
Bayard	Hawes	McLean	Reed, Mo.
Copeland	Howell	Metcalf	Robinson, Ind.
Fess	Kendrick	Moses	Shipstead
Fletcher	La Follette	Neely	Thomas, Okla.
Gerry	Larrazola	Norbeck	Tydings

So Mr. VANDENBERG's motion was rejected.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and modified.

Mr. JONES. Mr. President, in the interest of saving time I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

PROMOTIONS IN THE ARMY

Mr. BLACK. Mr. President, in the Army and Navy Journal, the issue of February 9 last, a statement is made which I shall read, and I desire to direct the attention of the Senator from Pennsylvania to it. It is as follows:

> Perhaps in Senator BLACK'S attitude on the cruisers is found an explanation of his unwillingness to promote the efficiency of the Army by facilitating the passage of the imperatively needed promotion legislation.

I simply desire to say in connection with that that I have endeavored to get up promotion legislation since the early part of the last session, and I have endeavored in every way to facilitate it. I am anxious now to obtain such legislation, and I am very hopeful that within the next few days the Congress will enact it. I would like to ask the chairman of the Committee on Military Affairs if he will not make a statement with reference to this.

Mr. REED of Pennsylvania. May we have order, Mr. President?

The VICE PRESIDENT. The Senate will be in order.

Mr. REED of Pennsylvania. It would not be fair to the Senator from Alabama to allow the statement to go unchallenged that he is responsible for delay in action on Army promotion legislation. He is not any more responsible for the delay than I have been or than those who agree with me about it have been.

The situation, in a word, is that we are all agreed that some action must be taken. The Senator's ideas as to what action should be taken do not agree with ours. On both sides we have been trying in good faith to work out a compromise, and the delay during the past month has been almost exclusively due to that and partly to the fact that some of us were so busy in Appropriations Committee work that we were unable to put as much time on it as we should have.

I think that statement is due to the Senator in justice to him. I know that he is anxious, as I am, to get some action during this session of Congress on the promotion situation, because he feels, as I do, that it presents a serious crisis in the affairs of the Army.

NATIONAL ORIGINS

Mr. REED of Pennsylvania. I ask unanimous consent that there be inserted in the RECORD a statement made by representatives of the American Legion before the Immigration Committee of the Senate in its consideration of the national origins matter last week.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Statement of John Thomas Taylor, vice chairman national legislative commitee, American Legion, before the Senate Committee on Immigration, February 9, 1929, setting forth the Legion's opposition to the Nye resolution, Senate Joint Resolution 192

Following the World War, members of the American Legion had it brought home to themselves forcibly that the so-called melting pot had not melted sufficiently to form a harmonious nation. In order to give the melting pot a chance to fuse the varied strains of racial origins within our shores, the Legion then advocated total restriction of immigration for a period of years. The Legion continued this attitude until the passage of the immigration act of 1924. Since the passage of this act, the Legion had indorsed it and upheld its provisions for the following reasons:

(1) The Legion believes firmly in restrictive immigration. We believe that this is our country, and that we are entitled to be the judge of whether we shall allow people to come here from foreign countries to make their home with us, or to say to them, "We now have sufficient persons of other races within our shores."

(2) As we favor restrictive immigration, the question of how the immigrants should be chosen is of paramount importance. The selection of immigrants upon the basis of the foreign-born population resident in America at any selected date is manifestly unjust, and opens such a basis to the charge of discrimination. This discrimination must inevitably exist, regardless of the census upon which it may be based.

(3) The theory of the national origins of the entire population of the United States is therefore the fairest basis upon which immigration quotas may be based. It comprehends our entire population, just as the selective service act of 1917 included the entire young manhood of the Nation, regardless of race or creed.

(4) During the World War 2,000,000 persons resident in America of foreign birth claimed exemption under the draft because of their alienage. Yet should we continue to base our quotas upon the foreign-born population, the countries of which these slackers are natives would be allowed to send additional immigrants to America on their account, although no account would be taken in immigration quotas of the native-born Americans who responded so admirably to the call of their country.

Page 90, Table 23, of the Second Report of the Provost Marshal General, 1919, shows that 1,703,000 aliens were registered in the draft up to September 11, 1918. Page 452 of the same book, paragraphs E and F, shows that 914,950 aliens were deferred and exempted because of their alienage. These were:

Alien enemy exempted	334,949
Resident alien, not enemy, claiming exemption	580,003
Total	914,952

This was more than one-half—to be exact, 53 per cent—of those registered, claimed exemption, or were exempted or placed in a deferred classification because of their alienage and were never called.

What better argument for the national-origins provision could possibly be advanced?

The issue can be brought squarely between patriotism and slackerism. Shall slackerism be represented in selecting our immigrants over patriotism?

The American Legion has more than 860,000 members and our auxiliary 350,000 members. We number within our membership all races, creeds, and nationalities. It is a cross-cut of the Nation. We are not the advocates of immigration from any special nation or groups of nations, but we emphatically uphold the theory underlying the national-origins provision which is that immigration quotas based upon the entire population of the Nation, is not only the fairest method for selecting immigrants but is the most certain method of retaining for the future the blend of population and racial mixtures as they exist in America to-day.

The national-origins provision is a part of the basic law of the act of 1924. The temporary basing of the quotas upon the census of 1890 was an arbitrary expedient placed in the law until such time as—and only until—the national-origins provision could become effective. This required additional study, in order to determine the quotas which would be provided under it.

The charge has been made that national origins as a basis for quota immigration is unworkable. Nothing could be further from the truth than this statement. The Congress can set up arbitrary quotas for any foreign countries, regardless of population and census figures—can choose immigrants or exclude them as it sees fit.

Any system of selecting immigrants based upon the foreign-born population, at any particular period, is open to the charge of discrimina-

tion, and justly so. But to base these quotas upon the national origins of the entire Nation can not be open to the charge of discrimination, for under such a plan the newest immigrant coming to our shores stands upon the same footing as the descendants of those who came here 300 years ago and founded this Nation in the wilderness.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921; and

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

Mr. HARRISON. Mr. President, I move that the vote by which Senate bill 1093 was defeated be reconsidered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. The Senator from Louisiana.

Mr. HARRISON. Mr. President, may I say a word in explanation of this motion? I did not think that anyone would object to it.

I was of the impression, and I am sure that other Senators were, because this bill covers a subject in which we are all interested, that there would be an amendment offered to the Caraway bill that would incorporate the so-called Vinson bill, which passed the House of Representatives, dealing with the cotton exchanges, putting them under the jurisdiction of the Department of Agriculture. Indeed, an amendment was printed and was on the table to that effect.

We entered into a unanimous-consent agreement providing that after 4 o'clock to-day the debate would be limited to 10 minutes upon the bill, and so on. But the debate was concluded, and some of us happened to be inadvertently out of the Chamber, and the vote was being taken when we came in. So it seems to me that we ought to have a vote upon this amendment. No harm can come from it, and the Senators can express themselves about it. Otherwise there will be no legislation touching this subject at this session of Congress. I say this in explanation of the motion I have made. I hope that the motion will be agreed to and that I can offer the amendment then in the Senate carrying out the action the House took with reference to the matter.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. DILL. I understand that the Senator's amendment proposes to extend to the cotton exchanges the control that is in effect on the grain exchanges.

Mr. HARRISON. Yes.

Mr. DILL. I want to make this comment, that if it does not help the cotton farmer any more than that control has helped the wheat farmer it is not worth the time it is taking to discuss it.

Mr. HARRISON. It may not help them; but the Department of Agriculture is supposed to be the friend of the agricultural interests of the country, and the amendment would give them jurisdiction of the cotton exchanges, just as they have jurisdiction now over the board of trade dealing in grain.

Mr. DILL. The gambling has gone on in the grain market, if anything, worse than it did before that control was given.

Mr. GLASS. Mr. President, the Senator from Washington is entirely mistaken in his characterization——

Mr. DILL. I do not think I am.

Mr. GLASS. Because a New York newspaper says that any Senator who calls speculation gambling is an ass.

Mr. DILL. Of course, if a New York paper says that, I consider the origin of the statement.

Mr. RANSDELL. Mr. President, before the vote is taken I wish Senators to listen to me just a moment. We have been discussing a bill here which has been, as I suggested in my remarks, before the American Congress around 50 years. We devoted our time pretty thoroughly to a discussion of whether the Caraway bill should pass or not. Now the idea is to take up a great piece of legislation, there being 32 pages of the bill, and vote on it without knowing what we are doing. We have not discussed it at all, we do not know anything about it, and I for one am unwilling to vote on a measure of this kind as a substitute for the Caraway bill without knowing what I am doing.

I have not studied this particular bill. I know something about a bill which was similar in some respects, and was reported favorably to this body by the Committee on Agriculture of the Senate, which is known as the Smith bill, but the evils which that bill sought to correct have been very largely corrected by the voluntary action of the New York Cotton Exchange. To a very great extent those evils are behind us, and that exchange, I believe, is trying in good faith to correct that trouble.

The junior Senator from South Carolina [Mr. BLEASE], in my judgment, made a very wise remark about this question a day or two ago. It is extremely brief, and I want to read it to the Senate so that Senators may have it before them when they vote on this matter. He said:

> Mr. President, I have listened with a great deal of interest to what has been said with reference to the Federal Reserve Board and the cotton exchanges. I think if it would be in order it would be a good idea for the Senate to send all bills relative to these matters back to a special committee consisting of Members of the House and the Senate from the cotton-growing States and let them agree among themselves. Possibly if they could do that, the Representatives from the other parts of the country might be able to help solve the problem; but so long as the Representatives from the Southern States, which grow cotton, are so wide apart as they are to-day as to what is best in the interest of the cotton farmer, it seems to me that it is going to be rather difficult, indeed, to find a solution.

I commend that to the careful attention of the Senate, and I also wish to have Senators consider the fact that we have not considered this proposed substitute. If we reconsider the vote by which the Caraway bill was defeated, and the substitute comes before us, I say in all frankness that it will have to be thoroughly debated, it will have to be thoroughly considered, before I for one can consent to a vote upon it. Do not imagine that a vote could be had this afternoon or to-morrow on this question. It is exceedingly important. The Vinson bill is a measure of 32 pages, which has not been considered by any committee of the Senate. How can Senators act on a matter of such great importance without consideration?

Mr. CARAWAY. Mr. President, I am not rising to discuss this measure. However, I am not going to permit to go unchallenged the statement that the cotton exchanges have abolished the evils incident to their operation. They only made it easier for those who gamble upon the exchanges to protect themselves than was the case prior to the change in the rules.

Take the matter of southern delivery. Every living man who knows cotton from cows knows the action in regard to that was not in the interest of the growers of cotton. It is absolutely impossible for anybody to deliver under it, but it is easier for somebody to tender, and therefore break a high price. A man never tenders except when the future prices are higher than the spot cotton and he wants to break the market, and then he tenders. The change will relieve Anderson, Clayton & Co. from the necessity of keeping $10,000,000 worth of cotton in New York, and paying $500,000 a year for storage and insurance in order to have something to break the price whenever it looks as though a cotton grower might get something approaching the cost of production.

They abolished their rule, so that Clayton, Anderson & Co. will not have to bring cotton to New York, in order to keep from having his shirt taken off them, as one of them said in the hearings before the Senate committee; not that they can not take the shirts off the cotton growers, because they can do it now with less money than they could before. That is all there is of this correcting of evils. The only thing they did was to make it more advantageous to the man who wanted to gamble.

I am not surprised at the vote on my bill a moment ago. I want to assert that not one out of five who voted against the bill ever read it. They got their information out of the cloakrooms from lobbyists. They took their orders from the gamblers on the stock and cotton and grain exchanges, and came here and recorded it. That is all they did. They never fooled anybody. If I had a boy 4 or 5 years old and he could have been mistaken about this issue, I would put him in a school for the feeble-minded, because he could not learn anywhere else.

They knew who their masters were, and they responded to them. Somebody may now want to excuse himself by saying, "I was for some other measure." He is not going to fool anybody about that, either.

Mr. HEFLIN. Mr. President, a vast deal of the speculation going on now takes not only the farmer's shirt off but it takes the skin off him also. [Laughter.] I am aware of the fact that my friend from Louisiana is not going to enthuse over any measure that seeks to regulate these exchanges rigidly.

I am reminded of a story told in the House once by Congressman Cushman. He said that in the old days in the State of

Washington they would hang a horse thief wherever they found him, and they would put a placard on his back saying, "This man is a horse thief, and if you steal a horse you know what is going to happen to you."

They broke horse stealing up for nearly a year, but finally another horse thief came around and stole a horse, and the citizens got hold of him, took him out on a beautiful, moonlight night. They had a plow line tied around his wrists, and about half of the neighbors present wanted to hang him and half of them wanted to shoot him. They discussed in his presence what method they would employ to execute him. Some one said that he thought it would be better to shoot him. Another suggested that he was in favor of hanging him. He wanted to hang him up by the roadside and put a card on his back as a warning to others who wanted to steal horses. Well, they discussed it pro and con, and grew very much excited. Those who wanted to shoot him insisted that he be shot. Those who wanted to hang him insisted that he should be hung.

Finally one very kindly disposed fellow said, "I think we ought to consult him and get his 'ruthers' about it and see which plan he would prefer." So they turned to him and said, "Stranger, you have heard the discussion. Which'd you ruther we would do, hang you or shoot you?" "Well," he said, "I be more interested than ary one of you, but I cain't enthuse over ary one of the plans suggested." [Laughter.]

That is the situation with my friend from Louisiana. He is not going to enthuse over either one of these strict regulatory plans.

Mr. President, I think we ought to have an opportunity to vote on the motion of the Senator from Mississippi, and I hope it will prevail. If the motion does prevail, I wish to state that we will have an opportunity to vote on the amendment which the Senator from Mississippi wants to offer, known as the Vinson bill, which has already passed the House, and we will have an opportunity to vote on the Smith bill, which has a number of very fine provisions in it. The Senator from South Carolina [Mr. SMITH] prepared the bill after we made the investigation into cotton prices last spring, when he was chairman of the investigating committee, and the members were the Senator from Louisiana [Mr. RANSDELL], the Senator from Kansas [Mr. CAPPER], the Senator from North Dakota [Mr. FRAZIER], and myself. We were all members of the committee that made the investigation. We touched on many of the evils complained of, which were disclosed by the testimony.

Personally, I would prefer to have the measure introduced by the Senator from Arkansas [Mr. CARAWAY] rather than the Vinson bill. In the event the Vinson bill is the only one offered at this time I would vote for that, since the Caraway bill has been defeated. But the measure which I now hold in my hand, being the bill of the Senator from South Carolina [Mr. SMITH], is already on the calendar.

Senators, we ought to do something with this matter and we ought to do it now. The cotton-selling season is practically over. If we enact one of these measures into law now, it will give us from now until next August to get adjusted to the new order of things, and the machinery that we have now can be regulated under the new law. I sincerely hope that the Senate will vote to reconsider the matter, and let us try out one of these measures and apply it to the exchanges which are now robbing the farmers right and left under the kind of speculation that goes on from day to day.

Mr. SMITH. Mr. President, I think the Senate begins to appreciate some of the questions that will be involved if this matter is reopened on the floor of the Senate. Reference was made by the Senator from Louisiana [Mr. RANSDELL], and I believe also by the Senator from Alabama [Mr. HEFLIN], to the effect that as a result of the investigation carried on last year it was agreed by all parties concerned, including the exchanges themselves and those who day by day use the exchanges, that there were certain practices which made it very easy or comparatively easy for the cotton markets to be manipulated. We have heard a great deal here about paper contracts and about the effect of the extraordinary selling of fictitious cotton. Curiously enough the selling of vast quantities of fictitious cotton has not always been, if at any time, immediately responsible for those violent fluctuations; but they came about actually on account of the presence of the spot cotton.

The situation arose from the fact that New York, the great central American market, was always considered a spot market and a differential had to be applied to the price of cotton which obtained in the South in order to deliver it in New York. Parties buy cotton with reference to what was known as "notice day," which is the day on which the party selling the cotton would give notice that he intended to deliver—not to settle on margin, but to deliver the actual spot cotton. It might not be to the advantage of the individual to take it up to New York and he would prefer to have that as the place of hedge or insurance, and purchase his cotton in the South. That condition might go on until, when there was an absence of cotton, some one would attempt to corner the market and put the price up, knowing that the party selling could not deliver the spot if the spot were demanded; and on the other hand, if there was an excess of cotton in this unadvantageous place he might tender it when it was not practical for the party buying the contract to take up the cotton.

Therefore it was contended that New York not being in a geographical position to handle the spot transaction, it affected disastrously the market. There was a clamor all over the country that we should have southern delivery, making the contract in New York and allowing the seller to deliver where the cotton was available and where there was always a supply of every grade of cotton and of what is called line cotton—that is, the grade that was tenderable in New York under the present law. The New York Cotton Exchange, after years and years of refusing to do so, have adopted that plan as a part of their constitution.

It also was made apparent that the party holding contracts for a given month would transfer them to another month, and to still another month, and still hold the same amount of contracts to influence the market. That was called to the attention of the exchange, and they have incorporated in their rules and regulations a provision that there shall not be the retendering from one month to another of the same contract for the purpose of influencing the price of cotton.

There was also brought to light the fact that parties would buy contracts in one market and sell a like number in another market, and straddle between the two markets. Those who were powerful enough would buy in one market until they put it out of parity with the other in which they had sold a preponderance on the market. That was called to the attention of the exchanges, and they now make it a misdemeanor under their rules and regulations, making the party who indulges in the practice liable to expulsion, so that one buying in a market can not sell a like amount in another market for the purpose of what they call "straddling," artificially influencing the market, and thereby giving rise to an unjust effect on the market.

The next and most important proposition was providing against the tendering and retendering in the same month in the same market of the same cotton.

The New York Exchange have incorporated these provisions in their by-laws and in their rules and regulations. I am not going to question the good faith of those men who testified before the committee that this was done under the demand of the entire trade. I shall not question whether they have incorporated these provisions in good faith or whether it is a mere gesture, but I do submit that if they have done it in good faith on their own motion they are more likely to carry them out faithfully than if we were to undertake to enforce them by law, because, as we all know, the laws which we enact are very often used as a means to avoid accomplishing the very purpose which they were intended to accomplish.

The reforms which have been incorporated voluntarily or on the motion of the exchange itself were incorporated in a bill which, after consideration by the committee, was submitted to the Senate and placed on the calendar. I want to state, Mr. President, that I feel that my judgment has been vindicated as to the effect the cotton futures act, which is now the law of the land, would have on the trade. We found that long before ever I came here an abuse had existed of storing in certain warehouses in New York certain cotton that was not considered merchantable in the common acceptation of the term. This cotton was held there, and when a contract was sold the party owning the cotton would tender it at a price that could not be obtained in the open market. It was what Mr. Herbert Knox Smith, who was appointed by the Congress to investigate the abuses on the exchange, termed as the "fixed difference in price." The basis middling of a certain staple and grade was the basis upon which cotton was sold. The party selling had the right to deliver any cotton that was called commercial cotton which went from what was in common parlance known as dog-tail to middling fair. It took in all cotton regardless of the staple and regardless of grade, so that one owning a certain amount of that undesirable cotton would have the right to tender it on contract at an absurd value which the purchaser of the contract could not afford to take because he could not realize on it either by delivering it to the mills or by offering it in the open market.

The cotton futures act, of which I had the honor to be the original author, prescribed that nothing below a certain length of staple and a certain grade in color could be tendered on contract, so that undesirable low-grade cotton was entirely elimi-

nated. It provided further that in case the cotton was delivered and the actual spot taken up and the purchaser was dissatisfied or had doubt as to whether it was of the grade and staple contemplated by law, machinery should be set in action in the Department of Agriculture by which both the grade and the staple could be determined and the price determined by taking the average of a given number of bona fide spot markets as to what that grade and staple brought the day the tender was made, so that the purchaser would be protected in grade, staple, and price.

That law went into effect and it has been working admirably so far as buyer and seller are concerned. There were necessary amendments from time to time. We had to restrict the number of grades, and we finally restricted them to a given number, providing that nothing below low middling in quality and nothing below seven-eighths in staple should be tenderable at any time on the exchange. I think Europe recognizes that standard and that it has been adopted the entire world over as being a fair basis upon which to do business. It was decided upon for this reason:

There is not in all the world a man producing cotton who can tell what grade or what staple he is going to make. His cotton field if picked to-day may produce good middling cotton, which is three grades above that which is admissible in the market, but a storm or other unseasonable weather may reduce that cotton below the tenderable grade before he can get into his field and pick it. Every practical cotton man knows that to be a fact. Therefore, if the planter desired to sell his actual spot cotton for future delivery, as was contemplated by the Caraway bill, as is contemplated by every other bill on the subject, he could not guarantee a single grade nor could he guarantee the staple, because the law provides that neither gin-cut, water-packed, perished-fiber, or cotton having any deterioration of the length of the staple shall be admitted.

I have known cotton which was as fine in grade as it could be and yet almost as rotten as paper. It would pass the grade, but could not pass the staple. I have also known cotton that would not pass the grade but had a staple equal to good middling cotton, both in character, which means the strength, and in length, which means the measurement of the length of the staple. If a cotton planter wanted to deliver his cotton, if he wanted to sell his cotton, he could not specify the grade or the length of staple. He could simply sell basis middling and deliver what was tenderable.

Now, I am going to discuss what is termed "the Vinson bill." I wish to state to my colleagues that in the hearings they will find it stated that a great many of the disastrous slumps in cotton come from ill-advised statements emanating from the Agricultural Department.

In September, 1927, when every bale of cotton that was going to be produced in the United States during that year had been produced, when the market had opened and cotton was being marketed, the Agricultural Department unfortunately issued a bulletin in which it was stated that cotton for the next few months was likely to decline. I hope some of the southern Senators who are here will give ear to what I am saying. There could not be another bale produced. Cotton had steadily risen from January on up to September, until on September 12 or 13 it had reached the price of 25 cents a pound, in spite of what ordinarily would have depressed that market below the cost of production, which was the presence in the warehouses in New York of 200,000 bales of cotton, the most of which was barely above the line of legal delivery.

On September 15, 1927, a bulletin was issued by the Bureau of Economics of the Agricultural Department in which it was stated that for the next few months cotton was likely to decline, and cotton steadily went down. I believe it went down something like $7.50 or $10 a bale the next day, and finally it went down from 25 cents a pound to 16 cents a pound, a difference of from $40 or $50 a bale by reason of the unfortunate issuance of a bulletin.

That same bulletin emanating from the Agricultural Department, with the official stamp of the Government on it, stated that the carry-over of American cotton, the old crop, into the new crop was something like, if I recall the figures, in the neighborhood of 800,000 bales in excess of what was subsequently actually found to be the carry-over. When in our examination we asked the officials of the Agricultural Department, "Whence did you get your figures?" the reply was that they had depended almost entirely upon a British spinning concern. The statement that cotton was likely to decline, coming from an official source, of course paralyzed the market; it threw fear into everyone who wanted to invest in cotton for a rise.

The source of their authority for that statement and also for the announcement that the carry-over was far in excess of the estimate of Mr. Hester, the cotton statistician of New Orleans, and of the Bureau of the Census, was a British cotton concern. That illustrates but one instance—there are numerous others—where unfortunate statements coming at a psychological moment in the marketing of cotton have been more disastrous and more far-reaching in their effect upon the price of cotton than has any speculation ever been, with one or two exceptions.

Another point. As the Senator from Alabama and the Senator from Georgia will recall the market began to rise during our investigation, and consistently continued to rise until July, 1928, when there issued from the Agricultural Department a statement that there was a 12½ per cent increase in the acreage of the cotton crop. I am not here to say whether that was true or untrue, but I am here to say that it immediately smashed the market again. Why would it affect the market? The man investing in actual spot cotton and carrying it for profit would say, "Rather than hold what cotton I have, in the face of an enormous crop, I had better get out now," and he got out. I am not talking about the man who speculates as a matter of pure gambling; I am talking about the man who had bought spot for an investment. He would say, "Rather than carry this cotton, when there is an increase of acreage of from 10 to 12½ per cent, and when, if the normal yield per acre is maintained as it has been over an average of 10 years, there will be made from 18,000,000 to 20,000,000 bales, I will get out while the getting out is good," and he got out. It developed, however, that the production of cotton for 1928 did not exceed the average for the preceding 10 or 15 years, and either one of two things is certain: That the weather conditions throughout the entire Cotton Belt were the most disastrous ever known or there was no increase in acreage. Outside of the South Atlantic States there were no abnormal weather conditions. I believe, in Texas, Oklahoma, Mississippi, Louisiana, and Alabama the conditions were about normal. Yet we did not produce very much in excess of 14,000,000 bales. When we are seeking remedies for the fluctuations in cotton we ought to have regard to what has been done by the pronouncements of the Department of Agriculture.

Mr. President, I do not think that I would be justified in turning over, without due consideration and safeguards, the cotton markets of this country to a body of men who have an academic knowledge of economics but who have no practical knowledge of them. Some of them, to be as charitable as I may, as Paul said about the Jews, may have the zeal of God but not according to knowledge.

The Bureau of Economics that passed upon the statistics as to the carry-over and the possible trend of the market was composed of whom? It was composed of men who, upon their own statements, had never been south of Michigan, and one of them was just five years out of Russia. I do not believe one of them ever would know a cotton stalk from a jimson weed. Certainly they knew nothing about the intricacies of the market and the wide-flung world influences that affect the market.

Mr. President, I have been criticized here about my attitude with reference to this proposed legislation; but no Senator dare stand on this floor and say he believes that I have anything but the growers' interest at heart.

I know what it is to be restricted to selling to a monopoly. The Senator from Arkansas [Mr. ROBINSON], the minority leader, knows that there is not a more valuable commercial commodity to-day than cottonseed. I had the Agricultural Department furnish me a chart, which showed that 58 standard commercial articles are to-day made from cottonseed alone. Mark you, as good butter as ever was made from the milk of a cow can be made from cottonseed oil. The world at large is using cottonseed lard. Wessen cooking oil is recognized the world over to be as fine a cooking fat as ever was produced. From the precipitate resulting from refining the oil and from powdering the hulls the best artificial leather of which the world knows is made.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. FRAZIER. Cottonseeds are undoubtedly very valuable, but do the cottonseeds come under cotton exchanges? Do the speculators gamble in cottonseeds?

Mr. SMITH. No; but I am telling the Senator now that the producers do not get a return for them comparable to what they should get. If the Senator will sit down a minute and possess his soul in patience, I want to show him just what happens when the producer has not anybody between him and the man who manufactures.

When the price of food products was soaring just after the war I went down to one of the Government departments and inquired of an official there why cottonseed did not advance on a parity with food fats. "Well," he said, "that is governed entirely by the amount of cotton." I said, "Why, cotton has no more to do with the product of the seed than mutton has to do

with wool. Of course, we have to have mutton to produce wool; but the use for wool and the use for mutton fall into two entirely different categories. Wool is for clothing purposes and mutton is for edible purposes."

Since there is a scarcity in hogs and a scarcity in beef and a scarcity in sheep, why do not the food values of cottonseed respond to that rather than be subject to the value of the cotton. Simply because no one was there except the man who made the oil.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WAGNER in the chair). Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH. Yes.

Mr. FRAZIER. Does not the price of the cottonseed product compare with the price of products made from some of the products that are shipped in here from the South—nuts and things of that kind?

Mr. SMITH. That may be as to the crude oil. I am not discussing that. I am not going to be deflected from the argument I am making.

I saw by the paper this morning that some one who had studied the matter said that, in his opinion, the time was not far distant when cotton would be planted for the seed, and cotton would be the by-product. As everyone knows, the meal is the finest possible cattle feed; the hulls that inclose the little kernels of meat are the finest filler in the world for cattle.

It is as fine fertilizer as ever went into a field. It analyzes 7½ per cent of available nitrogen—not ammonia, but nitrogen. It is also rich in potash. Here is an article out of which 58 standard commercial articles are made, and yet it fluctuates every day so disastrously that positively we sell a ton of seed to-day for what they get for a ton of meal, to say nothing of the hulls and the linters and also the oil that is taken from it. There is not a cotton grower here but that knows that when he comes to sell cottonseed he is absolutely at the mercy of those who monopolize the cottonseed-oil business.

Mr. President, this is just a mere sketch of the vast interest that is concerned in legislation along this line; and I maintain that in the interest of the men who grow cotton, and who want to receive approximately its value, we should legislate in such a manner as to reduce the evils to a minimum as far as legislation may but retain the market as nearly as we can for their benefit.

I am not going to stand here and vote to substitute the grain bill for the cotton bill. One reason why I would not do it is that the author of the bill sat right here the other day and repudiated his own act. The Senator from Iowa [Mr. BROOKHART], if I remember correctly, gave testimony here that the grain futures act is absolutely worthless and useless. I think the Senator from North Dakota [Mr. FRAZIER] corroborated that statement. There is some good and there has been good growing out of the present cotton futures act. I should like to amend it, if amendments are necessary, so as to retain the good that we have and supplement it with others, rather than taking a measure that gives to those who have been mentioned here—purely the Agricultural Department—the right to interfere with our business.

I want to read you one section of this bill. Of course, we could eliminate it; but we have not yet digested it sufficiently to know whether or not it will even approximate, ultimately, the bill that the Senator from Arkansas introduced here. If it were possible for us to get the farmer in a position where he could control even 60 per cent of the cotton crop, I believe that without legislation all these other market influences would fade away. He ought to be put in that position. If all of us, by any means, could get a regulation or an agreement by which the cotton growers of this country could pool their interests, get enough advance to meet their obligations, and dictate from day to day their price, we would then solve this problem; but so long as the man who purchases has the right to name the price, all that legislation can do is to keep abnormal and outrageous conditions from entering in.

It is abnormal and outrageous that the combined American citizenship that produces each year a billion dollars' worth of merchantable products that holds and for 65 years has held the balance of trade in favor of America, should have no voice in naming the price of those products. The gold that is poured in here from Europe in exchange for American raw cotton has held the balance of trade in favor of America for 65 years. It has no competitors. American cotton—what is known as American middling upland—has not a competitor in the world. I have in my office samples of practically all the cotton grown in the world, and there is none that has the characteristics of American cotton. Its uses are being multiplied every day; and now, since the world has accustomed itself to a method of marketing which from time to time needs to have eliminated certain inimical things that have entered into it, it is our duty to eliminate them just as far as we may, but not ill advisedly.

This whole situation is not in America alone. Sixty per cent of all of our cotton is sold abroad, in the Orient, in Europe. We have to have tremendous market places and unlimited capital in order to finance the movement of the cotton.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH. I yield.

Mr. HARRISON. If we do not get a vote this afternoon on the reconsideration of the vote by which this bill was defeated, I am afraid we will not get it at any time soon. Of course, everybody in the Senate knows how wonderful the Senator from South Carolina has been to the agricultural interests of this country, and how much he has them at heart. I was just wondering if we could get a vote this afternoon on this proposition. What is the Senator's opinion about it?

Mr. SMITH. Mr. President, I am in dead earnest when I say that the legislation we are to pass ought to have such consideration as not disastrously to affect the market of cotton.

Mr. HARRISON. One bill having passed the House, of course if we could pass that bill we would save time, and it would become a law; but the Senator has a bill on the subject, and it is quite similar to the bill that passed the House. There are some differences; but the Senator's bill has been reported to the Senate, and is on the calendar. If the motion to reconsider this vote prevails I am perfectly willing, as the originator of the motion to reconsider, for the Senator to offer his bill as a substitute for that bill, and then substitute the title of the bill that passed the House, so that we could get them into conference. The Senator will be one of the conferees.

Mr. SMITH. I understand, Mr. President; and so far as I am concerned, the proposition that I made to the Senate to-day was that we had better be safe than swift.

Mr. HARRISON. We would be safe if we should pass the Senator's bill.

Mr. SMITH. I hope we might so restrict it as to confine it to the amendments that are essential to the proper functioning of the exchange. I really think, so far as my bill is concerned——

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. Let me finish this sentence. I really think the bill that I introduced here, being the direct result of our investigation, would meet the situation better than the bill that was passed by the House.

I started a moment ago to read a paragraph from the bill that it has been agreed by some of those here to strike out, but I do not know what would be the result in conference. I will state to the Senate now that I will never vote to give the Secretary of Agriculture—I do not care who he may be—the right to do this:

> He shall likewise compile and furnish to producers and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the cotton markets, together with information on supply, demand, price, and other conditions in this and other countries that affect the market.

Mr. HARRISON. May I say to the Senator that that part of the bill was stricken out by the Senator who offered and had printed the amendment which I had hoped to substitute after the enacting clause.

Mr. SMITH. I understand; but that passed the House.

Mr. SWANSON. Mr. President, will the Senator yield for a minute? We do not raise very much cotton in Virginia, but I am interested in looking out for the little that is raised there.

As I understand, the proposition of the Senator from Mississippi is to reconsider the vote by which this bill was defeated, offer as a substitute for it the Senator's bill, known as the Smith bill, and then the Smith bill and the Vinson bill will go to conference to permit the conferees to work out the best solution of the question from these two bills.

Is that the Senator's proposition?

Mr. HARRISON. Yes; that is the suggestion I made to the Senator from South Carolina. Then we can get a vote this afternoon. If the matter goes over to to-morrow, we are through.

Mr. SMITH. Mr. President, I am not going to pit my judgment of the seriousness of this matter, affecting those who have no voice except the representative voice of those whom they send here, against the judgment of a majority of these representatives, nor attempt, by any filibuster or artificial means, to delay a vote on the matter; but with all sincerity I do say that I am not going to cast my vote to substitute the grain-futures

act for the cotton-futures act. One has proved beneficial, it may be in a minor degree, but it has been beneficial, while even those who were the authors of the grain-futures act have stood here on this floor and repudiated it. I do not believe, however, that there is a cotton man of any description, from the producer to the man who finishes the mercerized cotton silk, but who would testify that the cotton-futures act has in some degree helped the market.

Mr. HEFLIN and Mr. SIMMONS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SIMMONS. The Senator promised to yield to me about half an hour ago.

Mr. SMITH. I beg the Senator's pardon. I yield to the Senator from North Carolina.

Mr. SIMMONS. I recognize, as does the Senator from Mississippi, the great service the Senator from South Carolina has rendered the cotton growers, and his deep interest in the subject and his thoroughgoing comprehension of it. I want to ask the Senator if it is not true that this whole question was referred to the Committee on Agriculture and Forestry, there was quite an extensive hearing and a thorough study of the subject which we have been discussing here the last few days, and as a result of all those hearings, those investigations, and those studies, the Senator from South Carolina, as chairman of the subcommittee, reported out the bill which is known as the Smith bill, which is on the calendar.

The Senator from Mississippi says that he is perfectly willing, if the vote on the Caraway bill can be reconsidered, to offer the Smith bill, the result of the labors of the Committee on Agriculture, as a substitute for the Caraway bill. It seems to me the Senator ought not to have any objection to that. It does not seem to be in conflict with any position the Senator has taken.

Mr. SMITH. The Senator from North Carolina has that slightly wrong. The Caraway bill has been voted upon, but in case the vote were reconsidered and the Smith bill were offered as a substitute for it, it would then have to go back to the House and take its status in the House.

Mr. CARAWAY. I want to remind Senators that if the vote is reconsidered the bill will be before the Senate.

Mr. SMITH. Of course it will be, and may be discussed further. I wanted to state that in case the vote were reconsidered the Vinson bill——

Mr. SIMMONS. The Senator from Mississippi has explained that his only purpose in moving to reconsider the vote by which the Caraway bill was defeated was in order to have the opportunity of getting a vote in the Senate upon a substitute.

Mr. HARRISON. Or to present the opportunity to the Senator from South Carolina in order that he might offer his own bill as a substitute.

Mr. SMITH. Mr. President, if the Senator from South Carolina had been apprised that there was a universal cry for legislation right now, it would not have been necessary for his colleague to indicate to him the cry that comes from the field. I have heard no cry from the field. It may be that I no longer am considered a factor in trying to do for the cotton farmer what for 20 long years I have devoted my time to attempting to do; but I have heard no such cry. I do not know where this insistence comes from.

If we vote to reconsider the action on the Caraway bill, of course the whole matter will be open again; the Caraway bill will be back before us for consideration. The Vinson bill will be before us for consideration if it is offered as a substitute, and my bill will be before us for consideration if it is offered. Those of us who in good faith voted against the Caraway bill would want the same opportunity to discuss the probable effect of these other measures.

Mr. President, if the vote is reconsidered and the Senate in its wisdom thinks that either the Caraway bill or the Vinson bill or the Smith bill should be passed, it is their privilege and duty to so decide. But so long as I am intrusted with the confidence and respect of my people I can not go any further in my judgment, limited as it is, and my own sincere purpose, I thank God, as pure as it is. I will take every opportunity to try to do the best I can for the man who in the field, like myself, is dependent on cotton for the hope that he has.

CESSIONS OF CERTAIN ISLANDS OF THE SAMOAN GROUP

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 110) to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes, which were, on page 3, line 2, after the word "hereby," to insert "authorized to be," and on page 3, lines 3 and 4, to strike out "and to be immediately available."

Mr. BINGHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

DENTAL CORPS OF THE UNITED STATES NAVY

Mr. SCHALL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2068, for the relief of certain officers of the Dental Corps of the United States Navy. It is a bill to take care of the active service of two dentists who, through an act passed in 1918, were deprived, in one case of one month of active service and in the other of five months.

Mr. CURTIS. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the provision contained in the act approved July 1, 1918 (40 Stat. L. p. 709), reading as follows, "And the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this act shall be reckoned in computing the increased service pay and service for precedence and promotion of dental officers herein authorized or heretofore appointed," shall be held and considered to apply to all officers of the Dental Corps of the Navy who had previously served on active duty as assistant dental surgeons pursuant to the provisions of the act approved March 4, 1913 (37 Stat. L. p. 903), and who were regularly commissioned in the Dental Corps of the Navy at the time of the passage of the act of July 1, 1918: *Provided*, That such officers of the Dental Corps of the Navy shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further*, That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

Mr. SCHALL. The Committee on Naval Affairs of the Senate has reported this bill unanimously, and the Naval Affairs Committee of the House has likewise reported a similar bill favorably.

Mr. KING. Mr. President, I objected to the consideration of this bill the other day because it looked too general in its terms. Since then I have looked into it very carefully, and I see no objection to it, and I hope the bill will be passed.

The PRESIDING OFFICER (Mr. WAGNER in the chair). Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEFINITION OF THE TERMS "CHILD" AND "CHILDREN"

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. REED of Pennsylvania. Mr. President, this is a conference report on a bill to define the term "children" as used in the dependency allowance laws pertaining to the Army and Navy. The House conferees have receded and agree to the Senate amendment.

The report was agreed to.

MORRIS FOX CHERRY

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment

as follows: In lieu of the amendment of the Senate insert the following: "That no back pay or allowances shall accrue by reason of the passage of this act"; and the Senate agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. REED of Pennsylvania. Mr. President, the House has agreed to the Senate amendments to this bill with certain small verbal changes. It is a bill for the relief of a young man named Cherry, who enlisted in the Army while under age four days before war was declared. If he had enlisted four days later, he would have been covered by general legislation.

The report was agreed to.

BATTLE FIELDS OF BRICES CROSS ROADS AND TUPELO, MISS.

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. REED of Pennsylvania. Mr. President, this is a conference report on a bill providing for a commemoration of the battle fields of Tupelo and Brices Cross Roads, Miss. The House agrees to the Senate amendments. The commemoration is exactly in accordance with the report of the Battle Fields Commission.

The report was agreed to.

CONSTRUCTION AT THE MILITARY ACADEMY

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert in lieu of the language stricken out by the Senate the following: "*Provided*, That the new cadet barracks heretofore authorized to be constructed shall be erected on the site of the old cadet mess hall, the street face of the said barracks to be in prolongation of the street face of the west academic building, leaving an open area on the north side of said barracks so that the said barracks can be supervised from the present south cadet guardhouse: *And provided further*"; and the Senate agree to the same.

DAVID A. REED,
W. H. MCMASTER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. REED of Pennsylvania. Mr. President, this is a conference report on the authorization bill for construction at West Point, where the conferees have agreed to the Senate amendments, with the insertion of a proviso to define the location of the new cadet barracks in such way as to lead to its construction at that point which will be cheapest and will require the least excavation.

Mr. KING. Mr. President, I would like to ask the Senator if there is any additional expense involved on account of the change.

Mr. REED of Pennsylvania. The change which has been made holds down the expense. In all other respects the Senate amendments have been agreed to.

The report was agreed to.

PRELIMINARY SURVEY OF MUD CREEK, KY.

Mr. SACKETT. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 15809) to authorize a preliminary survey of Mud Creek in Kentucky with a view to the control of its floods, and I ask for its present consideration.

Mr. CURTIS. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Mud Creek in Kentucky from Mining City, at which point said creek empties into Green River, up to a point 25 or 30 miles in distance where a drainage project has been started by owners of the land on and near said creek, with a view to the control of its floods. Also to submit a report to Congress as to the feasibility of controlling the said flood waters by a drainage project, together with an estimate of the cost of said improvement.

Mr. BRATTON. Let me inquire of the Senator from Kentucky what the size of the appropriation is.

Mr. SACKETT. It is just for a survey, to see if they can control the floods. There are 6,000 acres of farm land involved.

Mr. KING. Is this an application for a survey which may involve ultimately the taking over by the Federal Government of some project at an enormous expense?

Mr. SACKETT. Not at all. It involves a small creek that has flooded 6,000 acres, and they want to straighten it out.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF THE NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. FRAZIER. I ask unanimous consent to call up the conference report on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 710, and ask that it may be read.

There being no objection, the report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 4, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the words "for the benefit of any" and before the words "of said Indians" insert the words "band or bands," so as to make the amendment read: "Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit"; and the House agree to the same.

LYNN J. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

Mr. KING. Mr. President, this is a conference report on a bill which I introduced and which was reported from the Committee on Indian Affairs. A number of amendments were made in the House, and the conferees have agreed upon a report with respect to one item, a limitation of $25,000.

Since the agreement by the conferees, I am told there has been further discussion and consideration, and they find that the amendment would be somewhat at variance with similar

bills; and I think that the conferees are willing, if the matter may go back to them, to eliminate the item, so as to conform the provisions of this bill with similar measures. I therefore move that the Senate disagree to the report, that the Senate further disagree to the House amendments, and ask a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST conferees on the part of the Senate at the further conference.

MISSISSIPPI RIVER BRIDGE BETWEEN NEW ORLEANS AND GRETNA

Mr. BROUSSARD. I ask unanimous consent for the consideration of the bill (H. R. 16162) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La. The bill has passed the House and has a favorable report from the Committee on Commerce of the Senate.

Mr. CURTIS. Let it be read.

The bill was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River, between New Orleans and Gretna, La., authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by the act of Congress approved March 2, 1927, heretofore extended by act of Congress approved March 6, 1928, are hereby extended one and three years, respectively, from March 6, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska, and it was signed by the Vice President.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate resumed the consideration of Mr. HARRISON's motion to reconsider the vote by which the Senate refused to pass the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. SMITH. Mr. President, in answer to the question propounded to me by the Senator from Mississippi, of course, if the Senate ultimately rejects the Caraway bill, and it is determined to have or shows a disposition to have legislation upon the subject, I shall insist, if I have the opportunity—and I shall make the opportunity, if possible—upon having my bill considered, for the reason that it was the result of as patient and hard study as I ever gave any subject in the world. For 90 days I sat every day for two or three hours hearing testimony on every possible angle of the cotton marketing system in America and abroad. I heard men who had connection with every European market and every oriental market, who went into great detail as to the method of buying and selling, the forms of their acceptances, the exchange rules, and the contract system. I sat there for practically 90 days and heard complaints as to what had been done.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH. I yield.

Mr. HARRISON. Evidently we can not reach a vote on my motion to-night. I ask unanimous consent that my motion may be considered privileged.

Mr. JONES. Mr. President, I could not consent to that.

Mr. HARRISON. Then I will ask that it be made privileged to follow the consideration of the prohibition bill in charge of the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Mr. COUZENS. I object to that proposal.

The PRESIDING OFFICER. Objection is made.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is not my motion a privileged motion?

The PRESIDING OFFICER. The privilege expired when the motion was entered.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FESS. In case we favorably consider the motion to reconsider the passage of the bill, will the limitation of debate which was to apply after 4 o'clock to-day apply to the measure when it comes before the Senate for further consideration?

The PRESIDING OFFICER. The Chair will hold that the limitation of debate would apply.

Mr. HARRISON. I understood the limitation on debate was to be in force as long as the bill might be before the Senate.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. KING. That would not apply to discussion on the motion to reconsider, however.

The PRESIDING OFFICER. No; it would not.

Mr. SMITH. Mr. President, I would be glad to have the Chair state his ruling again. Does the Chair hold that there would be a limitation of debate after the Senate decides, if it shall so decide, to reconsider the vote by which the bill was passed? If the Senate shall decide to reconsider as moved by the Senator from Mississippi, is it the ruling of the Chair that that action would carry with it the limitation on debate? In other words, would it restore the status that existed before the reconsideration of the vote on the Caraway bill?

The PRESIDING OFFICER. If the motion to reconsider prevails, then the limitation on debate would apply.

Mr. SMITH. Then, as a matter of course, that would put us in the absurd position that we would have two practically new measures before us for consideration and for a vote, without an opportunity to enable the Senate to know just what would be the effect of either one and with Senators limited to 10 minutes' discussion on them, when the life and death of the entire cotton trade may hang upon what we do.

Mr. HARRISON. Mr. President, at the time of the adoption of the unanimous-consent agreement these amendments, or at least one of them, had been offered. It had been printed and has been on the table for several days.

Mr. SMITH. It had not been offered.

Mr. HARRISON. There is no change in the condition that we were in at that time.

Mr. SMITH. The amendment had not been offered.

Mr. HARRISON. It had been lying on the table.

Mr. GEORGE. Mr. President, the amendment had not been offered. I gave notice in the early part of the discussion that at the proper time I would offer it, and I had it printed in the RECORD for the information of the Senate, but I subsequently gave notice to all Senators interested that I would not offer it because I preferred to vote directly upon the Caraway bill.

Mr. SMITH. That, Mr. President, shows the attitude of those who are not vitally interested in the cotton-marketing question. It is a matter of vital importance to me, and therefore being in the same condition that millions of others are, it is my duty to protect them with all the power I have and to see to it that there shall not be legislation hurried and ill-advisedly passed through this body which may cause the ruin—not the ruin, but which would cause depression and great distress. I think I have a duty here, perhaps, which is unique as compared with that of any other Senator.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. Certainly.

Mr. COPELAND. What does the Senator consider the duty of the Senate at this time? If he has his way, what would he have the Senate do?

Mr. SMITH. I suggested here this afternoon that we still have two weeks before the end of the session. The general aspects of the cotton market have been discussed. The specific evils to which I have referred, the remedies for which are incorporated in the bill to which I have referred, have not been discussed, but have been recognized by the trade, and remedies therefor have been incorporated in their rules and regulations. If it is the wisdom of the Senate that they should be enacted into law and crystallized into some legislative form, I think we ought to take the two bills, the one passed by the House, the grain futures act, where "grain" is stricken out and "cotton" written in, and the Smith bill, before the committee and work out what we believe will be the proper remedies, incorporate them in a bill, and then bring that bill back before the Senate as the ultimate judgment of those who represent the cotton interests, and ask the Senate to enact such a measure into law. That is the suggestion I have made, and I would carry that out in good faith.

Mr. HEFLIN. Mr. President, to the end that we may vote on the proposition, is not the Senator willing to have the Senate vote as to whether or not it wants to proceed the other way, and if it declines to reconsider as the Senator from Mississippi has moved, then he can take the course he suggested of having the matter referred to the committee.

Mr. CURTIS. Mr. President, may I say to the Senator from South Carolina that we want to have an executive session to-night, and I am wondering if the Senator will not yield to me

to enable me to move that we proceed to the consideration of executive business?

Mr. SMITH. Mr. President, I shall have something further to say on the matter, but I yield now to the Senator from Kansas for that purpose.

Mr. SIMMONS. Mr. President, will the Senator from Kansas yield to me before he offers his motion?

Mr. CURTIS. Certainly.

Mr. SIMMONS. I wish to offer for the RECORD a letter, which I will not ask to have read but merely to have printed in the RECORD. It is from the North Carolina Cotton Growers Cooperative Association, of Raleigh, N. C., opposing the passage of the Caraway bill.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NORTH CAROLINA COTTON GROWERS COOPERATIVE ASSOCIATION

Raleigh, N. C., February 13, 1929.

Hon. F. M. SIMMONS,

Capitol Building, Washington, D. C.

MY DEAR SENATOR: We received the copy of the Caraway bill, as mentioned in your letter of January 30. I discussed this with my board of directors at our meeting yesterday, and we are of the opinion that this proposed measure is entirely too drastic. Our position is that the exchanges should be regulated under proper control but should not be abolished.

There is, of course, much speculation and gambling on the exchanges, but there is also a large volume of legitimate business transacted through these exchanges that is of vital interest to the producers, merchants, middlemen, manufacturers, and bankers.

We are glad to note that you do not sympathize with the drastic provisions in this bill, and believe that it will be your good judgment to oppose its passage.

Very sincerely yours,

U. B. BLALOCK,

Secretary-Treasurer and General Manager.

Mr. TYSON. Mr. President, a parliamentary inquiry. What will be the status to-morrow morning of the motion of the Senator from Mississippi to reconsider?

The PRESIDING OFFICER. The motion will lie on the table.

Mr. TYSON. It lies on the table and will have to be called up?

The PRESIDING OFFICER. It will have to be called up either by motion or by unanimous consent.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 20 minutes p. m.) adjourned until to-morrow, Friday, February 15, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 14 (legislative day of February 11), 1929

ASSOCIATE JUDGES OF UNITED STATES COURT OF CUSTOMS APPEALS

Irvine Luther Lenroot, of Wisconsin, to be associate judge of the United States Court of Customs Appeals, vice Orion M. Barber, retired.

FINIS J. GARRETT, of Tennessee, to be associate judge of the United States Court of Customs Appeals vice James F. Smith, deceased.

JUDGE OF SUPREME COURT OF THE DISTRICT OF COLUMBIA

Henry H. Glassie, of Maryland, to be a justice of the Supreme Court of the District of Columbia. (An additional position created by the act approved December 20, 1928.)

UNITED STATES ATTORNEYS

Forrest C. Northcutt, of Colorado, to be United States attorney, district of Colorado, vice George Stephan, term expired.

Hugh B. Woodward, of New Mexico, to be United States attorney, district of New Mexico, vice John W. Wilson, term expired.

John G. Gung'l, of Arizona, to be United States attorney, district of Arizona, vice John B. Wright, whose term expires February 16, 1929.

UNITED STATES MARSHAL

Millard M. Owens, of Florida, to be United States marshal, northern district of Florida. (A reappointment, his term expiring February 16, 1929.)

APPOINTMENTS IN THE REGULAR ARMY

AIR CORPS

To be second lieutenant with rank from February 1, 1929

Private John Clayton Berry, Air Corps.

To be second lieutenants with rank from February 2, 1929

Second Lieut. Robert Edward Lee Pirtle, Air Corps Reserve.
Second Lieut. Wilbur Erickson, Air Corps Reserve.
Second Lieut. Lilburn Dimmitt Fator, Air Corps Reserve.
Second Lieut. Archibald Meyer Kelley, Air Corps Reserve.
Second Lieut. Ralph Orville Brownfield, Air Corps Reserve.
Second Lieut. Joel Edward Mallory, Air Corps Reserve.
Second Lieut. Lindsay Mansfield Bawsel, Air Corps Reserve.
Second Lieut. Donald Russell Lyon, Air Corps Reserve.
Second Lieut. Warren Herbert Higgins, Air Corps Reserve.
Second Lieut. Stanley Keith Robinson, Air Corps Reserve.
Second Lieut. Willard Reno Shephard, Air Corps Reserve.
Second Lieut. George Washington Hansen, Air Corps Reserve.
Second Lieut. Minton William Kaye, Air Corps Reserve.
Second Lieut. Aubry Lee Moore, Air Corps Reserve.
Second Lieut. Ronald Roosevelt Walker, Air Corps Reserve.
Second Lieut. Lloyd Harrison Tull, Air Corps Reserve.
Second Lieut. Francis Marion Zeigler, Air Corps Reserve.
First Lieut. Joel George Pitts, Air Corps Reserve.
Second Lieut. Carl Frederick Theisen, Air Corps Reserve.
Second Lieut. Frederic Ernst Blantzberg, Air Corps Reserve.
Second Lieut. Eugene Herbert Rice, Air Corps Reserve.
Second Lieut. Leland Samuel Stranathan, Air Corps Reserve.
Second Lieut. Ernest Keeling Warburton, Air Corps Reserve.
Second Lieut. LeRoy Hudson, Air Corps Reserve.
Second Lieut. Roland Ogden Strand Akre, Air Corps Reserve.
Second Lieut. Paul Ellis Shanahan, Air Corps Reserve.
Second Lieut. Julius Augustus Barr, Air Corps Reserve.
Second Lieut. Roger Vincent Williams, Air Corps Reserve.
Second Lieut. Andrew Fred Solter, Air Corps Reserve.
Second Lieut. Donald Edwin Broughton, Air Corps Reserve.
Second Lieut. Frederick Archibald Pillet, Air Corps Reserve.
Second Lieut. William Hugh McArthur, Air Corps Reserve.
Second Lieut. Reginald Heber, Air Corps Reserve.
Second Lieut. Homer LeRoy Sanders, Air Corps Reserve.
Second Lieut. Draper Frew Henry, Air Corps Reserve.
Second Lieut. Robert Dilger Johnston, Air Corps Reserve.
Second Lieut. Walter Robertson Agee, Air Corps Reserve.
Second Lieut. Charles Harold Earnest, Air Corps Reserve.
Second Lieut. Hansford Wesley Pennington, Air Corps Reserve.
First Lieut. Guy Frost Hix, Air Corps Reserve.
Second Lieut. Donald Wells Buckman, Air Corps Reserve.
Second Lieut. John Arlin Winefordner, Air Corps Reserve.
First Lieut. Murray Clarke Woodbury, Air Corps Reserve.
Second Lieut. Norman Herbert Ives, Air Corps Reserve.
Second Lieut. Paul Bernard Wurtsmith, Air Corps Reserve.
Second Lieut. Joseph Battersby Duckworth, Air Corps Reserve.
Second Lieut. William Alexander Robert Robertson, Air Corps Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Capt. Louis Simmons Stickney, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE

Capt. George James Burns Fisher, Coast Artillery Corps, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Upton Birnie, jr., Field Artillery, from February 11, 1929.

To be lieutenant colonels

Maj. DeWitt Clinton Jones, Corps of Engineers, from February 11, 1929.

Maj. Francis Bowditch Wilby, Corps of Engineers, from February 11, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14 (legislative day of February 11), 1929

POSTMASTERS

ALABAMA

Frances A. Brewer, Childersburg.
John H. Lynn, Summerdale.

GEORGIA

Walker M. Cobb, Carrollton.

IDAHO

Edgar H. Taylor, Juliaetta.

ILLINOIS

Otto G. Striegel, Litchfield.
Don A. Spurr, Wilmington.

NEBRASKA

Maurice S. Groat, Inavale.

NEW JERSEY

William G. Wallis, Florence.

WEST VIRGINIA

Thomas E. Clovis, Pennsboro.

WYOMING

Elsie C. Mann, Yoder.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 14, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, Thou hast smitten through and through with divine longings and made us children of time and eternity. Lift us up, dear Lord, to the spiritual tree of life, which is ever bending above us in heavenly abundance. Here we shall find answer to our yearnings as our souls strike their golden notes of triumph. Oh, blessed is the man who is able to say in the doorway of each morning, "Not my will, but Thine be done." In this humble submission, pardon, grace, and tranquillity are born. Thus, sublime our lives may become in wisdom, unselfishness, and sacrifice, bidding us to greatly live. May they be a perfect inspiration, counting as positive forces on the side of all goodness, and then how wonderful their steady streams of influence shall be. Do Thou let this prayer be verified in Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 13825) entitled "An act to authorize appropriations for construction at military posts, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3936) entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAPPER, Mr. VANDENBERG, and Mr. COPELAND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 182) entitled "Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States."

The message also announced that the Vice President had appointed Mr. WATSON and Mr. SMITH members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Federal Radio Commission.

The message also announced that the Vice President had appointed Mr. COUZENS and Mr. COPELAND members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 328

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. Frank P. Flint, formerly a Senator from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 12 o'clock to-morrow.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 11, 1929:

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; and

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio.

On February 12, 1929:

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes.

On February 13, 1929:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929;

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa;

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; and

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

On February 14, 1929:

H. R. 13097. An act for the relief of Thomas W. Moore.

HON. CHARLES R. SKINNER

Mr. SNELL. Mr. Speaker, I desire to present a unanimous-consent request. The Hon. Charles R. Skinner, a former Representative in this House from the State of New York, died at his home in Pierrepont Manor, on July 1, 1928. Mr. Skinner had a long and distinguished career after leaving this House.

I ask unanimous consent that my colleague the gentleman from New York [Mr. CULKIN] may extend his remarks in the RECORD with reference to the life and work of Mr. Skinner.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULKIN. Mr. Speaker, ladies, and gentlemen of the House, Charles Rufus Skinner was born at Union Square, Oswego County, N. Y., August 4, 1844, son of Avery and Charlotte Prior (Stebbins) Skinner, and a descendant of worthy New England ancestry. Avery Skinner was a native of New Hampshire, a farmer by occupation, settled in Watertown, N. Y., in 1816, from whence he removed to Oswego County, N. Y., in 1826. He was postmaster at Union Square, which place he settled and named, for 50 years, having been appointed by President John Quincy Adams.

Charles Rufus Skinner was brought up on his father's farm, attended the district school in his native town until his sixteenth year, after which he accepted the position of teacher in a neighboring school, assisted in the work of the post office at Watertown, N. Y., and in various other ways obtained sufficient capital to enable him to pursue his education further. He became a student in the Clinton Liberal Institute, and later in the Mexico Academy, New York, from which he was graduated in 1866, the valedictorian of his class, and during the following year he acted as teacher in the same institution. In December, 1867, he went to New York City and took charge of the agency of the Walter A. Wood Mowing & Reaping Co., but remained only three years, his father being in such ill health that he was obliged to return home to manage the farm. In 1870 he became a resident of Watertown, N. Y., and until 1874 was part owner, business manager, and city editor of the Watertown Daily Times and Reformer. He was a member of the board of education of Watertown from 1875 to 1884; member of the New York Assembly from 1876 to 1881 from Jefferson County, during which time he served as chairman of the committees on public printing and railroads, and as member of the committees on cities, insurance, internal affairs, and so forth. In 1877 he introduced and pushed to its passage the bill prohibiting frequent changes in textbooks in schools, and in 1879 introduced a bill to reduce legislative expenses, and an amendment to the constitution to bring about biennial sessions of the legislature. This resolution passed one legislature, but in the following year was defeated in the senate. This proposition was favored by Governor Cornell in his message of 1882, and urged by Governor Black in 1898. In 1879–80 Mr. Skinner was active in advocating the antidiscrimination freight bill, and the measure for 5-cent fares on the New York elevated railroads. In 1878 he served on a special committee of the assembly to consider and report on the State normal schools.

He was a Member of the Forty-seventh and Forty-eighth Congresses, 1881–1885, representing Jefferson, Lewis, and Herkimer Counties, where he was instrumental in securing the reduction of letter postage from 3 to 2 cents, and was the author of the bill providing for the special-delivery system and the passage of the law giving letter carriers a vacation. He opposed the Chinese restrictive act, urging in a powerful speech that the United States was bound to keep the terms of the treaty made with China; made speeches in favor of prompt action to suppress polygamy, and against the Morrison tariff bill in 1883, and was active in all debates on post-office questions. In 1884 he was appointed to the Board of Visitors at West Point with General Rosecrans, Colonel Waring, and others. In 1885, after his term in Congress expired, he edited the Watertown Daily Republican and served in that capacity until January, 1886, and then for a short time was city editor of the Watertown Daily Times. He was deputy State superintendent of public instruction from 1886 to 1892; supervisor of teachers' institutes and training classes from 1892 to 1895; State superintendent of public instruction from April 7, 1895, to 1904, and was elected president of the National Educational Association at its meeting in Buffalo in 1896. Doctor Skinner's administration as superintendent of public instruction revealed a marked enthusiasm in the cause of popular education; a sincere devotion to its interest and forceful methods of promoting them. He was zealous in upholding the integrity of his department against all assaults upon it, and consistently advocated the placing of all tax-supported schools within its control.

A few of the significant events of his tenure were the proposal of an educational qualification for school commissioners (not perfected); the fixing of the statutory school age at from 5 to 18 years; the observance, in 1895, of the centennial of the law establishing common schools; the act of 1895 requiring the display of the Stars and Stripes upon the schoolhouses of the State; the commemoration of the one hundredth birthday, May 14, 1895, of the great educator, Horace Mann; the judicial decision of the Watervliet case, affirming the power of the State to compel a municipality, or school district, to provide and maintain adequate educational facilities; the satisfactory execution of the compulsory education law, enacted in 1894; and the enlargement of the number of State scholarships in Cornell University from 128 to 150, to conform to the apportionment of assembly districts under the constitution of 1894. While State superintendent, Doctor Skinner, made educational visits and addresses in every county of the State, and in many neighboring States. He served as assistant appraiser of the port of New York from 1906 to 1911; was librarian of the New York Assembly 1913 and 1914; and from 1915 to 1925 was legislative librarian in charge of a library formed by the consolidation of the senate and assembly libraries.

Doctor Skinner was a life member of the New York State Press Association, and had frequently been delegated to represent it in the meetings of the National Editorial Association. He was a member of the Fort Orange Club of Albany, the Republican Club of New York City, the Union League of Brooklyn, and the Thousand Island Club of Alexandria Bay. He was a trustee of St. Lawrence University and of the Albany Home School for the Deaf. He received the degrees—master of arts from Hamilton College, 1889; doctor of laws from Colgate University, 1895; doctor of literature from Tufts College, 1901. He was the author of Commercial Advantages of Watertown, N. Y. (1876); New York Question Book (1890); Arbor Day Manual (1891); Manual of Patriotism for the Schools of New York (1900); and The Bright Side (1909).

Doctor Skinner married, October 16, 1873, at Watertown, N. Y., Elizabeth Baldwin, daughter of David W. and Laura (Merriman) Baldwin, of Watertown. Mrs. Skinner died March 8, 1918.

He died July 1, 1928, at the home of his son, Charles R. Skinner, jr., at Pelham Manor, in his eighty-fourth year, and left him surviving three sons and one daughter, Harold Baldwin, Albert Merriman, Charles Rufus, jr., and Elizabeth Skinner Palmer.

Doctor Skinner was very fond of history; loved everything that was beautiful and good. For years he saved clippings that contained sentiments of the good, beautiful, and substantial things of life, and finally arranged them and had them printed in book form called The Bright Side. He took many trips and always wrote very interesting accounts of the same, which were published in the papers and magazines. Doctor Skinner was very fond of his home life and his family and often said one of the sorrows of his life was that his official duties separated him so much of his time from his home.

Doctor Skinner was intensely loyal to his country, and his book, Manual of Patriotism, and the display of the American flag on or near the public schools evidenced that fact, and he desired that the school children should have the same feeling for their country that he had.

His life was one of great usefulness and he made constructive and substantial contributions to his community, the State, and the Nation during his long and active career.

LIEUT. COMMANDER EDWARD ELLSBERG, LIEUT. HENRY HARTLEY, AND BOATSWAIN RICHARD E. HAWES

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13795) for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was agreed to.

BUREAU OF ORDNANCE, NAVY DEPARTMENT

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5491) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand this is also called up by direction of the Committee on Naval Affairs?

Mr. BRITTEN. The gentleman is correct.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

EXTENSION OF REMARKS

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a statement on the judicial procedure of European countries, by Judge Edward J. Henning, of the southern district of New York.

This is a statement made to the Attorney General of the United States and was sent by the Attorney General to the Committee on the Judiciary of the House. It is a very illuminating statement upon the judicial procedure of foreign countries. I ask that it may be printed in the RECORD, and I hope every Member will take the time to read it.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, that statement has already been inserted in the RECORD in the Senate.

Mr. CHRISTOPHERSON. I did not know that. If it has been printed in the RECORD, I will not press the matter any further.

LEGISLATIVE APPROPRIATION BILL

Mr. WELSH of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; and pending that, I ask unanimous consent that general debate to-day be equally divided between the gentleman from Louisiana and myself.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053; and pending that, asks unanimous consent that general debate to-day be equally divided between himself and the gentleman from Louisiana [Mr. SANDLIN]. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, and, of course, I shall not object, I understand this means that such time as is used in general debate to-day will be controlled equally by the gentleman from Pennsylvania [Mr. WELSH] and the gentleman from Louisiana [Mr. SANDLIN]?

Mr. HASTINGS. May I inquire, Mr. Speaker, whether the time used in debate is even up to date? Is the time even on both sides?

Mr. SANDLIN. I will say to the gentleman from Oklahoma, Mr. Speaker, that the gentleman from Louisiana will look after that and see that this side of the House gets such time as it is entitled to.

Mr. HASTINGS. I beg the pardon of the gentleman from Louisiana. I know the gentleman from Louisiana will see to it that this side gets its share of the time, but I was a little afraid that the unanimous-consent request would not take into consideration the time used heretofore, and it would be beyond the power of the gentleman from Louisiana to equalize it.

Mr. SANDLIN. I will say to the gentleman that his fears are not well founded. I have had the matter up with the gentleman from Pennsylvania and can assure the gentleman that this side will have its share of the time.

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I am quite well satisfied that the gentleman from Louisiana will take care of his friends in this debate; but what is to happen to a poor fellow who stands in the attitude of declining to beg time from any Member of the House other than the Speaker? That is my situation; and here I stand, day after day, exercising that almost sublime charity which is mine, and not objecting to unanimous-consent requests for a proceeding which I regard as wicked.

The SPEAKER. Does the gentleman object?

Mr. HOWARD of Nebraska. This is not the time when I want to speak. [Laughter.]

Mr. SANDLIN. Mr. Speaker, I would like to say it is not at all necessary for the gentleman from Nebraska to beg time either from this side or the other side of the House. Either one of us would be delighted to offer him time without even a request if we knew when he wanted it.

Mr. HOWARD of Nebraska. That is very sweet of the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WELSH]?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053, the legislative appropriation bill, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Chairman and gentlemen of the committee, when the Banking and Currency Committee of the House had up for consideration the bill of the gentleman from Kansas [Mr. STRONG], Governor Strong, of the Federal Reserve Board Bank in New York, was a witness. This was over a year ago. During the time he was giving his testimony I prepared a few questions that I intended to propound to him. Before having a fair chance to do so he announced that he had an appointment to fill and asked to be excused. He left the committee before the hearings on Mr. STRONG's bill were over and I was thus prevented from submitting the same to him. Subsequently he died, and therefore I lost the opportunity of doing so. The whole country, particularly at this time, is more or less interested in the issue referred to in my interrogatories and therefore I want to read the same before I proceed with my address. The questions are as follows:

(a) Give me the names of the New York banks who discount obligations with the New York Federal Reserve Bank for the purpose of obtaining money to be used for speculative purposes on the major commodities produced by the farmers, such as cotton, corn, wheat, swine, and cattle.

(b) If the New York banks borrow money for such purposes state, if within your knowledge, how often and how much per month during the season of harvesting and marketing such commodities.

(c) At what rate or rates of interest are the loans for such purposes made?

(d) What information do you have or can furnish the committee in regard to other banks borrowing money for such purposes in the Chicago and New Orleans Federal land bank districts?

Answers to these questions may be confined to the last three years, beginning January 1, 1925, including the years 1925, 1926, and 1927.

(e) Why the New York Federal Reserve Bank, the greatest one of the Federal reserve system, did not pay into the Treasury of the United States, during the year 1927, any franchise tax?

(f) Whether or not it is a fact, by the adoption of a certain policy and the skillful manipulation of figures, or otherwise, notwithstanding the banks may make sufficient earnings to require the payment of a franchise tax, it can be made to appear by the powers conferred upon the Federal reserve banks that the earnings were insufficient to authorize such payment.

(g) How many times, and when, during the last 12 months has the rate of interest or the discount rate been changed, and state the reason or purpose the officers of the bank had in mind in making the change.

(h) What effect on the money market and on business, especially on the stock exchanges, when you decrease the rate of discount from 4½ to 4 and when you increase the rate from 4 to 4½?

(i) Who or what class of persons or interests, if any, were benefited by such increases and decreases?

As stated, this was a year ago. Subsequent to the warning given to the New York banks by the Federal board on February 2 of this year, and only thereafter after I introduced a resolution (H. J. Res. 414) to authorize an investigation of the loans made by certain Federal reserve banks, and for other purposes. That joint resolution is as follows:

That after March 4, 1929, those members of the Committee on Banking and Currency of the House of Representatives of the Seventieth Congress who are Members elect to the Seventy-first Congress, or a majority of them, until the meeting of the first regular session of the Seventy-first Congress, are authorized, by subcommittee or otherwise, to investigate—

(1) The amount, rates of interest, and rates of discount of loans made by the Federal reserve banks of New York, Chicago, and New Orleans since January 1, 1925, to brokers and other persons for the purpose of speculating on cotton, tobacco, corn, wheat, swine, or cattle;

(2) The amount, rates of interest, and rates of discount of loans made by the Federal reserve banks of New York, Chicago, and New Orleans since January 1, 1925, to brokers and other persons for the purpose of speculation, and the effect on the amount, rates of interest, and rates of discount on loans for the purpose of producing, harvesting, and marketing cotton, tobacco, corn, wheat, swine, or cattle;

(3) The fluctuations in discount rates of the several Federal reserve banks since January 1, 1925, the reasons for such fluctuations, and the effect of such fluctuations on the price of cotton, tobacco, corn, wheat, swine, and cattle;

(4) The activity of the Federal Reserve Board since January 1, 1925, with a view to determining whether, and in what instances, the policies of such board have had the effect of decreasing the prices of any commodities; and

(5) The amount of Federal taxes paid by the several Federal reserve banks since January 1, 1925, and the reasons for the differences in the yearly amounts paid.

SEC. 2. Such members of such committee are authorized to sit and act at such times and places, to employ such stenographic services to report its hearings, to have such printing and binding done, and to make such expenditures (including expenditures for travel) as they deem necessary. Such expenses shall be paid out of the contingent fund of the House, on vouchers authorized by such members, signed by the person acting as chairman, and approved by the Committee on Accounts.

Mr. CLARKE. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. CLARKE. I would like to ask the gentleman whether, in line with the resolution, other figures could not be obtained—for instance, from savings banks that I have particularly in mind in the State of New York, where large sums were withdrawn for investment in Florida and other portions of the United States during the land boom, and whether any accurate figures can be obtained from those banks and the whole picture developed of the savings of the country that go into all the different fields of speculation?

Mr. BRAND of Georgia. Let me say that I read the speech in the RECORD of the gentleman from New York on this subject last night, and I agree with him fully that the investigation ought to embrace all these operations that he has suggested. [Applause.]

Mr. CLARKE. I thank the distinguished son of Georgia.

Mr. BRAND of Georgia. I am a member of the Banking and Currency Committee, and I have given a good deal of study to this question, and therefore I want to outline a few phases only as to the rights and powers of the Federal Reserve Board.

The questions, among others, which are involved in the resolution (H. J. Res. 414) which I introduced on February 11, may be stated as follows:

What authority of law or what provision of the act establishing the Federal reserve system grants to the Federal Reserve Board the power to adopt a policy similar to the deflation policy of 1920 or the policy involved in the warning which the board on February 2, 1929, promulgated in regard to making excessive loans and maintaining speculative security loans with the aid of Federal reserve credit? I take it that the board in its judgment has the authority to promulgate such policies. I do not question the good faith of the personnel of the board, particularly in regard to the warning of February 2, 1929, and yet I do not believe that the Federal reserve act, legally construed, gives to the board such authority.

In other words, I contend that it was never contemplated by President Wilson when he brought this matter to the attention of Congress that such authority should be conferred upon the Federal Reserve Board. Neither do I believe that it was in the legislative mind, when Congress passed the Federal reserve act, that it was conferring upon the Federal Reserve Board the right to adopt a policy similar to the deflation policy of 1920. I do not believe for an instant that it was ever in the mind of President Wilson or Congress, when this legislation was being considered and was passed by Congress, that authority was being vested in the Federal Reserve Board or power was being granted to the Federal Reserve Board to use the machinery of the act in order to decrease or increase the prices of cotton, tobacco, corn, wheat, swine, cattle, or any other farm commodity. [Applause.] Neither do I understand under what provision of the Federal reserve act the board proclaimed its February 2, 1929, warning, though there may have been ample and sufficient reasons existing for either a voluntary or involuntary cessation of such unprecedented speculation as has been going on in New York for several months, to which the New York banks as well as the Federal Reserve Bank of New York were parties.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman from Georgia yield?

Mr. BRAND of Georgia. Yes.

Mr. BLACK of Texas. With reference to the board undertaking to prevent its rediscounts being used for speculative purposes, the gentleman realizes that the purpose of the Federal reserve act was to mobilize the reserves of the member banks.

Mr. BRAND of Georgia. Exactly.

Mr. BLACK of Texas. And not for speculative purposes, but for certain purposes defined in the act, to wit, business, agriculture, and industry. Is it not the duty of the board to use all of its powers to prevent its rediscounts being used for speculative purposes instead of for the purposes contemplated by the Federal reserve act?

Mr. BRAND of Georgia. I answer the gentleman in the affirmative. What I mean to say is this: The Federal reserve act had for its purpose, among other things—

the mobilizing of the reserves arising from the deposits made in the member banks throughout the entire Union. The object of mobilizing these reserves was to furnish a basis of credit to be used in taking care of the commercial, industrial, and agricultural conditions in each of the Federal reserve districts.

And when it departs from this fundamental and basic principle it is a usurpation of authority, in my judgment.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. STEAGALL. In connection with the inquiry submitted by the gentleman from Texas [Mr. BLACK] I think I possibly interpret what the gentleman from Georgia [Mr. BRAND] has in mind a little better than has been stated. I do not understand that the gentleman from Georgia objects to the Federal Reserve Board using its powers to promote and carry forward the purposes of the Federal reserve act, and afford credits for agriculture, industry, and commerce; but that the gentleman questions the policy of the Federal Reserve Board in what it has had to say in statements issued to the country similar to the statements issued back in 1920 and also in 1929.

Mr. BRAND of Georgia. That is correct.

Mr. STEAGALL. Although they may be made now for a different purpose, and they operate in a different way.

Mr. BRAND of Georgia. I am going to discuss that phase of the question.

First I want to state that loans on security collateral to members of the New York Stock Exchange on January 31, 1929, totaled $6,735,164,241. The increase over the previous month was $295,423,730.

New York institutions loaned $5,043,292,321 on demand and $620,499,847 on time, advancing the former by $233,778,811 and the latter by $29,215,448.

Demand loans totaled $5,982,672,410. This is the greatest gain or increase noted for New York banking institutions, and unprecedented in the history of the Nation in regard to the volume of credit and loans for speculative purposes.

I think my contention in respect of this matter is true, for the manifest reason that it never did occur to President Wilson or to Congress that the Federal reserve banks would ever make such excessive loans to persons for purely speculative purposes.

If this act confers such authority upon the Federal Reserve Board, speaking for myself alone, I think this authority ought to be revoked or modified, and in lieu thereof I think it is the duty of Congress to define the powers of the Federal Reserve Board so that the business world, as well as the 12 Federal reserve banks and all banks members of the Federal reserve system, may know how far and to what extent the Federal Reserve Board may act in reference to promulgating such policies. [Applause.]

If the board has authority under any provision of the Federal reserve act to adopt such policies as was adopted in 1920, or to adopt a policy the effect of which would be to decrease or increase the prices of the farmers' commodities, I think it is the solemn duty of Congress to enact legislation sufficient to eliminate such authority. [Applause.]

In this connection I frankly concede that it is essentially important that the Federal Reserve Board be fully authorized to adopt such rules and regulations which will enable the board, if and when necessary, to prohibit the Federal reserve banks from making excessive and exorbitant loans for purely speculative purposes. In other words, authority should be given the board, to be used in a wise and conservative manner, to prohibit member banks of the Federal reserve system from making such loans for purely speculative purposes. In short, Congress should give the board authority to take such effective steps as may be

necessary to curtail loans for speculation or to prevent an excessive amount of the country's credit being absorbed in speculative purposes. However, this authority should be clearly defined so that all persons interested may know the extent of the board's rights and duty.

Mr. CLARKE. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. CLARKE. Does the gentleman not think, under the construction the Federal Reserve Board have arrogated to themselves of the Federal reserve act, that there is no single body set up by the Congress of the United States that has the power for making not alone millions but billions of dollars that this Federal Reserve Board has?

Mr. BRAND of Georgia. I think the board, according to its construction of the Federal bank act and the manner in which they have exercised it, has more authority and power than any other seven men of any government on the face of the earth. [Applause.] So much power is dangerous and a menace to the people of this Republic.

In addition to this, I think it is the duty of the Federal Reserve Board or the 12 Federal reserve banks themselves to advise Congress and in this way inform the public why there was no payment of any franchise tax on the part of several of the big banks of the Federal reserve system for the years which the record shows none has been paid, and why so little has been paid during these years by these banks which have made payments.

The total gross earnings, expenses, and net earnings of the 12 banks of the Federal reserve system from 1914 to 1926 are as follows:

From 1914 to 1926

Gross earnings for Federal reserve system	$678,999,660
Total expenses for Federal reserve system	257,144,956
Net earnings for Federal reserve system	421,854,704
Gross earnings for Federal reserve, Atlanta	31,712,460
Total expenses for Federal reserve, Atlanta	12,526,915
Net earnings for Federal reserve, Atlanta	19,185,545
Gross earnings for Federal reserve, Boston	46,012,482
Total expenses for Federal reserve, Boston	17,291,663
Net earnings for Federal reserve, Boston	28,720,819
Gross earnings for Federal reserve, New York	203,663,709
Total expenses for Federal reserve, New York	60,176,457
Net earnings for Federal reserve, New York	143,487,252
Gross earnings for Federal reserve, Philadelphia	49,378,075
Total expenses for Federal reserve, Philadelphia	18,108,861
Net earnings for Federal reserve, Philadelphia	31,269,214
Gross earnings for Federal reserve, Cleveland	56,243,852
Total expenses for Federal reserve, Cleveland	22,787,558
Net earnings for Federal reserve, Cleveland	33,456,294
Gross earnings for Federal reserve, Richmond	32,966,111
Total expenses for Federal reserve, Richmond	13,250,004
Net earnings for Federal reserve, Richmond	19,716,107
Gross earnings for Federal reserve, Chicago	98,084,253
Total expenses for Federal reserve, Chicago	35,493,609
Net earnings for Federal reserve, Chicago	62,590,644
Gross earnings for Federal reserve, St. Louis	29,019,287
Total expenses for Federal reserve, St. Louis	13,812,617
Net earnings for Federal reserve, St. Louis	15,206,670
Gross earnings for Federal reserve, Minneapolis	23,124,687
Total expenses for Federal reserve, Minneapolis	9,688,311
Net earnings for Federal reserve, Minneapolis	13,436,376
Gross earnings for Federal reserve, Kansas City	33,683,079
Total expenses for Federal reserve, Kansas City	16,540,468
Net earnings for Federal reserve, Kansas City	17,142,611
Gross earnings for Federal reserve, Dallas	23,906,756
Total expenses for Federal reserve, Dallas	13,647,708
Net earnings for Federal reserve, Dallas	10,259,048
Gross earnings for Federal reserve, San Francisco	51,191,614
Total expenses for Federal reserve, San Francisco	23,806,490
Net earnings for Federal reserve, San Francisco	27,385,124

Mr. ARENTZ. Will the gentleman state the percentage of profit there, if he has it?

Mr. BRAND of Georgia. I have not those statistics, but it shows that from 1914 until the end of 1927 these 12 banks made $446,691,220 net, outside of the enormous expense of $322,928,445 incurred in the administration of the banks.

The gross earnings of these banks from organization down to the end of 1927 was $769,619,665. The expenses were $322,928,445, leaving net earnings of $446,691,220.

The franchise tax paid by the 12 Federal reserve banks into the Treasury of the United States from 1914 to 1925, inclusive, was $139,173,943.

These 12 banks for the year 1926 only paid $818,150.

For the year 1927 they paid the insignificant sum of $249,591, though in 1928 they paid $2,584,659.

The total franchise tax paid by these banks from 1914 to January 1, 1929, amounts to $142,826,343.

I especially call your attention to the fact that for the year 1926 the Boston bank paid only $45,962, the Richmond bank paid $84,472, the Minneapolis bank paid $234,381, and the Kansas City bank paid $453,335.

I also specially direct your attention to the fact that for the year 1926 the following banks did not pay a dollar franchise tax:

New York, Philadelphia, Cleveland, Atlanta, Chicago, St. Louis, Dallas, and San Francisco.

For the year 1927 only 2 banks of the entire 12 banks of the system paid any franchise tax. They were Minneapolis and Kansas City.

FOR THE NEW YEAR 1928

The Richmond bank paid franchise tax of $673,449.
The Atlanta bank paid franchise tax of $823,301.
The St. Louis bank paid franchise tax of $40,293.
The Minneapolis bank paid franchise tax of $390,151.
The Kansas City bank paid franchise tax of $365,855.
The Dallas bank paid franchise tax of $291,610.

While the banks at Boston, New York, Philadelphia, Cleveland, Chicago, and San Francisco did not pay a cent of franchise tax.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDLIN. I yield the gentleman 10 additional minutes.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. WINGO. Will the gentleman tell us when the Federal Reserve Bank of New York last raised its rediscount rate?

Mr. BRAND of Georgia. In my resolution I ask for that information, and likewise information in regard to other times and years the rediscount rate was increased and decreased.

Mr. WINGO. It is public knowledge. It was last July. They have not raised the rate since then.

Mr. BRAND of Georgia. That was the last time they raised it?

Mr. WINGO. Yes; last July. Is it not a fact that the Federal reserve banks have been following the market rate and not forcing the market rate? Is not the Federal reserve discount rate now from 1 to 1½ per cent below the current commercial rate?

Mr. BRAND of Georgia. I want to know why and when they increase the rate from 4 to 4½ per cent and when only the board decreased it from 4½ to 4, or from 5 to 5½, and from 5½ to 5. What is the object in view? Whom are they serving? Not the agricultural classes. What persons—banks or classes of people—gain by decreasing and increasing the discount rate?

Mr. WINGO. Is the gentleman criticizing them because the other day they admonished the banks to observe the law and not let funds out for speculative purposes but to save it for agricultural purposes?

Mr. BRAND of Georgia. They did not ask that it be saved for agricultural purposes.

Mr. WINGO. Oh, I beg the gentleman's pardon.

Mr. BRAND of Georgia. No; they did not. I am not now criticizing the board for that but am deliberately calling attention to the failure to include the country's agricultural interests. I agree they ought to have authority to admonish the banks to obey the law in a wise, conservative way, but before they do so Congress ought to define their rights and powers and let the country know what their rights and powers are before they do it again, so that everybody may have full knowledge of the board's authority and its limitations.

Mr. WINGO. The gentleman ought to know——

Mr. BRAND of Georgia. Well——

Mr. WINGO. That our Committee on Banking and Currency held these hearings over the last 12 months and we had before us Governor Strong, of the Federal Reserve Board, and every member of the Federal Reserve Board, and what was simply repeated the other day was stated publicly three times. What now have they done that has not been proclaimed from the housetops?

Mr. BRAND of Georgia. Why has not the board stopped this wild and reckless use of the credit facilities of the Federal reserve banks?

Mr. WINGO. You will recall I warned them a year ago that they could not stop outside funds not belonging to New York banks from flowing into brokers' loans even if they stopped the New York banks. The truth is that hundreds of country banks are more sinners than New York banks. These country banks have twice as much funds loaned on call in the stock market as have the New York banks.

Mr. BRAND of Georgia. I do not agree with you in that statement at all. I know that the agricultural classes and interests in the South and West have not been considered——

Mr. WINGO. Does the gentleman know of one single bank in an agricultural district that has been denied an eligible rediscount in the last 12 months?

Mr. BRAND of Georgia. When you ask a question you ought to give me time to answer it before you propound another. According to reports among business circles from Macon in my

State, the Macon Bank, Macon, Ga., which failed with over $9,000,000 on deposit, was not accorded this privilege.

Mr. WINGO. And did not have eligible paper?

Mr. BRAND of Georgia. The bank had thousands of dollars of eligible paper. And a great many people claim that if the Federal Reserve Bank of Atlanta had gone to their assistance at the proper time they would not have failed. Within 60 days after the Macon Bank failed the receiver, appointed by Mr. Pole, and the Comptroller of the Currency have sold thousands and thousands of dollars' worth of the bank's negotiable assets at 100 cents on the dollar.

Mr. RUTHERFORD. They sold three and a half million.

Mr. BRAND of Georgia. I did not know the exact amount. My friend Mr. RUTHERFORD, who represents the county of Bibb, in which Macon is located, verifies my statement. Let me further answer the question of the gentleman from Arkansas, who is as well posted on this subject as any Member of the House and who is the ranking member of the minority of the Banking and Currency Committee of the House.

This warning of February 2, 1929, omits entirely any claim or reference to the agricultural interests of the country. The gentleman who wrote that did not have the agricultural interests in mind or, it seems to me, he would not have omitted the country's agricultural need for credit.

Mr. WINGO. Will the gentleman answer this question?

Mr. BRAND of Georgia. Yes; if I can. The gentleman knows he is an expert——

Mr. WINGO. Does the gentleman know——

Mr. BRAND of Georgia. At cross-questioning.

Mr. WINGO. Does the gentleman know a single country bank in his district that changes its rate daily based upon the rediscount rate of New York? My bank in my home town, when I go to it, charges 10 per cent in advance regardless of the New York rate.

Mr. BRAND of Georgia. We are not guilty of charging usury in my State so far as my personal knowledge goes. The offense of charging usury is odious to the law and has been for centuries.

Mr. WINGO. As I understand the gentleman——

Mr. BRAND of Georgia. The gentleman from Arkansas has already taken up a good deal of my time.

Mr. WINGO. I understand the gentleman was criticizing the board because they were trying to check this speculation, and in the next breath he says he wants them to do something. What does the gentleman want them to do?

Mr. BRAND of Georgia. I have not the time to repeat what I have said upon this subject. If I repeated it, it would not make it any clearer in the gentleman's mind. Besides, I always thought that the Federal reserve act was created not only to prevent panics, among other things, but also to aid struggling banks and, if possible, to keep them going. [Applause.]

On April 10, 1925, I was on a trip to Florida. I stopped at the Federal reserve bank in Atlanta and I asked one of its officers, "What do you think of the condition and what are you going to do for the Georgia National Bank?" His reply was, "We will let the bank have a million dollars if necessary." After two days' stay in Florida I had an attack of asthma and returned to Atlanta and entered the Piedmont Hospital. Four days thereafter, on April 14, my two sons-in-law came to my room and broke the news to me that the Georgia National Bank had failed.

Mr. WINGO. Is that your answer to my question, What do you want the board to do about the call loans in New York?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAYLOR of Colorado. I yield the gentleman 5 minutes additional time.

Mr. BRAND of Georgia. My position in regard to this matter, as heretofore explained, may not suit the gentleman, but I insist that my resolution and the remarks I have made up to date on this question plainly show what I think ought to be done.

Pursuing the fate of the Georgia National Bank a little further, I may say, as I have been reliably informed, that Governor Wellborn, of the Atlanta Bank, wanted to extend further credit to the Georgia National Bank and to do for it whatever was necessary to prevent a failure of the bank, he being of the opinion that its financial condition authorized it, and that one member of the Federal Reserve Board here in Washington kept him from making effective his purpose. For this reason the bank failed, and as a result men and women, widows and orphans, of all classes of our people, and of both races, lost the earnings of a lifetime. When the Georgia National Bank failed the American State Bank closed its doors, and a branch of this latter bank on Broad Street likewise closed its doors. In addition to this, several other banks who had been doing business with the Georgia National Bank went on the rocks.

I have always felt, and feel yet, that the Federal Reserve Bank of Atlanta could have safely come to the rescue of the Georgia National Bank and saved it from insolvency. In my judgment, failure to do so was a misconception of the rights of member banks of the Federal reserve system, and if a member of the Federal Reserve Board, as I am informed, who did not know as much about the Georgia National Bank as Governor Wellborn did, disapproved of his recommendation, and by his protest caused the Georgia National Bank to fail, it was an abuse of authority of the Federal Reserve Board. It is as much the board's duty to prevent the failure of banks, where it is reasonably safe to do so, as it is to issue such a warning as was promulgated on February 2, 1929. However, I concede that authority ought to be vested in the Federal Reserve Board by Congress, fully and clearly defined, to take such action as it may deem necessary to put an end to such speculations as have been going on for some time in New York.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. STEAGALL. In reading the gentleman's inquiry I find that it was to apply only to New Orleans, New York, and Chicago. Should not the gentleman's resolution provide for the entire system and not certain banks? If we go into this matter suggested by the gentleman, it would be well to cover the whole field and get the whole picture.

Mr. BRAND of Georgia. I agree with the gentleman; but in my resolution I was dealing with speculation in farm commodities and stocks and bonds particularly, and therefore only named New Orleans, New York, and Chicago.

Mr. STEAGALL. My resolution provides for a much wider range of inquiry.

Mr. BRAND of Georgia. I hope when it gets before our committee the gentleman will amend it and cover all the other nine banks, if the resolution is not sufficient to authorize this.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. WELLER. Does the gentleman hope to stop all kinds of speculation, as well as gambling in stocks?

Mr. BRAND of Georgia. The speculation I am particularly concerned in and want to inquire into is gambling speculation. Gambling denounced by law as such should be stopped by the Federal Reserve Board. Gambling in the meaning of the law called speculation by the speculators, on farm commodities is vicious. Speculation in good faith—that is, buying and selling—with the purpose of delivery is legitimate, whether in stocks and bonds or farm products. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

The CHAIRMAN. The gentleman from Oklahoma is recognized for one minute.

Mr. HASTINGS. Mr. Chairman, during my entire service in Congress I have made every possible effort to wind up the affairs of the Five Civilized Tribes in Oklahoma. The last report of the Secretary of the Interior shows that with the exception of a number of suits brought under jurisdictional acts passed by Congress in 1924 the affairs of all of these tribes, with the exception of the sale of the coal and asphalt deposits belonging to the Choctaws and Chickasaws, have been wound up.

I have cooperated in every possible way with the Members of the Oklahoma delegation in Congress and the Department of the Interior in an effort to have these coal and asphalt deposits sold.

We enacted legislation several years ago authorizing the Secretary of the Interior to sell these deposits, subject to certain limitations and restrictions named in the act. Many years ago these deposits were appraised. They have been offered at public sale five times. Only a comparatively small amount of the deposits have been sold.

On January 15, 1929, I pressed the matter of the winding up of the affairs of the Five Civilized Tribes and particularly the sale of the coal and asphalt deposits of the Choctaws and Chickasaws upon the attention of the Secretary of the Interior in a letter reviewing what had been done and urging upon the department the importance and advisability of completely winding up the affairs of these tribes and the disposition of these coal and asphalt deposits. I asked to be informed in what way I could cooperate and be of assistance in this, as the following letter indicates:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 15, 1929.

Hon. ROY O. WEST,
Secretary of the Interior, Washington, D. C.

MY DEAR SIR: I am greatly interested in cooperating in every possible way to assist in winding up the affairs of the Five Civilized Tribes in Oklahoma.

Agreements were entered into between the representatives of the Choctaw and Chickasaw Nations and the commissioners representing the United States on the 23d day of April, 1897, between the representative of the Creek Nation and the commissioners representing the United States on the 27th day of September, 1897, which agreements were approved by Congress on June 28, 1898. An agreement was made with the representatives of the Seminole Nation on the 16th day of December, 1897, which was approved by Congress on July 1, 1898, and an act was passed by Congress July 1, 1902, submitting to the Cherokee people for ratification, an agreement which was approved by the Cherokee people at an election held on August 7, 1902.

All of these agreements and acts of Congress, supplemental treaties, and amendatory acts of Congress, provided for the making of the tribal rolls, the allotment of the tribal lands in severalty, and the disposition of their money, among the enrolled members of the tribes found entitled thereto.

Your attention is invited to the first paragraph on page 69 of the Annual Report of the Secretary of the Interior for the fiscal year ended June 30, 1928, entitled "Five Civilized Tribes in Oklahoma," which reads in part as follows:

"The remaining tribal property (including amounts uncollected from sales of tribal land and minerals) of the Choctaw and Chickasaw Nations is valued at $10,444,104. The amounts to be collected from Choctaw and Chickasaw tribal property heretofore sold aggregate $944,754. The present tribal property of the Creek Nation is valued at $92,050, and that of the Seminole Nation at $30,000. The amounts to be collected on Creek tribal property heretofore sold aggregate $27,334. A few small tracts of land belonging to the Cherokee Nation are yet to be disposed of and the sum of $153 remains to be collected on Cherokee tribal property heretofore sold, otherwise the Cherokee tribal affairs, except pending litigation in the United States Court of Claims, are practically closed."

I would appreciate it if you would furnish me with data showing the various items referred to in the above-estimated values of tribal property undisposed of belonging to the respective tribes. Congress has enacted legislation which would enable the department to completely wind up all of the affairs of the Five Civilized Tribes. If any additional legislation is necessary, I will be glad to cooperate with the other members of the Oklahoma delegation and the department in securing its enactment.

I think that the members of these tribes, and particularly the members of the Choctaw and Chickasaw Tribes, have a right to complain against the delay in the winding up of their affairs. They were the first to make agreements with the commissioners representing the United States in 1897, and this first agreement was ratified by Congress on June 28, 1898, more than 30 years ago. The rolls were completed and closed on or before March 4, 1907, almost 22 years ago. The lands were allotted to the members of these two tribes, and the other members of the other Five Civilized Tribes, and these allotments were completed some 20 years ago. The tribal property referred to as belonging to the Choctaws and Chickasaws in the report above referred to, valued at $10,444,104, largely consists of coal and asphalt deposits. Legislation has been enacted from time to time looking to the sale of these coal and asphalt deposits.

I am aware of the fact that these deposits have been offered for sale and that bids have not been received on a large part of these deposits submitting offers which the department felt justified in accepting. These deposits were appraised a number of years ago. Since that time oil and gas have been discovered in great areas and used as a fuel substitute for coal. Coal has also been discovered in large areas in public and private lands in many of the Western States, and these discoveries, and financial difficulties, and other reasons assigned by the department from time to time, are urged as excuses for not winding up the affairs of the Choctaw and Chickasaw Tribes.

Under the jurisdictional acts passed in 1924 all of the Five Civilized Tribes have been authorized to institute suits in the Court of Claims, with the right of appeal to the Supreme Court of the United States, on all claims which they may have against the Government of the United States. Many of these suits have already been instituted, and it is the hope of the attorneys representing the tribes that they may be brought to trial and finally disposed of within the next two years. In the meantime the remaining tribal property, including the mineral deposits, belonging to the Choctaws and the Chickasaws should be disposed of.

I wanted to inquire what, if any, effort is being made looking to the disposition of this remaining tribal property and whether anything was done by the department during the past year looking to the disposition of this property? I favor the disposition of the remaining undisposed of tribal property to the very best possible advantage to the tribes, and I have particular reference to the coal and asphalt deposits. I favor this property being advertised as extensively as possible, using the experience of those familiar with the method of advertising public property for sale, and these deposits offered and sold at a time and under circumstances during the calendar year of 1929, which will insure the bringing of the greatest possible amount to the tribes.

If any additional legislation is necessary to effect this sale, I want to be advised and will be glad to actively cooperate with the department and the other members of the Oklahoma delegation to secure its enactment. I do not believe we are justified in further withholding from sale these mineral deposits because the Government has not received an offer approximating the appraised value, made years ago, before the discovery of large quantities of oil and gas and coal throughout the various Western States.

There were 20,799 enrolled members of the Choctaw Tribe and 6,304 enrolled members of the Chickasaw Tribe. The rolls were completed and closed as of date of March 4, 1907. It is estimated that one-third of the original enrolled members of these tribes have since died. The determination of their heirs is an ever-increasing question. In my judgment, the affairs of all of these tribes, except the suits pending and authorized to be instituted under the jurisdictional acts of 1924, should be wound up during the next fiscal year ending on or before June 30, 1930. I want to inquire particularly what, if any, efforts are being made for the sale of the remaining coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes, and whether or not the department has in contemplation the sale of these deposits in the near future, and also what, if anything, it is necessary for Congress to do to aid the department in the sale of these deposits, or in any other manner to assist the department in the winding up of the affairs of these tribes.

Very respectfully,

W. W. HASTINGS.

On January 25, 1929, I received a reply from the Secretary of the Interior reviewing the entire matter and inclosing a copy of a draft of a bill suggesting legislation which the department thought would help expedite the sale of these coal and asphalt deposits. The letter reviews the record of what has been done by the department in this matter, and is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 25, 1929.

Hon. W. W. HASTINGS,
House of Representatives.

MY DEAR MR. HASTINGS: Reference is made herein to your letter of January 15, 1929, in which you inquire as to the remaining tribal property of the Five Civilized Tribes in Oklahoma and as to what steps are being taken looking to the disposal thereof and the winding up of the tribal affairs.

For your information as to the undisposed-of tribal lands and other property of the Five Civilized Tribes, there are transmitted herewith copies of pages 15 to 22, inclusive, of the annual report of the Five Civilized Tribes Agency for the fiscal year ended June 30, 1928, containing a statement as to the remaining tribal property of said tribes. It appears therefrom that the tribal lands and property of the Cherokee, Creek, and Seminole Nations have, with the exception of a few tracts, been allotted, sold, or otherwise disposed of as provided by law.

Of the undisposed-of property of the Choctaw and Chickasaw Nations, the coal and asphalt deposits in the segregated mineral area of said nations constitute the principal item.

Under the act of Congress approved February 8, 1918 (40 Stat. L. 433), authorizing the Secretary of the Interior to appraise and offer for sale the coal and asphalt mineral deposits in the segregated area of the Choctaw and Chickasaw Nations, said coal and asphalt mineral deposits were offered for sale three times and, out of a total of 517 tracts, but 94 tracts were sold.

Under the act of Congress approved February 22, 1921 (41 Stat. L. 1107), authorizing the Secretary of the Interior to reappraise and offer for sale the remainder of the segregated coal and asphalt mineral deposits, in accordance with the act of February 8, 1918, as to terms and conditions of payments, a sale was held in 1925, at which time 426 tracts were offered for sale and only 4 were sold. The Superintendent for the Five Civilized Tribes in his report relative to the sale last above mentioned states as follows:

"This sale was attended by a very few prospective buyers, although the usual plan of advertising of sales had been used by this office—circulars, descriptive advertisements, and notices posted in post offices, banks, and other public places.

"The coal industry in Oklahoma at the present time is in a very bad condition and with but little prospect for improvement for some time to come. Operators are endeavoring to run their mines with non-union men, and, of course, this is causing more or less trouble with the unions. The falling off in the demand for coal due to the railroads and other industries using oil and gas, which has within the last two years reduced the output at least 50 per cent, has been one of the principal reasons for the depressed conditions existing at the present time.

"Further, a number of prospective purchasers, although responsible in every way, were unable to borrow funds to finance their intended

purchases. A number of these have signified their intentions of making bids upon the mineral tracts desired as soon as financial arrangements can be made.

"It can not be expected that outside operators will come into Oklahoma and purchase mineral tracts with the intentions of opening new mines when they would have to face the unsatisfactory conditions now existing. However, a number of prominent men now operating mines in Oklahoma express their opinions that there were favorable indications of improvement which might come within a reasonable time.

"I do not think there should be a further effort made to offer for sale the coal and asphalt deposits until such time as it would be justified by a decided improvement in the present existing condition."

Subsequently bids from purchasers to buy three separate tracts at the appraised value were accepted.

In view of the conditions which have since existed relative to the coal and asphalt mining industry in Oklahoma, it has not been deemed advisable nor to the best interests of the Choctaw and Chickasaw Nations to offer during the past few years the tracts of the segregated coal and asphalt deposits for sale at public auction.

On September 25, 1928, the Franklin County Coal Co. filed a formal application for a 1-year option on the coal and asphalt deposits underlying certain tracts for the purpose of prospecting for coal and for the right to purchase, within the option period, upon certain terms and conditions set forth in the application the coal and asphalt deposits underlying said particular tracts.

In view of certain legal questions involved, the matter was taken up with the Solicitor for the Department of the Interior. A copy of the solicitor's opinion of November 19, 1928, relative to the matter is inclosed for your information. In view thereof the department declined to grant the application of the Franklin County Coal Co.

In view of the solicitor's opinion, it has been suggested that it might be to the best interests of the Choctaw and Chickasaw Nations if certain legislation might be obtained providing for the sale of the remainder of the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations and permitting the Secretary of the Interior, in his discretion and under certain circumstances, to offer the tracts at either public auction or private sale at not less than the reappraised value, and to further provide that under certain circumstances he might grant options to purchase and grant to the party to whom such option might be given the right to prospect for coal and asphalt on the tracts covered by the option.

A copy of a draft of a bill setting forth the suggested legislation is inclosed for your further information. It may be said in regard thereto, however, that although the governor of the Chickasaw Nation is inclined to favor legislation along the line of the inclosed draft, the principal chief of the Choctaw Nation is opposed thereto.

It appears from your letter that you favor offering, during the present calendar year, for sale, after extensive advertising, the remaining tribal property of the Five Civilized Tribes, and especially the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations. In view of your letter, the matter of offering for sale at public auction at an early date said coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations, and other tribal property of the Five Civilized Tribes, will be taken up with C. L. Ellis, district superintendent in charge of the Five Civilized Tribes Agency, and he will be requested to submit a full report in the matter, with his views and recommendations as to what action should be taken. Upon receipt of his report the matter will be carefully considered and such action taken looking to the offering of the tribal property for sale at the earliest practicable date consistent with the best interest of the above-named Indian nations.

Very truly yours,

ROY O. WEST.

I have revised and amended the third section of the bill which I introduced on January 29, 1929 (H. R. 16696) and reintroduced it under the number H. R. 17022, providing for the sale of the remainder of the coal and asphalt deposits of the Choctaw and Chickasaw Tribes. This revised section, in my judgment, affords every possible safeguard to the members of the Choctaw and Chickasaw Tribes which will insure their getting a fair and adequate price for these coal and asphalt deposits, and I welcome any helpful or constructive suggestions which will be beneficial in the sale of these deposits.

Section 1 of the bill authorizes the reappraisement of these deposits and their sale at not less than the reappraised value, to the highest bidder, at public auction, or at private sale at not less than the reappraised value, and in the event there is no sale it permits, for the reasons stated in the Secretary's letter, after the deposits have been twice or more offered for sale at public auction, that the Secretary may grant options for terms of not to exceed six months to prospective purchasers to go upon the land and make tests and borings, in the hope that they may be induced to become interested in the purchase of the areas explored.

The second section makes plain that the Secretary of the Interior is authorized to further reappraise the tracts remaining unsold.

Section 3 authorizes the Secretary of the Interior, after any tract has been duly advertised and has been hereafter three times offered for sale at public auction, and twice hereafter reappraised, which, including the five times heretofore offered at public sale, means that these deposits will have been offered eight times at public sale and a number of times reappraised, including their reappraisal twice after the approval of this act; and remaining unsold, to again readvertise and sell at public auction to the highest bidder, regardless of the last reappraised value of any tract remaining unsold, reserving to the Secretary of the Interior the right to reject any and all bids, and as to any tract sold under this section, at less than the reappraised value, notice must be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation and an opportunity given for a recommendation by them, and then the sale is to be consummated subject to the final approval of the President of the United States himself.

I want to secure for the members of the Choctaw and Chickasaw Tribes the highest amount possible for these coal and asphalt deposits, and want to throw around their sale every safeguard; and I do not believe that anyone can successfully argue that after these deposits have been eight times offered at public sale over a period of 25 years and a number of times reappraised, with these safeguards, that these deposits will not bring a fair and adequate price. This section contemplates the ultimate sale of these deposits. Every effort is to be made to secure the best possible price. The tribes are protected against the deposits being sold at too low a price; first, by the proviso which is added reserving the right to the Secretary of the Interior to reject any and all bids, and second, the submission of any bid below the reappraised value to the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation for their recommendation; and third, all sales under this section must be finally approved by the President of the United States.

With these safeguards thrown around the sale of these deposits and the final responsibility placed upon the President to protect the Indian wards of the Government, will not every member of the Choctaw and Chickasaw Tribes rest assured that the best price obtainable will be secured by President Hoover, who is a mining engineer by profession, and in addition has had eight years' business experience as Secretary of Commerce?

The revised bill—H. R. 17022—is short, easily understood, and is as follows:

A bill providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to reappraise and sell, at not less than the reappraised value, to the highest bidder at public auction and under such rules, regulations, terms, and conditions as the Secretary of the Interior may prescribe, the remainder of the coal and asphalt deposits, leased or unleased, in the segregated mineral lands in the Choctaw and Chickasaw Nations, Oklahoma, and belonging to said Indian nations: *Provided, however,* That where any tract of said coal and asphalt deposits has been or may be offered for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the reappraised value: *Provided further,* That, in the cases of tracts of the coal and asphalt deposits that have been offered twice or more for sale at public auction and no sale made, the Secretary of the Interior may, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, grant options for terms of not to exceed six months to purchase such coal and asphalt deposits and renew and extend any such option for an additional term or terms of not to exceed six months, giving and granting the right to make such tests and borings as may be necessary to demonstrate the nature and extent of such mineral deposits.

SEC. 2. The Secretary of the Interior may, in cases where tracts remain unsold and the facts are found to justify, cause further reappraisement to be made of such tracts.

SEC. 3. The Secretary of the Interior may, in his discretion, and under such rules, regulations, terms, and conditions as he may prescribe, in cases where any such tract or tracts of coal or asphalt deposits, after due advertisement, have been three times hereafter offered at public sale, and have been twice hereafter reappraised and remain unsold, cause any such tract or tracts to be readvertised and sold at public sale to the highest bidder, regardless of the last reappraised value of any such tract or tracts: *Provided,* That the Secretary of the Interior shall reserve and have the right to reject any and all bids and all sales under this section shall be subject to the approval of the President, after due notice given and opportunity for recommendation afforded to both the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation: *Provided further,* That the terms of sale shall require full payment to be made, as now provided by law, within five years from date of approval of sale.

During a speech discussing this legislation on February 2, the following colloquy occurred:

Mr. GARBER. Mr. Chairman, will my colleague yield there?

Mr. HASTINGS. I shall be glad to.

Mr. GARBER. Of course, the gentleman recognizes that we esteem him as one of the most capable and efficient representatives of the Indians of Oklahoma. I want to inquire whether or not his bill provides for exploration of the land before the bidding. Would it not be beneficial and advisable to permit an exploration before?

Mr. HASTINGS. If I did not make it clear in my remarks, I will say to my colleague that this bill does provide for that. Section 1 provides that it shall be offered at public sale and sold at not less than the appraised value. It provides for the reappraisement of the deposits. Then it provides that the deposits may be sold at private sale at not less than the apprised value, and it then authorizes the Secretary of the Interior to give permits to prospective purchasers to go on the various tracts and make explorations and such tests as they may see fit, which may be advantageous or helpful to them in deciding upon the amount of their next bid on any tract.

Mr. GARBER. These coal lands and asphalt lands are of great prospective value, are they not?

Mr. HASTINGS. Yes.

Mr. GARBER. And in order to induce outside capital to come into the State and contribute toward the best price, would it not be advisable to permit of exploration before making a bid?

Mr. HASTINGS. The bill authorizes that to be done as provided in section 1.

Mr. HOWARD of Oklahoma. As a matter of fact, the rules and regulations of the Land Office and the Interior Department both permit of making these explorations.

Mr. HASTINGS. The Secretary refers to and incloses an opinion of the Assistant Attorney General of the department, which I have not inserted in the RECORD because of its length, holding that the department did not have that right under existing law, and for that reason asks for this additional authority.

Mr. HOWARD of Oklahoma. How many acres of that land remain unsold?

Mr. HASTINGS. The number of tracts sold and remaining to be sold will be found in the Secretary's reply. His letter states that there were 517 tracts and that of these 94 have been sold.

Most of these tracts consist of 960 acres. Some few contain a less number of acres. Originally the total acreage consisted of 441,107.14 acres, and of this 46,254.56 acres have been sold and conveyed to purchasers, which leaves 394,852.58 acres remaining unsold at the present time. Of the unsold deposits 72,019.11 acres are covered by coal and asphalt mining leases still in force and effect. This leaves 322,833.47 acres of the segregated area unleased and from which no coal or asphalt is being mined and is therefore undeveloped. The mining leases on the area are expiring, and my information is that all will expire on September 25, 1932, and thereafter no royalty will be received for the benefit of the tribes.

What is to be done with these deposits after these leases expire in 1932? If royalty is not received from these leases how are the expenses of the tribal governments and of the schools thereafter to be paid?

As stated in my letter to the Secretary of the Interior the first agreement made between the Choctaw and the Chickasaw Tribes and the United States, providing for the making of the rolls of these tribes, the allotment of their lands, and the winding up of their affairs, was made on April 23, 1897, almost 32 years ago. The rolls were completed and all of their lands allotted more than 20 years ago. Leases were made on a number of tracts covering these coal and asphalt deposits. Many of these leases have expired and all will expire within the next three years. A few years ago large royalties were received from them. The report of the Department of the Interior, under date of January 30, 1929, shows that there was received and placed to the credit of the Choctaw and Chickasaw Tribes, as royalty from coal and asphalt deposits for the fiscal year ending June 30, 1928, $88,843.81, while the tribal expenses for the same period aggregated $97,728.26.

This clearly shows that the royalties are falling off and are not sufficient to pay the current tribal expenses.

Three solutions have been proposed for the disposition of these coal and asphalt deposits:

First. That they be sold to the Government of the United States at their appraised value. A bill to this effect has been introduced in the House but was adversely reported upon by the Department of the Interior, and everyone familiar with the situation knows that there is no hope of inducing the Government to buy these deposits inasmuch as within the last few years coal has been developed under large areas of land in the Western States, some of which are public lands still owned by the Government.

Second. It has been suggested that these deposits be sold to the State of Oklahoma. No proposition has been made on behalf of the State to buy them and none is expected to be made. The bill which I have introduced would permit either the Government of the United States or the State of Oklahoma to purchase any or all tracts covering these deposits.

The third and the only sure and practical way to dispose of these deposits is to sell them to the highest bidder after due advertisement and after every effort is made to get the very best possible price for the tribes. These deposits have been offered for sale five times. Only a few tracts have been sold. Within the last few years oil and gas have been discovered under large areas throughout the South and West which come in competition with coal.

Since the final rolls were made it is estimated that more than one-third of the original allottees have died. The question of the determination of their heirs is becoming more complicated each year. The members of these tribes are entitled to have these coal and asphalt deposits sold to the very best advantage and they are entitled to have the proceeds thereof distributed among the enrolled members of the tribes.

In my judgment these deposits are not worth any more than the price for which they can be sold. Of course, I am anxious to get the greatest price possible, but surely everyone must appreciate that after these deposits have been hereafter offered three times at public sale and twice hereafter reappraised, and also offered at private sale, after prospective purchasers have been given the privilege of going upon the land and making tests, that every effort possible has been made to secure for these tribes the value of these deposits. If the members of these tribes had this money distributed among them per capita, it could be utilized to a splendid advantage in the improvement of their other lands, and in that way make them more valuable and productive. If a private estate had been delayed for 32 years in being wound up, the heirs would be entitled to complain against such an unreasonable delay. The members of these tribes are entitled to complain against the delays of Congress and the delays of the Department of the Interior in not taking the responsibility of selling these deposits after every effort has been made to secure for them all that they will bring after every precaution has been taken.

The interests of the members of these two tribes should, of course, be first considered and protected. The cities and towns contiguous to these deposits are vitally interested in their development. It would mean a larger population and more employment.

The counties in which these deposits are found and, in fact, the whole State are interested in having these deposits sold and developed, not only because the population of those sections would be increased but these properties would then be placed upon the tax duplicates and would aid in paying the local, county, and State expenses. Whether looked at from the standpoint of the members of the tribes or the citizenship of the community or from a State standpoint, every effort should be made to dispose of these coal and asphalt deposits.

At best it will require a few years—five or more—to dispose of them. In the meantime suits are being brought under the 1924 jurisdictional act in behalf of these tribes on all claims which they may have against the Government of the United States, and they should be determined within the time the coal and asphalt deposits are disposed of. When determined, and provided these coal and asphalt deposits are sold, the affairs of these two tribes should be completely wound up.

The responsibility is ours to prudently, cautiously, yet steadily, press these matters to their final solution. No one has offered any other solution; in fact, no one presses any solution. I have introduced this bill in the earnest hope that it may be enacted at an early day, believing that it will solve the question and will enable the department to dispose of these deposits, distribute the proceeds among the members of the tribes entitled to them, attract a larger population to the areas covered by these tracts, afford more employment to labor, place these coal and asphalt deposits upon the tax duplicates, and add to the general happiness and prosperity not only of the members of the tribes but the entire citizenship in the several counties in which these deposits are found and of the whole State. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. COLLINS. Mr. Chairman and members of the committee, the Cavalry has often been called the eyes of the Army. This was some years back, for the eyes are now elsewhere. The Air Corps performs this mission now, and the Cavalry, like many other things useful in their time, should now be relegated to the museums. It is out of date, and the sooner we

recognize this reality the better off will be our Government; and were it not for the popularity of horseback riding in social circles, horses in the Army would have gone along with other antiquities.

Permit me to read a timely editorial from the Washington Times of January 28, discussing the Cavalry in the Army:

WE HAVE TANKS—WHY BOTHER WITH CAVALRY?

A caterpillar tractor equipped with heavy guns, fighting men inside of it, protected by thick armor is one of the most powerful and fearful weapons of modern war.

The tank, an American invention, developed here years ago, utilized by Europe in the Great War, can go almost anywhere.

It can cross streams, climb hills, crawl over rocks, traveling safely where horses can not go.

Such a tank as this could plow its way cruelly, remorselessly through 10,000 or 100,000 cavalry, mounted men and horses of the old kind.

The tank will keep going as long as its fuel lasts; horses and their riders could do no more against it than flies could do against cavalry horses.

Having this weapon, why does this country continue to spend money on cavalry and men that ride little horses, offering good targets to machine guns and bombs from the air, soft as putty before the attack of the fighting tank? The answer is simple.

It takes men a long time to change—a long time to adjust themselves to new conditions.

When they first made automobiles they put dashboards in the front, although there were no horses to kick mud against the dashboard.

When they first had steamboats they put sails on them, because they said: "What shall we do in case steam gave out? Of course, we must have sails."

Now they have the airplane, a machine costing $50,000, able to destroy with one bomb a $50,000,000 battleship; but they still build battleships.

And, having these tanks, they still equip and maintain cavalry regiments.

And, having airplanes in the air, they will for a while, at least, continue to send out infantry crawling along the ground like caterpillars.

A few gas bombs, able to kill everything within a square mile of where they land would, of course, soon end the infantry nonsense.

Nothing else will end it.

Skulls are thick, habit is strong, military and naval dodos are, many of them, too old to think.

And some of them are interested in the battleship building.

So the public spends hundreds of millions unnecessarily.

I quite heartily agreed with the writer of this editorial when I first read it and I still agree with him and still believe he is right, but in all fairness to those friends who believe differently I shall now submit their main reason why horses are needed in the Army, and I am now going to read their arguments as they appear in the CONGRESSIONAL RECORD of recent date. An eminent Senator, in part, said:

If we cut down the number of horses by one-half it not only discourages and demoralizes the Cavalry itself, but it also discourages the breeding of horses for the creation of this reservoir from which the Army makes its selection in order to obtain the required number of the proper kind of horses.

In other words, gentlemen of the House, we have the Cavalry, and we have two private mounts besides for certain Army officers costing the Government of the United States in the neighborhood of $750 per year per horse, so that the horse-breeding industry in the country will be encouraged.

Another eminent Senator said on this question "the important reason which should prevail against the House action in cutting down the number of private mounts of Army officers from two to one is that it is a very severe blow at the horse-breeding industry, which needs all the encouragement the Army can give it." There are only 692 horses involved in the House amendment, but it seems sufficiently large to injure seriously the horse-breeding industry, so the Senate put it back in the bill. We now see the reason why we need a Cavalry and why we need to give Army officers two mounts. It is all easy now. It is done to encourage the horse-breeding industry.

In all fairness, however, to the rest of us, those of us who are out of the Army and have not even one horse for our own amusement and that of our families, why make Army officers the favored class? Air Corps officers have mounts supplied to them by our generous Government. I understand Marine Corps officers are also taken care of. Of course, naval officers will follow. Then why exclude Senators and Congressmen if horses are provided merely for the purpose of encouraging the horse-breeding industry. There is excellent excuse for this, anyway, for the Senate Appropriations Committee recently discovered a valuable secret, that Senators, according to Army custom, are ranked as major generals and Congressmen are ranked as brigadier generals. Is it not about time for these new types of generals to be mounted? Delay is dangerous.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. BLACK of Texas. I recall that in the Army appropriation bill we had a provision which limited these mounts to one for each officer. I also recall that we had a provision in the bill curtailing the procurement activity of the Army, an activity that has been growing quite apace. It is my understanding that the Senate has adopted amendments striking out those provisions, and I am wondering if the conferees will insist on the viewpoint of the House on those matters.

Mr. COLLINS. Well, I can answer the gentleman only as regards my own individual case. I shall do all I can to keep the House amendments in the bill, but as far as being encouraged in the belief that they will stay in the bill it is my prediction that every worth while amendment made by the House will be eliminated and the bill will be finally passed just as the Army officers wish it. Frankly, horses in the Army are worthless. Procurement planning is a scheme to add more officers to the Army now topheavy with them. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 10 minutes to the Delegate from Hawaii [Mr. HOUSTON].

Mr. HOUSTON of Hawaii. Mr. Chairman, I shall address my remarks to the Hawaiian Sesquicentennial and I ask unanimous consent to extend my remarks by including therein the speeches of the President's special representative, Secretary Davis, Governor Farrington, certain of the foreign delegates, and my own.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Chairman, it is only a matter of 450-odd years since Christopher Columbus penetrated the unknown vastness of the oceans, braving the perils of nature and eventually reaching to this great continent of ours, to his everlasting fame and glory.

Explorers and discoverers have followed in his footsteps, both on land and sea. Recently, that intrepid breed have taken to the air, and who here does not recall the thrill we felt when it was known that our own Lindbergh, alone, had winged his way across the broad Atlantic?

We are too prone to soon forget such exploits when, as time flies by, these extraordinary undertakings are repeated and come to be the everyday occurrence. Those who have not braved the deep in sailing vessels, or even small steamers, can not conceive the perils and dangers that beset the captains when sailing unknown and uncharted seas. Even now, with the seas charted and weather forecasts being sent out twice daily by radio, we hear almost daily of innumerable difficulties besetting those that go down to the seas in ships.

One hundred and fifty years ago this date—February 14, 1779—there died one such captain, one of the band of unafraid whose name, even then, was honored, and who has since been acclaimed and recognized as one of the world's great navigators, discoverers, scientists, and humanitarians—Capt. James Cook, of the Royal Navy.

The life of Capt. James Cook makes a special appeal to us in America. Like so many of our successful men, he was of lowly origin, self-taught, and by his own endeavors rose to a high position and received some recognition for his attainments. We admire such traits because of the qualities of initiative and perserverance which they imply.

This man of the people, a product of that great naval service which has served so to mold the traditions of our own naval service, as commander of an expedition of two small sailing vessels three times circumnavigated the globe. He penetrated into the Arctic Ocean through Bering Straits, exploring the waters of our present Territory of Alaska; he sailed beyond the Antarctic Circle, where our own Commander Byrd is now engaged in completing the work. He was head of an astronomical expedition to observe the transit of Venus. He surveyed the approaches to the Gulf of St. Lawrence and took part in the campaign of General Wolf against Quebec. His services and explorations brought into the fold of the British Empire the continents of Australia and New Zealand. Last, but not least to us of Hawaii, this captain courageous made known to the world the Hawaiian Islands, that glorious Territory in the mid-Pacific—integral part of the United States—whose aspiration it is in the future to be represented in the union of the flag by a new star whose brightness none will surpass.

America can well associate herself with the rest of the world in recognizing the worth of Captain Cook's labors. Besides discovering what is now part of our country, it is worthy to note that his exploring expeditions were carried out during a time

when we were still struggling with the mother country in the War of Independence. Though beset with the tribulations that come to a country under such circumstances, yet the work of this man was of such an outstanding character that Benjamin Franklin, then our minister plenipotentiary from the Congress of the United States to the court of France, found time to address a letter to all captains and commanders of armed ships of the United States of America, then in war with Great Britain, recommending to such commanders that the expedition of Captain Cook, his people, ships, and goods, should be treated with all civility and kindness, and that they should be assisted in their return to England:

To All Captains and Commanders of Armed Ships, Acting by Commission from the Congress of the United States of America, Now in War with Great Britain:

GENTLEMEN: A ship having been fitted out from England before the commencement of this war to make discoveries of new countries in unknown seas, under the conduct of that most celebrated navigator and discoverer, Captain Cook; an undertaking truly laudable in itself, as the increase of geographical knowledge facilitates the communication between distant nations in the exchange of useful products and manufactures and the extension of the arts, whereby the common enjoyments of human life are multiplied and augmented and science of other kinds increased to the benefit of mankind in general. This is, therefore, most earnestly to recommend to every one of you that in case the said ship, which is now expected to be soon in the European seas on her return, should happen to fall into your hands, you would not consider her as an enemy nor suffer any plunder to be made of the effects contained in her, nor obstruct her immediate return to England by retaining her or sending her into any other part of Europe or to America, but that you would treat the said Captain Cook and his people with all civility and kindness, affording them, as common friends to mankind, all the assistance in your power which they may happen to stand in need of. In so doing you will not only gratify the generosity of your own dispositions but there is no doubt of your obtaining the approbation of the Congress and your other American owners.

I have the honor to be, gentlemen, your most obedient, humble servant,

B. FRANKLIN,
Minister Plenipotentiary from the Congress of the United States to the Court of France.

At Passy, near Paris, this 10th day of March, 1779.

In Hawaii Captain Cook died, still in the prime of manhood, and last year as a consequence of an act of the territorial legislature, supported by a joint resolution of this Congress, and with the Secretary of War representing the President, the occasion was marked by ceremonies, memorial of his passing away, and also in commemoration of the rebirth of the Hawaiian Islands and their entrance into the family of nations.

Great Britain was represented by three men-of-war, and delegates from the Empire and the Dominions interested in the explorations of this great man. A monument was dedicated on the island of Kauai at the point where Captain Cook first landed and a tablet was unveiled at the spot where he died. A historical tableau and literary exercises brought the ceremonies to a close in the city of Honolulu.

Time has softened the feelings on one part and the other, so that the angry passions of 150 years ago are replaced by a feeling of friendliness, by that spirit of aloha for which the Hawaiian has come to be so well known. I am hopeful that these ceremonies will have done their little share toward advancing that better understanding between the English-speaking peoples for which we are ever striving. [Applause.]

ADDRESS OF HON. DWIGHT F. DAVIS, SECRETARY OF WAR, AS OFFICIAL REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES AT THE SESQUICENTENNIAL OF THE DISCOVERY OF THE HAWAIIAN ISLANDS, AT HONOLULU, AUGUST 15 TO 20, 1928

Through the commemoration of significant events in our history we dedicate milestones by which we may measure the course of our progress. At the same time we are afforded an opportunity for a retrospection which never fails to serve as an inspiration for further progress.

The importance of the discovery of the Hawaiian Islands has increased with each of the 150 years since Capt. James Cook landed upon these shores. The value of his discovery has been enhanced by succeeding generations of its inhabitants. Consequently, to-day when we commemorate the arrival here of Captain Cook we honor his accomplishment the more if we evaluate the progress of Hawaii and depict the possibilities of its future.

The Government of the United States has commissioned me to come and express to you the congratulations of the Nation upon your accomplishments and to join with you in a celebration of the fortuitous occasion of the introduction of this highly endowed land and people to the acquaintance of the world. The Federal Government does not join in these exercises solely because they are of consequence to the people of an integral part of the United States. The participation is more intimate. The occasion affords an opportunity for an expression of national appreciation of the good fortune which brought to the attention of mankind these islands which have become an important element of our great Union.

Scientists have depicted the formation of the universe in accordance with the basic natural phenomenon of the attraction between masses. They visualize the action of a cosmic, inherent force which, operating to join innumerable particles, gave permanence to the creation we know to-day. We gain an impression of some similar attraction when we view the years of political progress which led to the union of our States with Hawaii to form the present United States of America. We are conscious that here is an example where peoples gravitated steadily to a peaceful combination much as though they, too, were drawn together by an inherent and irresistible force of nature. The union was accomplished and has been maintained as a normal step in the destinies of those geographical elements which now constitute the United States of America.

Prior to the visit of Captain Cook to these islands two great leaders were engaged in constructive and similar efforts in two distantly separated parts of our present large domain. On the Atlantic seaboard George Washington was marshaling the scattered forces by which he eventually gained independence and a political entity for our colonies. Here in Hawaii, Kamehameha I was engaged in those lifelong efforts which resulted in political unity. Unknown to the rest of the world he was exhibiting those qualities of leadership and statesmanship which entitle him to high recognition among all great men.

Since those days there have come representatives of many nationalities to join the original inhabitants and settlers in both our island and continental territories. Everywhere there has resulted a considerable fusion of the blood of our founders. However, regardless of the numerous elements which have entered into our society and have influenced our customs, there has been preserved the liberty and unity secured through the efforts of Washington and the first Kamehameha.

Captain Cook found in these beautiful islands a race of stalwart, sport-loving, and lovable people who had developed an aristocracy and many courtly graces. He was received with a remarkable hospitality—a trait which has continued to the present day as an especial characteristic of Hawaiians. Unfortunately, for the first 40 years after 1778 many of the visitors to these shores appeared to have abused their welcome. Not until 1820, with the advent of the missionaries, does there appear to have been much altruism in those who came here either to bargain or to live.

With the arrival of the missionaries there came to these lands an influence which became a most potent factor in their destiny. The record of a majority of those devout men and women constitutes a notable example of constructive service to mankind. They brought from our oldest States on the Atlantic seaboard the good will which ever since has characterized the relations between our peoples. Furthermore, they introduced here their customs and ideals so that, with the passage of time, laws and practices became similar in Hawaii and in our States. Thus to the missionaries more than to any other social group must we give credit for the basic qualities which ultimately occasioned a natural fusion of our population.

It must be a matter of satisfaction to us all that prior to the incorporation of the Territory of Hawaii into the United States our Federal Government had proved repeatedly its friendliness to Hawaii as an independent State and its unwillingness to undertake any form of coercion. Commencing with the negotiations of Capt. Thomas Catsby Jones, United States Navy, in 1826, the relations of the two countries always were based on mutual respect and confidence.

Thus in 1842 the American Government made it clear that it did not desire any exclusive control or advantage and advised the King of Hawaii through his commissioners as to the method of approach to England and France in diplomatic negotiations to secure treaties for the guaranty of independence and neutrality. The action of the United States a year later in expressing disapproval of the occupation of Hawaii by a British naval commander undoubtedly had considerable effect toward recognition of Hawaiian independence by England and France and in their joint agreement in 1843 never to take possession even under a protectorate.

In December, 1849, there was concluded between the United States and Hawaii a treaty of friendship, commerce, navigation, and extradition. Two years later the benevolent Kamehameha III sought the protection of the United States by the preparation of an instrument whereby he might cede his monarchy to the United States should his power be put in jeopardy by any other nation. The attitude of the United States was expressed by Daniel Webster, Secretary of State, as follows:

"The government of the Sandwich Islands ought to be respected; that no power ought to take possession of the islands either as a conquest or for the purpose of colonization; and that no power ought to seek for any undue control over the existing government or any exclusive privileges or preferences in matters of commerce."

From time to time, between 1853 and the accomplishment of annexation in 1898, there arose proposals in both the United States and Hawaii for the unification of the two countries. The long delay in the accom-

plishment of this aim is proof of the sincere intention of our Federal Government to act only in accord with the wishes of the Hawaiian people. Indeed, after the new provisional government of Hawaii in 1893 had raised the American flag and applied for entrance into the United States, President Cleveland appears to have delayed his acquiescence entirely by reason of a concern lest the action of an American naval force had been prejudicial to the success of the rebellion against the Hawaiian monarch. Finally, however, the Spanish-American War carried the Stars and Stripes beyond the North American Continent, and public opinion rapidly consummated the union.

So much for the past. Let us now consider the future.

The frontiers of civilization have moved steadily westward through the ages. With that progress there has occurred a westward displacement of the world center. From Athens to Rome and to London has moved the hub of the world. The Mediterranean gave way in importance to the Atlantic. Now the Pacific Ocean steadily gains as an avenue of world progress.

We have seen these islands steadily increase in prestige with the improvement of transportation and intercommunication between the peoples of the world. First came the replacement of sails by steam power. Then came steady improvement of engines to facilitate travel and improve commerce. As science overcame handicaps the continents were brought closer as regards time which is the true gauge of distance. With each forward step this "Crossroads of the Pacific" received an added incentive to progress.

Were industry and trade the sole reasons for Hawaiian importance, and were the sea the only medium of access to these islands still your dominating position would assure you complete participation in the benefits which appear destined for the countries of the Pacific. However, we find here attractions for other than the industrialist and the trader. You have contrived to enhance the bounteous attractions of nature with a comfort which emanates from excellent hospitality dispensed with a natural and charming cordiality. Hawaii has become a goal for all travelers, and each year in greater numbers they come in quest of recreation and the enjoyment of this beautiful land where are combined the attractions of the Orient and Occident.

Nor do we longer limit our conception of transoceanic travel to ships of the sea. Little more than a year ago two officers of the Army, Lieutenants Maitland and Hegenberger, first negotiated the flight to these islands from San Francisco—a feat in which I take especial pride—since it was undertaken as a military venture under my approval as Secretary of War. Since then, other daring aviators also have proved the practicability of such flights. Quite recently you welcomed the intrepid crew which stopped here on the epochal journey by air from California to Australia. We can not say when or how such travel may become a common practice. We only know that if aviation continues its astounding progress of the past few years, these islands will become one of the most important airports of the world. In any event, the future lies bright before Hawaii.

This celebration has been given an especial importance through the gracious participation of many of those countries which have been associated with the development of the lands of the Pacific and the Hawaiian Islands. Though the exploits and accomplishments of Captain Cook have been of advantage to all nations, they remain a glowing example of the results which have accrued from the far-flung interest and initiative of his own country. Therefore, on this occasion of honor to the services of Captain Cook, we extend our compliments to Great Britain and to Australia and New Zealand. We thank them for their courtesy in sharing with us in these honors to their countrymen who caused their flag to be the first sighted from these shores.

The Government of the United States feels a debt of gratitude to Captain Cook. His introduction of this "Paradise of the Pacific" to the society of nations has proved of inestimable benefit to our Nation. On behalf of the Federal Government, I voice appreciation for this opportunity to participate in these exercises and to express the thankfulness of the Nation for the advent of Hawaii to the knowledge of mankind.

ADDRESS BY GOV. WALLACE R. FARRINGTON, OF HAWAII, AT HONOLULU, AUGUST 18, 1928

Every period of history has given us men fired with an ambition to break through into the unknown.

Especial honor is given to the comparative few who, as they went out, charted a course so that others might follow. Such leaders have usually made the greatest contributions, and it is noted that with their courage they have possessed a sense of responsibility to others that is quite apart from reckless daring.

Capt. James Cook, the explorer and geographer, in whose honor the representatives of the English-speaking nations are here assembled, had the ambition, the courage, and the capacity for contagious inspiration that qualified him to be a successful leader destined to leave a permanent record. Few men in history have contributed more than he in placing new lands and new opportunities within the grasp of his own and succeeding generations.

In this year 1928, 150 years after Captain Cook and men of his ship's company set foot on these islands, the descendants of the discoverers and of the discovered join happily in appropriate ceremonies to honor his memory.

The people of Hawaii, through their legislative assembly, elected under universal suffrage, officially requested that the Government of the United States, of which this Territory is an integral part, extend an invitation for the meeting here of the representatives of English-speaking nations and dominions. We are all beneficiaries in the new worlds opened up by Captain Cook. While we unite in the tribute of honor to an heroic figure of the past, we may find in this new inspiration for achievement in the present and for the future.

Captain Cook opened the eyes of the then civilized world to new fields the extent and conditions of which had not been pictured in the visions of even the dreamers. His charting of the hitherto unknown ocean and shore brought to Hawaii's people new counsellors. Barbarism was wiped out. Free scope was given to the normal friendly instincts of the native Hawaiian people. In a remarkably short period Hawaii and the Hawaiians moved into a position where they have exercised a reciprocal influence in fostering a more practical and sincere friendliness among all the peoples of the islands and the lands in and about the Pacific.

Other speakers will sketch the steps in the path of historical events that have brought us to the generally happy conditions of the present time. My pleasant duty and privilege is to extend the welcome, the aloha of Hawaii, on behalf of the citizens and residents of the Territory of Hawaii, and especially of the citizens of native Hawaiian ancestry.

The years immediately following the arrival of Captain Cook were for Hawaii years of upheaval and turmoil. When conditions began to settle down and orderly methods took the place of chaos, it is interesting, and we hope significant, to note the spirit of friendly cooperation that characterized the relations of the Hawaiians and the men and women of the English-speaking nations.

The Hawaiian monarch, Kamehameha I, retained John Young, who helped very materially in the successful battles fought by the King.

As time went on and constitutional government was finally established, the ruler of Hawaii called to his assistance the Hon. Robert C. Wyllie to serve as Minister of Foreign Affairs. Mr. Wyllie was a British subject who accepted Hawaiian citizenship and loyally served his adopted nation. The premier and adviser of equal authority in this period was Dr. Gerrit P. Judd, a citizen of the United States, who linked his fortunes with the Hawaiian Kingdom. He gave the best years of his life in loyal service.

These men were united in their purpose to support and maintain the integrity of the Hawaiians.

About this time the Hawaiian people, moving into the sphere of international relations, adopted a national flag. You see this flag to-day in the Territorial emblem. It is a union of the British and the American flags. The British flag was the first national banner known to the Hawaiians. The union jack was used. The eight stripes of the flag represent the eight principal islands of their kingdom, following the stripes of the flag of the United States representing the thirteen original States.

There is no historical record that this design was ever changed or even the subject of any bitter differences of opinion that are so often reflected in a national emblem.

When the United States accepted the petition of Hawaii for annexation there was no breath of opposition to the adoption of the former national flag as the emblem of the Territory.

All along the course of events that has made history in the Pacific the Hawaiians, the British, and the Americans of the United States have been in hearty accord. Not to suggest that never were there differences of opinion. Residents of these islands 150, 100 years, and 75 years ago were quite human. They were active and vigorous in the expression of their opinions. We honor them for the balanced judgment that finally prevailed and for the good standard established to influence and largely control subsequent events.

In Captain Cook's time the venturesome men were seeking physical worlds to conquer.

To-day our central thought is to discover the most approved routes for arriving at permanent friendly relationships. Having learned through Captain Cook how large is our world, we are engaged in the great adventures involved in learning that the world is big enough for all to live comfortably, with a fair share for each of the reasonable prosperity that assures contentment.

The disaster in Captain Cook's last voyage to Hawaii is not without a guiding thought.

Ignorance and misunderstanding, superstition and fear, shaped the incidents that led up to the death of the great explorer. Looking back, we have a feeling of pity for the benighted people who first deified as their great god Lono, the visitor from the great unknown; then, finding their mistake, destroyed him.

In the perspective of a century and a half we can understand the folly of it all. Looking out upon the future we have reason to highly resolve that the understanding and friendships that have become traditional along the ocean routes of the Pacific shall be emphasized.

The late Lord Bryce, in his Modern Democracies, quotes from Disraeli, where a character in one of his novels says, "Few ideas are correct ones, and what are correct no one can ascertain; but with words we govern men."

The "aloha" of Hawaii, the word of friendliness, has had continuing power. Suspicion and intrigue have scored destructive failures.

As the people of Hawaii voice the national greeting of a kind-hearted race, it carries the thought that this meeting and your stay in these islands will be more far-reaching than a mere pleasant memory.

A timely word can control the minds of men. Courage to strike out into new fields in human relationships may well be expressed in a determination to use words and be prompt to perform the deeds that will strengthen old friendships and build new friendships. Profiting by the past, we will exercise the intelligence born of our present-day enlightenment so as to make those friendships permanent landmarks for charting the progress of the new world of our day.

ADDRESS OF C. B. HOFGARD, PRESIDENT OF KAUAI HISTORICAL SOCIETY AND CHAIRMAN OF THE KAUAI COOK CELEBRATION COMMITTEE, AT WAIMEA, KAUAI, AUGUST 17, 1928

Ladies and gentlemen, 150 years ago that illustrious navigator, Capt. James Cook, Royal Navy, who had already made two voyages round the world, sailed from the island of Bolabola, one of the Society Islands, to explore the west coast of the American Continent and to find a passage north of America, which last part of the plan has just been accomplished in our time after numerous unsuccessful attempts.

He sighted Oahu, but on account of unfavorable wind kept sailing northwest and saw Kauai and sailed along the south coast and landed on the beach of Waimea on the 20th of January, 1778.

We hail Captain Cook as the discoverer of Hawaii, although Spanish navigators had a nebulous information of some islands near here. Captain Cook recorded his discoveries and scientifically located Hawaii on this terrestrial globe. He is entitled to all the honor of discovery as much as that other intrepid navigator, Christopher Columbus, who discovered America, although other Europeans had visited America as much as 400 years before his time.

We, the people of Kauai, under the auspices of the Kauai Historical Society, have raised a monument in commemoration of the one hundred and fiftieth anniversary of the discovery, which I as president of the Kauai Historical Society have the honor and pleasure to present to the county of Kauai.

SIR JOSEPH CARRUTHERS, OFFICIAL REPRESENTATIVE OF THE GOVERNMENT OF AUSTRALIA TO THE CAPTAIN COOK SESQUICENTENNIAL CELEBRATION, AT THE SCENE OF THE DEATH OF CAPT. JAMES COOK, KAAWALOA, KEALAKEKUA BAY, HAWAII

We stand to-day on ground sacred to the memory of one of the bravest and best of men, Capt. James Cook, of the Royal Navy of Great Britain. It was on this very spot that his life's blood ebbed away 150 years ago. He died leaving an imperishable name that as the ages roll on shall never be forgotten by those who honor and revere him for those fine qualities of courage, of devotion to duty, and of humanity, as well as for his outstanding ability as a sailor and as a leader of sailors.

When the news of his death was brought to England a public monument was proposed, yet it did not materialize until long years after.

But his closest and best friend, his former commander and patron, the man who knew him most intimately, Sir Hugh Palliser, erected at his own expense at his family seat, Mache Park, Buckinghamshire, a square block of stone surmounted by a globe and inclosed by a neat but simple roofed building. On this monument Palliser caused to be inscribed these words:

"To the memory of Capt. James Cook, the ablest and most renowned navigator this or any other country has ever produced."

That inscription from such a man as Palliser, who rose to the high rank of comptroller of the navy, constitutes the most valuable testimony to his great reputation amongst his contemporaries, who knew him best from actual and long association with him.

Since that time—about 148 years ago—many monuments have been erected, amongst others a very fine one at the Admiralty in London, which I was mainly instrumental in securing as the result of a letter to the London Times which I wrote and published in 1908. Monuments now abound right through the Pacific as well as in England and Australasia to commemorate Captain Cook's great work.

In St. Paul's Cathedral, London, there is a tablet to the memory of Sir Christopher Wren with these words upon it:

"If you seek his monument, look around you."

So if you seek Captain Cook's monument, travel, as I have done, in the Pacific and look around you.

Then you will see the great Continent of Australia, with its 7,000,000 people of one race, who are on the way to found a great and a united nation of happy and prosperous people that will in the course of the present century be in the south Pacific just what the United States are in the north. Next look and see the Dominion of New Zealand, with over 1,000,000 people of the British race, happy, prosperous, and contented. See also the many other islands which he discovered or visited—Samoa, Tonga, the Cook Islands, New Caledonia, and, last but not least, these beautiful Hawaiian Isles, the outpost of the United States.

Look also at the Pacific States of the United States, which sprang into existence as the direct sequence of Cook's discovery of these islands; and if you look still farther north, see Canada and realize that it was Cook who charted the course for General Wolfe which resulted in the capture of Abrahams Heights and thereby laid the foundation of what is now the Dominion of Canada.

These are the monuments to Cook's life and work, and they are imperishable.

Captain Cook was a most humane man, as witness the fact that in 11 years of exploration in unknown parts where he came in contact with lands having millions of untutored races less than 1 man for each of those 11 years perished as the result of any conflicts. About 10 natives were killed in unavoidable conflicts in 11 years of his voyaging. There has never been, in all the world's history, such a record of peaceful methods of dealing with strange people. Compare that record with the conquest of Southern and Central America and of Mexico by the Spanish. Even in North America there was a trail of almost interminable bloodshed in the early days of colonization and discovery.

Why did Cook leave such a unique record? Simply because he deliberately set himself to the task of avoiding conflicts with the natives, whilst aiming at winning their friendship by peaceful means.

Cook's death would never have occurred in February, 1779, but for the fact that he went ashore on this place, trusting to his ability to gain the good will of the Hawaiians by peaceful means in a period of difficulty. At a critical moment when his men in the boats lying close to here fired a volley into the ranks of the natives menacing him, Cook turned his back on the natives, held up his hands to his officers and men, and ordered them to desist from firing. That very act of humane feeling cost Cook his life, for with his back turned he was clubbed and killed.

I have studied more thoroughly than most living men the whole of the recorded facts, and I unhesitatingly say that the events which led up to the death of Captain Cook on that fatal day were the result of a complete and mutual misunderstanding that suddenly arose. The very action of Cook in striving to avoid bloodshed resulted in the sacrifice of his own life.

Many untrue statements have been made and have passed into current history without justification regarding the events leading up to the death of Captain Cook. I am satisfied that with a more complete and impartial study of the ample evidence available, the memory of Captain Cook will be found to be free from any stain of wrongdoing on his part.

May I say here and now that these proceedings to commemorate the events of 150 years ago with which Captain Cook was associated will be regarded throughout Great Britain, throughout Australia and New Zealand, and in all other parts of the Empire of which I am a humble citizen, as a splendid gesture indicative of the friendship which exists between the people of the United States and those of the British Empire. May that friendship forever continue for the benefit of humanity and as an enduring influence for the peace of the world.

Just now the whole world is being gladdened with the welcome tidings that the nations which compose the British Empire have entered into a bond with the United States of America and with France and Italy to outlaw wars of aggression. Happily that event synchronizes with the one hundred and fiftieth year of Cook's death and with the two hundredth anniversary of his birth.

The spirit of James Cook has largely contributed to that accomplishment inspired as it has been largely by the English-speaking people of the world. My fellow countrymen in Australia are thrilled with a feeling of joy and of fraternity by these celebrations inaugurated by their big brother Jonathan, the United States.

I feel it to be an honor to the young communities of Australia and of New Zealand that we are here associated with the people of the United States and of this Territory in these historic proceedings.

In sending me here as her envoy Australia wished most appropriately to be associated with these proceedings.

Our history comprises three periods:

"First. Cook's discovery of Australia and its first settlement.

"Second. The grant of representatives, institutions, and responsible government.

"Third. The foundation of the United Australian Commonwealth."

Largely because for over 40 years I have served as minister and legislator in the second period and am one of the few surviving founders of our Federal constitution, I was selected and have been appointed as the first envoy under the terms agreed upon at the last imperial conference, which conferred the right on every dominion of direct representation in another country.

Thus, the link is preserved which connects Australia with its first foundation.

Australia was discovered and founded without the shedding of one drop of blood.

The inspiration of Cook's spirit has ever been with us. Loyalty, service, justice, and humanity in all our doings.

As to loyalty, William Charles Wentworth in his poem, Australia, wrote:

"And thou, Britannia, shouldst thou cease to ride,
Despotic Empress of old ocean's tide,
May this, thy last-born infant, then arise
To greet with gladness thy parent eyes,
And Australasia float with flag unfurled
A new Britannia in another world."

That spirit of loyalty and service caused us in the hour of peril to send over 400,000 of our sons across the seas to fight for a great cause when 60,000 of our bravest and best made the supreme sacrifice.

The spirit of Cook inspired that loyalty and that service. That spirit is not dead. It will never die.

I may be forgiven perhaps if I single out one man who above all others has nobly wrought to bring about this day. And that man is Governor Farrington, who has played his part as a leader of men from first to last in advocating and accomplishing this good work.

I do not believe that we should allow these proceedings to pass by without reflecting on what is our duty to those fine though simple races in all these Pacific lands. I hope that we shall take stock of the position and endeavor to make provision to save and uplift these races for our honor and credit and for their preservation in happiness and content.

That would perpetuate the spirit of Cook and his consistent sense of humanity to these people.

Our hero, Captain Cook, is dead.

"Life's fitful fever o'er, he sleeps well."

But his spirit lives forevermore. It is for us to remember those sweet lines which so eloquently breathe what is our duty:

"Of those who in the dust do dwell
May there kindly mention be
When the birds that build in the branches tell
Of the planting of the tree."

ADDRESS BY HON. JOHN C. LANE, OF HAWAII, AT THE UNVEILING OF A BRONZE TABLET SET JUST BENEATH THE WATER AT THE SPOT WHERE CAPT. JAMES COOK WAS KILLED, AT KAAWALOA, KEALAKEKUA BAY, ISLAND OF HAWAII, ON FEBRUARY 14, 1779, DELIVERED AT THE SPOT ON AUGUST 18, 1928

Secretary Dwight F. Davis, of the United States War Department, personally representing President Coolidge in the Territory, His Excellency the Governor of Hawaii, Gerald H. Phipps, His Britannic Majesty's consul, other distinguished guests, and fellow citizens, on this hallowed ground 150 years ago, Capt. James Cook, the discoverer of these beautiful islands, met his death here in Kaawaloa, and we are assembled to-day to pay homage and honor to his memory.

Whatever may have been the hard feelings engendered in the past, time has softened and effaced them. To-day we stand near the very spot where he expired, with hearts full of gratitude for the good rendered by him to mankind, and with feelings of appreciation for the knowledge he gave to navigation.

Civilization acclaims him a great discoverer and scientist, and this Territory our benefactor.

His name will always be repeated by the young in schools, and by the old, admired for his achievements as a navigator.

I need not dwell at length with the life of this man, the main speaker of the day, Sir Joseph Carruthers, will furnish us in full. Mine is the honor, as an Hawaiian, to unveil the bronze tablet, and therefore in the name of the Hawaii of old and the Hawaii of to-day, I hereby do perform this honorable duty gladly.

[Here unveil]

Fellow citizens, in removing the old Crown flag of the monarchial days of the Hawaiian Islands from this memorial bronze tablet, I find these words inscribed thereon:

"Near this spot Capt. James Cook, R. N., was killed February 14, 1779."

Let the people of the Territory behold these beautiful and historical surroundings—the world told of the celebration held in these far-distant isles, where the two great powers of our modern age, Great Britain and America, have joined hands on this occasion, and thereby promote feelings of friendship.

From this day henceforth, let the aloha of the Hawaiian race penetrate the soil of this sacred and hallowed spot, and let God lead us all, to do what is right and just, one race to another race, in the affairs of mankind.

REPLY BY COMMODORE G. T. C. P. SWABEY, D. S. O., ROYAL NAVY, TO THE ADDRESS OF WELCOME TO THE VISITORS MADE ON BEHALF OF THE KONA CIVIC CLUB AT KAAWALOA WHEN THE CAPTAIN COOK MONUMENT WAS DECORATED ON SATURDAY, AUGUST 18, 1928

Mr. Secretary, ladies, and gentlemen, standing here on this little bit of British territory, and speaking on behalf of the officers and men of the British warships here assembled for this memorable ceremony, I would like to thank the speaker very much for the words of welcome he has addressed to us.

We of the British Navy are very proud of Captain Cook and of his great achievements and of the high traditions for which he and other great sailors of the past have stood.

It is therefore a matter of great satisfaction to us that it has been found possible to assemble here to-day three British cruisers to do honor to this great occasion—*Cornwall*, representing Great Britain; *Brisbane*, representing the Commonwealth of Australia; and *Dunedin*, representing the Dominion of New Zealand.

We are very proud that this tribute is being paid to a great Englishman and a great sailor by the citizens of the United States of America, and we are very grateful for the invitation which has been extended to us to take part with you in these memorable celebrations.

[From the Honolulu Advertiser, Thursday August 10, 1928]

DELEGATE HOUSTON'S ADDRESS, AUGUST 17

CIVILIZATION IN HAWAII AT TIME OF CAPTAIN COOK'S DISCOVERY

(Following is the address of Delegate VICTOR S. K. HOUSTON at the unveiling of the monument to Captain Cook at Waimea, Kauai, erected by the Kauai Historical Society. The address which will be delivered at 9 o'clock this morning was released for publication in the Advertiser by Delegate HOUSTON before he sailed for Kauai with the sesquicentennial commission last night:)

We are met to celebrate the one hundred and fiftieth anniversary of the discovery of the islands of the Hawaiian group, since erected into a Territory of the United States, and to do honor to the achievement of one of the greatest navigators of the world, the discoverer.

On the 18th of January, 1778, Capt. James Cook, of the Royal Navy, in command of a scientific and exploring expedition, sent out by the British Admiralty, first sighted the island of Oahu, and named the group, of which Oahu was one, the Sandwich Islands.

Captain Cook was one of that hardy race of mariners of which Great Britain has been so prolific. His fame rests not alone upon this one discovery. His is the renown that comes to men invading the deep blue sea and opening up new worlds. His is the glory that rewards application, perseverance, and that stoutheartedness that carries certain men into the unknown. He filled in the blank spaces on the world's map and established a reputation as a scientist that is second only to his position as an explorer.

I could not add to his reputation—it is already so solidly founded. Other speakers during this celebration will make known to us details of his life and character, which it is well in this day we should know. But as a Hawaiian, I believe it will not be out of place if in this short paper I should address myself to the subject of the people whom this great man discovered, and by means of a collection of quotations and extracts from the Reports of the Voyage to show the state of civilization in which they were found.

One hundred and fifty years is but the briefest period in the life history of any people. But into this particular period there has been crowded the development of this people, reaching from its stone age to an assimilation of modern civilization. When Captain Cook arrived they had neither metals nor pottery, no textile of any kind, no written language, and apparently they had been isolated in the midst of the vast Pacific for ages untold.

When into this garden spot—now aptly termed the paradise of the Pacific—there erupted these hardy mariners, product of a gradually developed civilization, thousands of years old, it is not strange that the habits and customs of the Hawaiians should have startled and astonished them. It would be the same had any of us been carried back to the times of the Pharaohs or to that age which appropriately is known in history as the stone age.

As a consequence, the Hawaiians were frequently referred to as savages and barbarians. That they were primitive may be readily granted, but that they were wild, untamed, uncivilized, or uncultured—the equivalent of the word so often used—is simply a statement of comparison rather than of fact. That they were barbarians is equally untenable, for they were not cruel, or brutal, but were, as I hope to show, kindly and hospitable, friendly and frank. If the word is taken in its narrow sense, such as it was used by Greeks to mean non-Hellenes, or as used later by Latins—even now by Italians to mean foreigners in a deprecatory sense—the word is undoubtedly applicable. I like to feel that the terms were rather thoughtlessly applied.

Abraham Fornander, who 50 years ago wrote the "Polynesian Race," said of the Hawaiian, "* * * a people whom none knew till 100 years ago, and whom no one even now recognized as a chip off the same block from which the Hindu, the Iranian, and the Indo-European families are fashioned." He claimed that they were descended from a people that was agnate to, but far older than, the Vedic family of the Aryan race; that it entered into India before these Vedic Aryans; that there it underwent a mixture with the Dravidian race, which, as in the case of the Vedic-Aryan themselves, has permanently affected its complexion; that there also, in greater or less degree; it became moulded to the Cushite-Arabian civilization of that time; it established itself in the Indian Archipelago at an early period, and thence was probably forced into the Pacific.

Fornander assumes the following steps in this later migration:

(a) At the close of the first and during the second century of the present era, the Polynesians left the Asiatic Archipelago and entered the Pacific, establishing themselves on the Fiji groups and thence spreading to the Samoan, Tonga, and other groups eastward and northward.

(b) During the fifth century, Polynesians settled in the Hawaiian Islands and remained there comparatively unknown until—

(c) The eleventh century A. D. when several parties of fresh immigrants from the Marquesas, Society, and Samoan groups arrived at the Hawaiian Islands, and for the space of five or six generations, revived and maintained an active intercourse with the first-named groups.

(d) From the close of this era, about 21 generations ago, Hawaiian history runs isolated from other Polynesian groups till 1778.

Now, if you will kindly bear with me, I will make use of a collection of extracts and quotations from the published reports of the voyage, which will, I hope, give you a picture of the people whose civilization was of no mean order, whose characteristics were marked by kindness and hospitality, and whose capacity and ingenuity was such that in the course of the last 150 years they have been able, to a very large extent, to assimilate and adapt themselves to the revolutionary changes brought about by contact with the rest of the world.

I apologize for the manner of their presentation. The time at my command has been brief. Extracts and quotations may be somewhat mixed, and I may not have been consistent in my spelling of native names. My efforts have been to collate in sequence the varied references to matters not so well known as they are found in the voyage report. I have purposely omitted geographical data and detail reference to matters that are better known through later study, such as the feather cloaks, heiaus, religion, etc.; I have also omitted generally matters that were not the result of direct observation.

Captain Cook and his collaborators were keen observers, and the facts they observed, not always their conclusions, are the most valuable contributions to our knowledge of this race. For the changes in customs and habits came with lightninglike rapidity thereafter, and later students were not always able to make the proper distinction as between the old standards and the new modifications.

I hope that a study of this data will lead to a more sympathetic attitude with respect to this race, to an understanding of the psychology of the people, and to a feeling, perhaps, that after all they were neither savages nor barbarians. The Romans at the time when Christians were pitted against wild beasts in the arena of the Coliseum are not classed as such; then why should our people be so classed because of religious sacrifices. The religious wars in Europe and the burning of witches in New England—many more parallels could be offered to show savagery perhaps in other lands—I simply wish a broader understanding of our people of whose history we feel we have a right to be proud.

GENERAL APPEARANCE

"These people did not exceed the ordinary size and were stoutly made. Their complexion was brown; and there appeared to be little difference in the casts of their color, there was a considerable variation in their features. Most of them had their hair cropped rather short; a few had it tied in a bunch at the top of the head; and others suffered it to flow loose. It seemed to be naturally black; but the generality of them had stained it with some stuff which communicated to it a brownish color. Most of them had pretty long beards. They had no arms about their persons; nor did we observe that they had their ears perforated. Some of them were tatooed on the hands, or near the groin; and the pieces of cloth which were worn by them round their middle were curiously colored with white, black, and red. They seemed to be mild and good natured; and were furnished with no arms of any kind, except small stones, which they had manifestly brought for their own defense; and these they threw into the sea when they found that there was no occasion for them.

"From what continent they originally emigrated, and by what steps they have spread through so vast a space, those who are curious in disquisitions of this nature, may, perhaps, not find it very difficult to conjecture. It has been already observed that they bear strong marks of affinity to some of the Indian tribes that inhabit the Ladrones and Caroline Islands; and the same affinity may again be traced amongst the Battas and the Malays. When these events happened is not so easy to ascertain; it was probably not very late, as they are extremely populous and have no tradition of their own origin but what is perfectly fabulous; whilst on the other hand, the unadulterated state of their general language, and the simplicity which prevails in their customs and manners, seem to indicate that it could not have been at any distant period.

"The inhabitants of the Sandwich Islands are undoubtedly of the same race with those of New Zealand, the Society and Friendly Islands, Easter Islands, and the Marquesas. This fact, which, extraordinary as it is, might be thought sufficiently proved by the striking similarity of their manners and customs and the general resemblance of their person is established beyond all controversy, by the absolute identity of their language.

PHYSICAL APPEARANCE

"The natives of these islands are, in general, above the middle size and well made; they walk very gracefully, run nimbly, and are capable of bearing great fatigue; though, upon the whole, the men are somewhat inferior, in point of strength and activity, to the Friendly Islanders, and the women less delicately limbed than those of Otaheiti. Their complexion is rather darker than that of the Otaheitans, and they are not altogether so handsome a people. However, many of both sexes had fine open countenances; and the women, in particular, had good eyes and teeth, and a sweetness and sensibility of the look, which rendered them very engaging. Their hair is of a brownish-black, and neither uniformly straight, like that of the Indian of America, nor uniformly curling, as amongst the African negroes, but varying in this respect like the hair of Europeans. One striking peculiarity in the features of every part of this great nation—I do not remember to have seen anywhere mentioned—which is that, even in the handsomest faces, there is always a fullness of the nostril, without any flatness of the nose, that distinguishes them from Europeans.

"The inhabitants of Kauai are of the middle size, and in general stoutly made. They are neither remarkable for a beautiful shape nor for striking features. Their visage, particularly that of the women, is sometimes round; but others have it long, nor can it justly be said that they are distinguished, as a nation, by any general cast of countenance. Their complexion is nearly of a nut-brown color; but some individuals are of a darker hue. We have already mentioned the women as being little more delicate than the men in their formation; and we may add, that with few exceptions, they have little claim to those peculiarities that distinguish the sex in most other parts of the world. There is, indeed, a very remarkable equality in the size, color, and figure of the natives of both sexes; upon the whole, however, they are far from being ugly, and have to all appearances few natural deformities of any kind. Their skin is not very soft, but their eyes and teeth are for the most part pretty good. Their hair, in general, is straight; and though its natural color is black, they stain it, as at the Friendly and other islands. We perceived but few instances of corpulence, and these more frequently among the women than the men; but it was principally among the latter that personal defects were observed, though if any of them can lay claims to a share of beauty it appeared to be more conspicuous amongst the young men.

"They are active, vigorous, and most expert swimmers, leaving their canoes upon the most frivolous occasion, diving under them and swimming to others, though at a considerable distance. We have frequently seen women with infants at their breasts, when the surf was so high as to prevent their landing in the canoes, leap overboard and swim to the shore without endangering the little ones.

"They appear to be of a frank and cheerful disposition, and are equally free from the fickle levity which characterizes the inhabitants of Tahiti, and the sedate pose which is observed among those of Tongatabu. They seem to cultivate a sociable intercourse with each other; and except the propensity to thieving, which is as it were, innate in most of the people we have visited in these seas, they are extremely friendly to us. And it does no small credit to their sensibility, without flattering ourselves, that when they saw the different articles of our European manufacture they could not refrain from expressing their astonishment by a mixture of joy and concern that seemed to apply the case as a lesson of humility to ourselves; and on every occasion they appeared to have a proper consciousness of their own inferiority; a behavior that equally exempts their natural character from the ridiculous pride of the more polished * * * or of the ruder natives. * * *

"The inhabitants of these islands differ from those of the Friendly Islands in suffering almost universally their beards to grow. There were, indeed, a few, amongst whom was the old King, that cut it off entirely, and others that wore it upon the upper lip. One peculiar fashion though, they sometimes cut it close on each side of their head to the ears."

* * * * * * *

"The same superiority which is observed in the persons of the Aliis through the other islands is found also here. Those whom we saw were, without exception, perfectly well formed, whereas the lower sort, besides their general inferiority, are subject to all the variety of make and figure that is seen in the populace of other countries. Instances of deformities are more frequent here than in any of the other islands. While we were cruising off Hawaii two dwarfs came on board, one an old man 4 feet 2 inches high, but exactly proportioned, and the other a woman, nearly of the same height. We afterwards saw three natives, who were humpbacked, and a young man, born without hands or feet. Squinting is also very common among them; and a man, who they said had been born blind, was brought to us to be cured. Besides these particular imperfections they are in general very subject to boils and ulcers, which we attributed to the great quantity of salt which they eat with their flesh and fish. The Aliis are very free from these complaints."

* * * * * * *

"The chiefs exercise their power over one another in the most haughty and oppressive manner * * *."

"The people of these islands are manifestly divided into three classes; the first are the Aliis, or chiefs, of each district, one of whom is superior to the rest, and is called at Hawaii Alii—Taboo and Alii Moi. By the first of these words they express his absolute authority, and by the latter all are obliged to prostrate themselves (or put themselves to sleep, as the word signifies) in his presence. The second class are those who appear to enjoy a right of property without authority. The third class are the Towtows, or servants, who have neither rank nor property."

CHARACTER

"None of the inhabitants we ever met with before in any other island or country were so astonished as these people were upon entering a ship. Their eyes were incessantly roving from one object to another, and the wildness of their looks and features fully indicated their ignorance with respect to everything they saw, and strongly marked to us that they had never, until the present time, been visited by Europeans nor been acquainted with any of our commodities except iron."

They called iron koi or hamaiti, and "on asking them what iron was they immediately answered 'we do not know; you know what it is, and we only understand it as koi or hamaiti.'"

* * * * * * *

"They were in some respects naturally well bred, or at least fearful of giving offense, asking whether they should sit down, whether they might spit on the deck, etc., * * * at first they endeavored to steal everything or later to take it openly * * *."

* * * * * * *

"We met with less reserve and suspicion in our intercourse with the people of this island than we had ever experienced among any other tribe of savages. They frequently sent up into the ship the articles they meant to barter, and afterwards came in themselves to traffic on the quarter deck."

* * * * * * *

The Tahitians, whom we have so often visited, have not that confidence in our integrity. "Whence it may be inferred that those of Hawaii are more faithful in their dealings with each other * * *."

"It is but justice to observe that they never attempted to overreach us in exchanges nor to commit a single theft."

"* * * rather than dispose of them at an undervalue, would carry them to shore again."

"A large village is situated on this point (South Point of Hawaii), many of whose inhabitants thronged off to the ship with hogs and women."

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"These people merited our best commendations in their commercial intercourse, never once attempting to cheat us, whether ashore or alongside the ships." At first "* * * they thought, that they had a right to everything they could lay their hands upon; but they soon laid aside a conduct which we convinced them they could not persevere in with impunity."

Speaking of the guides that accompanied one of the ship's parties into the interior to obtain timber for repairs, "they bestowed high commendations on their guides, who not only supplied them with provisions but faithfully protected their tools."

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"* * * they rise with the sun, and after enjoying the cool of the evening retire to rest a few hours after sunset. The making of canoes and nets forms the occupation of the Alits; the women are employed in manufacturing cloth, and the Towtows are principally engaged in the plantations and fishing."

"* * * notwithstanding the irreparable loss we suffered from the sudden resentment and violence of these peoples, yet in justice to their general conduct it must be acknowledged that they are of the most mild and affectionate disposition, equally remote from the extreme levity and the fickleness of the Tahitians and the distant gravity and reserve of the inhabitants of the Friendly Islands. They appear to live in the utmost harmony and friendship with one another."

During certain parleys a chief came off and told us from the King "* * * that the body was carried up the country, but it should be brought to us the next morning. There appeared a great deal of sincerity in his manner, and being asked if he told a falsehood he locked his two forefingers together, which is understood amongst these islands as the sign of truth, in the use of which they are very scrupulous."

"Their natural capacity seems in no respect below the common standard of mankind." * * * "The eager curiosity with which they attended the armorers and the many expedients they had invented, even before we left the islands, for working iron they had procured from us into such forms as were best adapted to their purposes were strong proofs of docility and ingenuity."

TREATMENT OF WOMEN

"It must, however, be observed that they fall very short of the other islanders in that best test of civilization, the respect paid to their women. Here they are not only deprived of the privileges of eating with the men but the best sort of food is tabooed or forbidden them. They are not allowed to eat pork, turtle, several kinds of fish, and some species of the plantains; and we are told that a poor girl got a terrible beating for having eaten on board our ship, one of these interdicted articles. In their domestic life they appear to live almost by themselves, and though we did not observe any instance of personal ill treatment, yet it was evident they had little regard or attention paid them."

* * * * * * *

"The young women were no less kind and engaging; and till they found, notwithstanding our utmost endeavors to prevent it, that they had reason to repent of our acquaintance, attached themselves to us without the least reserve."

"In justice, however, to the sex, it must be observed that these ladies were probably all of the lower class of the people; for I am strongly inclined to believe that, excepting the few whose names are mentioned in the course of our narratives, we did not see any women of rank during our stay amongst them."

CARE OF CHILDREN

"It was pleasing to observe with what affection the women managed their infants, and with what alacrity the men contributed their assistance in such a tender office; thus distinguishing themselves from those savages who consider a wife and child as things rather necessary than desirable or worthy of their regard and esteem."

"The women who had children were remarkable for their tender and constant attention to them, and the men would often lend their assistance in those domestic offices with a willingness that does credit to their feelings."

HOSPITALITY

"He experienced great kindness and civility from the inhabitants in general, but the friendship shown by the priests was constant and unbounded."

At Kealakekua the "party on shore were daily supplied by them (priests) with hogs and vegetables, sufficient for our subsistence, and to spare; and canoes laden with provisions were as regularly sent off to the ships. Nothing was demanded in return, nor was the most distant hint ever given that any compensation was expected." * * * "we had, indeed, less reason to be satisfied with the behavior of the warrior chiefs than with that of the priests. In our intercourse with the former they were always sufficiently attentive to their own interests; * * * the priest who supplied the excursion party with everything is spoken of as follows: "His conduct on this occasion was so delicate and disinterested that even the people he employed were not permitted to accept of the smallest present."

"The great hospitality and kindness with which we were received by them has been already frequently remarked. The old people never failed to receive us with tears of joy; seemed highly gratified with being allowed to touch us, and were constantly making comparison as between themselves and us, with the strongest marks of humility."

GRATITUDE

After Captain Cook's death, and in the fighting that followed, several of the natives were shot in making their escape from the flames; and our people cut off the heads of two of them and brought them on board, and * * * at this time an elderly man was taken prisoner, bound, and sent on board in the same boat with the heads of his two countrymen. I never saw horror so strongly pictured as in the face of this man, nor so violent a transition to extravagant joy as when he was untied and told he might go away in safety. "He showed us he did not lack gratitude, as he frequently afterwards returned with presents of provisions and also did us other services."

GREETINGS

It is not improbable that this [fullness of the nose] may be the effect of their usual mode of saluting, "which is performed by pressing the ends of their noses together."

CEREMONIES

When Captain Cook first landed, "the very instant he stepped on shore the collective body of the natives fell flat on their faces, and remained in that very humble posture till by expressive signs I prevailed upon them to rise; they then brought a great many small pigs, which they presented me with plantain trees * * *."

"The 4th of February being fixed for our departure, Kalaniopuu invited Captain Cook and Mr. King to attend him on the 3d at Kaoo's residence. On our arrival there we saw large quantities of cloth scattered on the ground; abundance of red and yellow feathers fastened to the fibers of coconut husks; and plenty of hatchets and ironware, which had been received from us in barter. Not far from these was deposited an immense quantity of various kinds of vegetables, and at a little distance a large herd of hogs. We supposed at first that the whole was intended as a present for us, but we were informed by Kaireakeea that it was a tribute to the King from the inhabitants of that district. And we were no sooner seated than the bundles were brought and laid severally at Kaireakeea's feet, and the cloth, feathers, and iron were displayed before him. The King was perfectly satisfied with this mark of duty from his people, and selected about a third of the iron utensils, all of the feathers, and some pieces of cloth; he ordered them to be set aside by themselves, and the remainder of the cloth, hogs, vege-

tables, etc., were afterwards presented to Captain Cook and Mr. King. The value and magnitude of this present far exceeded anything that we had met with."

"Between 10 and 11 o'clock we saw a great number of people descending the hill which is over the beach in a kind of procession, each man carrying a sugar cane or two on his shoulders and breadfruit, taro, and plantains in his hand. They were preceded by two drummers, who, when they came to the waterside, sat down by a white flag and began to beat their drums, while those who had followed them advanced one by one and deposited the presents they had brought and retired in the same order. Soon after Eappo came in sight, in his long feather cloak, bearing something with great solemnity in his hands, and having placed himself on a rock, made signs for a boat to be sent him. Captain Clarke, conjecturing that he had brought the bones of Captain Cook, which proved to be the fact, went himself in the pinnace to receive them, and ordered me to attend him in the cutter. When we arrived at the beach Eappo came into the pinnace and delivered to the captain the bones, wrapped in a large quantity of fine new cloth and covered in a spotted cloak of black and white feathers. He afterwards attended us to the *Resolution*, but could not be prevailed upon to go on board, probably not choosing, from a sense of decency, to be present at the opening of the bundle."

FIGHTING

"Throughout all this group of islands, the villages for the most part are situated near the sea; and the adjacent ground is inclosed with stone walls about 3 feet high. These, we at first imagined, were intended for the division of property; but we now discovered that they served, probably were principally designed, for a defense against invasion. They consist of loose stone, and the inhabitants are very dexterous in shifting them, with great quickness, to such situations as the direction of the attack may require. In the sides of the mountain, which hangs over the bay, they have little holes or caves, of considerable depth, the entrance of which is secured by a fence of the same kind. From behind both these defenses the natives kept perpetually harassing our waterers with stones; * * *."

"* * * and the men were soon clad in their mats, and armed with spears and stones. One of the natives having provided himself with a stone and a long iron spike, advanced toward the captain flourishing his weapon in defiance and threatening to throw the stone. The captain requested him to desist; but the islander repeating his menace, he was highly provoked and fired a load of small shot at him. The man was shielded in his war mat, which the shot could not penetrate; his firing, therefore, served only to irritate and encourage them. Volleys of stones were thrown at the marines; and one of the Alits attempted the life of Mr. Phillips with his pahoa dagger; by not succeeding in the attempt, he received a blow from him with the butt end of his piece. Captain Cook immediately discharged his second barrel loaded with ball and killed one of the most violent of the assailants. A general attack with stones succeeded * * *. The natives, to our great astonishment, received our fire, with great firmness; and without giving time for the marines to charge again, they rushed in upon them with dreadful shouts and yells * * *."

"After the fighting * * * a small boat, manned by five of our midshipmen, pulled toward the shore where they saw the bodies without any signs of life, lying on the ground; but judging it dangerous * * * they returned to the ships, leaving them in possession of the islanders."

"* * * the men put on their war mats and armed themselves with long spears and daggers. We also observed that since morning, they had thrown up stone breastworks along the beach where Captain Cook had landed; * * * but as soon as we were in reach they began to throw stones at us with slings * * *."

"The bravery of one of these assailants well deserves to be mentioned. For, having returned to carry off his companion amidst the fire of our whole party, a wound which he received made him quit the body and retire; but in a few minutes he again appeared, but again wounded, he was obliged to retreat. At this moment I arrived at the Morae, and saw him return there the third time, bleeding and faint; and being informed of what had happened I forbade the soldiers to fire, and he was suffered to carry off his friend; which he was just able to perform, and then fell down himself and expired."

FLAG OF TRUCE

"* * * And went on with a small boat alone, with a white flag in my hand, which, by a general cry of joy from the natives, I had the satisfaction to find was instantly understood. The women immediately returned from the side of the hill, whither they had retired; the men threw off their mats, and all sat down together by the water side, extending their arms and inviting me to come on shore."

RELIGION

"The religion of these people resembles in most of its features that of the Society and Friendly Islands. * * * Their religious notions are derived from the same source."

"In a bay to the southward of Kealakekua a party of our gentlemen were conducted to a large house, in which they found the black figure of a man, resting on his fingers and toes, with his hand inclined backward, the limbs well formed and exactly proportioned, and the whole beautifully polished. This figure the natives called Maee, and round it were placed 13 others of rude and distorted shapes, which they said were the akuas of several deceased chiefs whose names they recounted. * * * They likewise gave a place in their houses to many ludicrous and some obscene idols like the Praipus of the ancients."

"The temples, idols, sacrifices, and sacred songs all were found similar to those of the Society and Friendly Islands. As to the taboo, the word 'taboo' implies laying restraint upon persons and things. Thus, they say the natives were tabooed, or the bay was tabooed, and so of the rest. This word is also used to express anything sacred or eminent or devoted. Thus the King of Owyhee was Alii Taboo, a human victim—Kanaka Taboo. * * * The women are said to be taboo when they are forbidden to eat certain kinds of meat."

VILLAGES

"Throughout all this group of islands the villages for the most part are situated near the sea, and the adjacent ground is inclosed with stone walls about 3 feet high."

"We passed several villages, some situated near the sea and others farther up country. * * * We saw no wood, but what was up in the interior, except a few trees about the villages, near which we could observe banana plantations and sugar-cane and spots that seemed cultivated for roots."

HOUSES

"The houses are scattered about without the least order. No fortifications. Some are large and commodious, from 40 to 50 feet in length and 20 or 30 feet in breadth. * * * They are well thatched with long grass, which is laid on slender poles. Their figure resembles that of hay stacks. * * * "The entrance is either made in the end or side, and is an oblong hole, extremely low; it is often shut up by a board of planks * * * which serves as a door. * * * No light enters the house except by this opening; and though such close habitations may be a comfortable place for retreat in bad weather, they seem ill adapted to the warm climate of the country. They are kept remarkably clean, and the floors are strewn with dried grass over which mats are spread to sit and sleep on." "* * * The method of living among these people was decent and cleanly." "They had an opportunity of observing the method of living amongst the natives, and it appeared to be decent and cleanly."

ANIMALS

"The only tame or domestic animals that could be found were hogs, dogs, and fowls, which were of the same kind we [illegible] at all the islands of the south Pacific."

"There were also small lizards and some rats, resembling those of every island which we had hitherto visited. The quadrupeds are confined to three sorts—dogs, hogs, and rats. The dogs are of the same species with those of Otaheiti, having short, crooked legs, long backs, and pricked ears. I did not observe any variety in them, except in their skins; some having long and rough hair, and others being quite smooth. They are about the size of a common turnspit; exceedingly sluggish, though perhaps this may be more owing to the manner in which they are treated than to any natural disposition. They are in general fed and left to herd with the hogs; for I do not recollect any instance in which a dog was made a companion in the manner we do in Europe. Indeed, however, the custom of eating them is an insuperable bar to their admission into society. * * * The number of dogs in these islands do not appear to be nearly equal in proportion to those in Otaheiti. But on the other hand, they abound much more in hogs; and the breed is of a larger and weightier kind."

"The birds of these islands are as beautiful as any we have seen during the voyage and are numerous, though not various." The report speaks of a large white pigeon.

"* * * fish and other products of the sea were, to appearance, not various."

FOOD

"The food of the lower class of people consists principally of fish and vegetables; such as yams, sweet potatoes, taro, plantains, sugar-cane, and bread fruit. To these the people of the higher rank add the flesh of hogs and dogs, dressed in the same manner as at the Society Islands. They also eat fowls of the same domestic kind with ours, but they are neither plentiful nor much esteemed by them. Their fish they salt and preserve in gourd shells, not as we at first imagined for the purpose of providing against any temporary scarcity but for the preference they give to salted meats—for we also found that the Aliis used to pickle pieces of pork in the same manner and esteemed it a great delicacy."

"Of animal food they appeared to be in no great want, as they have great numbers of hogs which run without restraint about the houses, 'and if they eat dogs, which is not altogether improbable, their stock of these deemed very considerable.' The quantities of fishing hooks found among them indicated that they procure a tolerable supply of animal food from the sea."

"They bake their vegetables with heated stones; '* * * and from the quantity which we saw dressed at one time we imagined that all the inhabitants of the village, or at least a considerable number of people,

joined in the use of a common oven.' * * * 'The only artificial dish we saw was a taro pudding which, though very sour, was devoured with avidity by the natives.' "

"They eat off a sort of wooden trencher, and, as far as we are enabled to judge from one instance, the women, if restrained from feeding at the same dish with the men, as is the custom at Tahiti, are at least allowed to eat in the same place near them.

"They are exceedingly cleanly at their meals, and their mode of dressing both their animal and vegetable foods was universally allowed to be greatly superior to ours. The chiefs constantly began their meals with a dose of the extract of pepper root. The women eat apart from the men and are tabooed or forbidden, as has already been mentioned, the use of pork, turtle, and particular kinds of plantains."

AWA

Bad effect amongst the Aliis was noticed from the use of awa.

"* * * by many of them still more dreadful effects from the immoderate use of the awa. Those who were the most affected by it had their bodies covered with a white scurf, their eyes red and inflamed, their limbs emaciated, the whole frame trembling and paralytic, accompanied with a disability to raise the head. Though this drug does not appear universally to shorten life, as was evident from the cases of Terreeaboo, Kaoo, and some other chiefs, who were very old men, yet it invariably brings on an early and decrepit old age. It is fortunate that the use of it is one of the peculiar privileges of the chiefs. The young son of Terreeaboo, who was about 12 years old, used to boast of his being admitted to drink awa, and showed us in great triumph a small spot on his side that was growing scaly."

"There is something very singular in the history of this pernicious drug. When Captain Cook first visited the Society Islands it was very little known among them. On his second voyage he found the use of it very prevalent at Ulietea; * * * At Kauai also it is used with great moderation and the chiefs are in consequence a much finer set of men there than in any of the neighboring islands. Our good friends, Kaireekeea and old Kaoo, were persuaded by us to refrain from it; and they recovered amazingly during the short time we afterwards remained in the islands."

ARTS

"In the different manufactures of these people there appears to be an extraordinary degree of ingenuity and neatness. The texture of Kapa is inferior to that of Tongatabu or Tahiti, but in coloring or staining it the inhabitants of Kauai displayed a superiority of taste * * *."

"Their colors, indeed, are not very bright, except the red; but the regularity of the figures and stripes is amazing; * * * pieces are generally 2 by 4 or 5 yards in length, some of them are sewed together. Mats are fabricated with designs. Mats * * * occasionally make a part of their dress; for, when they offered them to sell, they put them on their backs."

Dishes are made of the Kou trees, extremely neat and well polished. Their fans are made of wicker work. Fishing hooks are ingeniously made, some of bone, many of pearl shell, and others of wood, pointed with bone. "The elegant form and polish of which (fishhooks) could not be exceeded by any European artist."

"They polish their stones by constant friction with pumice stone in water; * * *." Their adzes were like those of the Society Islands. They have also small instruments composed of a single shark's tooth fixed to the forepart of a dog's jawbone or to a wooden handle.

The business of painting tapa belongs entirely to the women.

Their mats, whether we regard the strength, fineness, or beauty, they certainly excel the world.

Their fishing hooks * * * we found them, upon trial, much superior to our own.

"The gourds which grow to so enormous a size that some of them are capable of containing from 10 to 12 gallons are applied to all manner of domestic purposes; and in order to fit them the better to their respective uses, they have the ingenuity to give them different forms by tying bandages around them during their growth. Thus some of them are of a long cylindrical form as best adapted to contain their fishing tackle; provisions, their puddings, vegetables, etc., which two sorts have neat, close covers, made likewise of the gourd; others again are exactly the shape of a bottle with a long neck, and in these they keep their water. They have likewise a method of scoring them in a heated instrument so as to give them the appearance of being painted in a variety of neat and elegant forms."

DRESS

"The dress of the men consists only of a piece of thick cloth called the malo, about 10 or 12 inches broad, which they pass between the legs and tie around the waist. This is the common dress of all ranks of people. Their mats, some of which are beautifully manufactured, are of various sizes, but mostly about 5 feet long and 4 feet broad. These they throw over their shoulders and bring forward before; but they are seldom used except in time of war, for which purpose they seem better adapted than for ordinary use, being of a thick and cumbersome texture and capable of breaking the blow of a stone or any blunt weapon. Their feet are generally bare, except when they have occasion to travel over the burnt stones, when they secure them with a sort of sandal made of cords twisted from the fibers of the coconut. Such is the ordinary dress of these islanders; but they have another appropriate for their chiefs and used on ceremonious occasions, consisting of a feather cloak and helmet, which, in point of beauty and magnificence, is perhaps equal to that of any nation in the world. Their cloaks are made of different lengths in proportion to the rank of the wearer, some of them reaching no lower than the middle, others trailing on the ground. The inferior chiefs wear also a short cloak resembling the former, made of the long tail feathers of the cock, the tropic and man-of-war birds, with a broad border of the small red and yellow feathers and a collar of the same."

"These feathered dresses seemed to be exceedingly scarce, being appropriated to persons of the highest rank, and worn by the men only."

"The common dress of the women bears a close resemblance of that of the men. They wrap round the waist a piece of cloth that reaches half way down the thigh, and sometimes in the course of the evening they appeared with loose pieces of fine cloth thrown over their shoulders like the women of Otaheiti. The Pa'u is another dress frequently worn by the younger part of the sex. It is made of the thinnest and finest sort of cloth wrapped several times round the waist and descending to the legs so as to have the appearance of a full short petticoat." Speaking of the feather capes, they say, "* * * even in countries where dress is more particular, might be recognized elegant." They are compared with the thickest and richest velvet. The natives would not at first part with them for anything we offered, asking no less a price than a musket. However, some were afterwards purchased for very large nails.

ORNAMENTS

"Both sexes wear necklaces made of strings of small variegated shells; and an ornament in the form of a handle of a cup, about two inches long and one-half inch broad, made of wood, stone, or ivory, finely polished, which is hung about the hair with fine threads of twisted hair, doubled sometimes a hundredfold. Instead of this ornament some of them wear on their breast a small human figure made of bone suspended in the same manner."

"Their necklaces are made of shells, or of a hard, shining red berry. Besides which they wear wreaths of dried flowers of the India Mallows, another beautiful ornament called the lei, which is generally put about the neck, but is sometimes tied like a garland around the hair, and sometimes worn in both these ways at once. It is a ruff of the thickness of the finger, made in a curious manner of exceedingly small feathers, woven so close together as to form a surface as smooth as that of the richest velvet. The ground was generally of a red color with alternate circles of green, yellow, and black."

"At Kauai some of the women wore little figures of the turtle, neatly formed of wood or ivory, tied on their fingers in the manner we wear rings."

MUSIC

"Their music is of a rude kind, having neither figures nor reeds nor instruments of any other sort that we saw, except drums of various sizes. But their songs, which they sung in parts, and accompanied with a gentle motion of the arms in the same manner as the Friendly Islander, had a very pleasing effect."

GAMES

"They have a game much like our draughts * * * it is much more intricate.

"Besides these games, they frequently amuse themselves with racing matches between the boys and girls; and here again they wager with great spirit."

"Swimming is not only a necessary art, in which both the men and women are more expert than any people we had hitherto seen, but a favorite diversion amongst them * * *. The surf, which breaks on the coast along the bay, extends to the distance of about 150 yards from the shore, within which space the surges of the sea, accumulating from the shallowness of the water, are dashed against the beach with prodigious violence. Whenever * * * the surf is increased into its utmost height, they choose that time for this amusement, which is performed in the following manner: 20 or 30 of the natives, taking each a narrow board rounded at the ends, set out together from the shore. * * * As soon as they have gained by these repeated efforts the smooth water beyond the surf they lay themselves at length on their board and prepare for their return. As the surf consists of a number of waves, of which every third is remarked to be always much larger than the others and to flow higher on shore, the rest breaking in the intermediate space, their object is to place themselves on the summit of the largest surf, by which they are driven along with amazing rapidity toward the shore * * *. Those who succeed in their object of reaching the shore have still the greatest danger to encounter. The coast being guarded by a chain of rocks, with here and there a small opening between them, they are obliged to steer their boards through one of these, or, in case of failure, to quit it before they reach the rocks, and, plunging under the waves, make the best of it back

again * * *. The boldness and address with which we saw them perform these difficult and dangerous maneuvers was altogether astonishing and is scarcely to be credited."

TATTOOING

"The custom of tattooing the body they have in common with the rest of the natives of the South Sea Islands; but it is only at New Zealand and the Sandwich Islands that they tattoo the face. They have a peculiar custom amongst them, the meaning of which we could never learn, that of tattooing the tip of the tongues of the females."

CANOES

All canoes were about 24 feet long, the bottom of a single piece, hollowed out to the thickness of an inch or more, pointed at each end. They seldom exceed a foot and a half in breadth. Those that go single have outriggers which are shaped and fitted with more judgment than any we had before seen. Some are double. Some use a triangular sail, extended to a mast and boom. The ropes are strong and neatly made.

SOME QUESTIONS WITH RESPECT TO CANNIBALISM

"We first tried by many indirect questions, put to each of them apart, to learn in what manner the rest of the bodies had been disposed of, and finding them very constant in one story—that after the flesh had been cut off it was all burned—we at last put the direct question whether they had not eaten some of it. They immediately showed as much horror at the idea as any European would have done, and asked, very naturally, if that was the custom amongst us?"

"These two circumstances considered, it was extremely difficult to draw any certain conclusion from the actions of a people with whose language and customs we were so imperfectly acquainted."

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 40 minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GARBER. Mr. Chairman and members of the committee, quite recently I had occasion to address the committee upon the transportation conditions throughout the country, ultimately for the purpose of considering the adequacy of the machinery essential to administration. It is my purpose to approach the consideration of this question with that degree of deliberation essential to the development of constructive relief. Interruptions are invited from any member of the committee which are of a helpful character and which have for their purpose that degree of assistance and constructive thought which the conditions require.

In that brief presentation I called attention to the inadequacy of the machinery of the commission by quoting the criticism of the President of the United States.

As a background for the criticism of the people of the United States we cite the demands of the various organizations representing them.

The Joint Congressional Commission on Agricultural Inquiry in 1921 said:

The transportation rates on many commodities, more especially the products of agriculture, bear a disproportionate relation to the prices of such commodities; there should be immediate reductions in transportation rates applied to farm products and other basic commodities; greater consideration should be given in the future by public rate-making authorities and by the railroads in making of transportation rates to the relative value of commodities and existing and prospective economic conditions. The pyramided per cent advances in rates which have been authorized by the Interstate Commerce Commission or made by the United States Railroad Administration caused the dislocation of long-standing relationships between rates upon agricultural and industrial products, between competitive enterprises and competitive sections of the country.

The United States Chamber of Commerce, November 14, 1923, after lengthy investigation, reported:

It can not be claimed that the railroad freight-rate structure of the United States has ever been organized on a scientific basis, or that it has ever been systematically revised with the purpose of eliminating disparities. The great economic changes incident to and resulting from the war have created additional disparities resulting from horizontal rate changes, from the dislocation of relative price levels, and from increases in labor costs and terminal expenses which have borne with greater weight on some classes of traffic than others. This situation renders a readjustment of relative freight rates of great immediate importance.

The preliminary report of the agricultural conference, January 28, 1925, states:

By reason of the horizontal changes in freight rates during recent years and of greater depression of agricultural products than those of other products during the same period, the raw products of agriculture are now bearing a relatively excessive cost for transportation. * * * The conference does wish to emphasize at this time its conviction that while adequate service is essential, the welfare of agriculture also demands an early and thorough revision of the freight-rate structure to relieve the raw products of agriculture and livestock from their disproportionate share of transportation costs.

In his message of December, 1923, President Coolidge said:

Competent authorities now agree that an entire reorganization of the rate structure for freight is necessary. This should be ordered at once by the Congress.

In speaking of agriculture, he said:

Indirectly the farmer must be relieved by a reduction of national and local taxation. He must be assisted by the reorganization of the freight-rate structure, which could reduce charges on his production.

In his testimony before the House Interstate and Foreign Commerce Committee on the effect of the horizontal increases in dislocating the rate structure and increasing the burdens upon the basic farm products, Commissioner Esch, then chairman of the commission, said:

Horizontal increases resulted in maladjustments because the same percentage of increase applied to the low as well as to the high-priced articles, and the lower-priced articles were less able to sustain that increase than were the high-priced articles. * * * I think that these maladjustments due to horizontal increases have been mitigated to the extent of the 10 per cent horizontal reduction which was made July 1, 1922.

From the very inception of these demands for a reorganization of the rate structure the commission was clothed with initiatory power to revise and readjust rates on its own motion. In fact, Congress made it mandatory on the commission to relieve the commerce of such inequitable conditions.

Section 15 (1) as amended by the transportation act of 1920 provides:

That whenever, after full hearing, upon a complaint made as provided in section 13 of this act, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this act for the transportation of persons or property or for the transmission of messages as defined in the first section of this act, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this act, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, the commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged—

And so forth. Paragraph 3 of the same section provides:

The commission may, and it shall whenever deemed by it necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated; and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line.

Paragraph 2 of section 15 A provides:

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

Thus we see that the failure and neglect of the commission to act was not caused by a lack of authority or the neglect of Congress. In fact, Congress said that the commission "shall initiate, modify, establish, or adjust such rates." Yet in the face of repeated demands it failed to act. Its failure became so marked that President Coolidge, in his message to Congress in 1923, said:

Competent authorities now agree that an entire reorganization of the rate structure for freight is necessary. This should be ordered at once by the Congress.

In his message of 1924 he said:

Indirectly the farmer must be relieved by a reduction of national and local taxation. He must be assisted by the reorganization of the freight rate structure, which could reduce charges on his production.

Its continued neglect to act prompted Congress to enact an additional mandate to the commission in 1925 as an emergency measure to reduce the charges against farm products and relieve agriculture. At that time the farmers of the country were in sore and desperate straits. They needed every encouragement and assistance possible. The prices of farm products were low and the rates were extremely high, so high as to absorb all the profits from their production. Here was a method of relief approved by all the farm conferences, the national commerce organization, the President of the United States, and the Congress. And yet more than four years have elapsed without any compliance with the demands of the country and the Congress. It shows such an imperviousness to public sentiment and the imperative needs of agriculture as to prompt the inquiry at once as to its competency to administer.

It is an independent commission. It has no driving head. It is lacking in systematic organization essential to concentration and driving power sufficient to get results. The annual election of a president for one year only, in order that the honor may be passed around among its membership, completely divests it of a driving force at the head essential to the adoption of a policy and the concentration of organized systematic effort for the administration essential for the equitable apportionment of the charges against commerce. Centralized here in Washington, its members move and live and have their being in a railroad atmosphere. Railroad lawyers are constantly before it with their contentions and their arguments and representations. The voice of the country is seldom heard. The breath of the country atmosphere rarely permeates it. Instead of acting as an administrative body for the people, to administer for the people as Congress created it, it now acts as a court, assumes a judicial attitude, and requires the unorganized public to bring cases to it for its disposition.

Confirmatory of this attitude is the testimony given before the House Interstate and Foreign Commerce Committee by W. V. Hardie, Director of the Bureau of Traffic of the Interstate Commerce Commission, who has been such since the organization of the bureau in 1920. In reply to an inquiry as to what an investigation of the rate structure would reveal, he said:

Well, there are, of course, a great many maladjustments of rates as between points. I consider those of much more importance than those between commodities. For example, you will find such discrepancies as one fellow paying 50 per cent more for the same service right in the same territory. Those have been found in this investigation in southern territory which has just been in progress and where the commission is trying to lay down a new plan of rates there that will remove those discrepancies.

In his testimony before the House Interstate and Foreign Commerce Committee, Mr. Hardie said:

Of course, I want to point out that the commission to some extent is, or at least considers itself to be, in the same category as a court. The court may know of a great many evils and things that are extant, but it, to a large measure, considers those that are brought before it in the form of suits, and to a considerable extent that is the way the commission has felt that Congress intended it to function under the interstate commerce act—that anybody who felt that the rates were unreasonable or otherwise in violation of that law was given a court to come to and present his troubles and try to have them corrected, and the commission has been dealing with approximately 1,100 formal cases, as well as a great many others that are adjusted through negotiation—that is my specialty to do that—the commission has been dealing with those as people have complained about them, and naturally it has felt, and, I think, with a good deal of justice, that the ones the people complain about are the ones that must be hurting the worst. Those are the ones we have been directing our attention to primarily.

The discussion through interruptions developed great inconsistencies in the rate structure inconceivable, incomprehensible, unexplainable, inexcusable, and indefensible. It was not my purpose to go into the rates at that time, because I thought the evidence was so overwhelming as to the vicious discriminations filling the rate structure that it needed no authority to be cited or evidence to be adduced to show what everyone concedes and the imperative necessity for reorganization. The ultimate purpose of the presentation was to present a plan to create adequate machinery so as to afford one of the major remedies to assist the farmers of this country.

Farm relief involves not less than three major remedies, viz: First, the preservation of our home markets for our home farmers and the exclusion of foreign products; second, the stabilization of prices of farm products through orderly marketing; and third, a reorganization of the freight-rate structure for the purpose of opening the roads not only to our domestic markets but to the markets of the world where our exportable surpluses must be disposed of. In all of the controversy and in all of the discussion of the farm problem during the last four years this phase of the question has not been presented, viz, the relationship of transportation to the sale of our exportable surpluses in the foreign market. How to dispose of the exportable surpluses of the major farm products in the most economical way with the least loss and the greatest profit, and thus protect the domestic price against the depressing influences of the world price is the most important and difficult factor in the solution of what is called the farm problem.

As a major premise for pursuing that investigation you will have to admit, first, that one of the essential steps in the solution of this proposition is open roads to the markets or roads that are as open to our farmers as they are to the farmers of any competitive country. [Applause.] The farmers of the Middle West and Southwest are under this handicap, a handicap or disadvantage of 7.3 per cent per bushel on wheat going into the markets of Liverpool, and all other exportable surpluses are under the same handicap in the same proportion. How can you expect the American farmer to compete with his competitors in Canada, in the Argentine, in Australia, and in India with the disadvantage of 7.3 per cent per bushel greater transportation costs to the world's market?

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. Has the gentleman comparative figures as to the distance they haul wheat in Canada for the same price that they haul wheat in the United States?

Mr. GARBER. I have such figures, and I will be glad to insert them in the RECORD. The inquiry is very material and pertinent in the consideration of this question and shows the keen appreciation of the gentleman from Oklahoma. The cost of transportation in Canada is at least 50 per cent less than it is in the United States for the same products.

Mr. McKEOWN. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman.

Mr. McKEOWN. Is there any difference in the freight rate as to wheat transported from Canada through the United States as compared with wheat raised in the United States?

Mr. GARBER. The Canadian wheat only finds a market in the United States, practically, for milling-in-bond purposes. Our 42-cent tariff on wheat is sufficient to protect us against Canadian competition.

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. All the Canadian wheat that comes into this country is not milled in bond. Much of it goes into domestic flour on account of its high protein content.

Mr. GARBER. Is that after paying the tariff of 42 cents a bushel?

Mr. KNUTSON. I think so.

Mr. GARBER. Then we ought to raise the tariff on wheat. My investigation of the question was not sufficiently in detail to reach that conclusion, but it was sufficient to reach the conclusion that the major portion of Canadian wheat in this country is for milling-in-bond purposes and is then sent on its way to Cuba to take advantage of our preferential market there.

Mr. KNUTSON. Is it not a fact, if the gentleman will yield further, that Canadian wheat milled in bond in the United States has practically displaced in the Cuban market flour made from American wheat?

Mr. GARBER. Yes; absolutely; in the Cuban market. We have purchased our preferential market in Cuba, how? By giving them a preferential in our market, and the milling in bond of Canadian wheat is taking advantage of our preferential market in Cuba because it is admitted there upon the same terms, and as a consequence, as the gentleman has just said, it is displacing 40,000,000 bushels of wheat annually produced by our farmers which could be sold in the form of flour in our preferential market in Cuba.

How shall we proceed to reduce the cost of transportation so as to put our farmers upon an equality in the Liverpool market with the farmers of Canada, Argentina, Australia, and India for cotton as well as wheat? You members of the committee know just as well as I do there is only one way, and that is to reduce the charges on the transportation of the major farm products.

Mr. HASTINGS. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman.

Mr. HASTINGS. Before we get away from this matter of bringing wheat in from Canada and milling it in bond and then exporting it to Cuba, I wonder if the gentleman himself has detailed information as to whether the preferential right to export wheat to Cuba is given to the Canadian wheat milled in bond in the United States?

Mr. KNUTSON. Yes.

Mr. GARBER. That is the interpretation of our treaty and laws by Cuba, and it is being admitted into that market.

Mr. HASTINGS. The general import duty on wheat is 42 cents a bushel, but on wheat milled in bond, what do they pay?

Mr. KNUTSON. Nothing.

Mr. GARBER. Nothing.

Mr. HASTINGS. Then, as I understand, they get around the import duty by bringing it over here and milling it in bond, as you call it, and then exporting it to Cuba?

Mr. GARBER. Yes.

Mr. KNUTSON. If I may interrupt a moment—and Canadian wheat, milled in the United States in bond, goes into Cuba exactly on the same footing as flour made from American wheat.

Mr. HASTINGS. Just one more question. My recollection from looking it up the other day is that we imported about 18,500,000 bushels of wheat from Canada and we exported a little more than 37,000,000 bushels. I want to know if this wheat that is milled in bond is included in this report of the amount imported, namely, a little more than 18,500,000 bushels.

Mr. GARBER. I think not; no.

Mr. HASTINGS. You think it is not included?

Mr. GARBER. I think not.

Mr. HASTINGS. Then the wheat that is milled in bond is in addition?

Mr. GARBER. That is in addition and is separate and apart from that to which the gentleman refers.

Mr. KNUTSON. The 18,000,000 bushels is imported for domestic use on account of its high protein content.

Mr. GARBER. At the request of farm organizations and milling organizations, I introduced a bill to amend our present tariff laws so as to give the producers of wheat in this country our preferential market in Cuba, to which they are entitled and for which we have paid in giving sugar a preferential rate into this country from Cuba.

Mr. McKEOWN. Will the gentleman yield for a question there?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. McKEOWN. The traveling public who have been so much interested in the repeal of the Pullman surcharges, which amount to some $35,000,000 a year, have been told that the reason they can get no relief is because the rates are to be reduced on the products of the farmers. Does the gentleman know anything about that proposition?

Mr. GARBER. I realize and appreciate and recall, since the gentleman has suggested it, that that has been a controversial question in Congress and in the country for several years; and the roads take the position that if they have to reduce the Pullman surcharges they will be unable to reduce rates. Is not that correct?

Mr. McKEOWN. Yes.

Mr. GARBER. I think before I get through with this hurried presentation I will be able to show every member of this committee that the roads in the Middle West and Southwest could easily reduce their rates on farm products more than 7.3 per cent and still enjoy a net per cent exceeding the 5¾ per cent allowed by law; and if I prove to you that the roads would be able to do this, then what objection could anyone have to a reduction of the rates on farm products to the Gulf ports for export in order to put our farmers upon an equality with competing farmers in the markets of the world?

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Following out the statement of the gentleman, is it not a fact that several of the northwestern roads made application to the Interstate Commerce Commission for permission to reduce the rates on farm products and were refused such permission?

Mr. GARBER. I think that is the case in several instances; but, mind you, the rates in Minnesota are the most favorable on farm products of any State in the Union. The rates in the Middle West and the Southwest are 60 per cent higher on farm products than the rates in Minnesota, and they are in the same rate-making district. Give us the Minnesota rates and we will be able to put farm products in Liverpool on an equality with every other country in the world. That is all we are asking for.

Now, in order that we may properly appreciate the importance of the equality of rates to the Liverpool market, I want to read you a short excerpt from a speech delivered by the Secretary of Commerce at that time, now the President elect——

Mr. CONNALLY of Texas. What is the gentleman's name? [Laughter.]

Mr. GARBER. It seems to me that the results of the late election disclosed a wide acquaintance throughout the country with the President elect. [Applause.]

Here is what he said, and I read it for the purpose of showing the mental grasp that he has on the farm problems and that his analysis is not of a hazy, indefinite, uncertain character.

Mr. HASTINGS. Will the gentleman yield for a question?

Mr. GARBER. I will yield to the gentleman from Oklahoma.

Mr. HASTINGS. My colleague has made a startling statement, and I am sure that it must be correct; but I want to emphasize it by asking this question: The gentleman says that the rates on farm products in Minnesota are 60 per cent less per ton-mile for farm products than anywhere throughout the Southwest.

Mr. GARBER. Yes; I made that statement.

Mr. KNUTSON. May I interrupt the gentleman? Is it not a fact that when Minnesota products cross the State line they become interstate and subject to interstate rates? We do not have any better interstate rates than any other section. The gentleman is talking about intrastate rates.

Mr. GARBER. Yes; in Minnesota, for 50 miles, 100 pounds, the rate is 8 cents; Kansas, 10 cents; Oklahoma and Texas, 11 cents. In Minnesota, 100 miles, the scale is 12 cents; Kansas, 13 cents; Oklahoma, 15 cents. In Minnesota, 500 miles, 19½ cents; Oklahoma and Texas, 33 cents.

Mr. JONES. What does the gentleman say the scale is in Texas?

Mr. GARBER. For 500 miles, the Minnesota rate for 100 pounds is 19½ cents; Kansas, 24½ cents; Oklahoma and Texas, 33 cents.

Mr. HUDSPETH. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman.

Mr. HUDSPETH. The gentleman has given considerable study to the rate question, and I have enjoyed his statement. The question was asked a few minutes ago about this surcharge. Six years ago when we had this matter of repealing the Pullman surcharge up I voted against it, on the ground that if we did not repeal it the freight rates would be reduced. To-day, on a shipment of cattle for a distance of 200 miles the rate is three times what it was 10 years ago. Does the gentleman know of any effort having been made to reduce freight rates since the time that we took up the matter of repealing the surcharge on Pullman fares? The claim was made at that time—and I had petitions from farmers asking that it be not repealed—that if we did not repeal it the freight rates would be reduced. Has there been any effort made to reduce freight rates?

Mr. GARBER. That opens up a big field for discussion.

Mr. HUDSPETH. I have petitions from farmers now coming in asking that we do not repeal the surcharge so that they may get a reduction of freight rates.

Mr. RAYBURN. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Texas.

Mr. RAYBURN. I want to say that I engaged in the argument against the repealing of the surcharge, but it was not on the theory that there would be a reduction of freight rates. It was made on the theory that if we did repeal the surcharge it would increase freight rates.

Mr. HUDSPETH. I take issue with my colleague; I have petitions on my desk saying that if we did not repeal the surcharge that the freight rates would be reduced.

Mr. RAYBURN. I was talking about the argument a few years ago.

Mr. HUDSPETH. That was made at that time to me by farm organizations, and that caused me to change my vote. I intended to vote to repeal it, but I voted against repealing it.

Mr. GARBER. I think it may be fair to state that the argument was used and presented to every Member of the House.

Mr. JONES. I call the gentleman's attention in that connection to the fact that just about that time we passed the so-called Hoch resolution, which directed the Interstate Commerce Commission to investigate the question of reducing those rates. The argument was made frequently that we could not expect favorable action on the Hoch resolution to reduce rates on farm products if we repealed the Pullman surcharge.

Mr. GARBER. I think the gentleman is correct, that a fair statement of the proposition is that the argument was used that if we reduced the Pullman surcharge it would at least minimize

our chances of securing a reorganization of the rate structure on farm products to such a degree as to almost prevent it.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GARBER. Yes.

Mr. HOWARD of Oklahoma. The gentleman started a while ago to tell us about a bill that he introduced, and the effects of it. Will the gentleman take time now to tell us of that bill and the present status of it?

Mr. GARBER. It was not my purpose to call attention to that measure; but just briefly and hurriedly, in passing, the bill prohibits Canadian or any other imported wheat milled in bond from receiving the preferential duties in Cuba. In other words, it recognizes that our preferential treaty with Cuba was purchased by us through additional cost to all of the consumers of sugar in this country and that we are entitled to that market, our farmers are entitled to it.

Mr. HOWARD of Oklahoma. Will the gentleman explain the status of his bill and whether there is opportunity to pass it or not?

Mr. GARBER. The bill has been referred to the House Committee on Ways and Means, and from the wide response received throughout the entire West and Southwest I believe that it will receive favorable consideration from the committee at the proper time. When enacted, it will insure to our wheat growers an additional home market for about 40,000,000 bushels of wheat, and that will help solve the problem in farm relief of the exportable surplus. What did the President elect say when he was Secretary of Commerce in regard to the exportable surplus? I read from his speech:

I can possibly make this problem of economic shifts more clear by example. A great part of agriculture which competes with our farmers lies to a considerable degree in Argentina, Australia, eastern Europe, and India. Those agricultural areas are all nearer seaboard and their ocean rates to the common markets remain the same as pre-war, while our rail rates to seaboard on wheat, for instance, have increased about 8 to 18 cents per bushel.

Therefore foreign farmers reach European markets at a less cost in proportion to pre-war than can our mid-west American farmer. In actual figures the competing farmers from the Argentine, for instance, have felt an increase in rates of only 2 cents per bushel.

I believe there is general agreement that the cost of transportation is a deduction from the price the farmer receives at the world's markets—and, besides that, the price at which he realizes his surplus in foreign and seaboard markets makes the price of his whole product at home so that the effect of increased transportation rates to these markets is far greater than the bare amount as applied to exports only.

It is an enormous sum when applied to our crops, and is one of the contributing causes of the farmer's postwar difficulties.

You see the mental grasp of the proposition exhibited by our President elect that it not only has to do with the price of the exportable surplus disposed of but reflects back to the domestic market and depresses the price of the whole crop. That is the proposition, and that is what he lays down in this speech from which I am quoting.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. GARBER. The gentleman from Minnesota is recognized for his thorough knowledge of farm questions and his high ability as a member of this committee. I gladly yield.

Mr. KNUTSON. It is generally agreed that we are selling our wheat now at the world markets, and will continue to do so as long as we have a surplus. With the completion of the Hudson Bay Railroad, we may look for a further reduction in the world market price for wheat. Does not the gentleman think that the enormous amount of wheat being brought from western Canada nearer to the seaboard will have that effect?

Mr. GARBER. Yes.

Mr. KNUTSON. And the building of the new railroad up there will work further injury on our wheat farmers.

Mr. GARBER. The gentleman is right. So that the necessity for a reduction of the charge against farm products becomes imperatively necessary to enable our farmers to sell their surplus products in the world's markets in competition with the increased production.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GARBER. Yes.

Mr. MORGAN. From the standpoint of transportation for export, there is not much prospect of any relief to the farmer except through the development of the St. Lawrence waterway, is there?

Mr. GARBER. In view of the interminable and inexcusable delay, almost to the extent of refusing to administer, I am willing to say that the gentleman is right in his suggestion.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GARBER. Yes.

Mr. HOWARD of Oklahoma. Along the line of the suggestion made by the gentleman about the development of the St. Lawrence waterway, does not the gentleman's statement take into the farm-relief matter the development of our inland waterways?

Mr. GARBER. I do; but it is going to take 25 years to materialize on the inland-waterway situation.

Mr. HOWARD of Oklahoma. I spoke of the St. Lawrence waterway.

Mr. GARBER. The gentleman from Oklahoma is right. We favor the program, but it is a long-time one. The farmers have waited now for a period of seven years for a reorganization of the rate structure, which every authority has said was imperative and necessary.

Mr. MORGAN. Will the gentleman yield again?

Mr. GARBER. I will.

Mr. MORGAN. Is it possible to reduce the rate structure in favor of agriculture without preferential rates?

Mr. GARBER. Yes. I will answer the gentleman's question right now. The reason is this: In 1920 there was imposed upon the commerce of the country horizontal increases on an average of 33⅓ per cent, and those increases fell with crushing effect on farm products, because the major farm products move in carload commodity lots with the long haul, so that the increase was just as great upon a bushel of wheat selling for $1 as it was upon a silk gown selling for $50. That is why we say that the rate structure should be reorganized, that it was dislocated by these horizontal increases which so inequitably increased the transportation burdens against farm products.

Mr. MORGAN. The benefits farmers could receive out of the readjustment of the rate structure will be principally on the export business.

Mr. GARBER. No; not necessarily.

Mr. KNUTSON. On interstate business.

Mr. GARBER. The major benefit of the reduction of the rate upon the export surplus in the Liverpool market to an equality with that of the producers of other countries will be to secure to our farmers the full benefits of protection in the domestic market.

Mr. ALLEN. Will the gentleman yield?

Mr. GARBER. I will.

Mr. ALLEN. I desire to ask this question with reference to this very important subject which the gentleman has so well presented this morning.

Mr. GARBER. I thank the gentleman.

Mr. ALLEN. What is the attitude of our Interstate Commerce Commission that has cost this Government so many millions of dollars and is considered an important arm of our Government? Can the gentleman give us a little information along that line?

Mr. GARBER. I shall be very glad, indeed, to address myself to the very pertinent question of the gentleman from Illinois. In face of the repeated demands for a reorganization of the rate structure for freight to reduce the charges against farm products, the delay of the commission for a period of six years in affording the farmers such relief can only be construed as an attitude of indifference to their needs. In the five years' delay since President Coolidge called its attention to the necessity of relieving farm products from the burdens of horizontal increases, and since the four years has elapsed since Congress, by special mandate, ordered the commission to act, the lack of administration by the commission, either from its indifference or inadequacy of machinery, clearly appears.

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER. I will.

Mr. KNUTSON. Carrying the thought expressed by the gentleman from Illinois, is it not a fact that the Interstate Commerce Commission has invariably refused the requests made by railroads for a reduction of rates—for instance, coal from the southeastern territory and wheat from the northwestern territory?

Mr. GARBER. That may be true. But you must recognize that the commission must have the right and power to fix minimum rates as well as maximum rates in order to preserve a rate level equitable to every section of the country.

Mr. KNUTSON. The thought is that the commission, on the whole, has not been favorable to the reduction of rates.

Mr. GARBER. It required less than six months to impose the horizontal increases to help the roads; more than six years have elapsed without material reductions to help the farmers.

Mr. MORGAN. Did the gentleman read in the press this morning of waterways as one of the five propositions for legislation which the President elect mentions? Do you agree with him as to the waterways?

Mr. GARBER. Yes; as a material number on a long-time program.

Mr. MORGAN. Waterways as one of the main benefits we will derive from the readjustment of rates? I mean the inland and St. Lawrence waterways.

Mr. GARBER. That is a long-time program for agriculture. We must have assistance in the disposition of the exportable farm surplus now.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield.

Mr. ALLEN. You have in mind a remedy for the present?

Mr. GARBER. Yes; a remedy for the present; and God knows the farmers of this country, after waiting for seven or eight years, are entitled to it. [Applause.]

Mr. MORGAN. Mr. Chairman, will the gentleman yield again?

Mr. GARBER. Yes.

Mr. MORGAN. I came in late and did not hear all the gentleman's remarks. Has the gentleman dealt with this question of a specific remedy in the readjustment of the rate structure?

Mr. GARBER. I am just about to present such remedy.

Mr. MORGAN. What does the gentleman propose as an immediate means of relief?

Mr. GARBER. The present system is wrong. It is a makeshift. It is exercising legislative power never delegated by Congress. It is not giving the people the quality of service demanded. The examiners may be good fellows, alright, but there is a vast difference between good fellows and good judges.

The system is not representative, responsible, nor efficient in the public interest. It is too slow, tortuous, painful, costly, unwieldy, and cumbersome, trailing along too far behind in its administration to afford relief when needed anywhere, any time during this generation or the next. Its service is of value only to those interested in the preservation of existing conditions. It is doing that work well.

The power to fix rates is equivalent to the power to tax the rail commerce of the country. Rates on commerce determine its flow; they determine the amount of profit or loss to the producer, whether an industry or section of country shall flourish or languish, shall prosper or perish.

With a commission exercising the power to levy this tax, every section of the country is entitled to have its equal representation on its membership. The law should be amended so as—

(a) To require the President in all future appointments to fill vacancies on the commission with due regard for such representation.

(b) To effect a reorganization of the commission. Its administration should be decentralized. Its membership of 11 is too large to act collectively. The commission should redelegate its power to any individual member subject to review on appeal by a division of five members.

(c) To require the commission, through one of its members, to hold annual sessions at convenient places in each of the four group rate-making districts of the country.

With the power of the commission thus delegated and exercised by one of its members, the holding of such annual sessions would provide a convenient tribunal for the hearing of complaints and their prompt disposition for the people of every section of the country. Instead of compelling litigants to come to Washington, it would provide an agency in their midst for their convenience. Such procedure would require a commissioner to hear the evidence in person and supervise the proceedings so as to bring into the record all the evidence of which the case was susceptible. It would provide the process of the elimination of cases through appeal, the same as we now have in civil procedure, and relieve the congestion in the appellate division at Washington. It would more than double the efficiency of the commission. It would be representative and more satisfactory to the people. It would restore their confidence in its sincerity and efficiency. In time it would enable the appellate division to currently administer its duties as the Supreme Court now administers and enjoy in equal degree the confidence, the respect, and appreciation of the country.

Mr. MORGAN. That is outside the realm of the Interstate Commerce Commission.

Mr. GARBER. No; it would not be. Commissioner Esch, in his testimony before the House Committee on Interstate and Foreign Commerce, said that the horizontal increases dislocated the rate structure and put the burden on agricultural products. I want to read to you what Secretary Hoover said on that question. Secretary Hoover said, in substance:

It tore our rate structure to pieces.

I read from his testimony, given before the House Committee on Interstate and Foreign Commerce:

The net result is that we have entirely torn our rate structure to pieces in this country by virtue of what we have done in the last eight years.

He further says that it is a "hodgepodge." There is no consistency in it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARBER. I ask for additional time.

Mr. WELSH of Pennsylvania. How much more time would the gentleman like to have to complete his argument?

Mr. GARBER. Twenty minutes.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 20 additional minutes to the gentleman from Oklahoma.

Mr. GARBER. I thank the gentleman from Pennsylvania for his courtesy.

The rate structure is made up of rates, made by whom? Why, by the railroads in the competitive days when they fixed the rates and took the rebates and the refunds and fixed their preferentials and differentials and their discriminations and exercised such authority so oppressively and arbitrarily that they shocked the people of the country into action which resulted in wresting the control of rate making from the roads. There has never been a reorganization of the rate structure.

Mr. McKEOWN. Mr. Chairman, will my colleague yield?

Mr. GARBER. Yes.

Mr. McKEOWN. Before the gentleman goes into that, I want to ask him a question for information. Can the gentleman, as a member of the committee, tell us why, in the shipment of hogs to market, the hogs shipped by railroad always bring a higher price than the same class of hogs shipped by truck? In the market in Oklahoma City there was 40 cents difference between railroad-hauled and truck-hauled hogs. Why is that?

Mr. GARBER. I would be glad to have the gentleman from Oklahoma give us such information.

Mr. McKEOWN. I do not know why it is, but I know hogs shipped by railroad bring a higher price than those shipped by truck. It is the same with milk. They will pay more for milk shipped in by train than by delivery wagons.

Mr. GARBER. That is probably one of the practices of the market. If it is so, it is to be deplored.

Mr. MORGAN. Mr. Chairman, will the gentleman yield for one more question?

Mr. GARBER. Yes.

Mr. MORGAN. Have you investigated the disadvantages we suffer in the Liverpool market on wheat and flour?

Mr. GARBER. I have. I made the statement here to-day that the mid-west and southwest farmers are at a disadvantage of 7.3 per cent on every bushel of wheat delivered in the Liverpool market, and on every other basic farm commodity in proportion. The roads in the Middle West and Southwest are the Atchison, Topeka & Santa Fe system; the Chicago, Burlington & Quincy system; Chicago, Rock Island & Pacific system; the St. Louis & San Francisco system; the Missouri, Kansas & Texas system; the Missouri Pacific system; Kansas City Southern system; Midland Valley; Houston & Texas Central; Texas & Brazos Valley; and Kansas City, Mexico & Orient system. Miles operated, 56,488.6.

Now, then, these roads originate farm products in the Middle West and Southwest and carry them to export ports of Galveston and New Orleans.

I will insert a table comparing the Oklahoma, Kansas, and Nebraska rates with the Canadian rates.

Mr. MORGAN. Is that for export?

Mr. GARBER. For export; yes.

Comparison of rates on wheat from producing points in United States hard winter wheat producing territory to Galveston for export, with Canadian pass rates for like distances

From	To Galveston			
	Route	Miles	Present rate	Canadian rate
NEBRASKA				
Lincoln	4	1,009	42.5	23
Tecumseh	3	1,131	42.5	25
York	3	1,132	48.0	25
Fairmont	3	1,123	48.5	25
Beatrice	4	969	46.0	23
Thompson	3	1,093	47.5	24
Superior	1	933	50.0	23
Hastings	2	1,145	51.0	25
Alma	3	1,210	51.0	26
Holdrege	3	1,217	51.0	26
McCook	3	1,282	53.0	26
Total		12,244	531.0	271
Average		1,113	48.3	25

Comparison of rates on wheat from producing points in United States hard winter wheat producing territory to Galveston for export, with Canadian pass rates for like distances—Continued

From	To Galveston			
	Route	Miles	Present rate	Canadian rate
KANSAS				
Marysville	4	932	43.5	23
Belleville	4	996	47.0	23
Smith Center	7	1,039	48.0	24
Norton	7	1,103	49.0	24
Colby	5	1,064	50.0	24
Concordia	1	893	47.0	22
Downs	6	1,413	47.5	30
Lenora	6	1,498	48.0	31
Horton	1	951	42.5	23
Topeka	1	851	42.5	21
Manhattan	4	903	43.5	22
Salina	1	860	45.0	22
Hays	5	963	48.0	23
Emporia	1	769	44.5	20
Marion	1	770	44.5	20
McPherson	1	807	45.0	20
Great Bend	1	831	45.0	21
Scott City	1	951	46.0	23
Eureka	1	767	44.0	20
Wichita	1	722	44.0	19
Kingman	1	756	44.5	20
Hutchinson	1	779	44.5	20
Pratt	1	791	45.0	20
Dodge City	1	900	47.0	22
Coolidge	1	1,016	47.5	24
Winfield	1	684	43.0	18
Arkansas City	1	672	43.0	18
Rago	1	739	44.0	19
Kiowa	1	700	44.0	18
Englewood	1	814	46.0	20
Liberal	7	1,084	47.5	24
Total		28,038	1,405.5	678
Average		904	45.3	22
OKLAHOMA				
Elk City	9	673	35.0	18
Texola	10	712	36.0	19
Alva	8	694	36.0	18
Woodward	8	822	36.0	21
Shattuck	8	805	36.0	20
Ponca City	8	646	36.0	18
Oklahoma City	8	551	33.0	17
Medford	8	689	36.0	18
Enid	8	639	35.0	18
Cherokee	8	680	36.0	18
Clinton	9	645	35.0	18
Total		7,557	390.0	203
Average		687	35.0	18.5

It will be observed from this table that the wheat rates to Galveston from 11 points in Nebraska are 192.2 per cent of rates for similar distances in Canada; that the rates charged from 31 representative points in Kansas are 205.9 per cent of rates charged for similar service in Canada; while from 11 representative points in Oklahoma, the rates are 189.2 per cent of the Canadian rates, making an export rate to Liverpool of 31 cents per bushel for wheat. Taking Kansas, for example, the effect of this situation is to make an average rate of 27 plus cents a bushel for the railroad service to Galveston, and the average rate from the Gulf ports to Liverpool or other North European ports is taken as 11 cents.

Mr. BROWNE. Will the gentleman yield?

Mr. GARBER. I yield.

Mr. BROWNE. Does the gentleman think the lower Canadian rates are caused by the fact that the Canadian National Railroads are owned and operated by the Government, and that those lower rates compelled the Canadian Pacific to lower its rates?

Mr. GARBER. I think so; yes. I think that is true. The Interstate Commerce Commission voluntarily published a brief to show that our roads could not compete with the Canadian roads and the reasons given were, first, because of taxes, second, because of land subsidies, and third, because of less labor costs, all of which were absolutely untenable.

But I have not the time to enter into a discussion of that proposition. I want now to call your attention to these figures. The freight revenue for 1926 on these roads totaled $826,362,834; the operating revenue totaled $1,077,188,914; the net operating revenue was $225,146,036; and the income necessary to give the legal return of 5¾ per cent under the Interstate Commerce Commission's valuation was $187,230,819. The excess income above that fair return on these roads was $38,915,217, or a rate of earning upon the Interstate Commerce Commission's valuation of 6.91 per cent. We export 50,000,000 bushels of wheat from the Mid West and Southwest annually. Reduce the freight rates to the extent of 7.3 per cent per bushel and you have open roads to the Liverpool market, an equality in that market for our own farmers without jeopardy to a net return of 5¾ per cent to the roads.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. GARBER. Yes.

Mr. SUMMERS of Washington. The Hoch-Smith resolution was passed, I believe, in 1925.

Mr. GARBER. That has been four years ago—but no relief. Now, then, in view of the continued failure to act upon this, the most important question in this country, what conclusion can you reach? I reach the conclusion that it is because of the inefficiency of the commission, probably caused by lack of adequate machinery. The commission is overloaded; its machinery has broken down to the extent that it is inefficient for the purposes for which it was created. [Applause.]

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. Does the gentleman have in mind or has he looked into the bill which I introduced on February 5 for the purpose of speeding up the work of the Interstate Commerce Commission? We had in mind, in trying to secure this legislation, relief of congestion at the top in the Interstate Commerce Commission, so as to permit single members or delegated employees to pass on minor cases, so the commission might speed up the work on the big and important decisions that they must render. In the Pacific Northwest we have had hearings, and very extensive hearings, and we are very anxious to get results out there the same as the gentleman is in the Southwest.

Mr. GARBER. Have you not received results in the Northwest?

Mr. SUMMERS of Washington. We have not.

Mr. GARBER. And the Hoch-Smith resolution passed more than four years ago, and the farm demand having been made as long as seven years ago?

Mr. SUMMERS of Washington. Has the gentleman in mind a Senate bill which proposes to repeal the Hoch-Smith resolution and further gum up the machinery? I think we had better look into that somewhat.

Mr. GARBER. I recall there is such a bill pending.

Mr. HASTINGS. Will the gentleman yield further?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HASTINGS. What I gather from the very splendid address my colleague has made is that we are not so much in need of additional legislation as we are of a more sympathetic administration and a more expeditious administration of the affairs under the Interstate Commerce Commission.

Mr. GARBER. That is true, but I have reached the conclusion we can not secure that without additional legislation setting up machinery.

Mr. HASTINGS. The gentleman means additional machinery?

Mr. GARBER. Yes; additional machinery and decentralizing the administration that we now have.

In reply to the gentleman from Washington [Mr. SUMMERS] I am going to take up the question of machinery, because I have prolonged this discussion too much now.

The gentleman's suggestion includes this inquiry: Would I favor a delegation of power to employees? Is not that correct?

Mr. SUMMERS of Washington. In certain cases.

Mr. GARBER. Yes; in certain cases, a delegation of power to employees.

Mr. SUMMERS of Washington. But subject to review always by the commission or subject to appeal.

Mr. GARBER. Yes; that means, does it not, a delegation of the power of decision.

Mr. SUMMERS of Washington. Certainly.

Mr. GARBER. The power of decision in controversial matters.

Mr. SUMMERS of Washington. Yes; it might be as to whether the freight charge had been right on a single car from one town to another town 50 miles down the road.

Mr. GARBER. Yes; but in controversial matters.

Mr. SUMMERS of Washington. Where the whole commission should not be involved.

Mr. GARBER. And that would involve the exercise of what power? It would involve the exercise of the power with which the Constitution clothes you as a Member of the House, the legislative power of this country. Now, do you want me to say that I am willing to delegate such power to employees, unknown, to exercise the power that the people have clothed the Members of this House with? I hesitate to accede to such a request.

The CHAIRMAN (Mr. HOCH). The time of the gentleman from Oklahoma has again expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 15 additional minutes to the gentleman from Oklahoma.

Mr. GARBER. I hesitate to accede to that request.

Mr. SUMMERS of Washington. Will the gentleman permit me to say that if the commission is to hold hearings and decide on every question, big and little, we are going to have worse congestion all the time, because things are piling up down there all the while, and this is an effort to get decisions in important cases.

Mr. GARBER. There is not any question about the purpose of the gentleman from Washington. It is a purpose that is to be commended and supported by everyone, but as to whether or not the remedy, the machinery the gentleman sets up, is sufficient, I am loathe to say without further investigation.

Mr. SUMMERS of Washington. I believe on further investigation the gentleman will think well of this effort.

Mr. GARBER. Now, here is the machinery that I set up to expedite the administration of the commission. It requests authority to delegate the power of the commission to an individual member, subject to review on appeal. I have introduced a bill which grants such authority; it authorizes the commission to delegate its power to an individual member of the commission, subject to review on appeal.

I go further than that and I make it compulsory on the commission to hold annual sessions in each one of the four group rate-making districts through one of its members exercising the power of the commission, subject to review on appeal.

What would this do? It would set up a convenient tribunal, convenient to the people for the administration of their complaints. Why should the people of the Pacific coast be compelled to travel 3,000 miles or more to present a complaint for a rate violation? Why should not the Congress exercise its function and perform its duty in setting up machinery convenient to the people?

Mr. MILLER. Would it interrupt the gentleman if I asked a question?

Mr. GARBER. I yield to the gentleman from Washington.

Mr. MILLER. Is it the gentleman's idea that the decisions of these members of the commission that hold regional hearings shall go into effect immediately, subject to subsequent review?

Mr. GARBER. Yes; just like other decisions——

Mr. MILLER. They would go into effect immediately?

Mr. GARBER. Yes; the gentleman is right. Now, what would this machinery do? This machinery would take four members of the commission and put one in each of the group rate-making districts in the country, leaving seven members here at Washington. It would put one of the commissioners in each of the four group rate-making districts, require annual sessions to be held, and make their decisions subject to review on appeal.

Mr. ARNOLD. Will the gentleman yield?

Mr. GARBER. I yield.

Mr. ARNOLD. Is it the gentleman's idea that the members in Washington would be purely an appellate tribunal, without any original jurisdiction?

Mr. GARBER. It would have both original and appellate jurisdiction for all purposes.

Mr. ARNOLD. And that tribunal would prepare the general policy to be followed by the regional districts?

Mr. GARBER. It would. The commission is too large. It should be reorganized. Four members should hold annual sessions, one in each of the group rate-making districts of the country, leaving seven here at the Capital, five of whom would be sufficient to act as an appellate division, in addition to exercising original jurisdiction, leaving the other two members to conduct and supervise the work in valuations and the other more important fields of commission activities. Such would give us the machinery. It would double the capacity of the commission. It would be more satisfactory; it would be more representative of the people; it would be more responsible; it would be more efficient in administration.

Mr. SUMMERS of Washington. Does the gentleman mean that one commissioner should sit or that four should sit?

Mr. GARBER. One should sit in each district, exercising the power of the commission, subject to review on appeal. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, I now yield to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, the gentleman from Massachusetts [Mr. DALLINGER] during the general debate on the naval appropriation bill made a clear statement of the present parliamentary situation of the so-called retirement bill, S. 1727. It was only just and fair to the members of the Committee on the Civil Service, who labored long and faithfully on the proposed legislation, that the statement should be made.

Restated briefly, the facts are as follows: Hearings were held by the committee, the bill was reported favorably by unanimous vote; it took the usual course; the Rules Committee granted a rule, and the rule which was reported is still pending. The chairman of the Rules Committee can call the measure up for action by the House.

It is not my purpose to criticize any Member of the House for taking such action as his good judgment dictates, but here is a matter in which a controlling number of the Members are vitally interested. I am backed by a large majority in begging the chairman of the Rules Committee to permit a vote on this proposal. The question of the passage of this legislation has been before the House for practically the whole session.

Retirement for civil employees of the Government is not a new idea. It has been in successful operation for years by some of the leading governments of the world, and on a more liberal basis than is here proposed. It is in use by several of the States, by leading municipalities, such as Boston, New York City, Chicago, Philadelphia, and San Francisco; by banking and other business enterprises, and with much more liberality of provisions than have even been suggested for our Government employees.

The first law for our classified civil-service employees was passed in 1920. It was liberalized in 1926 by increasing the maximum annuity from $720 to $1,000 and raising the average annuity from $540 to $733. The contribution of the employees was increased from 2½ to 3½ per cent, which, in fact, paid the increased cost by reason of the benefits under the last amendment and reduced the Government's cost $29,000 annually, a questionable liberalization.

But this was not enough and not entirely fair to those who have spent the better portion of their lives in the Government service and until unfit to earn a livelihood in other work.

The United States Civil Service Commission in its last report recommended optional retirement after 30 years' service at 60 years of age. The commission well said it would make the system "flexible and humane" and cure abuses now existing.

The bill as reported by the committee offers optional retirement, cuts the optional ages by two years, increases the maximum annuity from $1,000 to $1,200 and the average annuity to about $820.

It is urged that these changes would add to the cost to an extent that the Government could not afford it. This argument is based on estimates of actuaries who have been consistently wrong. When the act was first passed we were told that the fund would be exhausted in 10 or 12 years. The fact is that it has risen to over a hundred million dollars, only nineteen million of which has been appropriated by the Congress. This fund (except as to the nineteen million just referred to, has come from contributions of the employees. The fund has not only taken care of all demands upon it but has actually accumulated a surplus of $83,000,000 aside from the Government contribution.

There is, of course, a theoretical liability upon the Treasury. The present ratio of normal cost is estimated at 3.98 per cent of the pay roll, of which the employees now contribute 3.50 per cent. The balance of 0.48 per cent rests on the Government. Under the proposed amendments the normal cost to the Government would be increased to 1.18 per cent, a small amount when compared with the benefits to be derived by the Government and its employees.

There is another element of cost that is sometimes misunderstood and that is the "accrued liability." When the law went into effect in 1920 employees then in the service and due to retire before the expiration of 30 years were not able to pay over the whole period. In the beginning this cost, 3.70 per cent of the pay roll, must be borne by the Government. This cost constantly decreases, as the employees contribute in increasing periods before retirement.

All of the cost, however, is offset by increased efficiency through the turnover in personnel. Mr. McCoy, the Government actuary, estimated this efficiency saving at 5 per cent, and Doctor Brown, of the Bureau of Efficiency, estimated the saving at slightly more than 6 per cent. Balancing this against the cost resting on the Government, it will be seen that the Government is the gainer through the operation of a liberalized retirement system.

Stated in another way, under the present law the Government pays 3.70 per cent on the pay roll for the accrued liability because of the fact that none of the employees have been able to pay into the fund for 30 years. This liability constantly decreases for 30 years when the normal cost alone prevails.

As an offset the Government saves more than 5 per cent because of increased efficiency caused by retiring an old man and employing a young man in his place. This is an investment that grows better every day, because after 30 years only the normal cost will prevail, of which the Government pays less than 0.50 per cent, while the employees pay 3½ per cent.

Under S. 1727 the Government would pay 1.18 per cent and the employees 3½ per cent of the normal cost, while the saving to the Government continues to the end of time. This is the entire proposition of cost before the House in the pending bill.

A majority of the Members of the House have expressed themselves as favorable to the legislation, and yet we are unable to get action. The functions of the House as a body representing the people are involved. The legislation is urgently demanded. I ask the leaders to permit the proposed legislation to come to a vote that we may all pass upon it in the light of our best judgment and not be compelled to go back to our people and explain that it is possible in their legislative body for a small group to prevent the consideration of legislation.

It is not in a spirit of criticism that the attention of the House is called to this matter, but in the interest of orderly legislation. We who are in favor of the bill are bound to do whatsoever we can to secure favorable action.

A petition addressed to the Speaker, the majority leader, and the chairman of the Rules Committee and the members of the steering committee and signed by more than 250 Members of the House has been signed, asking for consideration of the bill at this session.

Again we beg of the leaders an opportunity to pass judgment on this proposed legislation.

Mr. SANDLIN. Mr. Chairman, I yield 25 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman and members of the committee, the subject that I am going to discuss is quite different from the full and able speech which has just been rendered by the distinguished Member [Mr. GARBER], who has just preceded me and which I found very interesting. I might say in passing that I have listened to the gentleman on two different occasions and his profound knowledge of the subject that he has discussed has made a marked impression upon me.

One of the most important questions remaining to be determined before this session of Congress is over is what action will be taken from the repeal, deference, or going into operation of the national-origins clause of the immigration law of 1924. The interest in this question is not confined to any one section of our country; neither is it confined to any one of the so-called nationals that constitute our inhabitants. The action of Congress on this question is being watched closely.

At the outset it must be borne in mind that the controversy over the national-origins clause of the immigration act has been misrepresented so as to be made to appear a controversy over increasing or decreasing numerically the number of immigrants that can come to this country. This misrepresentation is very unfortunate because it gives a false statement of facts. The repeal of the national-origins clause has nothing to do with the question of the number of people that shall be permitted to come here each year. The effort to repeal the national-origins clause has been characterized as an attack upon the immigration law of 1924. It is nothing of the kind. It is, in fact, an effort to prevent the law from being ridiculous.

The national-origins clause is a part of the immigration law of 1924. Nobody seems to know its real parenthood, although one John B. Trevor, of New York City, who was a captain in the Intelligence Department of the Army, detailed in New York City during the war, appears to claim the credit for it.

I have heard that the Ku-Klux Klan claims the credit for conceiving it and securing its adoption as an amendment to the immigration law. I am satisfied, however, that their only knowledge of it was after its adoption in the Senate in 1924, as an amendment to the bill that passed the House, and that thereafter the Ku-Klux Klan used it as a means of trying to carry out its purposes by attracting additional members to its ranks. It seems rather hard for me to believe that anything that such an organization might sponsor would receive the favorable consideration of either or both branches of Congress.

It appears from the records of the hearings of the House Committee on Immigration and Naturalization which reported the 1924 immigration law that the national-origins clause received little, if any, consideration from the committee. It is quite probable—and so far as I can find it is a fact—that it was not presented to the committee for consideration. In any event, when the bill was reported to the House it was not a part thereof, and during debate an amendment was offered in the House which included in substance the provisions of the present law. The amendment was rejected. The House later passed the bill, and while under consideration in the Senate Senator REED of Pennsylvania moved the amendment which inserted the present national-origins clause into the bill. Upon its return to the House it was sent to conference, and the House conferees recommended the adoption of the amendment, which action was taken. Whether or not it is correct, I am informed this amendment was reluctantly accepted by the House in order that the whole bill might not fail of passage.

As I have said before, this is to my mind one of the most important questions that confront us to-day, particularly in view of the fact that we have only a few weeks left in this session of Congress, and during which period it is essential that some affirmative action be taken in order to prevent the operation of this particular clause. To prevent its operation affirmative action must be taken by Congress. There are two ways in which we can take affirmative action, and when I say we, of course I refer to both branches of Congress. One is by joint resolution deferring its operation and the other is by enacting necessary legislation to repeal its provisions. The other procedure that we may employ is the passive, inactive negative, do-nothing method, as a result of which, in accordance with the ruling given by the Attorney General, as I understand it, the President of the United States is compelled on or before April 1 of this year to proclaim the provisions of this clause to be in operation. This means that the quotas established thereunder by the President's commission will become operative July 1, 1929.

That President's commission to which I refer was made up of the Secretary of State, the Secretary of Labor, and the Secretary of Commerce (now President-elect Hoover), and they in turn each appointed two members of their respective departments as a joint committee to make a more thorough investigation of the matter.

I realize that men have different opinions and different views on this question. I appreciate the fact they have the right to entertain their views if they are honestly arrived at, and naturally every Member of this House arrives at honest views, so far as my opinion is concerned. I do not use the above language with the intent that you might infer that I have any feeling to the contrary, because you, like myself, are actuated by a desire to render that degree of public service in this body which you feel the best interests of the country demand and which is in accordance with your conscience. [Applause.]

I also considered it my duty to vote as my conscience dictated on any matters which came before any legislative body of which I was a member, and the question of party affiliation never influenced me unless a party principle or responsibility was involved. In that case I followed, and will follow, the principles enunciated by the Democratic Party, because the incorporation of them into law will be for the best interests of the people.

It is my belief that a public servant should represent all elements and political creeds in his district. So, in approaching this question, let me say that I recognize that men in both political parties differ and differ honestly.

I am going to try to impress upon you the fact that the basis of the determination, as provided in the national-origins clause, so-called, is almost impossible of ascertainment. It is left to the field of conjecture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. I will.

Mr. DICKSTEIN. Is it not a fact you have to go back 300 years to determine the statistics as to national origin?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. And is it not a fact we have not the statistics available?

Mr. McCORMACK. Exactly. That is in part correct. The basis prescribed by this clause for the establishing of quotas of countries affected has as its object a definite purpose which is unfair and discriminatory, and a reflection upon elements of past immigrants, now Americans, some for many generations, that have contributed so much toward the building up and progress of our country. The basis for computation is also uncertain and leaves the calculation, whichever it may be, to the field of conjecture. The clause provided a method of calculation which is incapable of ascertainment without resort to guesswork. Any such basis is bound to result in quotas which will be discriminatory, if not insulting, in their character. A careful examination of testimony presented to different committees, also books written by some of the proponents, and addresses made on different occasions by some of them justify the assertion that the underlying motive is un-American.

If we are going to establish an immigration policy, let it be definite. Let it be certain. The expression of the principle should be definite and certain, whether it be a closed immigra-

tion policy, a restrictive immigration policy, or a partially restrictive policy as set forth in the 1924 act.

Let it be definite and certain, but not left to uncertainty; and let both branches of Congress determine with certainty not only the expression of the principle we believe in, but with certainty as to the quotas the different quota countries shall be entitled to. Not only does Congress, by permitting the national-origins clause to go into operation, evade the duty of making the quotas themselves, but it passes the responsibility to the President's commission, composed of three Secretaries, and they in turn pass it on to Doctor Hill and his associates.

I might say at this time that I intend to follow the suggestion made by Governor Smith in his statement after the last election, in which he urged the Democratic Members of Congress to support President-elect Hoover during his term of office on all legislation that relates to the general welfare and progress of the people.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. McCORMACK. Yes.

Mr. DENISON. I hope at some not distant time the gentleman will inform the House what the fundamental principles of the Democratic Party are.

Mr. McCORMACK. I think those fundamental principles are so well known that the average man knows them, but I shall be glad to enlighten the gentleman out in the lobby some time.

The first indication of the unreliability and uncertainty of the basis of determination as provided in the national-origins clause was the postponement of its operation until July 1, 1927, in order that the quotas might be established. In order to regulate immigration up to the going into effect of the national-origins clause it was provided in the 1924 act—

that the annual quota of any nationality shall be 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

This, like the national-origins clause, only governed quota countries. The practical operation of the present law meant that 164,000 immigrants constituted 2 per cent of our foreign-born population as of 1890, and were allotted among the several European countries in accordance with the terms of this provision. Whether one believes in the policy of restrictive immigration or not, there is no question but what the original provision is at least definite and certain in its theory and operation. While the national-origins clause is certain as to the number of immigrants admissible each year from Europe, which is 153,000, every other provision thereof is unreliable, uncertain, and therefore inequitable.

This would be particularly so in its operation, if it ever goes into effect. I want to call to the attention of the Members that in accordance with the provisions of the national-origins clause the Secretaries of State, Commerce, and Labor, as a joint board, each appointed two representatives to try and perform the impossible task therein provided. It is fair to infer from all correspondence made by them that they approached this task with the realization of its difficulty of approximate ascertainment, and the fact that, in the main, they would have to rely upon conjecture. The results have clearly shown that to be the fact. Their work has been tirelessly and unselfishly rendered and yet their reports and findings are the strongest evidence of the human impossibility of performing such a task. In their report on December 16, 1926, will be found the following:

We have found our task by no means simple, but we are carrying it out by methods which we believe to be statistically correct, utilizing the data that are available in accordance with what seems to us to be the intent and meaning of the law. We have not completed our work, but the figures which we are submitting for your information, though provisional and subject to revision, indicate approximately what the final results will be.

What stronger evidence of uncertainty?

Accompanying this report were the quotas which they had determined in accordance with the law, and which, while not complete and subject to revision, indicate approximately what the final results will be. These are not my words, but the words of Doctor Hill and his associates.

Thereafter, the operation of the law was deferred until July 1, 1928, and on February 27, 1928, other quotas were recommended by Doctor Hill and his associates. Having in mind the statement above quoted from report of 1927, that the 1927 quotas "indicated approximately what the final results will be," a comparison of these two quotas is very interesting and convincing as showing further the grave uncertainty of the basis of determination.

Country or area	1 National-origin quotas submitted Feb. 27, 1928	2 National-origin quotas submitted Jan. 7, 1927	3 Present quotas, based on 1890 foreign-born population
Armenia	100	----------	124
Australia, including Papua, etc.	100	100	121
Austria	1,639	1,486	785
Belgium	1,328	410	512
Czechoslovakia	2,726	2,248	3,073
Danzig, Free City of	137	122	228
Denmark	1,234	1,044	2,789
Estonia	100	109	124
Finland	568	559	471
France	3,308	3,837	3,954
Germany	24,908	23,428	51,227
Great Britain, Northern Ireland	65,894	73,039	34,007
Greece	312	367	100
Hungary	1,181	967	473
Irish Free State	17,427	13,862	28,567
Italy, including Rhodes, etc.	5,989	6,091	3,845
Latvia	243	184	142
Lithuania	492	494	344
Netherlands	3,083	2,421	1,648
Norway	2,403	2,267	6,453
Poland	6,090	4,978	5,982
Portugal	457	290	503
Rumania	311	516	603
Russia, European and Asiatic	3,540	4,781	2,248
Spain	305	674	131
Sweden	3,399	3,259	9,561
Switzerland	1,614	1,198	2,081
Syria and the Lebanon (French)	125	100	100
Turkey	233	233	100
Yugoslavia	739	777	671
Total	[1] 153,685	[1] 153,541	[1] 164,647

[1] Including 37 minimum quotas of 100 each.

As a further indication of the uncertainty that existed in the minds of the President's commission, I quote a letter to the President under date of January 3, 1927:

JANUARY 3, 1927.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Pursuant to the provisions of sections 11 and 12 of the immigration act of 1924, we have the honor to transmit herewith the report of the subcommittee appointed by us for the purpose of determining the quota of each nationality in accordance with the provisions of said sections.

The report of the subcommittee is self-explanatory, and, while it is stated to be a preliminary report, yet it is believed that further investigation will not substantially alter the conclusions arrived at.

Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.

Yours faithfully,

FRANK B. KELLOGG,
Secretary of State,
Department of State.
HERBERT HOOVER,
Secretary of Commerce,
Department of Commerce.
JAMES J. DAVIS,
Secretary of Labor,
Department of Labor.

Furthermore, on February 25, 1928, the President's commission in transmitting the 1928 quotas above referred to said:

We wish it clear that neither we individually nor collectively are expressing any opinion on the merits or demerits of this system of arriving at the quotas. We are simply transmitting the calculations made by the departmental committee in accordance with the act.

An analysis of the report of Doctor Hill and his associates, dated December 16, 1926, showing the manner upon which calculations were determined is further evidence of the impossibility of a fair determination, particularly in determining what portion of our white population of 1920 is derived from the "old native stock" of 1790. The records of immigration giving the number of immigrants arriving annually from each foreign country from 1820 to 1920 was in part relied upon. It is a well-known fact that a good portion of those who came from southern Ireland, Scotland, Wales, and Ulster came on vessels that started from an English port and were listed as emigrating from England. This was particularly true prior to 1870. In the case of Scotland, Wales, and Ulster it makes no differ-

ence, because their quotas under this law will be combined into one, but this situation seriously affects the quota that southern Ireland would be entitled to. Such a situation is further evidence of the grave uncertainty of a determination that will not be discriminatory.

The above immigration quotas were printed for the House Committee on Immigration and Naturalization, and column No. 1 is the report for 1928, column 2 the report for 1927, both made by Doctor Hill and his associates, and column 3 is the quotas under the present law.

Columns 1 and 2 relate to the national origins clause and the marked difference between them in the short period of one year seems to me to be inescapable evidence of the uncertainty of ascertainment.

A comparison will show that under the quotas that will be established if the national origins clause goes into effect that Germany will be reduced from 51,227 to 24,908; Irish Free State from 28,567 to 17,427; Norway from 6,453 to 2,403; Sweden from 9,561 to 3,399; Switzerland from 2,081 to 1,614; Denmark from 2,789 to 1,234; France from 3,954 to 3,308; while Great Britain and northern Ireland will be increased from 34,007 to 65,894; Austria from 785 to 1,639; Belgium from 512 to 1,328; Hungary from 473 to 1,181; Italy from 3,845 to 5,989; Netherlands from 1,648 to 3,083; Russia from 2,248 to 3,540. These are the most important changes that will occur. As I have said before the strongest evidence of uncertainty is the difference between the report of 1927 and 1928.

Another year has gone by since the last computation was submitted and which will be the quotas if the national origins clause goes into effect. It is fair to assume that if a report had been made this year by Doctor Hill and his associates that further changes would have been noted.

In passing, I want it clearly understood that I have the greatest of admiration for Doctor Hill and his associates. They are performing what must be to them an unpleasant task, because of its impossibility of performance. They have performed their work unselfishly and tirelessly. They are simply trying to carry out the law. It is clear from their reports, so far as I am concerned, that they realize that the records are so lacking that they had to rely upon conjecture.

It is significant that the only census taken in the United States prior to 1850 was that of 1790. In the 1790 census only the heads of families were reported, and there was no indication of the land of their nativity or of their ancestors.

Doctor Hill and his associates deemed that they would have to depend in the main upon the sounding of names to determine nativity, and he frankly admitted in the House hearings held in 1927 that names may indicate origin from any one of two or more countries. He further said that in the event of the names having an origin from England or Scotland or Ireland the probabilities were that because of the predominance of the English of foreign birth and descent at that time the census takers designated them as being of English descent.

The census of 1790 showed the white population of the then 17 States was 3,172,444. The following figures show in detail the population of the several States, with an estimate of the strength of the various nationals therein, which, so far as I can ascertain, is based upon guesswork:

White population in 1790 as classified by nationality in Chapter IX of A Century of Population Growth, published by the Bureau of the Census in 1909

Nationality as indicated by name	United States		Maine		New Hampshire		Vermont		Massachusetts		Rhode Island	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities	3,172,444	100.0	96,107	100.0	141,112	100.0	85,072	100.0	373,187	100.0	64,670	100.0
English	2,605,699	82.1	89,515	93.1	132,726	94.1	81,149	95.4	354,528	95.0	62,079	96.0
Scotch	221,562	7.0	4,154	4.3	6,648	4.7	2,562	3.0	13,435	3.6	1,976	3.1
Irish	61,534	1.9	1,334	1.4	1,346	1.0	597	.7	3,732	1.0	459	.7
Dutch	78,959	2.5	279	.3	153	.1	428	.5	373	.1	19	(1)
French	17,619	.6	115	.1	142	.1	153	.3	746	.2	88	.1
German	176,407	5.6	436	.5			35	(1)	75	(1)	33	.1
Hebrew	1,243	(1)	44	(1)					67	(1)	9	(1)
All other	9,421	.3	230	.2	97	.1	148	.2	231	.1	7	(1)

	Connecticut		New York		New Jersey		Pennsylvania		Delaware		Maryland	
All nationalities	232,236	100.0	314,366	100.0	169,954	100.0	423,373	100.0	46,310	100.0	208,649	100.0
English	223,437	96.2	245,901	78.2	98,620	58.0	249,656	59.0	39,966	86.3	175,265	84.0
Scotch	6,425	2.8	10,034	3.2	13,156	7.7	49,567	11.7	3,473	7.5	13,562	6.5
Irish	1,589	.7	2,525	.8	12,099	7.1	8,614	2.0	1,806	3.9	5,008	2.4
Dutch	268	.1	50,600	16.1	21,581	12.7	2,623	.6	463	1.0	209	.1
French	512	.2	2,424	.8	3,565	2.1	2,341	.6	232	.5	1,460	.7
German	4	(1)	1,103	.4	15,678	9.2	110,357	26.1	185	.4	12,310	5.9
Hebrew	5	(1)	385	.1	(2)		21	(1)	(2)		626	.3
All other	6	(1)	1,394	.4	5,255	3.1	194	(1)	185	.4	209	.1

	Virginia		North Carolina		South Carolina		Georgia		Kentucky		Tennessee	
All nationalities	442,117	100.0	289,181	100.0	140,178	100.0	52,886	100.0	61,133	100.0	31,913	100.0
English	375,799	85.0	240,309	83.1	115,480	82.4	43,948	83.1	50,802	83.1	26,519	83.1
Scotch	31,391	7.1	32,388	11.2	16,447	11.7	5,923	11.2	6,847	11.2	3,574	11.2
Irish	8,842	2.0	6,651	2.3	3,576	2.6	1,216	2.3	1,406	2.3	734	2.3
Dutch	884	.2	578	.2	219	.2	106	.2	122	.2	64	.2
French	2,653	.6	868	.3	1,882	1.3	159	.3	183	.3	96	.3
German	21,664	4.9	8,097	2.8	2,343	1.7	1,481	2.8	1,712	2.8	894	2.8
Hebrew			1	(1)	85	.1	(2)		(2)		(2)	
All other	884	.2	289	.1	146	.1	53	.1	61	.1	32	.1

[1] Less than one-tenth of 1 per cent.

[2] Included in "All other."

As one indication of the uncertainty of relying on the 1790 census I may mention that it does not take into consideration the size of the families and that some nationalities are quite prone to more productivity than others.

In determining the quotas under the national origins clause the white population of 1920, numbering about 94,000,000, were divided into two groups, one called "old native stock" and the other "immigrant stock." The census of 1790 was taken as the basis for determining what portion of our population in 1920 were descended from the population of 1790. It was determined that 41,000,000 persons in the United States in 1920 were descendents of the "old native stock." Bearing the fact in mind that all persons who arrived here since 1790, or their descendents, are described as "immigrant stock," and looking through the roll of the Members of Congress it is apparent to me that 80 per cent of our membership fall within that class.

When you consider that the first decennial census taken in the United States, outside of the one in 1790, was in 1850; that there are no official records prior to 1790, together with the loss, in the Ellis Island fire in 1896, of records of immigrations that flowed through the great city of New York from 1820 on, the destruction of many historical records by the British, when they occupied the city of Washington in the War of 1812, together with many other matters of consideration, we can then realize the impossibility of establishing quotas which will not be discriminatory to some of our nationals.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Is it not a fact that Doctor Hill testified before the Committee on Immigration that he could only go back about 100 years?

Mr. McCORMACK. My impression is that Doctor Hill testified that the United States decennial censuses could only go back to 1850; that the records of the ports of entry go back only to about 1820; that is, the immigrants coming into different ports of entry, as distinguished from the facts revealed in the decennial censuses. My observation and study further show that thousands and thousands of immigrants coming from Germany, from Ireland, from Scotland, and from other places were compelled to come over on ships owned by English interests and they were listed as English citizens.

That is not submitted as criticism, but as a piece of evidence. Everything based on conjecture is bound to be discriminatory and offensive to some of our nationals. We are not an English, or an Irish, or a German, or a French nation. We do not want any element to predominate. We are an American Nation. We may have a great feeling of fondness and regard for the land of our forbears, as we should, but above every other consideration we are Americans. The history of the recent war has evidenced the fact that Americanism means the same thing to all of our citizens, irrespective of their national origin—that is, love of flag, country, and that upon which everything that we possess governmentally stands, the Constitution of the United States.

We want Americans. We want the immigrants who come over here—the same as my forbears did two generations ago—to be filled with a love of our institutions. To a certain extent, undoubtedly, they will come here seeking material gain, but in the main they look up to this Government of ours as a land of opportunity. I recognize that conditions might change our immigration policy. That necessity might arise some day when we might consider the advisability of a change, but if we are going to have a change, let it be definite and certain, not only in principle but definite and certain in practice.

Now, Mr. Chairman and members of the committee, the fact that this uncertainty exists is further evidenced by the report made by the President's commission, comprised, as I said before, of the Secretary of State, the Secretary of Labor, and the Secretary of Commerce—the then Secretary of Commerce, President-elect Hoover. Not only that, but President-elect Hoover in his acceptance speech said he favored the repeal of the national-origins clause. He recognized the impossibility of human determination in accordance with the basis provided in that law. He recognized the offensiveness of it, and he recognized that this was not bringing into effect in America a new policy with reference to the restriction of immigration, because we have it now. We have it now in the act of 1924. Two per cent of the foreign-born population as of 1890 means approximately 164,000 immigrants who are entitled to admission from quota countries in Europe each year, and in turn the number to which each country is entitled is simply a matter of mathematics. That can be arrived at. It is a definite and certain enunciation of a principle, and it naturally follows that there is a definite and certain determination of the quotas.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Can the gentleman tell the House how this national origins was determined, based upon what figures, what the present quota is as based on the act of 1924, and what would be the quota of all nationals under the national-origins clause? Has the gentleman those figures?

Mr. McCORMACK. As I understand it, the present law permits one hundred and sixty-four thousand and a few odd hundred to come in each year, while the national-origins clause authorizes one hundred and fifty-three and some few hundreds to come in each year. Am I correct?

Mr. DICKSTEIN. That is correct.

Mr. McCORMACK. While the national-origins clause provides a maximum of 150,000, it also provides in addition that certain countries which had no quota before or whose computation would be less than 100, are entitled to the admission of a minimum of 100, and that is the reason why it comes to approximately 153,000.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. ROBSION of Kentucky. As I understand it, the gentleman is opposed to the national-origins provision of the present law?

Mr. McCORMACK. Precisely.

Mr. ROBSION of Kentucky. Does the gentleman favor the quota based on the 1890 census? The present law is based on the 1890 census, as I understand.

Mr. McCORMACK. Yes; and that is definite and certain.

Mr. ROBSION of Kentucky. Does the gentleman favor the 1890 census as a basis, or some other census—the 1910 census or the 1920 census?

Mr. McCORMACK. To be frank with the gentleman, his question goes into something that I did not intend to discuss, and I am equally frank in saying that I am rapidly approaching a mental state where I realize that through necessity we must close this open door and bring about some kind of a restriction. Whether that should be based on the 1910 census or the 1890 census is just a question of policy, based upon the necessity.

I can see where conditions might change; where in the years to come through depletion in our population, because of some great catastrophe, for example—and population increases either by a greater number of births than deaths or by an increase in immigration over emigration; that is the only means through which an increase in population takes place—and I can see where a principle applicable to one period might of necessity be changed when applied to conditions in a different period.

Mr. ROBSION of Kentucky. We are legislating for this period.

Mr. McCORMACK. I have no objection to the present quota, based on the 1890 census.

Mr. GARBER. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. GARBER. The proposed change would greatly facilitate the administration of the law, would it not?

Mr. McCORMACK. Does the gentleman refer to the national-origins clause?

Mr. GARBER. Yes.

Mr. McCORMACK. I do not think so.

Mr. GARBER. I mean that the proposed change to a definite basis would greatly facilitate the administration of the law.

Mr. McCORMACK. The gentleman means the law as it exists at present?

Mr. GARBER. Yes.

Mr. McCORMACK. I agree with the gentleman. Now, bearing on that, may I call attention to a statement made by the Commissioner General of Immigration in his annual report for 1925, page 29:

> The bureau feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origin; that it has the advantages of simplicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded.

I am now coming back to 1790. One interesting phase of the evidence about the 1790 census, where it showed a little over 3,000,000 in the 17 States, was in the State of Pennsylvania, as indicating the uncertainty of the 41,000,000 being even approximately a fair estimate of the descendants of the inhabitants as shown in that census.

I do not want to depend upon memory, so let me quote verbatim from the extract which I have here.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. McCORMACK. In an article written in 1789, as to the immigration into Pennsylvania in the period around 1749, it was said by the writer that—

> In the summer of the year 1749, 25 sail of large vessels arrived with German passengers alone, which brought about 12,000 souls, some of the ships about 600 each; and in several other years near the same number of these people arrived annually.

This is for only a limited period around 1746, and it is fair to assume that some came before and some came afterwards, and yet according to the 1790 census there were only 110,000 Germans in the State of Pennsylvania.

But let us go a step further:

> And in some years nearly as many annually from Ireland.

Yet in 1790 there was only an estimated population of 8,000 in the State of Pennsylvania of either Irish birth or Irish descent.

This is some evidence indicating the uncertainty we have in the records prior to 1790. We have absolutely none from 1790 to 1820, and from 1820 our records of ports of entry are entirely unreliable, first, because of giving their birth in the wrong country, in some cases because of necessity; and, second, because the records in the city of New York were destroyed in the Ellis Island fire in 1896. Furthermore, many historical records of the colonial days were destroyed when the British occupied the city of Washington during the War of 1812.

All of these things have brought about an air of uncertainty so that the basis for the determination of national origins is inadvisable, unwise, inequitable, bound to be discriminatory because in the main it is left to the field of conjecture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Under the present quota law Ireland receives a quota of 28,000, but under the national origins law, if it takes effect, Ireland only gets 8,000, thereby losing 20,000.

Mr. McCORMACK. I think there have been two corrections made since that estimate.

Mr. DICKSTEIN. Is there anything the gentleman can find from his investigation to show how they base that loss, upon what percentage and how far they have gone back?

Mr. McCORMACK. That basis of 8,330 was an estimate given by Captain Trevor, who, I understand, is the parent of this idea, although the Ku-Klux Klan claims the credit for it.

Mr. DICKSTEIN. The parent of this piece of legislation is Mr. REED. The House never passed it at all.

Mr. McCORMACK. Yes; in the Senate it was an amendment offered by Senator REED of Pennsylvania, and right there let me say that if this law goes into effect it is those of German birth and descent and those of Irish birth and descent in Pennsylvania that in the main can take the blame.

Mr. DICKSTEIN. May I ask the gentleman another question? Senator REED takes the credit for it, but he borrowed it from Senator Lodge. Does the gentleman know that?

Mr. McCORMACK. Yes; this Captain Trevor consulted Senator Lodge first, who took him to Senator REED.

Mr. DICKSTEIN. You will find the date given in the hearing as March 6, 1924.

Mr. McCORMACK. There is just one more reference I might make. During the past few days a representative of the American Legion unfortunately made a reference with which I am not in accord. I am sorry he made this reference, because I am a member of the Legion and the two other members of my family, two younger brothers, who constitute the whole family, are also members of the Legion. This representative made a statement which is offensive to all of our citizens, and I hope sincerely that the Legion members throughout the country who might be offended by it will not go to the unwise direction of resigning their membership.

The American Legion is a great body. It is a much-needed body, the same as the Veterans of Foreign Wars, which is another one of our great veterans' organizations, as well as all of the minor organizations which have as their foundation purposes consistent with the progress of our country in establishing traditions which the future generations will be proud of; but in this particular respect, by stating that the Legion is in favor of the national-origins provision, they have taken a position which, if a referendum were submitted to the members of the Legion, would undoubtedly amaze the Members of Congress as to the vote to the contrary in the Legion.

Mr. CONNERY. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. CONNERY. May I say to my colleague that I have just received three telegrams from three Legion posts in Lawrence, Peabody, and Lynn, Mass., saying that the sentiments which the representatives of the Legion gave before the committee are not in accord with the sentiment of the membership of those posts?

Mr. McCORMACK. I thank the gentleman for his observation. May I say at this time that Mr. CONNERY recently displayed the finest act of courage that I have ever seen on the part of any legislator when he voted for the reapportionment bill. I hope that his constituents appreciate his type of representation.

May I add, the danger of this, Mr. Chairman, is that we are going back 300 years and making you and me, who are Americans, and consider ourselves Americans, take a position which would destroy the assimilation which all elements and all races have undergone during the past 300 years, and making not only the foreign born of 1920 take a position on this but every one of us, no matter what the origin of our common ancestors who first came to America may have been?

But going back to the American Legion, it has taken a position on quotas. When they take a position favoring the underlying principle of the national-origins clause, they take a position upon the quotas, and when they do that they make a mistake and they exceed the purposes of their organization.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. SCHAFER. Will the gentleman yield?

Mr. McCORMACK. I will.

Mr. SCHAFER. Has the American Legion in convention assembled gone on record in favor of the national-origins scheme for determining the immigration quotas?

Mr. McCORMACK. I understand they have, yes; but it was very peculiarly worded:

Therefore be it resolved by the American Legion in convention assembled, That we favor and recommend continuance of the method of restriction upon immigration—

That is a primary part, and they may have the right to do that. They could go on record in favor of closed or open or restricted immigration. I do not dispute their authority to do that; but then the resolution continues:

That we favor and recommend continuance of the method of restriction upon immigration in the 1924 immigration law with its fundamental national-origins provision, so that American citizenship and economic prosperity may be maintained at the highest possible level.

And in a statement to the Senate Committee on Immigration they said:

We emphatically uphold the theory underlying the national-origins provision, which is that immigration quotas based upon entire population of the Nation is not only the fairest method for selecting immigrants, but is the most certain method—

Mark this language—

the most certain method of maintaining in the future the blend of population and the racial mixtures as they exist in America to-day.

In convention assembled they went on record in favor of that because it was the best means "by which prosperity may be maintained at the present time," the resolution read.

It must be borne distinctly in mind that the quotas can not be disassociated from the principle itself. The going into effect of the clause automatically established the quotas, and when the Legion takes a position on the principle they take a position on the quotas established thereunder.

What those quotas will be are a matter of record. Furthermore, the representative said that it was a question between patriotism and slackerism. I also deny such a question is involved. In support of this argument he cited the number of aliens that claimed exemption in the late war. In the first place, the figures do not present the facts correctly. In the second place, the only inferences to draw therefrom is that the nationals of those countries which will receive a reduced quota by the operation of the national origins were the slackers in the late war. This is not only vicious and unwarranted but false. Such an argument is an attack not only on those foreign born who were here in 1917–18 but upon all generations of Americans of the same blood or descent. Let us see who they are that will suffer by the operation of the national-origins clause and then we can see what elements of our citizenry were insidiously offended and insulted by this argument.

The French, Swiss, Swedish, Norwegians, Danish, Irish, and Germans. All elements representing our best blood, the equal of any other and second to none. In every great crisis their descendants have proven their love for our flag and our institutions of government as set forth in the Constitution. In the Revolutionary War their representation was outstanding, particularly the Irish and the Germans, and the French Government showed its friendship in a way that occupies one of the foremost pages in our history. Are they slackers? Some may think so, but history records otherwise. During the Civil War alone the Irish and the Germans in the service outnumbered the whole army of the South, and each element, as we are compelled to refer to them under this law, had more men in service than any other element of our citizenry. And, yes; after the war was over, and when the men of the South had laid down their arms, and after the death of the great President, which was an unfortunate event for the South at that time, an unthinking North imposed conditions upon the South that were unbearable and inhuman. In the dark days of the carpet-bagging period of the days of reconstruction following the war the only voice raised in Congress for the South were the Representatives in Congress from the city of New York, all of Irish descent, and Charles Francis Adams, of Massachusetts. It was their voices that finally brought about some degree of reason.

Mr. SCHAFER. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. SCHAFER. Then the American Legion did not go on record in favor of the national-origins clause?

Mr. McCORMACK. All I know is what it says in this statement, and from that I draw certain inferences. The gentleman's inferences are as good as mine. I am going to rely on my inference and I do not think the gentleman and I will have any dispute. May I further say to the gentleman that the great agricultural districts of the country have been brought to their

present high level by that class of immigrants which the national-origins scheme will discriminate against, and I hope it will be brought to a higher state by the enactment of legislation which will be carrying out the platforms of both parties.

Mr. SCHAFER. I will state that the people of the great State of Wisconsin are absolutely opposed to the national-origins clause, and so are the members of the American Legion in my State. I am not talking about the few officers who may claim to speak for the Legion. The national-origins clause should be repealed. The gentleman is making a fine argument for its repeal.

Mr. McCORMACK. Some argument has been advanced on the question of certain nationals failing to assimilate. What is the best test of assimilation? To me it is what percentage of immigrants from different countries indicate their permanence and love for America by becoming a citizen. The records of the census of 1920 are interesting in this respect. I will simply read it and allow you to draw your own conclusions:

The census of 1920 shows that the foreign born from England proper, who were here when that census was taken and who were naturalized, is 64.8; Scotland, 65.6; Wales, 73.5; Ireland, 72.3; Norway, 67.3; Sweden, 69.5; Denmark, 69.6; Netherlands, which has a marked gain, 58.1; Belgium, which has a gain, 55.3; Switzerland, 64.9; France, 60.1; Germany, 73.3; Canada, French, 47.0; Canada, others, 58; and other countries, ranging from 44.7 down to 8.9, every one of the latter of which, under national origins, will gain, with the exception of Rumania.

The argument has also been advanced by certain people that America must maintain a British ascendancy in order that our institutions of Government might be preserved. They say that the operation of the national-origins clause will bring that situation about. Since when has the United States had to depend upon any other country for its existence? The last time that history records that we were a dependency of England was prior to 1776. Yorktown, with its victory, brought about the consummation of our independence. In that conflict for independence, 10,000 men of Irish blood served from Massachusetts alone. Those of German descent, particularly from Pennsylvania, showed their love for the cause of freedom. Likewise, those of Swiss, Swedish, French, Scotch, and other nativities, rendered yeoman service. No one excelled the other. They fought inspired.

We can not deny, and would not want to deny it, that those of English blood and extraction have contributed in every way in the settling of the Colonies, in the War for Independence, and in building up our country and protecting it in time of danger, but we should not discriminate against others who have likewise done their duty.

The operation of the national-origins clause is an affirmative statement by the Congress of the United States that the continuity of our Government is dependent upon England. Such a declaration of subservience should be abhorrent to all who consider themselves Americans.

Mr. Chairman, both parties through their standard bearers in the recent campaign went on record as favoring the repeal of the national-origins clause. Between now and March 4 action will have to be taken in order to prevent its operation. While both parties have responsibilities, the party in the majority will be directly responsible for this iniquitous, discriminatory law unless proper action is taken to repeal or defer its operation. [Applause from both sides of the aisle.]

I have received the following telegrams from American Legion posts:

SOUTH BOSTON, MASS., *February 11, 1929.*

Hon. JOHN W. McCORMACK,
House of Representatives, Washington, D. C.:

Post opposed to statement of Legion representatives. Do not know of any slackers in this district of nationals mentioned. District predominantly Irish. Exceeded quota in every instance. * * *

COLUMBIA POST, No. 51,
AMERICAN LEGION, SOUTH BOSTON, MASS.
JAMES F. VAUGHN, *Commander.*

BOSTON, MASS., *February 11, 1929.*

Hon. JOHN W. McCORMACK,
Congressman, Washington, D. C.:

Michael J. Perkins Post, American Legion, resents any individual attempting to represent the thought of the American Legion when he says that our neighbors in Europe, whether they be Scandinavian, Jews, English, Greek, Polish, or Irish, are alien slackers. Fortunately our allies and ourselves united as one people * * *.

JOHN J. LYDON, *Commander.*

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from New Mexico [Mr. MORROW].

Mr. MORROW. Mr. Chairman, ladies and gentlemen of the House, the Indian problem has been a problem in the United States since the inception of the Government. The Indians were here when the white man first discovered America. It is true that the Indian was the first owner and that he was in control of a large part of the American Continent when the white settlements commenced upon the shores of America.

The Indian may have been mistreated by the white men, but in the conquest and settlement, in the civilization of any country, it appears that the world has always developed and passed through the same stages to bring about a real civilization. The Indian is entitled to proper and just consideration at the hands of this Government.

Much criticism is raised as to the manner in which the Indian has been and is being treated by the Bureau of Indian Affairs of the Interior Department.

An article appeared from the pen of Vera Connelly in the February number of Good Housekeeping Magazine. This article, entitled "The Cry of a Broken People," was placed in the RECORD on the Senate side. The article reflects upon the treatment of the Indians in various States; specific charges are made against two Indian boarding schools in the State of New Mexico, namely the Albuquerque and the Santa Fe Indian Schools.

The Santa Fe Indian School has 500 boarding-school students, and the Albuquerque Indian School has from 800 to 875 students. Let me give you a picture of the equipment in the two schools:

Statistical statement, Albuquerque Indian School

Fiscal year 1928:	
Value of school plant (real property) (revised 1928)	$517,804
Number of buildings	47
Employees	62
Total salaries	$91,427
Capacity	850
Number appropriated for	825
Per capita allowance	$225
Average attendance	847
Per capita cost	$197
Area of school land, acres	154
Area of school land, acres cultivated	100
Value of agricultural products	$22,705
Value of other school products	$7,339
Indian moneys, proceeds of labor (school earnings) expended	$1,503
Fiscal year 1929:	
Attendance, Sept. 30, 1928	864
Average attendance for October	895

SUPPORT

The Albuquerque School, of New Mexico, is located in the very heart of the Indian country, convenient to all Pueblos, to the Navajos, the Apache, Hopi, and Zuni Tribes.

The school has a capacity increased from 850 to 900. The average attendance for the past year was 847. The school offers work through the twelfth grade, and industrial training is given in all grades above the third. The school grounds cover 154 acres. One hundred acres are cultivated, 24 acres are in pasture land, corrals, and ditches, and 30 acres are in the school campus.

A dairy herd of 86 cows produces milk for the pupils. An average of 60 cows produce milk at one time. It is the intention to increase this herd to 110 or 120 in order that each pupil may have 1 quart of milk daily, and to produce milk for the new hospital, with a capacity for 110. During the fiscal year 1928 the following was produced on the school farm:

Forage for stock	$3,500.00
Garden and dairy products	16,500.00
Total	20,000.00
Expenditure made for use at school for forage, garden, and seed	8,629.50

Statistical statement of the Santa Fe Indian School

Fiscal year 1928:	
Value of school plant (real property) (revised 1928)	$309,217
Number of buildings	41
Employees	43
Total salaries	$59,320
Capacity	500
Number appropriated for	450
Per capita allowance	$225
Average attendance	490
Per capita cost	$197
Area of school land (acres)	128
Area of school land (acres cultivated)	58
Value of agricultural products	$7,400
Value of other school products	$717
Indian moneys, proceeds of labor (school earnings) expended	$1,000
Fiscal year 1929:	
Attendance, September 30, 1928	478
Average attendance for October	491

SUPPORT

The Santa Fe nonreservation boarding school, located in north central New Mexico, has a capacity for 500 pupils and carries work through the ninth grade. The total enrollment for the past year was 540. The average daily attendance was 490. The school farm comprises

a total area of 117 acres. About 58 acres are under cultivation. Ten more acres could be used for garden purposes.

This school maintains nine fairly good cows, which average $4,500 worth of milk per year. Because of the dry climate in this locality it is thought more economical to depend on purchased milk than to increase the present dairy herd.

	1930	1929	1928
Superintendent's salary	$3,000.00	$2,800.00	$2,750.00
Drayage	250.00	200.00	308.79
Repairs and improvements	11,750.00	11,500.00	9,261.44
Total	15,000.00	14,500.00	12,320.23

Besides these two schools, the following Indian schools are maintained in New Mexico:

	Students
Mescalero School	150
Jicarilla School	150
Charles H. Burke School	600
Shiprock School	400
Zuni Pueblo	150

It is the policy of the Bureau of Indian Affairs to place children in the boarding schools when they have reached the sixth grade, and to keep them there until they finish from the ninth to the twelfth grade. A child, from 6 years of age (with but few exceptions, when they are sent to the boarding schools at such early age) are sent to day schools, and come home at night; they go to the day school until they have reached the sixth grade.

The Government has expended vast sums of money in the erection of modern, well-equipped school buildings and dormitories. All modern conveniences, heat, lights, water, sanitary facilities, outdoor swimming pools, and so forth, are provided. The subcommittee of the House Appropriations Committee, in charge of Interior Department items, consisting of Mr. CRAMTON, of Michigan; Mr. FRENCH, of Idaho; and Mr. TAYLOR, of Colorado, visited many of these schools in 1926, and especially the schools at Albuquerque and Santa Fe. I accompanied this committee. These schools were found modern and well equipped. The students were in splendid physical and mental condition. Great progress is being made by the Indian school pupils both in their physical appearance and in educational advancement.

The principal of the Albuquerque Indian School states that about three years ago, when they were seeking an instructor in music, but two parties qualified were found in Albuquerque who had the proper music degree; one of the two was Mary Young Nesbitt, an Indian girl. She is now instructor of music in the Indian school, having under her charge 32 Indian girls in piano and as many in voice. During the celebration of Armistice Day in Albuquerque the Indian school band furnished the music which led the parade. This shows conclusively that this school is modern in every way.

The Government has spent hundreds of thousands of dollars in establishing these boarding and day schools in many of the Indian reservations of the State. The Albuquerque, Santa Fe, and Charles H. Burke Schools are examples. Great advancement is being made in the education of the Indian children. It has long been determined that the taking of the boys and girls, especially after they reach the sixth grade, from the day school and putting them in boarding schools tends to lift them from their Indian habits to adopt the manner and method of living of the white boy and girl. In this education we are fitting them for their future success in life.

The Government spends upon each one of these students, during the period they are in school, $225 per school year.

In order that this matter may be brought directly before you, to refute the charges made, it is necessary to get some idea of what really is occurring to the American Indian.

For many years the Indian population was decreasing, and it was said that within a short time the race would disappear. Since modern methods were established, to take care of the Indian child in infancy and teaching the Indian mother proper care and treatment at childbirth, the Indian population has been increasing. To-day perhaps there are more Indians in the United States than at the time Columbus discovered America.

The Navajo population in New Mexico is increasing, and certainly the Navajos are not a poverty stricken people. The Navajos in Arizona and New Mexico have immense herds of sheep and cattle; it is said that they have something like a million and a half head of sheep and goats; more sheep on their reservation than there is in possession of all the New England States and some of the Middle Atlantic States combined:

Note the resources of the Navajos, New Mexico and Arizona:

Eastern Navajos:	
Sheep	110,000
Goats	50,000
Head of cattle	1,500
Individual income from this source last year	$375,000
From sale of blankets and silverware	$60,000
In salaries and wages	$30,000
Northern Navajos:	
Sheep	122,500
Goats	40,000
Cattle	5,000
Income last year	$525,200
In crops	$50,000
In blankets and native handiwork	$85,000
In salaries and wages	$150,000
Southern Navajos:	
Sheep	400,000
Cattle	35,000
Income last year	$800,000
Sale of blankets	$159,860
For 2,000,000 pounds of pinon nuts	$103,812
For Government wages	$111,340
From outside sources	$240,000
Western Navajos:	
Sheep	300,000
Goats	40,000
Cattle	5,000
Income last year over	$100,000
In crops	$30,000
From sale of blankets and other native products	$149,500
In salaries and wages	$50,000

New Mexico has an Indian population of nearly 25,000. This includes some 10,766 Pueblo Indians; that peaceful tribe which became a part of the United States at the time of the treaty of Guadalupe Hidalgo; by that treaty the lands then in the possession of the Pueblo Indians went with them. It is true that their lands have been encroached upon, that they have intermarried with the whites, and much land has been absorbed in that way. But they still possess large tracts of valuable land, some irrigated and some timber and mineral land.

By the working of the Pueblo Indian Board restitution is being made for land that has passed from the Indians and settlement in money is being made where the land can not be reacquired. So the Government is not unjust in dealing with the Pueblo Indians.

The Navajos were the warlike Indians who kept the United States and Mexico in turmoil for more than a century. They were finally subdued and placed on the Navajo Reservation, comprising some 13,350,000 acres of land in Arizona, New Mexico, and Utah. The Navajos have become industrious and are rapidly changing their habits and becoming more Americanized. This is especially true of the younger Indian generation; the boys educated in the industrial Indian schools, like the Charles H. Burke School at Fort Wingate, N. Mex. It is said that boys going out from this school immediately request the building of more modern homes for their families in place of the crude hogan occupied by the Navajos for so many years.

The Navajos become good laborers on the railroads; they go into the railroad shops and learn the trade; they also work in the sugar and cotton fields. The Navajo population in New Mexico is now 10,709.

The Mescalero Apaches are also found in New Mexico. They are also making progress; they have large numbers of sheep and goats, and have one of the finest timber districts in New Mexico. The Apaches in New Mexico number 1,311.

We also have a few Utes on a small reservation in New Mexico. Most of the Utes are in southern Colorado. In New Mexico we have but few Utes.

The people of the State of New Mexico are pleased with the manner in which the department has handled the Indian situation in that State. They appreciate the cooperation given in the effort to give the Pueblo Indians what they are entitled to in land and education. This same cooperation has been given with the Navajo and Apache Tribes. The Assistant Commissioner of Indian Affairs, Mr. Meritt, has made personal investigations and has helped a great deal in the development of the Indians. He has been prompt to recommend action in granting the Indians more land to protect their watershed; also the granting of more lands for grazing purposes. The bureau has been prompt in settling quarrels between tribes and has adjusted land-title controversies among the Indians themselves. The Taos Pueblo Indians received a grant of land last year to protect their watershed. Various other grants of land have been made to the Indians since I have been a Member of Congress.

It is always a pleasure to assist in these matters when one knows that they will benefit the Indians. It is true that selfish interests wish to crowd the Indians out; but the Indian in the Southwest is being rehabilitated. It is not my purpose at this time to interfere with Indian management in any other State; I speak for the New Mexico Indian schools only. I represent

that State and I am familiar with the conditions existing in the Indian schools of the State.

I believe I can truthfully say that the Indian boarding schools at Albuquerque and Santa Fe are well conducted and that they are among the leading Indian schools in the way of management and equipment in the United States. Of course, there is always some complaint. But this is true also of the ordinary large family in our country; there are always complaints among members of the family. The Indians, due to their tribal and other conditions, are largely considered in the nature of a big family, and some members of the family will complain of the treatment given them by the white men. But you find this condition among the whites; some are always complaining against the Government, its methods, and its laws and opportunities.

To bring the matter more clearly before you I desire to insert here some matters which have been brought to my attention. One is an article written by Mrs. Isis L. Harrington, principal of the Albuquerque Indian School, which is entitled "Lo, the Poor Taxpayer." Mrs. Harrington compares the Indian population with the white people:

LO, THE POOR TAXPAYER

ALBUQUERQUE, February 4.—The population of New Mexico consists of whites and Indians. The white population is town and rural. The Indian population is village and rural.

The whites enjoy the protection of our Government by accepting the responsibilities of citizenship along with the heavy taxation that accompanies it. The Indians enjoy the protection of our Government without the responsibility of citizenship and taxation.

Taxes and rents must be paid by the bulk of white citizens, whether they eat or not. Taxes and rents are vague terms to the majority of Indians of the Southwest.

The Mexican sheep raiser raises his sheep, conforms to Federal and State laws of sanitation for them at his own expense. The Indian sheep raiser raises his sheep.

The Mexican sheep raiser rides a burro. The Navajo sheep raiser drives an automobile.

The Mexican sheep raiser sells his wool and sheep to pay his lease bill and heavy taxes, stinting himself to eke out an existence for his family till next shearing time. The Indian sheep raiser sells his sheep and wool. What he does with the money is his own business.

The white parent must provide a school for his child, feed, clothe, and equip him with books, and keep him in school for a certain length of time. The Indian parent may send his child to a school provided for him by the Government, where all equipment is furnished and transportation paid.

Hundreds of New Mexico rural school children whose parents are taxpayers have never seen a bathtub, kitchen sink, or inside toilet. It would be hard to find as many Indian school children not perfectly familiar with all three in the entire United States.

Many rural school children in New Mexico count it a great treat when the county agent puts on a show of lantern slides depicting the life cycle of germs, bacteria, and plant fungi, or when the forest ranger by the same means shows how forests are protected. Many Indian schools have their own motion-picture machines, showing the same high-class pictures one sees in the city. The Albuquerque Indian school children have motion pictures every alternate Saturday night. Lantern slides bore them dreadfully.

The public-school child who can furnish his instrument, music, and instructor has a chance at some musical training. The Indian school child needs but the willingness. Three years ago, I am told, but two persons in Albuquerque and vicinity had degrees in music. One was an Indian girl, Mary Young Nesbit, instructor at the Albuquerque Indian school, instructing 32 girls in piano and as many in voice. Mr. Taxpayer, did you notice your large family of none-too-well-clothed and fed fellows adoringly following the Indian school boy band in the Armistice Day parade? Some day it will dawn upon those little chaps just how they got that way.

Mrs. White Citizen, when your baby is due where will you go? Who will pay the bill? In the Albuquerque Indian school hospital a month or so ago I visited the maternity ward to see two young mothers, both former students, and their two healthy baby boys. Mothers and babies had received the best of professional care from a first-class physician and two registered nurses. When these two young Indian mothers—Mrs. Maggie Howard Wilson and Mrs. Lulu Hathorn Tsyitee—were strong again they returned to their homes, both in Albuquerque. There was no charge. All were glad to have them come. They are following the teaching of the old school in which both finished second-year high.

And Mrs. Taxpayer, where did your daughters go for a job after finishing high school? Girls from the Albuquerque Indian high school are making good in positions paying from $1,080 to $1,200 per year. And your son. Maybe he had to drop out when he finished the eighth grade.

Now, Mr. Sick White Man, are you paying to bask in the glorious sun of New Mexico in an expensive sanatorium or are some of you tucked off in a mountain cabin chasing the cure? Or have you a ragged scrap of canvas stretched from the side of a discarded freight car under the shade of which you lie on a cast-off Army cot with a few poor cooking utensils in which you prepare whatever food you caught? The Government has provided sanatoria in the Southwest for tubercular Indians, and each year is building more.

Mrs. Taxpayer, is it a problem for you to dispose of the left overs from your table or do your youngsters rush to the cupboard as soon as they return from school and clean it out before you can say "scat"? And do you have all the good, fresh meat your boys can eat at least once a day? At the Indian school at Albuquerque it is a difficult problem to dispose of the left overs. Twelve large dish pans, heaping full, after the noon meal. And one poor boy didn't have enough to eat.

And, Mrs. Taxpayer, do you ever have to chastise your children? If not, then why do you complain so numerously and vehemently to superintendents of Indian schools when his students prowl about your premises, break your window panes, or run down your car with his truck? The big complaint about educated Indians is from their disobedience and lack of responsibility. Not long ago, after an Indian boy had driven his truck broadside into a woman's sedan, he was asked by an officer: "Why did you do that"

It is said the boy answered without the shadow of a smile: "She was driving a Dodge. I thought she would dodge."

At Indian schools there is as little discipline as possible. Government employees are much more charitable and lenient with Indian children than they are with whites. So are you.

If you think the Government does not protect the Indian just try to collect a debt off him. If you feel that he isn't protected by Uncle Sam, let him run into your car with his. If you think the noncitizen Indian is subject to the same laws you are, try to get a court to try him.

Mr. Taxpayer, when investigating the schools and hospitals you are providing for the Indians, see that every school and hospital of every kind in your entire State receives the very same thorough investigation. Then, and not till then, will there be a basis for a judgment of any value.

The Indian is as noble, self-reliant a race as you will find. Pablo Abeita, the sage of Isleta, gave an excellent statement of his problem. The Indian is deluged with a brand new civilization and must be given a chance to fit himself to his new surroundings.

Mr. Taxpayer, you must do that. You are willing to do it. But, are you going to pay for every frill and fad foisted upon the Indian's unwilling shoulders by sob sisters, sentimentalists, sensationalists, and parlor bolshevists who, while they might be the first to decry its plight, would certainly be the last to get right down and work for his real good as do Government workers—both Indian and white—in the field and in Washington?

The Indian himself is beginning to see a bit of what is going on behind the smoke screen let down in the name of his welfare by those whose main object is to keep the Indian down while they pillage and exploit him. Those forces can not get at him freely until the Government steps aside. Taxpayers and citizens, both white and Indians, you are the Government.

(MRS.) ISIS L. HARRINGTON,
Principal United States Indian School, Albuquerque, N. Mex.

Now note the report made on the Santa Fe Indian School. This investigation was made by a committee consisting of Gov. R. C. Dillon, Dana Johnson, editor of the Santa Fe New Mexican, and Dr. George Luckett, director of public health. Their report, in part, was as follows:

Food was found to be abundant, clean, and of good variety. Check of individual weight charts shows steady gain in weights. Clothing was found adequate, warm, and of good quality. Pupils receive hospital care from resident physicians and trained nurses.

DISEASE UNDER CONTROL

New building under construction will afford improved modern hospitalization. Disease is apparently under good control. There are now 42 cases of trachoma, which the physicians and nurses say is a decrease of 25 per cent during the present school year, and the number represents 8 per cent of the enrollment. The physicians report that all precautions are being taken to prevent spread of the disease. There is one tubercular case this year, the physicians said, and that patient was removed to a hospital at Laguna.

No jails could be found, and the superintendent and disciplinarians say that pupils are never locked up.

Sleeping accommodations appear clean and adequate, with the exception of some crowding in two rooms of the girls' dormitory.

CHILDREN HAPPY

We found no evidence of overworked pupils.

Cleanliness, sanitation, ventilation, and general living conditions were found to be good. None of the children made complaints, and they appeared to be contented, normal, happy, and healthy.

Let me read you a letter written by one of the Indian students at the Albuquerque Indian School. The letter is written in English characteristic of the Indian boy learning the language:

INDIANS WELL TREATED

[EDITOR'S NOTE.—The following letter, written by Huskie J. Burnside, Albuquerque Indian School student, takes issue with reports recently published in Good Housekeeping magazine that Indian School students are not well treated.]

EDITOR TRIBUNE:

I never been mistreated since I came to U. S. Government school. I'll try to explain myself how I was to be treated since I have been in roll the United States Government Indian School.

My the first I went to school in the Navajos Reservation boarding school at the Fort Defiance, Ariz. It was the eleven years ago now, since that time all the teachers and all the boss they surely treat me just fine like my own mother.

Because I am always obey my school rules and regulation when I was attending a school at the Ft. Defiance. After when I finished third, and the same time my brother Isidore Burnside he written a letter to me from the Albuquerque Indian School.

As he said in that letter, "brother this is the best school I ever attending now, so you can come to this school after when you finished six grade," said he.

VERY ANXIOUS

But I didn't finish six grade, because I was very anxious to to Albuquerque Indian School. Just as soon when the school start in September the first in the year of 1921. I asked my mother and father if I could go to the Albuquerque Indian School and also I have explain about that letter I got from my brother Isidore.

After a while my mother, father and the rest of my folks they are agree with me to go to Albuquerque Indian School. At the same time my father said to me before I leave to Albuquerque, Mr. R. Perry he is good man and he is one of my the first friend at the Ft. Defiance the time when he was superintendent at the fort.

Also he said, "Mr. Perry he use to treat me nice when I was Indian policeman at the Ft. Defiance," he said.

I don't see why some of the people they said the American Indian are mistreated and also they said Santa Fe boarding school and Albuquerque Indian School childrens are hungry.

OWN HARD LUCK

Maybe they mean some of boys and girls they are sleeping in and too lazy to get up in the morning on account of that they miss their breakfast by their own hard luck and then they will started to work from 7.30 to 11.30 o'clock.

If they are on time for breakfast formation they wont be hungry at all. Not only breakfast formation, as also church and school and daily formation.

As you all know, the person who are disobey the United States Government rules should be punishment like a man. Just the same as we do here at the Albuquerque Indian School. Of course some of the boys and girls they are usually disobey the rules of the school regulations. So we are the Indian childrens have to be punished by the disciplinarian and matron in order to training our mind for the next generation.

I came to this school here in the year 1921, Sept. 9. From there on up to this time I don't seeing anything wrong here at the Indian School. We always have plenty of food to eat by three time a day, and we have plenty clothing to wear.

We are the Indian boys have plenty a shop equipment, such as auto mechanics, engineer, tailor, blacksmith, carpenter, shoe and harness, and the same way in line of girls department, and they have place to learning such as home economy, nursery, sewing and laundry.

PLENTY OF EQUIPMENT

All of these different department they have plenty of equipment to work with and plenty of machines each of these department.

The same way in gym. We have all kinds of athlete equipment here in Albuquerque Indian School, such as basket ball, baseball, football and boxing outfit, etc. All these equipment take charge by Mr. J. E. Jones, and also teach us how to use it.

I think Albuquerque Indian school is the best school, better than any other Indian service. I tell why, because Albuquerque Indian School they are built me to be a man, and they are the ones development my mind and how to act and how to be a gentleman, and how to be polite and etc.

A. I. S. is the best school that's why I have been stay here for eight years now.

HUSKIE J. BURNSIDE.

Editorially, the State Tribune, a newspaper published daily in Albuquerque, said as follows:

POOR STUFF

John Collier, secretary of the Indian Defense Association, has issued a battery of heated charges since New Mexico became actively interested in a story to effect that Indian students in this State are being starved, maltreated, and poorly fed.

Collier has said:

That the governor's investigating committee was a whitewash at instigation of the Indian Bureau.

That the Hugh A. Carlisle Post of the American Legion is under influence of the Indian Bureau.

That middle Rio Grande conservancy is for exclusive benefit of the non-Indian settlers.

To which we say:

Let the Senate investigating committee come to New Mexico and learn for itself whether New Mexico is misrepresenting current conditions at Indian schools here. In hearings before that committee in Washington there has so far been no complaint of schools in this State. They have, in fact, been upheld as models for the service.

We have seen no statement from John Collier broadcasting this fact to the world. Yet it is one phase of the picture, a rather vital phase, we should say.

If the Hugh A. Carlisle Post is under influence of the Indian Bureau, then that influence has been so subtly exerted that few if any legionnaire has realized it.

Mr. Collier has amazing occult powers if at Washington he can read a simple telegram and determine therefrom that the sender and all his associates are webbed in the tentacles of the Indian Bureau.

The local Legion commander asked the editor of Good Housekeeping whether he would carry another article in event a Legion committee was able to disprove charges about New Mexico schools.

On the strength of this wire Mr. Collier broadcast to the world that the Legion is in cahoots with those who are stamping the Indian underground.

Mr. Collier has likewise broadcast a charge that middle Rio Grande conservancy does not benefit the Indian, that it is unfair. Congress has heard this charge several times, has investigated it, and disapproved it.

Anyone with a grain of cerebral tissue knows that tripling the area of fertile land of any people will benefit that people.

Cost of reclamation for Indians will be adjusted in the form of liens only on newly reclaimed lands, the liens never enforceable so long as the property remains in hands of the Indian.

That is the sort of arrangement that Mr. Collier is fighting. Why does he object to an economic project that promises to increase the wealth of his Indian wards; to heighten their comfort and prosperity; to help make them truly independent?

So far as New Mexico is concerned the facts are obscured by activities of two sets of extremists—those who declare smugly that the Indian is being too well treated and those who rant in season and out that the Indian is being slaughtered spiritually, economically, and physically.

The Indian will never secure justice from the covetous or from the professional uplifter. The public will never learn the truth from either of these groups. Unfortunately both of them are active.

We hope the Senate Indian Committee, in which we have confidence, will do a thorough job of investigating.

After reading these reports we ask, Why this attack upon the Department of the Interior and particularly why the attack on the manner in which the Indian children are treated in the boarding schools of my State? The motive for these attacks is questioned. The statements therein made have been treated as false by the committees investigating conditions in the State of New Mexico. [Applause.]

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman and gentlemen of the committee, I rise to reply to the distinguished gentleman from Massachusetts [Mr. MCCORMACK], who spoke to us so entertainingly a few moments ago upon the question of the national-origins clause of the immigration law. This question has been before a committee in the other branch of Congress for consideration, and the newspapers of this morning say that yesterday that committee made its report, and the committee stood about as follows: Seven members of the committee were opposed to the Nye resolution and four were in favor of it. What is the Nye resolution? The Nye resolution is a resolution providing for another postponement of the national-origins clause. In 1924 the immigration law was passed, carrying with it the national-origins clause. In 1926 the Congress postponed the going into effect of that provision of the law, and in 1927 Congress again postponed it. The Nye resolution seeks to do the same thing this year. The report of the committee is adverse to that resolution; but, of course, no one knows what the future developments will be with respect to that legislation.

Mr. ROY G. FITZGERALD. Mr. Chairman, will be gentleman yield?

Mr. JENKINS. Yes.

Mr. ROY G. FITZGERALD. This matter is of great interest and I am delighted that the gentleman is discussing it. Will the gentleman please develop somewhere in his address the situation which has grown out of the inability on the part of the administrative departments of the Government to set up the proper schedule for quotas on a proper basis, and whether the

reply is not the setting up of a tentative schedule and putting that in force as the law?

Mr. JENKINS. Mr. Chairman, I am very glad that the gentleman is asking that question, because the recent hearings before the Senate committee have brought out in a convincing manner the fact that the propaganda that is going over the country to the effect that the national-origins clause is impracticable of operation and can not be put into effect is without foundation. Doctor Hill, in testifying before the committee during the last few days, said that the national-origins clause is more certain than the 1890 plan, and as far as whether the clause can be put into effect is concerned, from an administrative standpoint, all that need be done is to read the hearings before the Senate committee and see where Mr. White, of the Department of Labor, testifies that there will be absolutely no trouble in putting the national-origins clause into effect any more than there would be in putting the 1890 quota law into effect. I shall quote his testimony further along in this discussion.

I want to throw out one proposition for your consideration. The gentleman from Massachusetts [Mr. McCORMACK] fails to consider the fact that the national-origins clause was put into our law by reason of the statesmanship and mental acumen of the most distinguished statesman produced by Massachusetts since the days of Daniel Webster, and I refer to that incisive character, the late Senator Henry Cabot Lodge. He is the man who discovered the merits in the national-origins clause, and just as soon as he was able to launch it the idea was grasped by another great incisive mind in the United States, the Senator from Pennsylvania [Mr. REED], and he now is the champion of this proposition.

What is meant by national origins? At the present time no Congressman, except one who was born abroad, is considered in the method of computing the quotas. No native-born Congressman is considered in the computation of the 1890 quota law. No one but foreign born are considered. This statesman, Senator Lodge, saw at once that it would not do in this great America of ours to allow immigration to be determined and based upon the foreign born only. No one is counted in the 1890 quota but the foreign-born.

How do they count them? The 1924 law grew out of the quota law of 1921. It is one of the most important pieces of legislation enacted in this country in the last generation. [Applause.] Why do I say that? If you will go back into the history of naturalization and immigration you will find that the Constitution of the United States nowhere says anything about immigration. It says that the Congress of the United States shall have the power to enact laws governing naturalization, but not a word about immigration. The law of immigration, the right of Congress to enact immigration laws, comes because of a judicial decision, a decision of the Supreme Court of the United States. Immigration has always been a live question. The 1921 law had a serious defect in it. We selected our immigrants under that law on this side of the ocean. This resulted in many immigrants being turned back after they had left their native country and paid for their transportation. In the 1924 law we changed the manner of selection, and now the process of selection is carried on by our consuls abroad. The 1924 law provides that the quotas should be 2 per cent of the foreign born in this country, as shown by the 1890 census. The object of the national-origins clause is to change that, and to base immigration on the whole people, both native born and foreign born. What could be more just and fair. Some one says that that is impracticable. It is not. The Census Department of the United States has gone to work and made computations, they have consulted the records, and now they have a system evolved which they say is safer and better and more certain than the 1890 census.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. Yes.

Mr. COLE of Iowa. The purpose of the immigration law was to restrict immigration.

Mr. JENKINS. Yes.

Mr. COLE of Iowa. Is it not possible to restrict immigration under the quota? All you have to do is to reduce the percentage. If 2 per cent is too many, let us reduce it to 1 per cent. I would be in favor of that and I will vote for that. I am in favor of restricting immigration, and I would go even lower than that.

Mr. JENKINS. The trouble with that theory is that the gentleman wants to restrict immigration, basing it on the immigrants that come in. Why not restrict it on the people who are here? Let us take America as it is and strike a cross section of America as it is and say that people shall come into this country as that cross section indicates.

Mr. COLE of Iowa. Take our present quota. Is there anybody—is there any class of immigrants coming in which is not desirable?

Mr. JENKINS. No; not any class taken as a nationality. There are many individual undesirables, but no plan will change that. That is a question of enforcement.

Mr. COLE of Iowa. Are there any that now come in under the 2 per cent which the gentleman would think ought to be excluded?

Mr. JENKINS. No; my theory of the exclusion of immigrants is not based on the nationality of any people. Many people do base their opinion in reference to immigrants on their natural inclination. They consult their prejudices and not their judgment. But here is the proposition with me, if the gentleman wants to know my basis: It is not wise from a political or economic standpoint to bring into our country any great influx of any kind of people any more than it is safe to the vitality and political life and perpetuity of any other country to have brought into it any great numbers of people with backgrounds entirely different from those of the people of that country. If you would transfer into Italy a million of the finest Americans in the next year that country could not assimilate them, and the result might be very disastrous and would, I am sure, create an economic revolution if not a political revolution. The situation would be the same as to Great Britain or any other country. The political institutions of a country are the result of a long growth. A steady influx of immigration, if of the right kind and in a quantity that can be digested, will not upset the national equilibrium.

At the expense of repetition let me comment further on the law of 1924. Section (a) of this law provides that future quotas shall be 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as shown by the census of 1890. The census of 1890 was selected for no special reason. The same arguments that would apply for the selection of that census would apply to the selection of the 1920 census. Many people who are opposing the national origins law would like to see the 1920 census selected, because there had been a much greater influx of immigration from southeastern Europe after 1890 than there was before that time. The basing of a quota on any particular census is not as serious as the basing of the quota upon the foreign born entirely, without any consideration of the native born.

The national-origins sections of the 1924 law provide a maximum of immigration at 150,000 per year. The 1890 provision admits 164,000. There is a reduction of 14,000. Under the national-origins plan the annual quota of any nationality for each year shall be a number which bears the same ratio to 150,000 as the number of inhabitants in the United States in 1920 having that national origin bears to the number of inhabitants in the United States in 1920. This number is not to be ascertained by tracing back the individual ancestry of each individual but upon statistics of immigration together with rates of increase of population and on all and any other authentic data that would tend to establish the national origin of the people. These quotas are all to be based on the last census, which was the census of 1920. Just how this is to be done is more easily understood than explained. The Census Bureau, which is one of the most efficient bureaus of the National Government and one which has been in existence in some form or another since the beginning of the Government, has assumed this task. There is no gainsaying the fact that Doctor Hill is America's most proficient student in all matters dealing with the population of the country.

There has been published in America by the American Council of Learned Societies a publication known as A Century of Population and Growth. This publication was prepared by the greatest students of the question in the country at that time. This document has been accepted by Doctor Hill, of the Census Bureau, for what it is worth and much other data of similar nature. As I understand it, the first step taken by the Census Bureau to ascertain the national origin of the population was to subtract from the total population of 1920 those classes excluded by the law of 1924 which were, principally, aliens ineligible to citizenship and the descendants of slave immigrants, together with the descendants of the Indians. After this subtraction there remained a total population of 94,820,915. The next step was to determine how many of these were direct descendants of those who were here in 1790 when the first census was taken. This was done by ascertaining from the 1920 census the number that were native born. They then found how many of those had native parents. They then went back to the census when these parents were born and found how many of them had native parents and continued this process back to the first census, which was 1790. They ascer-

tained in that way that 41,288,570 of the white population in America in 1920 were descendants of the 3,172,444 that were enumerated in the 1790 census. The question then arose as to determine what was the national origin of those who were here in 1790. This was done by the application of many tests. Authorities on the German population in the country in 1719 were examined as well as authorities as to the population of the various other nationalities. Practically all these matters were gone into with great care by the American Council of Learned Societies. Much stress is laid by some on the fact that the muster rolls of the Revolutionary War showed a great preponderance of Irish in the Revolutionary War. Testimony by experts who have investigated this phase find that the muster rolls in themselves carried no great proving force for the muster rolls of the State of Massachusetts show that at different times in the Revolutionary War over 150,000 soldiers had enlisted from that State when as a matter of fact the total population of Massachusetts was only approximately 300,000. Some one testifying in the hearings before the Senate committee brought out the fact that investigation of the national origin of those who wrote the Constitution of the United States had been made and that about 80 per cent of the members of the Constitutional Convention were of English origin. Statistics taken from the Century of Population and Growth shows the number of people of the various nationalities in the several States when the first census was taken. I am inserting these statistics in the RECORD at this point.

The data referred to are as follows:

White population in 1790 as classified by nationality in Chapter IX of A Century of Population Growth, published by the Bureau of the Census in 1909

Nationality as indicated by name	United States		Maine		New Hampshire		Vermont		Massachusetts		Rhode Island	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities	3,172,444	100.0	96,107	100.0	141,112	100.0	85,072	100.0	373,187	100.0	64,670	100.0
English	2,605,699	82.1	89,515	93.1	132,726	94.1	81,149	95.4	354,528	95.0	62,079	96.0
Scotch	221,562	7.0	4,154	4.3	6,648	4.7	2,562	3.0	13,435	3.6	1,976	3.1
Irish	61,534	1.9	1,334	1.4	1,346	1.0	597	.7	3,732	1.0	459	.7
Dutch	78,959	2.5	279	.3	153	.1	428	.5	373	.1	19	
French	17,619	.6	115	.1	142	.1	153	.3	746	.2	88	.1
German	176,407	5.6	436	.5			35		75		33	.1
Hebrew	1,243		44						67		9	
All other	9,421	.3	230	.2	97	.1	148	.2	231	.1	7	

	Connecticut		New York		New Jersey		Pennsylvania		Delaware		Maryland	
All nationalities	232,236	100.0	314,366	100.0	169,954	100.0	423,373	100.0	46,310	100.0	208,649	100.0
English	223,437	96.2	245,901	78.2	98,620	58.0	249,656	59.0	39,966	86.3	175,265	84.0
Scotch	6,425	2.8	10,034	3.2	13,156	7.7	49,567	11.7	3,473	7.5	13,562	6.5
Irish	1,589	.7	2,525	.8	12,099	7.1	8,614	2.0	1,806	3.9	5,008	2.4
Dutch	258	.1	50,600	16.1	21,581	12.7	2,623	.6	463	1.0	209	.1
French	512	.2	2,424	.8	3,565	2.1	2,341	.6	232	.5	1,460	.7
German	4		1,103	.4	15,678	9.2	110,357	26.1	185	.4	12,310	5.9
Hebrew	5		385	.1			21				626	.3
All other	6		1,394	.4	5,255	3.1	194		185	.4	209	.1

	Virginia		North Carolina		South Carolina		Georgia		Kentucky		Tennessee	
All nationalities	442,117	100.0	289,181	100.0	140,178	100.0	52,886	100.0	61,133	100.0	31,913	100.0
English	375,799	85.0	240,309	83.1	115,480	82.4	43,948	83.1	50,802	83.1	26,519	83.1
Scotch	31,391	7.1	32,388	11.2	16,447	11.7	5,923	11.2	6,847	11.2	3,574	11.2
Irish	8,842	2.0	6,651	2.3	3,576	2.6	1,216	2.3	1,406	2.3	734	2.3
Dutch	884	.2	578	.2	219	.2	106	.2	122	.2	64	.2
French	2,653	.6	868	.3	1,882	1.3	159	.3	183	.3	96	.3
German	21,664	4.9	8,097	2.8	2,343	1.7	1,481	2.8	1,712	2.8	894	2.8
Hebrew			1		85	.1						
All other	884	.2	289	.1	146	.1	53	.1	61	.1	32	.1

It will be shown from these statistics that about 80 per cent of the people in the thirteen Colonies when the First Census was taken were English. It is well known to students of history that the great immigration from Germany and from the southern European countries had not set in at the time of the taking of the First Census. It is fair to assume that the same percentage of nationality that was shown to exist in the 1790 census would carry itself down to the 1920 census. In this way the 41,288,570 could be apportioned with comparative certainty.

The remaining 53,532,345 which represents the foreign born and those whose ancestors came since 1790 is more difficult of allotment. The plan adopted by the Bureau of Census seems to be very fair and seems to have worked out very satisfactorily. The department divided this total into three groups. At first it ascertained that according to the 1920 census 13,712,754 of this 53,532,345 were foreign born. It would therefore be a comparatively easy matter to classify this number. It found that 19,190,373 were children of immigrants. If the data was sufficient to ascertain the number that were children of immigrants it would be sufficient to determine the national origin of these children. There would remain therefore a total of 20,629,219 whose national origin would be more difficult of determination. They were placed in a classification for grandchildren of immigrants and were thus considered. Earlier censuses were examined as to the origin of those in this group and after careful and honest consideration fair and honest conclusions were arrived at. No one claims that this conclusion is mathematically correct but no one could successfully claim that it is not more accurate than the 1890 census would be when based purely upon foreign born within the country, and when arbitrarily selected. A total quota of 150,000 when taken in relation to the total population of the country only means 1 person for every 600 of population. In other words an error of 600 would only mean a change of 1 person in a quota. An error of 60,000 in population would only mean a change of 100 in a quota.

Further by way of explanation of what I have been trying to say I am taking the liberty of inserting a table and an explanation thereof by Doctor Hill of the Census Bureau:

Mr. HILL. I have explained how we determined the origin of the native stock by classifying it on the basis of the 1790 census.

Table C

Census year	Immigrant stock			
	Immigrants	Children of immigrants	Grandchildren and later generations	Total
1890	9,121,867	9,794,347	5,752,578	24,668,792
1900	10,213,817	13,139,149	9,183,279	32,536,245
1910	13,345,545	15,907,074	14,378,163	43,630,782
1920	13,712,754	19,190,372	20,629,219	53,532,345

Coming now to the immigrant stock: As shown by Table C, which I have inserted in the record, we can divide immigrant stock into three component parts. It includes the immigrants themselves, as shown in the second column of Table C. It includes the children of immigrants, as shown in the third column of Table C, and it includes grandchildren and later generations. As regards immigrants themselves, the classification has been made by the census. There is no element of estimate there; the foreign born are classified in the census by country

of birth; and as regards children of immigrants, the classification has also been made for us by the census. We do not have to estimate there. The element for which we do have to estimate consists of grandchildren and later generations, the classification of which by country of origin has not been made by the census.

Starting with the census of 1890 the number of grandchildren and later generations at that time was 5,752,578, as shown by this table. That forms only a comparatively small part of the total immigrant stock, about one-fifth of the total immigrant stock, so, as regards the origin of the immigrant stock in 1890, we may say it was four-fifths known and one-fifth unknown. I am emphasizing that fact to show that that portion for which you would have to make an estimate is relatively small, so that errors in the estimate would not affect the totals very much.

Coming back to the question, how shall we determine the country of origin of the grandchildren as enumerated in 1890, numbering 5,752,578? It is evident that the country of origin of the grandchildren as enumerated in 1890 would be determined by the immigration which came to this country prior to 1870. Why do I say prior to 1870? Simply for this reason—that the immigrants who came after 1870 could hardly have produced many grandchildren by 1890. They might have a few, of course, without appreciably affecting the total, but for the purposes of this computation I assume that it takes 20 years to produce a grandchild. So we assume that the distribution of the grandchildren by country of origin would be on the basis of the stream of immigration coming to this country prior to 1870. If, for illustration, the immigration was 33 per cent Irish and 37 per cent German, we estimate that the grandchildren would be 33 per cent Irish and 37 per cent German. These are not the actual percentages, but are given for illustration. So we determine or estimate the composition of grandchildren by country of origin on that basis, making some allowance for the different periods of immigration, because those immigrants who came in earlier would naturally have a larger proportion of grandchildren in 1890 than those that came in later.

Having done that we have completed our classification for 1890, the immigrants being classified by the census, the children of immigrants being also classified by the census, and the grandchildren and later generations being classified by the process I have described to you.

It was unfortunate that the quotas based upon the foreign-born census of 1890 gave to some countries a quota far out of proportion to that to which they were entitled. It is within the knowledge of every student of history that the immigration into the United States has changed from the standpoint of nationality of those coming as immigrants. In the early history of the country immigration was almost exclusively from northern Europe. When Germany reached its period of great growth and development following 1870 the German immigration became very heavy. Quoting from a speech made by myself in this House on June 7, 1926, it appears that immigration reached its maximum in 1907, when 1,285,349 persons came to our shores as immigrants. To show the gradual growth of immigration from 1820 to 1924, when the quota law was passed, and the restriction of immigration from that time forward, I am inserting table of statistics:

1820	8,385
1840	84,066
1854	427,833
1873	459,803
1881	669,431
1907	1,285,349
1914	1,218,480
1921	805,228
1923	522,919
1924	706,896
1925	294,314

Any census taken when the high tide of immigration was on from any particular country would, of course, be more than fair to that country and unfair to other countries. If the census of 1920 had been accepted, the quotas of the southern European countries would have been increased many times. Those who find fault with the national-origins plan have been asked repeatedly to furnish a better plan. As I have heretofore stated several times, the arbitrary acceptation of any census will be unfair to some nationalities.

Much propaganda has been scattered to the effect that the national-origins plan if put into effect will work a great hardship on those called upon to administer the law. This is purely propaganda. Assistant Secretary of Labor Mr. White, in his testimony in a public hearing before the United States Senate committee stated—

when the 1924 act was put into effect it was not a noticeable disturbance or questioning of the quota from our department's standpoint. I doubt seriously if we would notice anything particularly if the national origins are put into effect—that is, from the Department of Labor's standpoint. We look upon this question as a scientific historical one to be left to the scientists and to the legislative bodies.

Further in his testimony he says:

Yes; the quotas as allotted are generally accepted by the various nationalities at the present time. I do not know as it will help you, but in my judgment any other quota announced by our Government would be equally as well accepted after a few years.

The national-origins plan will establish a permanent basis upon which future quotas can be fixed and can be justified. No census of foreign born only can furnish such a basis. If a proposition is fair, it can be justified and can be made to work. No discrimination should be practiced toward any nationality. If certain nationalities were favored by the selection of the 1890 census, those nationalities will, when they thoroughly understand the situation, be willing to accept any fair readjustment. Restriction of immigration is a permanent policy in our country now.

Those who favor the national origins are not asking for new legislation. They are only asking that the law passed after due deliberation by the Congress in 1924 be permitted to go into effect without further hindrance. When it shall have gone into effect and a fair permanent basis established for quotas the next step will be to determine whether those quotas should be restricted further, and if they are, that restriction should be on a fair basis so that no discrimination will be shown for or against the nationals of any country. America has achieved her greatness by having been able to amalgamate the various strains of blood into one great new strain. No nationality can claim all the credit for America's greatness. History records many instances where small nations have contributed mightily to the welfare of the world. Centuries ago it was asked in derision, "What good could come out of Nazareth?" To my mind the immigration question should be faced honestly and fairly, and it should be decided from the standpoint of what is best for America and those who are here rather than what is best for some other country and those who are yet to come. The national-origins provision is indorsed by every patriotic organization in America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I wish it were possible to make an amendment to the immigration law to provide that the governor of the Bank of England could not come into the United States and direct our Federal Reserve Board as to its policy.

Due to the statement of the Federal Reserve Board of last week there were two outstanding results. First, the American public, by the reductions of prices on the stock exchange, suffered great losses. In industrial stocks alone, according to Dow-Jones averages, there was a drop of 20.53 for the last three days to Friday. Secondly, the flow of gold from Great Britain to the United States was checked, and the gold position of the Bank of England suffered no further decline.

Circumstances point to cooperation between our Federal Reserve Board and the authorities of the Bank of England to protect the British gold reserve. It has been protected at the expense of the American public. The Federal Reserve Board has countenanced the sale of Liberty bonds at a low figure with a purpose of curtailing American credit by the Federal Reserve Bank of New York, and it likewise has countenanced the purchase of eighty million sterling by the Federal Reserve Bank of New York for the purpose of stabilizing the pound sterling and checking the flow of gold to America.

Last week the Federal Reserve Board issued a warning against speculation and since issuing that warning has permitted the Federal Reserve Bank of New York to do a little speculating in Liberty bonds and pounds sterling.

An American governmental agency has deflated credit here to help credit in Great Britain. The Bank of England had lost £26,000,500 of gold in the last five months and is £6,000,000 below its level of a year ago. It is below the so-called Cunliffe minimum of £150,000,000 which London regards as the danger point. The most ominous note was sounded in the New York Times on February 11, 1929, that indicated that the Bank of England wished to arrange a credit in America. The New York World of to-day stated that Governor Norman of the Bank of England, instead of asking for credit, received, an agreement of cooperation to prevent the depletion of Great Britain's gold reserve.

So instead of Great Britain paying for financial help, American business through the tightening of American credit, will have to pay for it. The losers in the stock market for the last week have already paid dearly for our Government's altruism. The Declaration of Independence which was the first law of the land, had as its main object the removal of British economic and political control from the back of the struggling colonies.

Now that America is powerful, it is not our thought that we should have the economically unfortunate Great Britain loaded on the back of America to impede American progress.

We all have sympathy for conditions in Great Britain, but so has the banker for a farmer who needs financial help. However, his sympathy never loses sight of discount gain and interest. Suppose we picture the United States as an individual banker and Great Britain as an individual seeking financial help. The first thing Uncle Sam would say is, "What are your assets and what are you prepared to pay for assistance?" In the end, John Bull would be forced to part with some of his possessions in order to get gold from Uncle Sam to carry him over in emergency. Why do our Government officials then deal with Great Britain other than on a business basis? If we are going to keep the wolf from any door let it be kept from our own door. The Federal Reserve Board and the financiers who approve of its recent policy are very sympathetic with other peoples' money. The international bankers who like to help Great Britain never forget to obtain a profit through their sympathy. They are always good samaritans with a sizeable rake-off.

Evidently it is our duty to estop the Federal Reserve Board from using our funds to assist Great Britain. Great Britain needs credit. Let it get credit in the usual way and pay for it. I think we could gladly enter into an arrangement with Great Britain and take over some of her island possessions off our Atlantic coast which, as naval bases, threaten our security. Great Britain owns a large portion of the earth and an indidividual owning real estate and needing money must part with some of his holdings. Why should not a nation finance itself the same way? Of course, Europe will call us Uncle Shylock, but for centuries Great Britain has held a large part of the world in pawn and glorified in the situation. If bank loanings are to be curtailed against our business expansion it means unemployment in America. If capital is to be frightened against investing in business through the purchase of securities hard times will be inevitable. If hard times are on the way I trust that they stop at the boundaries of the United States. American capital, with the cooperation of American labor has made us the leader in prosperity. Capital and labor have led the way from soup kitchens in America to a public, to a big extent, composed of securities holders. The world has turned economically and America has taken its place in the financial sun.

The deflation in 1920 caused a serious depression. It followed a movement of gold to Europe when the Bank of England needed it. The Federal Reserve Board has a casual connection with the panic. I trust that some day there will be revealed the secret minutes of the Federal Reserve Board at that time during which western financiers protested against the raise in the rediscount rates. The farmers were told that they were overproducing and speculating just as investors to-day are told that they are overinvesting. The corollary of the Federal Reserve Board statement would be to warn business against mass production. Business would be told that there are too many automobiles, too much steel being produced, and that the mail-order business is getting too heavy.

The Federal reserve propaganda is to the effect that last week's statement was urged in behalf of American business. The strange thing about it is that, although the Senate had suggested such a policy for some time, that the Federal Reserve Board did not get excited about speculation until the visit of Montagu Norman, governor of the Bank of England. He seems to have more power with the Federal Reserve Board than American business or the Senate of the United States. We have not heard that the Federal Reserve Board consulted the United States Chamber of Commerce, the Secretary of Commerce, or any farm organization prior to the statement, but we do know that Mr. Montagu Norman worked out a cooperative arrangement with the Federal Reserve Board. I wish that some of the Members of Congress who have taken advantage of the situation to attack the New York Stock Exchange would look into the international aspect of recent developments.

The New York Stock Exchange is the one important element in our business life which has not a concomitant government guardian. Through it the farm regions of the country were opened up through its distribution of railroad securities by means of which the great railroad systems of the country were built. Through it the great industrial enterprises of the country which furnish a market for farm products were financed. Through it to-day new enterprises are being given their life blood. It has provided an economic regulation of capital and because government has not interfered it has expanded its facilities in the interest of the country's business.

The stock exchange has reduced the speculative element in security buying by its facilities for uniform and contemporaneous distribution of reliable information throughout the United States. Gambling consists in a wager on a future event. Speculation involves only the risk of property ownership. The best proof of the sincerity of the stock exchange has been the Wall Street protest against the statement of last week. Had the brokerage houses been purely gambling houses, they would have cause for rejoicing instead of protest in a declining market. The stock exchange helps business stabilization and also affords business valuable information. The call loan is a safe loan and provides ready funds for the purchase of securities of American business. As Mr. Simmons, president of the New York Stock Exchange, said, "The security collateral loans have been a sort of national surplus which could be drawn very effectively and beneficially." The call loan serves a very useful purpose in financing the passage of securities of issuer to investor. In actuality the call-loan totals are only a very small percentage of the market values of the securities listed on the stock exchange, and the idea that the surplus credit of the country is carrying on all the security merchandising is fallacious.

The visit of Governor Norman seems to bear out the warning of President Coolidge against foreign investments. I believe that this body, instead of being critical of our citizens who have confidence in the future of this country and so buy American securities, should scrutinize our foreign financial entanglements. I have asked that the Federal Reserve Board disclose its hand in connection with the British gold situation. We just finished a war brought about by secret diplomacy. Mr. Hearst has just disclosed a secret Franco-British naval pact that meant harm to America. Let us have some light on the dealings of the Federal Reserve Board. Congress, the fundamental governing body of the country, operates in the open. Let its creature, the Federal Reserve Board, give us details on its recent action. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, I see that the gentleman from New York [Mr. BLACK], a member of the election campaign expenditures committee, is present and I wish to inquire whether that committee has been examining primary campaign as well as election campaign expenditures?

Mr. BLACK of New York. The committee under the resolution has power to inquire into primary election and actually did it in a primary election case in Texas.

Mr. SCHAFER. I thank the gentleman. Mr. Chairman and members of the committee, I hold in my hand a copy of the Capital Times, published at Madison, Wis., February 12, 1929, which contains an extensive editorial which quotes a report filed by Arthur R. Barry, special district attorney who conducted the John Doe inquiry into Wisconsin primary expenditures by Progressive candidates.

This report recommends the criminal prosecution of five Progressive leaders in Wisconsin for violation of the Wisconsin corrupt practices acts. I will not at this time read into the RECORD the entire editorial, but only such portion as refers to contributions to the La Follette Progressive Republican Club of Milwaukee, Wis., through Mr. Richard H. Lee of New York. I will not mention the names of candidates at this time, but will designate their names by blanks.

I hold in my hand some of the literature extensively circulated in my district by this La Follette Progressive Republican Club, in behalf of my La Follette Progressive primary opponent, who was defeated by an overwhelming majority. I have personally viewed at the secretary of state's office in Madison, Wis., the expense accounts filed by this La Follette Progressive Republican Club of Milwaukee, and from my personal knowledge know that, particularly with respect to $5,000 collected by Mr. Richard H. Lee, of New York, the corrupt practices acts of Wisconsin have been flagrantly violated.

It is my purpose in rising to-day to bring the matter to the attention of the House, and particularly to the attention of the Election Campaign Expenditures Committee of which the honorable gentleman from New York [Mr. BLACK] is a member, so that this committee can make an investigation of the receipts and expenditures in the primary campaign conducted by the La Follette Progressive Republican Club of Milwaukee.

I read now from the report filed by Arthur R. Barry, special district attorney who conducted the John Doe inquiry:

So far as we have been able to bring out the matter in the testimony, the contributions of Richard H. Lee amounted to $5,000. Mr. Lee's connection with the Wisconsin 1928 election is not only mysterious, dark, and foreboding, but spells and shows an outside interest, vicious in its nature, in Wisconsin politics, which in the future, if it can not be prevented or reached by State legislation, should call for national

legislation, to avoid a repetition in the use of money in influencing the electorate in determining who should or should not be elected to office.

It appears that Richard H. Lee is a very prominent lawyer of the city of New York, listed in Martindale's Legal Directory, of the highest standing and ability, a man of great wealth, it appearing in one instance that while taking a cruise on his palatial yacht, he instructed his private secretary to forward $1,500 to the Milwaukee committee.

In the early part of July, 1928, Mr. Lee appeared at Madison, made himself acquainted with members of the committee and advised them that he held himself in readiness to assist the committee, particularly in the furtherance of the interest of candidates ——— and ———. Mr. Theodore Dammann, secretary of state, introduced him by telephone to Mr. G. A. Dick, chairman of the Milwaukee County Progressive Committee, and he later in turn presented Mr. Lee to Mr. Herbert L. Mount, secretary of the Milwaukee County Progressive Committee, to whom Mr. Lee pledged himself to send $5,000, which he did in several payments within three weeks thereafter.

To his credit Mr. Mount reported these moneys as received by him in his preprimary and postprimary financial statement, and stated them to be money collected by Richard H. Lee.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. Can the gentleman from Pennsylvania give me three minutes more?

Mr. WELSH of Pennsylvania. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Wisconsin is recognized for three minutes more.

Mr. SCHAFER. I read further:

After the September primary Mr. Lee again comes to Wisconsin, calls on Mr. Mount at the Milwaukee Progressive headquarters, at which time Mr. Mount advised Mr. Lee that he would have to know the names of the men who made the contributions, and that they in turn would have to report their contributions to proper filing officers in Wisconsin.

Mr. Lee at that time told Mr. Mount he could charge up $1,800 to nine names then furnished. In passing, we will say it is peculiar that no addresses were mentioned for these names, and as to whether they are fictitious we are not advised.

Mr. Lee was repeatedly importuned by Mr. Mount to make report as to who contributed the other $3,200, but Mr. Lee willfully refused so to do, and continues to refuse to give the State of Wisconsin the information to which it is entitled. Mr. Lee has been advised that he has violated the corrupt practices act and given opportunity to make filing and he has refused to do so; and by so doing violated the statutes of the State of Wisconsin, the punishment of which constitutes a felony and therefore makes Mr. Lee extraditable, as he should be.

As to whether or not Mr. Lee, or whoever he may represent, contributed other money to the campaign, we are not advised, but it is peculiar, to say the least, that he, an utter stranger in Wisconsin, made contributions in the sum of $5,000 to the Milwaukee County campaign, and it is just as fair to presume that he did as to presume otherwise. Until we have his sworn testimony to the contrary the presumption that he did make additional and large expenditures, necessarily prevails.

Mr. Lee violated the statute in more than six particulars and the place of such violations being in Milwaukee County, he should there be prosecuted.

Mr. Chairman, the report of this special district attorney further shows a total expenditure in Wisconsin in behalf of the so-called Progressive candidates amounting to $132,833.16. I know of my own personal knowledge that all of the primary-election expenditures are not included. The report makes no mention of the many thousand copies of La Follette's magazine which were widely distributed from house to house. The issue so distributed was almost in its entirety confined to political campaign issues. The front page indicated a price of 10 cents per copy so that the total number of copies multiplied by 10 cents would represent the correct amount for campaign expense accounts.

I demand to know the source of the funds collected by Mr. Richard H. Lee, of New York, particularly since some of those funds were expended for political purposes in behalf of my primary opponent.

I request that the Election Campaign Expenditures Committee call Mr. Lee and such other witnesses as may be necessary to drag into the light the entire transaction which has been hidden in violation of the Wisconsin corrupt practices acts by Mr. Lee and the La Follette Progressive Republican Club, of Milwaukee.

As the late Senator La Follette often said: "Give the people light and they will find their way." [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, I will use 15 minutes of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, in closing the general debate, before starting to read the bill I would like to outline generally some of the provisions of the bill. In that way I think we can expedite the consideration of the bill under the five-minute rule.

The subcommittee of the Committee on Appropriations having this bill in charge realized that this particular bill touches the Members of Congress more closely than any other bill that comes from our committee, and I can say truthfully that the members of the subcommittee approached the different projects in this bill without the slightest feeling of partisanship. Every member of the committee, both Republicans and Democrats, had only one idea in view, and that was to enact such legislation as would enable the legislative department of the Government to function at 100 per cent of efficiency. If you get a committee of Congress with but a single idea in view, it is usually possible to bring out a bill that is relieved from serious objection. That the bill is perfect we do not for one minute claim, but we do hope that it has no major defect or anything which would warrant a division in the committee or in the Congress.

The committee at the outset of its work had a very important matter to consider, and that was the question of the salaries of the employees of the House. The committee had appear before it various officers of the legislative department and Members of Congress, pointing out certain inequalities and injustices that are at present inflicted upon the working personnel. And there was a strong desire on the part of the committee to remedy those inequalities and injustices if possible. But the committee was brought face to face with this fundamental question: Have we the right under our rules to do that? Notwithstanding the desire to give relief was strong, the desire to comply with the rules was stronger, and this bill, therefore, does not contain one salary increase. It was not because we did not think increases were deserved. We know they are deserved in many cases. But we wished to proceed in a constitutional and orderly manner.

Mr. SANDLIN. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield to the gentleman from Louisiana.

Mr. SANDLIN. The gentleman might explain that there are no salary increases except for those who come under the Welch Act.

Mr. WELSH of Pennsylvania. That was beyond our power to control and they are taken care of automatically, but the committee did not desire to usurp any prerogatives of the House. Therefore, we have not made any recommendations except those required of us by law.

Mr. SNELL. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Certainly.

Mr. SNELL. The gentleman is aware of the fact, is he not, that last year, by resolution of the House, there was a special committee appointed from the Committee on Accounts for the purpose of going over the question of the salaries of House employees and the relative salaries paid to the various persons. Did the gentleman or his committee consult them or take that matter into consideration at all?

Mr. WELSH of Pennsylvania. I will say, in reply to the gentleman from New York, that the members of the committee did not consult with the Committee on Accounts but they did have that matter under consideration in weighing the facts of the case. It was the opinion of the Appropriations Committee that no committee as now constituted has the right under our rules to entirely take up this question, and for that reason they unanimously went on record as favoring the appointment of a joint committee, consisting of three Members of the House, to be appointed by the Speaker, and three Members of the Senate, to be appointed by the Vice President, to go into this whole question of the revision of salaries and make a recommendation either by bill or otherwise at the next ensuing session of the Seventy-first Congress.

Mr. SNELL. Does the gentleman think we would be any further ahead by having a joint committee than to take care of the situation as it exists in the House at the present time? Personally I believe there are a great many inequalities, but I question whether we would get any further through a joint committee than we would by taking care of the situation as it exists in the House by the appointment of a House committee.

Mr. WELSH of Pennsylvania. I would say in reply to the gentleman from New York that I undoubtedly believe we would get further ahead. I believe it is the only way of solv-

ing this question, and unless we take this course we are going to be guilty of further acts of favoritism; we are going to pick out here and there, year by year, certain deserving cases—I will not call them cases of favoritism—and deal with them piecemeal, and in doing that we will leave many other cases, equally deserving, without a remedy, and merely be legislating in the line of favoritism. That is something the members of the committee deplore and that we do not want to be guilty of.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. ABERNETHY. We have done that in a number of instances, have we not?

Mr. WELSH of Pennsylvania. We have, and the time has come for it to stop.

Mr. ABERNETHY. Why not put these other employees on an equal basis? I know of several employees here, some on that side and some on this side, who are not getting the salaries which should be paid to them, and I ask the gentleman why not take up those cases now, as suggested by the gentleman from New York?

Mr. WELSH of Pennsylvania. I will say to the gentleman from North Carolina that the minute we try to do that it is subject to a point of order, and year after year it will be subject to a point of order.

Mr. ABERNETHY. But I do not believe points of order would be made, and I believe we should act now. In my opinion many of these salaries should be raised proportionately.

Mr. SNELL. The gentleman misunderstood what I had in mind. I did not mean to take it up now without legislation authorizing it. I was trying to find out from the gentleman from Pennsylvania whether he thought we had better take this up as a House matter instead of having it taken up as a joint matter with the Senate, because, as a matter of fact, as everyone knows, they always pay more liberal salaries at the other end of the Capitol than we pay here.

Mr. TILSON. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Certainly.

Mr. TILSON. Has the gentleman any assurance that this joint commission will have any success in dealing with the body at the other end of the Capitol?

Mr. SNELL. That is the point I had in mind.

Mr. TILSON. Has the gentleman any assurance that would lead him to think that in case such a committee is appointed that the representatives on the part of the Senate will be willing to meet us half way and try to fairly adjust the salaries of employees doing comparable work in the two branches of Congress?

Mr. WELSH of Pennsylvania. I will say to the majority floor leader that I have no assurance of that; but based upon my past experience in life it is my belief and my hope that a joint committee of the two Houses, sitting down around a common table and taking a comprehensive survey of the whole situation and endeavoring to deal fairly with the situation in its entirety, will accomplish greater results than would be the case if it is dealt with piecemeal year after year by taking care of a few cases.

Mr. ABERNETHY. I want to call the gentleman's attention to an instance which occurred right here on the floor of the House yesterday, when the question of giving to the President of the United States two additional secretaries at $10,000 each, was under consideration. That was subject to a point of order, but there was not a man on this side who objected to it and there was not a man on that side who objected to it.

Mr. BLACK of Texas. I beg the gentleman's pardon. I made a point of order, and the House put it in the bill in the regular way. I objected to its going into the bill without the affirmative vote of the House. I do not think it ought to have gone in and would have been very glad to have stopped it.

Mr. SNELL. The gentleman from Texas [Mr. BLACK] certainly took advantage of his rights and called the attention of the House to the fact that it was not in order.

Mr. WELSH of Pennsylvania. We can not do that in this appropriation bill, because one point of order would defeat it.

Mr. ABERNETHY. I know of deserving men here who are working and I see them standing right here listening to this debate. There are such men on both sides of the Chamber, and I want to say to the gentleman that I make no distinction. I stood up here at one time and made a plea for a man who was sick and could not defend himself, who was on the other side of the Chamber; and as an humble Member of this House I do appeal to the gentleman that there are employees here who are faithful and it does not make any difference on which side of the aisle they are, they are always at our beck and call, and the gentleman knows that.

Mr. WELSH of Pennsylvania. Yes; and I will say to the gentleman that that was the very attitude of the committee. There is no desire and no intention to discriminate on either side of the aisle.

Mr. ABERNETHY. The gentleman has the power. He is the head of a very important subcommittee, and I am speaking now not so much for this side, because I do not know just how it affects them, but I do know there are employees here who have served faithfully here year after year with the cost of living increasing all the time, and the Congress of the United States, through its own membership, has increased its own salaries. Take the salaries of the clerks, for instance. You have increased salaries here and there of men right on the floor here where you have taken up single instances. I will not name them, because the gentleman knows them, and, as the gentleman pointed out a while ago, we have numerous deserving employees, and if we wait for a joint committee, nobody knows at what time we will get to it. It does seem to me there ought to be some method by which this can be done, particularly when the question has been raised by the chairman of the Committee on Rules and the debate has been entered into by the majority leader. It seems to me we might get together and give these employees the amounts to which they are properly entitled.

Mr. SANDLIN. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield to the gentleman.

Mr. SANDLIN. I simply want to make this observation: I do not know whether the gentleman from North Carolina [Mr. ABERNETHY] was present when the gentleman from Pennsylvania [Mr. WELSH] opened his remarks or not, but this is very much like the two darkies who both agreed that potatoes would grow better in sandy land and argued about it all day.

Mr. ABERNETHY. The trouble about that is that we have not planted any potatoes and we are not raising any potatoes.

Mr. SANDLIN. I will say further to the gentleman that this committee has no authority to legislate, and as a member of the Appropriations Committee I have always objected to the Appropriations Committee bringing in legislation here whenever it was possible to avoid it. I agree with the gentleman from North Carolina [Mr. ABERNETHY] that there are many inequalities existing in the salaries of the employees of the House, and it is the earnest desire of the full committtee, as much as it is the desire of the gentleman from North Carolina, that the salaries be adjusted; and the only thing in dispute is how to adjust them.

Mr. TILSON. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield to the majority leader.

Mr. TILSON. The gentleman does not believe that the proper way to adjust them would be to begin on the floor of the House to add increases here and there?

Mr. SANDLIN. I do not. I think it ought to be threshed out by a committee; and the reason I am in favor of the establishment of a joint commission is because there has already been introduced in the Senate a resolution—I think by Senator ROBINSON—that provides for the raising of the salaries of the clerks of committees, as well as other salaries; and we feel, as Members of the House, that if salaries are going to be raised over there that the employees of the House who are doing the same kind of work ought to be treated with the same consideration as the employees of the Senate; and therefore we believe that a joint committee could get together and thresh out these matters and not have these inequalities.

Mr. SCHAFER. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. SCHAFER. May I ask the gentleman from Louisiana if it is contemplated to increase the salary of the police force of the Capitol, which is now about $112 a month? How can we expect a man to support a family on that salary?

Mr. SANDLIN. That matter was mentioned. I do not see how they can live on that salary. I could not, and I do not suppose the gentleman from Wisconsin could, and certainly I would not want him to.

Mr. ROY G. FITZGERALD. Will the gentleman yield to me?

Mr. WELSH of Pennsylvania. Yes.

Mr. ROY G. FITZGERALD. I want to ask a question in regard to this discussion. When the gentleman who has just taken his seat said he did not believe this was the proper way to approach this question, I want to ask if it is not important enough to be approached in some way; and if it can not be approached in a more appropriate way, is there serious objection to its being approached in this way? I should like to add to my question, as an illustration, the way in which the Clerk of this House is being treated—a man of great and responsible duties under the Constitution, who has in charge the organization of every House of Representatives.

Mr. ABERNETHY. And the Doorkeeper.

Mr. ROY G. FITZGERALD. I might add the Doorkeeper and the Sergeant at Arms. I might also add the clerk of the Committee on Appropriations, a man whom you could not dupli-

cate in years of endeavor. I am speaking of these men just as illustrations.

Mr. SANDLIN. I thought the gentleman was going to ask me a question.

Mr. ROY G. FITZGERALD. I am coming to the question I want to ask. The Members saw fit to raise their own salaries to $10,000 a year and neglected to raise those salaries which were measured in responsibility by the amount which was paid to the Members. Here is the Sergeant at Arms, charged with the responsibility of enormous sums of money, greatly increased by the amounts which have been added to the salaries of the Members. The responsibility of the Clerk has been increased in the same way; and I am asking my good friend across the way from Louisiana if it is not the proper thing to do the right thing at any time?

Mr. SANDLIN. Is the gentleman asking me that question or the gentleman from North Carolina [Mr. ABERNETHY]?

Mr. ROY G. FITZGERALD. I am asking the gentleman from Louisiana.

Mr. ABERNETHY. Will the gentleman permit me to answer the question?

Mr. SANDLIN. The gentleman has asked me to answer the question. I am sorry I failed to make myself understood, because our position is this: I thoroughly agree with the gentleman from Ohio [Mr. ROY G. FITZGERALD] that this matter should be adjusted, and I have said so. I agree that many inequalities exist, but I want to correct them in the proper and legal way. I do not want to come in here with an appropriation bill and have various Members get up on the floor and condemn and criticize, in many instances justly, the Committee on Appropriations for writing legislation on an appropriation bill. Therefore I want to say that this committee, which will be created under the proposed amendment by the gentleman from Pennsylvania, will do the very thing that the gentleman from Ohio and the gentleman from North Carolina have so eloquently advocated on the floor.

Mr. ABERNETHY. I was wondering if this joint committee would act in my lifetime or yours.

Mr. SANDLIN. You must take that up with the joint committee. I am hopeful, if the gentleman from North Carolina is one of the committee, that they will act at once.

Mr. ABERNETHY. I would act right now.

Mr. ROY G. FITZGERALD. If the rule against legislation on an appropriation bill is to be invoked, why shut your eyes to the fact that these bills are full of it? I am told that three-quarters of the agricultural bill which comes from the Agricultural Committee is not supported by legislation.

Mr. SANDLIN. The gentleman is incorrect.

Mr. ROY G. FITZGERALD. My authority is an expert in the Congressional Library.

Mr. TILSON. The gentleman from Ohio can always exercise his right to make a point of order against legislation on an appropriation bill.

Mr. SCHAFER. Mr. Chairman, a parliamentary inquiry. Are these gentlemen, who are speaking, for the bill or against it?

Mr. ABERNETHY. Will the gentleman yield again?

Mr. WELSH of Pennsylvania. I yield.

Mr. ABERNETHY. I understand that we can make a point of order against this proposition, but I am not going to do it. I am sure that nobody else will. I hope the gentleman will have the thorough cooperation not only of the committee but the majority leader, the chairman of the Rules Committee, and I am sure there will be no objection made on the part of anybody so that the employees can get a proper stipend for the amount of work they do. I hope the gentleman from Ohio will be one of the committee.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield.

Mr. VINSON of Kentucky. Did I understand the gentleman to say that there was no legislative committee of the House that has jurisdiction over this matter?

Mr. WELSH of Pennsylvania. I have so stated. I do not know of any other way in which this can be brought about. Now, this proposition is going to be offered as section 4, if there is no objection to it; and I want to give the House ample warning of the proposition.

Now, as to the bill, I would like to have gone more fully into the provisions of the bill than I will on account of the lateness of the hour. There are many points of interest in the bill. The bill takes up the power plant, and it will be of interest to know that conditions at the power plant are very fine. It is one of the model institutions of the country, and you will be interested to read the testimony brought out at the hearings as to the detail and the management of that wonderful plant.

It takes up the Congressional Library, and that is one of the outstanding institutions of the world. It will be interesting to see the way the Library is conducted and the efficiency of the manner in which it is run and the high regard in which it is held throughout the educational world.

You will be interested to know something about the Botanical Garden, the present condition of the work, and the future development that is in contemplation.

The Public Printer also comes under the jurisdiction of this bill, and Members will be interested to know that there are upward of 4,100 employees there, and that there is no labor trouble. Everything is running harmoniously and it is, I am glad to say, the greatest printing plant in the world. There is not a particle of friction.

The Clerk of the House appeared before us and said that in his experience, which extends over a long period of years, the work of the department is running more smoothly than it ever has before.

The Architect of the Capitol also had a very interesting story to tell the committee about the activities of his department.

I shall not take time to go into the details of the bill, because they are all here, but I wish you gentlemen would take the trouble to read the testimony that was produced before the committee. This is your own house that we are putting in order. It is something that concerns you, and your committee wants you to know what is going on.

You will also be interested to know that the various heads of your departments were asked emphatically whether they had any suggestions to make that would improve their efficiency or bring about a reduction in the expense of administration. They all felt that they had an opportunity to express themselves fully, and they did express themselves fully and indicated that they had the complete cooperation of the subcommittee and of the entire Congress in their desire to function as nearly perfect as possible.

I shall not take the time now to go further into the details of the bill. The bill carries an appropriation of upward of $18,000,000 for these various departments. We have kept well within the estimates. We have not increased the pay roll at all except as we were required to do under the provisions of the Welch Act. We have tried to give you the results of the best and most painstaking inquiry that we could make, and we hope that you will support us in what we have tried to do. [Applause.]

Mr. SANDLIN. Mr. Chairman and gentlemen of the committee, I shall take only a few minutes to refer to the discussion that took place a short time ago on the salary question. When the Welch Act was passed, the Botanic Garden employees and the employees of the Library of Congress were taken care of. They come under the provisions of that act. The salaries of the employees of both of those departments were increased in accordance with the provisions of that act. The act, however, does not apply to the employees of the Capitol at all, and they get no benefit from it. That is one of the matters that we think should be disposed of by this joint committee. Of course, the proposed amendment for the appointment of this joint committee is legislation itself. I call the attention of those gentlemen who are anxious that this matter be adjusted to the fact that it is legislation, and hope that they will not in this instance object to that legislation on an appropriation bill.

It was the desire of the committee to see to it that no injustices were done to the employees of the Capitol. I, for one, feel that their salaries ought to be put on an equality with the salaries of people doing like work in the other departments of the Government. At the present time a great many of them are not receiving the salaries that they should. Then, again, on this side of the House there are employees who are doing the same kind of work and more of it than others at the other end of the Capitol who are receiving larger salaries. As Members of the House, I think we should, as soon as we can get machinery set up, see to it that these inequalities are adjusted. The committee has given a great deal of thought to this matter. Last year I offered amendments in the committee to increase some salaries, and certain increases were written into the bill. They were stricken out on a point of order.

The same thing would probably happen again if I were to attempt it. The only proper way and the only just way in which this can be handled is by the appointment of a joint committee, and then any Member of the House or any employee of the House who knows or feels there is inequality existing can present the matter here proposed to this committee and it can be adjusted.

In conclusion, let me say that I indorse the bill; and the gentleman from Colorado [Mr. TAYLOR], the other Democrat on the subcommittee, also indorses the bill.

The CHAIRMAN. There being no further debate, the Clerk will read the bill for amendment.

The Clerk read as follows:

INDEX TO STATE LEGISLATION

To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the act entitled "An act providing for the preparation of a biennial index to State legislation," approved February 10, 1927 (U. S. C. Supp. I, p. 4, secs. 164, 165), including personal and other services within and without the District of Columbia (including not to exceed $2,500 for special and temporary service at rates to be fixed by the librarian), travel, necessary material and apparatus, printing and binding incident to the work of compilation, stationery, and incidentals, $33,280, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1929.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Will the chairman of the subcommittee state what progress is being made in the preparation of this index, how they are going to carry it on and bring it up to date?

Mr. WELSH of Pennsylvania. Doctor Putnam said they were doing what they possibly could, but could not possibly bring it up to date, that it is considerably in arrears, and asked for extra help to do that work, which is very much needed.

Mr. BRIGGS. Does not the gentleman think one of the most valuable functions of the Library is to have things brought up to date for the benefit of the Congress?

Mr. WELSH of Pennsylvania. Yes.

Mr. BRIGGS. My experience is there is a lot of antiquated stuff in the Library, probably kept as relics, but I do not think they are useful for any other purpose than to clutter up the Library; certainly they are not serviceable. Not long ago I called for a copy of the constitution of my State, and I think they sent one of the first copies, issued about 1878 or 1881. There have been numerous amendments to the Texas Constitution since that time, and the old edition was absolutely unreliable; it was the sort of book which the West Publishing Co., or one of the other publishing houses, would almost give away to stack the shelves of a young lawyer. What is the use of having that sort of stuff for the use of Members of Congress, when you ought to have late editions of volumes relating to State and National Governments?

Mr. WELSH of Pennsylvania. I will say the subcommittee unanimously agreed with the gentleman. Mr. TAYLOR of Colorado, who is on the subcommittee, took up that matter with Doctor Putnam in the hearings, as you will find on page 117 of the testimony. I can assure the gentleman that the committee, Doctor Putnam, the librarian, and the subcommittee are in accord on this matter.

Mr. BRIGGS. Are they going to weed out some of the old stuff and have it modern and have somebody get later books so you can have them available when they are needed by Members of Congress? I had the experience not long ago in asking the Library to send over an index of the United States Supreme Court decisions. It seems there were only two copies, one in the Supreme Court section and one in the Congressional Library, and they did not want to let either one out. I said that I thought that the Congressional Library was run for the benefit of Members of Congress. Finally, after I got enough officers of the Library busy, I got a volume and found what I wanted and sent it back again.

Mr. WELSH of Pennsylvania. I think we are all in accord in reference to what the gentleman says.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. WELSH of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read, as follows:

After line 5, page 40, add the following:

"SEC. 4. A joint committee of Congress is hereby created, consisting of three Senators, to be appointed by the Vice President, and three Members of the House of Representatives of the Seventieth Congress, who are Members elect to the Seventy-first Congress, to be appointed by the Speaker. It shall be the duty of the joint committee to investigate and report to the first session of the Seventy-first Congress, by bill or otherwise, what adjustments, if any, should be made in the numbers and compensation of the officers and employees of the Senate and House of Representatives, including joint committees, joint commissions, and other joint services of the two Houses, and of the office of the Architect of the Capitol."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. TILSON. Mr. Chairman, before a vote is had on the amendment, I wish to say that I shall not make a point of order against this amendment because I hope that it will bring some degree of success in fairly adjusting the salaries as between the House employees and the Senate employees. For that reason I am willing to see this amendment go into the bill and become a law. Before passing it, however, I should like to call attention to the fact that the House has heretofore made some very earnest efforts to adjust the salaries of its employees, but they did not all prove successful. One of these was the effort to adopt a report made by the gentleman from Massachusetts [Mr. UNDERHILL], from the Committee on Accounts, or a special committee composed partly, if not entirely, of members from the Committee on Accounts, which undertook to deal with the problem of fairly adjusting the salaries of the employees of this House. Much time, thought, and careful study were expended in the preparation of the report submitted by the Underhill committee, and it was certainly a proposed step in the right direction, but the step was not taken.

I hope that the amendment offered by the acting chairman of the subcommittee may eventually yield results, and that we may possibly some time hereafter have a more equitable adjustment of the salaries of employees doing similar or comparable work whether it be at one end or the other of the Capitol.

Mr. BRIGGS. What time is contemplated for the report to be made?

Mr. TILSON. At the first session of the next Congress.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WELSH of Pennsylvania. Mr. Chairman, I move that the committee rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WELSH of Pennsylvania. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WELSH of Pennsylvania, a motion to reconsider the last vote was laid on the table.

DEATH OF FORMER REPRESENTATIVE JACK BEALL

Mr. SUMNERS of Texas. Mr. Speaker, on yesterday morning the information reached Washington that Hon. Jack Beall, for 12 years a Member of this House, had passed away at his home in Dallas. Though Mr. Beall had not been a Member of this body for a long time, having voluntarily retired 14 years ago, he is remembered by his old associates with an affection and an admiration which only the highest qualities of character and ability can inspire. When I came here as a Member from the State at large Mr. Beall was representing my home district, the district which I now have the honor to represent. In the intimacy of that association I came to know him and to love him. It was impossible to know Jack Beall and not to love him and to admire him. He was a great friend. He knew the meaning of friendship as but few know it. He was a great statesman and a great man. A man of deep sympathy, gentle and tender, honest and courageous, with a mentality clear and profound, he was an able champion, in office and in private life, of that which is right.

COMMEMORATIVE POSTAGE STAMPS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution passed by the Legislature of the State of New York, addressed to the Postmaster General, requesting an issue of 100,000,000 2-cent postage stamps commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Following is the resolution referred to:

IN SENATE, STATE OF NEW YORK,
Albany, February 11, 1929.

By Mr. Wales

Whereas there occurs this year the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Governor George Clinton and Commander in Chief George Washington and authorized by Congress; and

Whereas this successful military enterprise was participated in by officers and troops of New York, Pennsylvania, New Hampshire, New Jersey, and Massachusetts; and

Whereas the Sullivan expedition weakened the Indian alliance with the English, cut off supplies of food, gave protection to frontier settlements, opened the western part of the State for settlement, and helped to win for the American Republic the rich interior of the continent; and

Whereas the legislature and governor have made an appropriation for suitable exercise and historic monuments to observe the Sullivan Sesquicentennial:

Resolved (if the assembly concur)—

1. That the Hon. Harry S. New, Postmaster General of the United States, be, and he is hereby, requested to cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

2. That a copy of this resolution be transmitted to the Postmaster General of the United States and to the Senators and Members of Congress from the State of New York, properly authenticated by the clerks, respectively, of the senate and assembly.

3. That the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts, whose officers and troops participated in the Sullivan expedition, be invited by New York to indorse this request.

By order of the Senate.

A. MINER WELLMAN, *Clerk.*

In assembly, February 11, 1929.
Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following titles:

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; and

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia.

The message also announced that the Senate respectfully requests the House of Representatives to return to the Senate the message announcing the agreement of the Senate to the amendments of the House to the joint resolution (S. J. Res. 182) entitled "Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 3955. An act for the relief of the T. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

MESSAGE FROM THE PRESIDENT—REPORT OF THE ALIEN PROPERTY CUSTODIAN (H. DOC. NO. 369)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress the annual report of the Alien Property Custodian on proceedings had under the trading with the enemy act for the year ended December 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 14, 1929.*

LEAVE OF ABSENCE

By unanimous consent, Mr. MCREYNOLDS was granted leave of absence on account of illness in his family.

ADJOURNMENT

Mr. WELSH of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Friday, February 15, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 15, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON THE COAST GUARD

(10.30 a. m.)

To readjust the commissioned personnel of the Coast Guard (H. R. 17060).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend section 1440 of the Revised Statutes of the United States (S. 2410).

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

843. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1929, $309,500; also drafts of proposed legislation affecting the use of existing appropriations (H. Doc. No. 588); to the Committee on Appropriations and ordered to be printed.

844. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1929, for the construction of permanent buildings at the reformatory located at Lorton, Va., amounting to $25,000 (H. Doc. No. 589); to the Committee on Appropriations and ordered to be printed.

845. A letter from the Secretary of the Interior, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on the Disposition of Useless Executive Papers.

846. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1929, $55,000, to remain available until June 30, 1930, to enable the Chief Executive to continue the litigation in connection with the joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, approved February 21, 1924 (43 Stat. 15) (H. Doc. No. 590); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 13211. A bill to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes; with amendment (Rept. No. 2512). Referred to the House Calendar.

Mr. ANDREW: Committee on Naval Affairs. H. R. 17055. A bill to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.; without amendment (Rept. No. 2513). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 2572. An act granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico; without amendment (Rept. No. 2514). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes; without amendment (Rept. No. 2515). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; without amendment (Rept. No. 2516). Referred to the Committee of the Whole House on the state of the Union.

Mr. YON: Committee on the Public Lands. S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropical Everglades National Park in the State of Florida, and for other purposes; without amendment (Rept. No. 2517). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 15524. A bill for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; with amendment (Rept. No. 2523). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 377. A joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; without amendment (Rept. No. 2524). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 16662. A bill to authorize appropriations for buildings, sites, and other facilities for the free Public Library of the District of Columbia; without amendment (Rept. No. 2525). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 17077. A bill to authorize an appropriation for the American group of the Interparliamentary Union; without amendment (Rept. No. 2526). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 17079. A bill to repeal the provisions in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools; without amendment (Rept. No. 2527). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 10287. A bill to prohibit the sending and receipt of stolen property through interstate and foreign commerce; with an amendment (Rept. No. 2528). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. S. J. Res. 206. A joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park; without amendment (Rept. No. 2529). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COLTON: Committee on the Public Lands. S. 4604. An act for the relief of James L. McCulloch; without amendment (Rept. No. 2509). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 10611. A bill for the relief of Homer Elmer Cox; with an amendment (Rept. No. 2510). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 15489. A bill for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy; without amendment (Rept. No. 2511). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 9119. A bill for the relief of the estate of James Glover, deceased; with an amendment (Rept. No. 2518). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon; without amendment (Rept. No. 2519). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. HOOPER: Committee on War Claims. H. R. 10118. A bill for the relief of the city of Baltimore; adverse (Rept. No. 2520). Laid on the table.

Mr. HOOPER: Committee on War Claims. H. R. 10150. A bill making an appropriation to pay the State of Massachusetts for expenses incurred and paid at the request of the President in protecting the harbors and fortifying the coast during the Civil War; adverse (Rept. No. 2521). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 12364. A bill for the relief of L. W. Rowe; adverse (Rept. No. 2522). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES: A bill (H. R. 17096) extending the time for commencing and completing the construction of a bridge across the Ohio River at or near Ravenswood, Jackson County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: A bill (H. R. 17097) authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Des Moines River at or near Croton, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: A bill (H. R. 17098) to authorize the acquisition of a suitable site for a post office in the city of Binghamton, N. Y., and the sale of the old site; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 17099) granting the consent of Congress to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 17100) authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and appropriating therefor; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 17101) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. WILLIAMSON: A bill (H. R. 17102) to establish the Badlands National Monument in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 417) granting permission to Richard E. Elvins, captain, Medical Corps, United States Army, to accept a decoration bestowed upon him by the Spanish Government; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 418) to provide for the quartering, in certain public buildings in the Dis-

trict of Columbia, of troops participating in the inaugural ceremonies; to the Committee on Public Buildings and Grounds.

By Mr. BLOOM: Joint resolution (H. J. Res. 419) authorizing the President to invite foreign governments to participate in the International Congress on Accounting; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, urging the Congress of the United States to give consideration to the report submitted by the Idaho State Tariff Commission on file with the Committee on Ways and Means; to the Committee on Ways and Means.

Memorial of the State of Utah, memorializing Congress to enact legislation to prevent discrimination against American farmers in the production of sugar beets, and to provide an adequate tariff on sugar; to the Committee on Ways and Means.

By Mr. BERGER: Memorial of the Legislature of the State of Wisconsin, indorsing the action of the Farm Federation Bureau in its effort to secure adequate protection for domestic sugar and to limit the free entry of Porto Rico and Philippine sugar into the United States; to the Committee on Ways and Means.

By Mr. O'CONNELL: Memorial of the Legislature of the State of New York, requesting the Postmaster General to cause to be issued 100,000,000 postage stamps of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

By Mr. SEGER: Memorial of the Legislature of the State of New Jersey, urging Congress to appropriate sufficient funds to train 21,000 reserve officers annually; to the Committee on Military Affairs.

By Mr. O'CONNOR of New York: Memorial of the Legislature of the State of New York, requesting the issuance of 100,000,000 postage stamps of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Joint memorial by the Legislature of the State of Idaho, urging the Congress to give careful consideration to the report submitted by the Idaho State tariff committee, and now on file with the House Committee on Ways and Means in the Congress of the United States, to the end that the proposed schedule therein shall be adopted; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 17103) granting a pension to Charles D. Booth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17104) granting an increase of pension to Ella V. Altmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17105) granting an increase of pension to Elizabeth Thomas; to the Committee on Invalid Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 17106) for the relief of Charles W. T. Jarrell; to the Committee on Claims.

By Mr. CAREW: A bill (H. R. 17107) for the relief of John Z. Lowe; to the Committee on Claims.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 17108) for the relief of Francis J. McDonald; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 17109) granting a pension to Jennie E. Bishop; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 17110) granting a pension to Charley R. Saylor; to the Committee on Pensions.

Also, a bill (H. R. 17111) granting a pension to Mary J. Dorsey; to the Committee on Pensions.

Also, a bill (H. R. 17112) granting a pension to Nova J. Dykes; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 17113) for the relief of the Detroit Fidelity & Surety Co.; to the Committee on Claims.

By Mr. JACOBSTEIN: A bill (H. R. 17114) granting a pension to Lillias Ames; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17115) granting a pension to Claribel Lawton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17116) granting a pension to Mary Kenealy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17117) granting an increase of pension to Sarah E. Allen; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 17118) granting a pension to Sarah J. Waddell; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 17119) granting a pension to John Mienckowski; to the Committee on Pensions.

By Mr. SOMERS of New York: A bill (H. R. 17120) for the relief of Sophie Caffrey; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 17121) granting a pension to Clara E. Deuel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11202. Resolution of the City Council of Rockford, Ill., urging location of United States district court at Rockford; to the Committee on the Judiciary.

11203. By Mr. BERGER: Petition of the pastor and 230 members of the Highland Avenue Methodist Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11204. Also, petition of 758 citizens residing in the city of Milwaukee, Wis., not to pass any compulsory observance law or any other law for the observance of the Sabbath, or Lord's Day, or any measure which will in any way give preference to one religion above another, but that the American principle of total separation between religion and the state may forever remain inviolable; to the Committee on the District of Columbia.

11205. Also, petition of 200 members of Italian Evangelical Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11206. Also, petition of 632 members of the Westminster Presbyterian Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11207. Also, petition of 175 members of Highland Avenue Methodist Episcopal Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11208. By Mr. BOHN: Petition of sugar beet growers and other citizens of Michigan, assembled at farmers' week at Michigan State College, for interest and cooperation in increasing tariff on sugar; to the Committee on Ways and Means.

11209. By Mr. BUTLER: Petition of citizens of Harney County, State of Oregon, protesting against House bill 78 and compulsory Sunday observance legislation; to the Committee on the District of Columbia.

11210. By Mr. CANFIELD: Petition of R. F. Stanton and 13 other citizens of Jefferson County, Ind., petitioning against a change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11211. Also, petition of C. N. Willick and 15 other citizens of Jefferson County, Ind., petitioning against a change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11212. By Mr. CANNON: Petition of Ida Dawson Wigginton, urging extension of broadcasting facilities allotted to station KWKH at Shreveport, La.; to the Committee on the Merchant Marine and Fisheries.

11213. By Mr. CRAMTON: Resolution of a representative group of 200 sugar-beet growers, representatives of sugar companies, sugar-beet specialist, and other citizens of Michigan assembled at farmers' week at Michigan State College, East Lansing, urging an increase in the tariff on sugar to at least 3½ cents per pound against any sugar admitted under preferential rate; to the Committee on Ways and Means.

11214. By Mr. CONNERY: Petition of the leather workers of Essex County, of the State of Massachusetts; to the Committee on Ways and Means.

11215. By Mr. FISHER: Petition of 36 persons of the State of Tennessee, urging the passage of Senate bill 4689 and House bill 15331; to the Committee on Irrigation and Reclamation.

11216. By Mr. GRAHAM: Petition of 293 citizens of Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R.

78) or similar measures; to the Committee on the District of Columbia.

11217. Also, petition of 60 members of the Presbyterian Church, Torresdale, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11218. Also, petition of 15 members of the Eleventh Baptist Church, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11219. By Mr. LINDSAY: Petition of Elsie and Dorothy Henningsen, 62 Sutton Street, Brooklyn, N. Y., of the Ladies' Auxiliary, General Henry W. Lawton Camp, No. 21, United Spanish War Veterans, Department of New York, urging passage of House Resolution 14676, granting pensions and increase of pensions to certain soldiers, sailors, marines, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

11220. Also, petition of the Senate of the State of New York, memorializing the Postmaster General to cause to be issued 100,000,000 postage stamps, of 2-cent demonination, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

11221. By Mr. MORIN: Petition of the Pittsburgh Wholesale Lumber Dealers Association, of Pittsburgh, Pa., protesting against the proposal to place a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

11222. By Mr. MORROW: Petition of New Mexico Wool Growers' Association, in annual convention at Roswell, N. Mex., favoring increase of the tariff on wool; objecting to proposed lowering of the rates on low-grade wools, as this would work injury to the Indians, who produce mainly only low-grade wools; to the Committee on Ways and Means.

11223. Also, petition of New Mexico Wool Growers' Association in annual convention at Roswell, N. Mex., recommending and favoring the leasing of public lands which are chiefly valuable for grazing purposes; to the Committee on the Public Lands.

11224. Also, petition of New Mexico Wool Growers' Association, in annual convention at Roswell, N. Mex., indorsing quarantine regulations against meats or other animal products that have been established for the prevention of the foot-and-mouth disease; to the Committee on Agriculture.

11225. Also, petition of E. J. Williams and other citizens of Roswell, N. Mex., opposing any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11226. By Mr. NELSON of Wisconsin: Petition of 15 citizens of Madison, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11227. Also, petition of 150 members of First Presbyterian Church, Richland Center, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11228. Also, petition of 30 members of Fancy Creek Presbyterian Church, Gillingham, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11229. By Mr. PORTER: Petition of retail shoe dealers with their customers, of Pennsylvania, protest against any change in the tariff on hides and leather; to the Committee on Ways and Means.

11230. By Mr. SEGER: Petition of 29 retail shoe dealers of Paterson, Hawthorne, and Haledon, N. J., and vicinity, against any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11231. By Mr. SWICK: Petition of Falls City Council 385, Order United American Mechanics, of Beaver Falls, Pa., urging the passage of a deportation bill, with an appropriation sufficient to effectively carry out its provisions, and for a quota immigration law to include Canada and Mexico; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, *February 15, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who remainest the same though all else fades, who changest not with our changing moods, lead us to a clearer vision of the light that knows no shadow of turning that we stray not in folly away. Thou knowest our frame, Thou rememberest that we are but dust; save us, therefore, from whatever anguish or confusion we have brought upon ourselves, for at our faintest cry of need the valleys are exalted, the mountains and hills are made low, and the crooked paths of life are straightened.

Bind together with cords of love the hearts of these Thy servants, that the spirit of mutual understanding and deeper fellowship may be reflected in their corporate efforts.

Look with pity, we beseech Thee, upon those who through love's vigil have watched and waited and have been brought to the valley of shadow. Fold them closer to Thy mercy's breast and grant them surcease from every sorrow for the sake of Him who died that we might live, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Gerry	Moses	Steck
Blaine	Gillett	Neely	Steiwer
Blease	Glass	Norbeck	Stephens
Borah	Glenn	Norris	Swanson
Bratton	Goff	Nye	Thomas, Idaho
Brookhart	Gould	Oddie	Thomas, Okla.
Broussard	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Harrison	Pittman	Vandenberg
Caraway	Hastings	Ransdell	Wagner
Copeland	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Warren
Dale	Johnson	Robinson, Ind.	Waterman
Deneen	Jones	Sackett	Watson
Dill	Kendrick	Sheppard	Wheeler
Edge	Keyes	Shipstead	
Fess	King	Shortridge	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, and I ask that the announcement may stand for the day.

Mr. NORRIS. My colleague [Mr. HOWELL] is still detained from the Senate by illness. I will let this announcement stand for the day.

Mr. TYSON. I desire to announce that my colleague the senior Senator from Tennessee [Mr. MCKELLAR] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I wish to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

HOUSE BILL REFERRED

The bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ADDITIONAL JUDGE IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, I have a letter from the Hon. J. A. Tolbert, district attorney for the western district of South Carolina, a letter from the Hon. H. H. Watkins, judge of the western district of South Carolina, a letter from the Hon.

Ernest F. Cochran, judge of the eastern district of South Carolina, and a synopsis of opinions, decrees without opinions, jury trials, and so forth, in the eastern district of South Carolina presided over by Judge Cochran, all of which I ask may be printed in the RECORD and ordered to lie on the table. They have reference to the bill providing for additional judges in the State of South Carolina.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY,
WESTERN DISTRICT OF SOUTH CAROLINA,
Greenville, S. C., February 2, 1929.

Hon. COLE L. BLEASE,
United States Senator, Washington, D. C.

DEAR SENATOR BLEASE: I have just received the marked copy of CONGRESSIONAL RECORD of Wednesday, January 30, 1929, and have read with considerable interest the effort now being made by you to secure the passage of a bill providing for the appointment of an additional Federal judge for South Carolina.

I certainly hope that your efforts will be successful in regard to having an additional Federal judge appointed for this State. If you can succeed in having your bill passed providing for the appointment of an additional Federal judge in this State, you will not only provide a means to improve the congested conditions of the dockets in the two United States district courts now but you will accomplish a permanent and lasting benefit for the State of South Carolina.

With kindest regards and best wishes.

As ever,

J. A. TOLBERT.

JUDGE'S CHAMBERS, UNITED STATES DISTRICT COURT,
Anderson, S. C., February 13, 1929.

Hon. COLE L. BLEASE,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of February 8 regarding the bill for an additional judge for South Carolina, I beg to advise you that in this district the urgency for such provision has constantly increased since my former letters to you and Congressman DOMINICK. Urgent matters are being delayed in spite of every effort to dispose of them, and the growth of business, particularly of corporate enterprises in this section of the country, indicates a large and constant increase of civil business. The added activities of prohibition agents promises a considerable increase in the criminal business. As heretofore stated, I am unable to understand how the merits of the case are affected or can be determined by a comparison with other districts. The logic of such argument would necessarily be that scandalous delays and injustices to litigants in one section of the country would furnish a reason for permitting such a condition in another section. Such course would not only weaken the prestige of the courts and the confidence of the public but would also display a disregard of the obligation of the Government to furnish to every citizen that prompt redress of grievances and assertions of legal rights which unquestionably the Government owes to its citizens. I think you are already aware of the fact that the conditions in Judge Cochran's district are more acute even than in my own and that both of us have gone to the limit of our capacity and are still doing so to meet the situation.

Yours very truly,

H. H. WATKINS,
United States District Judge.

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF SOUTH CAROLINA,
Aiken, S. C., February 11, 1929.

Hon. COLEMAN L. BLEASE,
United States Senator, Washington, D. C.

MY DEAR SIR: I received your letter of the 8th instant, inquiring whether my views were the same in reference to the necessity for an additional judge for South Carolina as they were when I wrote the letters which were cited in the CONGRESSIONAL RECORD.

When called upon by the Department of Justice and by Congressman DOMINICK for the House Judiciary Committee on several occasions for my views upon this matter, I wrote them fully and sent certain data which I thought amply sustained my views. I also have in my annual reports for the judges' conference called attention to the same matter. Having on more than one occasion thus called the matter to the attention of the proper authorities, I have felt that my duty to the people of this district and persons having business in my court had been performed in that respect, and that any further suggestion on my part of the necessity for another judge would appear as if I were complaining of the burden which has been upon me for the last five years. For that reason, when the matter came up in the Senate, I did not feel like writing you or Senator SMITH, your colleague from this State, and thus appear to be obtruding my views.

However, since you have made the inquiry, I have no hesitation in saying that my views have not changed and that I am more than ever convinced that there is a real necessity that I receive some assistance if those having business in this court are to receive the consideration that they are entitled to under the law. The last report of the Attorney General will give you the figures of the number of cases, etc., for the fiscal year ending June 30, 1928; but, as I have had occasion more than once to say, mere figures are misleading. The question is the nature of the work and the time required for study and consideration. At the end of the last fiscal year I had the clerk prepare a synopsis of the contested matters which required hearing, study, and consideration, and I inclose you a copy of it. I think you will agree with me that this shows that there is more work than one man ought to be required to do; and this does not take into consideration the large amount of administrative and routine business which requires, of course, a great deal of time. As to the number of opinions filed by me during the year, a word of explanation should be made, in order that the figures may not be misunderstood. You will find that I filed 63 opinions altogether. Twenty-four of these opinions, while they required some consideration, were not of such a serious nature; but 39 of them were cases and matters involving serious study and consideration and required considerable time.

One difficulty in this district is the large number of contested matters, and especially the criminal jury trials. You will no doubt recall that last January I tried one criminal case which took a little over five weeks. There are other cases growing out of those same transactions which will take a number of weeks for trial. Of course, we hope that such long cases are not likely to occur again in the near future; but the fact remains that the nature of both the criminal and civil business is now such that it requires more time for the disposition thereof than formerly.

There was a slight decrease in the civil business last year, and a slight increase in the criminal business; but since the last fiscal year there has been a tremendous increase in the criminal business, and the volume of civil business continues to be steady. The figures since the last fiscal year are not yet available.

Owing to economic conditions and other factors, the situation in this district is somewhat peculiar. I have very definite views as to the causes of this peculiar situation; but it would unduly expand this letter for me to undertake to set forth these matters in detail. My view is that the situation can not continue indefinitely without serious prejudice to the public interests, and that some steps should be taken in the near future to relieve the present embarrassing condition.

Respectfully,

ERNEST F. COCHRAN,
United States District Judge.

SYNOPSIS OF OPINIONS, DECREES WITHOUT OPINIONS, JURY TRIALS, ETC., EASTERN DISTRICT OF SOUTH CAROLINA, DURING FISCAL YEAR ENDING JUNE 30, 1928

By Judge Cochran

Opinions (nonjury cases) in law, equity, admiralty, and bankruptcy		63
Decrees and judgments (nonjury cases) requiring consideration, but rendered without opinion:		
Law	11	
Equity	14	
Admiralty	6	
Bankruptcy	72	
Total		103
Civil jury trials		31
Criminal jury trials		54
Total		85

The foregoing does not include routine orders on motions, rules to show cause, dismissals, nonsuits, judgments by default, pleas of guilty, or any routine hearings or business.

By Judge Hale

Opinions	7
Decrees without opinion	6
Other cases disposed of by Judge Hale	17
Total	30

IMMIGRATION QUOTAS BASED ON NATIONAL ORIGINS

Mr. WALSH of Massachusetts. I present a communication from the Associated American Immigration Societies of Massachusetts, which I ask to have printed in the RECORD, together with the accompanying paper, treated in the nature of a petition, and referred to the Committee on Immigration. I might add that the communication expresses my views on the subject.

There being no objection, the matter was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

ASSOCIATED AMERICAN IMMIGRATION SOCIETIES
OF MASSACHUSETTS,
Roxbury, February 12, 1929.

MY DEAR SENATOR WALSH: Find inclosed copy of article bearing on national-origins issue from the pen of one of the country's most

brilliant journalists, Mr. John Bantry, of the Boston Post, under date of Monday, February 11, 1929. It vividly portrays the sentiment of thousands of American citizens who are thoroughly convinced that no satisfactory or accurate estimate can be arrived at in allotting immigration quotas based on national origins as of the census returns of 1790. Furthermore, we vigorously resent the veiled insinuations manifested in the arguments presented by the legislative agent of the American Legion at a recent hearing of your Senatorial Immigration Committee.

Our people in Massachusetts and the Nation leave their loyalty and patriotism to the sane and sober judgment of unprejudiced and historic facts. From the earliest perils which beset this Nation, down to the recent conflict, they never wavered, and even in that tragic hour we had the high honor of receiving the personal commendation of that great exponent of Democratic ideals, Woodrow Wilson.

Therefore, we respectfully urge of your honorable body an equitable adjustment of pending immigration legislation, to the end that all races and peoples coming to our hospitable shores shall have renewed confidence and hope in democratic institutions, free from prejudice and discrimination such as the proposed national-origins amendment would impose on a vast majority of loyal and devoted citizens of this Republic.

Respectfully yours,

RICHARD J. DWYER, *President.*
JOHN J. FOLEY, *Secretary.*

[From the Boston Post, Monday, February 11, 1929]

NEW PHASE TO "ORIGINS" ISSUE—NOW CLAIM "SLACKER" RACES SHOULD BE PUNISHED—IGNORE HOOVER REPEAL DEMAND

By John Bantry

President-elect Hoover, in his speech of acceptance, went squarely on record in favor or repealing the national-origins clause of the present immigration act. By so doing he pledged the Republican Party to repeal.

The House of Representatives, by a sizable majority, is already on record against the national-origin clause. A vote on the matter in the Senate has been persistently blocked, though it is said that a majority of the Senate is ready to repeal the clause.

An impressive amount of public opinion, as represented by leading newspapers, has indicated in favor of repeal. Only one Member of the Senate, Senator REED of Pennsylvania, has defended the national-origins clause publicly. Herbert Hoover, when Secretary of Commerce, opposed the whole scheme of national origins vigorously. Indeed, Mr. Hoover furnished the most impressive arguments against it.

FILIBUSTER AGAINST REPEAL

Yet to-day a handful of men, led by Senator REED of Pennsylvania, are conducting what amounts to a filibuster against national-origins repeal. If the matter is not acted upon in the Senate before March 4 next, President Hoover, against his will, must issue a proclamation before July 1 putting the national-origins clause into operation. Thus a little group of propagandists will, by a parliamentary trick, succeed in fastening on the American people an obnoxious and unworkable system of restricting immigration.

The oponents of national origins are not opposed to the restriction of immigration. They would not oppose a bill to restrict it altogether or to cut the present total quota in halves. But they do object to a system of restrictions based on the falsification of American history. The defenders of national origins admit that it is directed against immigration from Ireland. By an alleged "census" of their own they pretend to show that practically no persons of Irish blood were residents of the United States until many years after the Revolution, and that not until between 1840 and 1850 was there any noticeable influx of immigration from southern Ireland.

IRISH NAMES IN REVOLUTION

The presence of countless Irish names in Revolutionary history and on the muster rolls of the Colonies is flouted on the ground that these persons were "Scotch-Irish" and not real Irish.

Therefore, by this amazing misreading of history the propagandists for national origins are able to cut the quota for the Irish Free State nearly in halves and to double the quota from Great Britain and northern Ireland.

The countries which suffer a sizable cut in immigration quotas under the national-origins clause are the Irish Free State, Germany, Sweden, Norway, Denmark, and France. The cut for Sweden, Denmark, and Norway is greater than in the case of the Irish Free State.

COUNTRIES THAT WILL GAIN

The countries which will gain materially from the national-origins quotas are Great Britain and northern Ireland, Holland, Italy, Poland, Russia.

Northern Europe would lose in all a little more than 11 per cent of its present immigration quota, while southern Europe would gain 25 per cent.

With this in mind, the significance of an amazing statement made before the Senate immigration committee at the hearing on Saturday by John Thomas Taylor, representing the American Legion, is apparent.

INFERENCE ON "SLACKERS"

Mr. Taylor placed the Legion on record for the national-origins clause by declaring that this was the only way in which those races which were "slackers" in the World War could be kept out. The plain inference of his statement was that the people of Irish, German, Swedish, Danish, Norwegian, and French blood were the chief "slackers" in America, since these are the races which are to be punished by a large cut in the quota.

That statement attacks the patriotism of millions of Americans in whose veins the blood of these races runs. The ranks of the American Legion contain more men of such descent than any other six races. Yet the spokesman for the American Legion brands them as belonging to the chief "war slacker" elements in the community.

AN ATTACK ON PATRIOTISM

The issue now becomes something vastly more far-reaching than that of willfully distorting the colonial and Revolutionary history of America. It is an attack on the present-day patriotism of the men of Irish, German, Swedish, Danish, Norwegian, and French blood. It is a bold declaration that the people of these mother countries are not as eligible as those from other countries, because they have a poor record for American patriotism.

Thus the issue is drawn. Unless a mighty protest is registered at once this discreditable and degrading measure will be put in force within a few months, forced by a trick on a President who has denounced it repeatedly and who solemnly asked for its repeal.

Can anything be more disgraceful?

NAVAL APPROPRIATION BILL

Mr. HALE. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1761) thereon. I give notice that I shall call the bill up for action at the earliest possible moment.

REPORTS OF COMMITTEES

Mr. TRAMMELL, from the Committee on Naval Affairs, to which was referred the bill (H. R. 1993) to correct the naval record of William E. Adams, reported it without amendment and submitted a report (No. 1760) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia (Rept. No. 1762);

A bill (S. 5512) to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia (Rept. No. 1763); and

A bill (H. R. 12739) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia (Rept. No. 1778).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5529) to add certain lands to the Crater National Forest (Rept. No. 1764); and

A bill (S. 5632) to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes (Rept. No. 1765).

Mr. McNARY also, from the Committee on Agriculture and Forestry, to which were referred the following bill and joint resolution, reported them each with an amendment and submitted reports thereon:

A bill (S. 5307) equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States (Rept. No. 1766); and

A joint resolution (S. J. Res. 202) for the amendment of the act of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory, or portion thereof, where a livestock or poultry disease is found to exist which is not covered by regulatory action of the Department of Agriculture, and for other purposes (Rept. No. 1767).

Mr. McNARY also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other

purposes, reported it without amendment and submitted a report (No. 1768) thereon.

Mr. PITTMAN, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5379) to authorize the disposition of certain public lands in the State of Nevada (Rept. No. 1759); and

A bill (H. R. 14457) validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. 356) (Rept. No. 1769).

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange (Rept. No. 1770);

A bill (H. R. 12339) authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock (Rept. No. 1771); and

A bill (H. R. 15651) for the relief of Leonidas L. Cochran (Rept. No. 1772).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 14148) to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont." (Rept. No. 1773);

A bill (H. R. 14761) for the relief of Clarence Stevens (Rept. No. 1774);

A bill (H. R. 14981) for the relief of Josephine Laforge (Sage Woman) (Rept. No. 1775);

A bill (H. R. 15700) for the relief of the heirs of William W. Head, deceased (Rept. No. 1776); and

A bill (H. R. 15724) to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes (Rept. No. 1777).

Mr BINGHAM, from the Committee on Territories and Insular Possessions, submitted a report (No. 1779) to accompany the bill (H. R. 16877) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands, heretofore reported by him from that committee.

WASHINGTON (D. C.) AIRPORT

Mr. VANDENBERG. From the Committee on the District of Columbia I report back without amendment the joint resolution (S. J. Res. 216) to establish a joint commission on airports, and I submit a report (No. 1758) thereon.

The joint resolution provides for the appointment of a joint committee of the House and Senate to consider the Washington, D. C. airport problem. I desire to say in this connection that, in the judgment of the committee, this is not an effort to delay the project in any degree but, on the contrary, in our judgment it is the surest and quickest method of getting adequate relief.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

CAPT. BENJAMIN MENDEZ

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (S. 5749) authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez. As the time is short, I ask unanimous consent for its immediate consideration. I believe there will be no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill and it was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to present the distinguished flying cross to Capt. Benjamin Mendez in recognition of his extraordinary achievement in linking the continents of South and North America by an aerial journey, by seaplane, from the northern Atlantic coast of the United States of America to Giradot, Colombia.

Mr. COUZENS. Mr. President, may I ask the Senator from Connecticut if there is pending before the Committee on Military Affairs a bill providing for the granting of the distinguished flying cross to Captain Rickenbacker?

Mr. BINGHAM. I do not believe there is such a bill pending before that committee.

Mr. COUZENS. I understand there is such a bill pending in the House.

Mr. BINGHAM. I have not heard of it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BINGHAM. I ask that there may be printed in the RECORD in connection with the bill just passed a letter from the War Department and also a memorandum of the record of Captain Mendez which, to save time, I will not ask to have read.

The VICE PRESIDENT. Without objection, leave is granted.

The letter and the momorandum are as follows:

WAR DEPARTMENT,
Washington, D. C., February 12, 1929.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: In compliance with your request of February 9, 1929, I am pleased to submit the following report on S. 5749:

The subject of the proposed legislation is "A bill to authorize the President to present the distinguished flying cross to Capt. Benjamin Mendez." The bill provides:

"That the President be, and is hereby, authorized to present the distinguished flying cross to Capt. Benjamin Mendez in recognition of his extraordinary achievement in linking the continents of South and North America by an aerial journey by seaplane from the northern Atlantic coast of the United States of America to Giradot, Colombia."

There are no provisions of law applicable to this bill.

The War Department approves the proposed legislation on the following grounds:

The distinguished flying cross has been awarded to citizens of foreign countries as follows (Public, No. 341, 70th Cong., approved May 2, 1928):

To Col. Francesco de Pinedo in recognition of his aerial journey of 25,000 miles by flying boat, in the course of which he arrived in the United States by air from Rome.

To Dieudonne Costes and Joseph LeBrix in recognition of their aerial journey of 35,000 miles, in the course of which they arrived in the United States by air after making the first nonstop flight across the South Atlantic.

To Ehrenfried Gunther von Huenefeld, James C. FitzMaurice, and Hermann Koehl, in recognition of their having made the first nonstop flight by airplane from Europe to North America.

The flight performed by Señor Mendez was similar in character to those for which the distinguished flying cross was awarded to the flyers enumerated above.

The award of this medal to Benjamin Mendez will be appreciated not only by the recipient but by his government and countrymen and should tend to draw closer the bonds of friendship between Colombia and the United States.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

FEBRUARY 7, 1929.

Memorandum

CAPT. BENJAMIN MENDEZ

Captain Mendez studied for several years in the following military aviation schools of the United States:

Army flying schools in Texas from March 1926, to March, 1927;

Mitchel Field from April, 1927, to September, 1927;

Naval air station, Hampton Roads, from September, 1927, to January, 1928;

Army Air Corps Tactical School, Langley Field, Va., from February to June, 1928;

Mitchel Field from August to September, 1928.

He recently made a flight from New York to Bogota, passing through the States of New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, and later stopping at the Panama Canal Zone. The flight was financed by public subscription started by a newspaper in Bogota and had the support and favor of the Colombian Government and the Colombian Congress, which also assisted the flight. Just before beginning the flight, Captain Mendez was received in Washington by the President of the United States, who extended his best wishes for the success of the project. Captain Mendez reached Bogota on January 7, 1929, and received a tremendous ovation.

Captain Mendez is well known to Army officers in this country, and it is understood that he is very highly thought of by his instructors and the other officers with whom he has come in contact. His flight was the first made by a Colombian aviator from this country to Colombia and in itself was a significant "good-will" performance which has been made highly beneficial to the United States by the very friendly attitude of Captain Mendez toward this country, and the manner in which he has used his undoubted influence with the Colombian authorities for the furtherance of good relations between Colombia and the United States.

It is thought that it would be both practicable and appropriate to request the Congress to confer the distinguished flying cross on Captain Mendez. The decoration would be greatly appreciated, not only by him but by the entire Colombian people, and is well merited on account of his splendid performance.

LANDS CEDED TO THE UNITED STATES BY MEXICO

Mr. BRATTON. Mr. President, the Committee on Public Lands and Surveys gave consideration this morning to Senate Resolution 291, in regard to the investigation of certain land grants situated in the southwestern portion of the country. By direction of the committee, I report a resolution (S. Res. 329) continuing in effect the resolution (S. Res. 291) to investigate charges of illegal delivery to private interests of lands ceded to the United States by the Government of Mexico, during the first regular session of the next Congress and asking for an appropriation to carry the investigation forward. I ask that the resolution may be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the resolution will be printed and so referred.

The resolution (S. Res. 329) reported by Mr. BRATTON from the Committee on Public Lands and Surveys was referred to the Committee to Audit and Control the Contingent Expenses of the Senate as follows:

Resolved, That Senate Resolution No. 291, agreed to January 7, 1929, authorizing and directing the Committee on Public Lands and Surveys, or any subcommittee thereof, to investigate the cession of lands by the Government of Mexico to the United States, as fully set forth in said resolution, hereby is continued and extended in full force and effect until the end of the first regular session of the Seventy-first Congress, and that $5,000, in addition to the amount heretofore authorized, hereby is authorized to be expended from the contingent fund of the Senate in furtherance of the purposes of said resolution.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED of Pennsylvania:

A bill (S. 5804) for the relief of John T. Painter (with an accompanying paper); to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 5805) for the relief of W. C. Moye and Nannie Moye; to the Committee on Claims.

A bill (S. 5806) for the relief of Julius Victor Keller; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 5807) granting an increase of pension to Mollie E. Gribble; to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 5808) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. DILL:

A bill (S. 5809) to prohibit appointment of Members of Congress to offices of the Federal Government for a period of two years after the expiration of their term of service in Congress; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 5810) granting a pension to James T. Wood; to the Committee on Pensions.

By Mr. KEYES:

A joint resolution (S. J. Res. 217) amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928; to the Committee on Public Buildings and Grounds.

NATIONAL ORIGINS

Mr. NYE. Mr. President, I send to the desk a joint resolution, which I ask may be read at length and lie on the table.

The joint resolution (S. J. Res. 218) to postpone the taking effect of the national-origins provisions of the immigration act of 1924, as amended, was read the first time by its title and the second time at length, as follows:

Whereas the practicability of the national-origins clause of the immigration act of 1924 has long been a matter of great uncertainty; and

Whereas the operation of the national-origins clause will greatly alter the quotas of immigration; and

Whereas the Commissioner of Immigration has failed to approve the theory embodied in the national-origins clause; and

Whereas the Congress has twice postponed the effective date of the national-origins clause because of the uncertainty of the practicability and justness of the theory embodied therein; and

Whereas the commission, consisting of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, appointed to determine the quotas under the national-origins clause has made clear its lack of confidence in the plan contained therein; and

Whereas one of the members of this commission, Mr. Hoover, declared in his campaign for the Presidency for the repeal of the national-origins clause; and

Whereas the people were led to believe in the late presidential campaign by the attitude of the candidates of both major parties that there was no longer any danger of the national-origins clause becoming effective; and

Whereas the national-origins clause will become effective this year unless the Congress takes some such action as has been taken in the past looking to its postponement or repeal: Therefore be it

Resolved, etc., That the taking effect of subdivisions (b), (c), and (d) of section 12 (the national-origins provisions) of the immigration act of 1924, as amended, is hereby postponed until the Congress shall by affirmative action declare that the provisions are practicable and advisable and can be used as a fair basis for immigration quotas.

Mr. REED of Pennsylvania. Mr. President, I make the point of order that a joint resolution such as that which has just been offered should under the rules be referred to a standing committee.

Mr. KING. Mr. President, it seems to me that the Senator who introduces the joint resolution has a right to determine whether it shall lie upon the table or shall go to a committee. The author of the joint resolution has not asked that it be referred to a committee, and it seems to me that it is quite improper for my learned friend from Pennsylvania to make the point of order which he has.

The VICE PRESIDENT. The joint resolution may be referred to a committee by a majority vote, but there is nothing mandatory as to its reference to a committee.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Under the rules must not the joint resolution be referred to a standing committee?

The VICE PRESIDENT. It is not necessary that it should be so referred under the rules.

Mr. REED of Pennsylvania. Then I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will lie on the table.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page —, line —, insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized in his discretion, and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus elk from the Yellowstone National Park herd, and all moneys received from the sale of any such surplus elk shall be deposited in the Treasury of the United States as miscellaneous receipts."

Mr. COPELAND submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed, as follows:

At the proper place, to insert:

"For plans, specifications, and construction of a hospital at the Home for the Aged in the District of Columbia, $150,000."

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 17053, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place, insert the following:

"For the services of Dr. G. R. King as a sanitary engineer in the office of the Architect of the Capitol, at the rate of $3,600 per annum, and for a helper and supplies, $1,400; in all, $5,000."

GOOD ROADS—ADDRESS BY COL. T. L. KIRKPATRICK (S. DOC. NO. 223)

On motion of Mr. OVERMAN, an address delivered before the joint convention of the United States Good Roads Association and the Bankhead National Highway Association by Col. T. L. Kirkpatrick, of Charlotte, N. C., at Des Moines, Iowa, May 28, 1928, and printed in the RECORD January 3, 1929, in connection with Mr. OVERMAN'S remarks, was ordered to be printed as a document.

FARM RELIEF

Mr. CAPPER. Mr. President, I have a valuable letter from H. L. Baker, a prominent wheat grower in La Crosse, Kans. I think it would be well worth while to bring it to the attention of Senators, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LA CROSSE, KANS., *February 11, 1929.*

Hon. ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR:

* * * * * * *

What is interesting us in the wheat-growing country is what will the farm relief be from the extra session of Congress. There is one thing that we think should be looked into and that is the protein in wheat. There is a great spread in price on the Kansas City market, ranging from $1.15 to $1.37 per bushel. They claim that the difference is on account of the protein. Wheat here that tests 60 to 62 pounds with good color and sweet only brings $1 to $1.03 to-day. They claim the protein is low.

The years we have light wheat they test it as to weight and pay accordingly, but our good heavy wheat sells according to the protein, and as there is no way of testing protein here, we have to take what they give us at the other end. One dealer told me that he had a carload of wheat that was tested for protein at Hutchinson, Wichita, and Kansas City, and the difference was as much as one. That is, at one place it tested 11 and at another place it was 12. Therefore it makes us wonder if there is as much in protein as they claim.

It seems that the large baking concerns and the large mills have almost control of the wheat situation, and with their chemists they tell us just what kind of wheat makes the best flour, but we have no one who is looking out for our side of the situation.

When they are framing a bill for farm relief, I was wondering if it would not be advisable in some way that this test could be made of different kinds of flour with different qualities of protein, under Government supervision, to find out just whether there is as much in what they claim as there is.

Some time ago the farmers' elevator sent in a sack of screenings which looked as if there was no flour in it, but the protein test was 17, while the test of 60 to 62 pound wheat was 11.30 to 12. Is there anyone who would think that the screenings would make better flour and better bread than the heavy wheat?

There is doubtless something in protein, but the big millers and bakers have it in their own hands and regulate the price of wheat to suit themselves, and they certainly would not object to having a Government supervision of the baking of the bread with different kinds of flour. In that way, we would know whether the spread in the price of wheat should be as great as it is on account of the protein.

I am around farm homes a great deal and when I see the struggle so many have to make to get along, and the sacrifices the housewives and the children have to make, I feel that something should be done so that they could get every dollar the wheat is worth.

I realize that the large corporations are a necessity, and the large bakeries and mills are important, but I think they should be regulated and controlled, and supervised by the Government the same as any other industry. Our farmers are under a big expense in raising wheat and buying from the manufacturer tractors, combines, and all kinds of farm implements, and in the manufacturing of same a great many laboring men are employed.

Therefore, the proposition I spoke of in regard to protein as to bread-making qualities of wheat should be looked after very carefully by the Government, and provisions should be made in the bill for farm relief.

I am not knocking on big corporations. I realize they are very important, and combination of capital is very important because we could not do very much without it, but I believe in a fair deal all around.

I realize that you are busy and this is a good deal longer letter than I intended to write, but I have been studying this over a great deal lately and I took this opportunity to write to you in regard to it.

We are all very much interested in the extra session of Congress and will watch it with much interest.

I remain,

Very truly yours,

H. L. BAKER.

THE DEMAND FOR PROFESSIONAL BANK MANAGEMENT

Mr. FESS. Mr. President, on the 12th instant, before the Ohio Bankers' Association, at Columbus, Ohio, Hon. J. W. Pole, Comptroller of the Currency, delivered an interesting address on The Demand for Professional Bank Management. I ask unanimous consent that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE DEMAND FOR PROFESSIONAL BANK MANAGEMENT

The last two decades have witnessed a remarkable development in the volume and in the variety of the banking business. Demands for financial services unheard of by the last generation are now required to be met by banking institutions. The old simple form of banking in which the banker relied almost entirely upon his personal knowledge of his customers is no longer adequate to meet the present-day situation.

We need only refer to the history of banking in the State of Ohio for an illustration. In the year ending June 30, 1908, there were 990 banks of all classes in operation in this State. These had total aggregate resources of about $952,000,000. Twenty years later, for the year ending June 30, 1928, there were 1,051 banks of all classes, but with aggregate resources of $3,377,000,000. Thus while the number of banks in the State of Ohio has remained almost stationery the banking resources are nearly four times as great. This means that the officers of these banks have had nearly four times as much business thrust upon them as they had 20 years ago. Nor do these figures for resources tell the whole story, because they do not take into account the tremendous growth of the trust business now in the hands of these banks nor of the investment securities which they buy for sale over their counters. The State of Ohio may be taken as an index of the development of banking throughout the United States, for here are represented every type of banking from those banks situated in the outlying agricultural districts to those in the most congested commercial and industrial centers.

Twenty years is an extremely short time in the history of a State or a nation. The remarkable increase in growth of the banking business within that time can be taken as an indication of the trend toward a future growth in even greater volume. Another 20 years should see the banking resources of this State exceed $12,000,000,000 It takes no gift of prophecy to make this prediction. We are still a very young country and the full force of our economic vitality has yet to be developed.

Our population will greatly increase, our cities become larger and larger and our rural population denser than it is to-day. There will be further expansions and intensifications of industrial activity. Our world commerce, already at imposing figures to-day, must be regarded as almost in its infancy. The very economic necessity of the situation will bring agriculture up to a higher point of efficiency. And any statement as to the future of transportation and communication must seem extravagant beginning as we are with transportation by air at great speed over vast distances and communication through the air by radio.

All of these developments will be reflected in the expansion of banking resources for our banks are the handmaids of progress, supporting, sustaining, and serving in an essential capacity every forward economic movement.

There was a time in this country when almost any person of average intelligence could aspire to become a banker without any special previous training. It may be said that it was the original theory of the law that any group of citizens had a right to form a banking corporation. The old-fashioned banker was primarily a custodian and a lender of money. If he possessed a natural shrewdness of mind and a strong character he was likely to succeed. In the local community he was the dominant financial figure. He had opportunities to make money outside of his banking business. He became financially interested in the local street-car company, in the light and power company, in the gas works, in the ice plant, and in other such enterprises in which local capital participated. These opportunities are also fast disappearing not only because modern banking requires all of the energy and attention of the banker but also because these local forms of public utilities are fast giving way before the economy and efficiency of great central organizations operating through local branches and there is no local financing. Some banks of this old type still remain in existence, but they must be regarded now as survivals of a financial era which has passed.

Modern banking is a highly complicated and technical business, and it is exemplified primarily by the city banks which have been compelled to meet the varied financial demands of commerce and industry. It is in these commercial centers that the competition in all lines of business is so keen as to compel the utmost economy in operation and the most efficient management control. Out of the experience of these city banks there has developed in the United States a fairly definite opinion in financial circles as to what constitutes sound banking. This standard of bank management has not been theoretically arrived at by any manner of means. It has grown up through hard knocks, until finally the best method has been found to meet a given situation.

Let us pass briefly in review some of the principal features of modern banking. First, let us take the loans and discounts. The old-fashioned

character loans have almost disappeared. This does not mean that character is not a valuable asset in the transaction. It simply means we are no longer in the pioneer stage of our civilization. We have reached a stable development where the instrumentalities of credit are ample. Great emphasis now is laid upon adequate credit information and analysis. Nothing is left to chance, guesswork, or favoritism. This credit information is often obtained as a result of the most skillful scientific investigation, involving the study of plants, machinery, cost accounting, estimates of future operations, financial history, personal reports on management, personnel, and the like. The bank must be in a position not only to acquire but to comprehend and digest the most technical information and data concerning its customers. In this country, where every variety of business operation is carried on by corporations, the bank must be generally familiar with corporate organization and management in the field of production, manufacture, transportation, and distribution, for the simple reason that it is to the banks that these corporations must turn for advice and assistance in financing their operations. Commercial banking therefore requires a fundamental knowledge of every process of commerce itself.

Now, let us look at the business of buying and selling investment securities by banks. This is largely a postwar development. It is well known that the Liberty loan campaigns during the war served to educate the public at large in making small investments in sound securities. The tremendous commercial expansion in this country following the war has been financed in increasing volume through the issuance of investment securities in which the general public is invited to invest. It is natural that the banks should participate in this development because their customers turn to them for advice.

The amendment in the McFadden Bank Act of 1927 has added impetus to the movement to make the banks distributors of the best type of investment securities. This means that the modern bank must be equipped with the proper instrumentalities to deal with this new financial development. It imposes a grave responsibility upon the banks which in turn requires them to create the facilities for a comprehensive and accurate knowledge of the various issues of securities which from time to time come upon the market. Not only must they have adequate financial and statistical information with respect to each issue but they must be in a position to interpret this information and to apply it to the particular transaction in hand.

Turning now to the fiduciary operations of the modern bank we find a similar growth and development. Within our own time we have seen the banks gradually displace the old type of individual and personal trustee, executor, administrator, guardian, and custodian. It has become a function of banking to administer the estates of deceased persons, many of which are of great magnitude. In addition, largely as a postwar development, there has been a most remarkable growth in the creation of corporate trusts. For every issue of securities for corporate financing, whether in the form of stocks, bonds, debentures, or notes, a bank is required to perform some ministerial or fiduciary function. The bank has thus become an essential factor in the procedure of corporate finance and must act as trustee of bond and debenture issues and of long-term notes, as fiscal agent, as registrar, as transfer agent, as a participant in underwriting syndicates, as depositary under plans of reorganization, as assignee and receiver, as custodian or trustee for investment trusts—in fact, in every fiduciary capacity which may be required by the machinery of corporation finance.

The future of the trust business of banks in the United States would seem to make it one of the most important phases of banking business. On the other hand, its proper administration makes it absolutely necessary that the bank equip itself with the most advanced facilities for discharging these fiduciary responsibilities and obligations.

The impressive growth of trust service in the banking field is illustrated by considering the expansion in recent years of the fiduciary activities of banks in the national banking system. The passage of the Federal reserve act made possible the further extension of corporate trust facilities to practically every section of the Nation. Since February 25, 1915, when the first permit under this law was issued to a national bank, hundreds of banks throughout the United States have availed themselves of this opportunity to render additional service to their communities, until to-day 2,400 national banks have trust powers, representing 31 per cent of the number and 73 per cent of the capital of all banks in the national banking system. During 1928 these banks were administering 63,776 trusts, with individual trust assets aggregating more than $3,000,000,000, and were acting as trustees for bond and note issues totaling close to $8,000,000,000.

Compared with the year 1926 these figures represent an increase of 47 per cent in the number of national banks administering trusts; an increase of 145 per cent in the number of trusts being administered; an increase of 257 per cent in the volume of assets of individual trusts, while the bond and note issues outstanding for which these banks are acting as trustees aggregate in amount four times that in 1926.

About one out of every three national banks has authority to administer trusts, while in the State of Ohio 21 per cent of the number of national banks, representing 65 per cent of all of the capital of the national banks in the State, are authorized to act in fiduciary capacities. Since 1926 the number of trusts being administered by these banks in Ohio has increased 52 per cent, while the volume of note and bond issues for which they have been named to act as trustees has doubled.

There is another phase of banking which has made remarkable strides within the last few years, and that is the savings department. The great increase in individual wealth affecting every class of our population has put before the banks of the country a potential opportunity to build up a large savings business. Here again the bank must know how to cultivate habits of thrift in its community and to carry on extensively an intelligent campaign for savings deposits. That this is being done is evidenced by the remarkable increase in the aggregate total in the savings deposits in the country year by year. Taking the national banks alone, here in the State of Ohio these deposits have grown from $20,700,000 in 1908 to $269,000,000 in 1928, being an increase of over tenfold. There was an even greater increase in the State banks, although I have not the exact figures. For the country at large the ratio of increase is about the same as for the State of Ohio.

This brings me back to the subject of this address and that is that banking in the future will be in the hands of professional management—I am using this term as opposed to amateur management. This applies to banks of all classes, whether city of small town, because banking in its essence is the same whether the population served be large or small. The very nature of our economic life, which expresses itself through corporate organizations and in mass production, will naturally demand of the smaller banks the same standards and type of banking services which have been demonstrated as sound and efficient by the larger city banks.

While the need for a higher training is increasingly demanded for making commercial loans upon the proper credit basis, it is in the newer fields of banking—the trust business and the securities business—where technical training and specialized experience are emphatically the essential requirements for success. It is in these two fields that there is likely to be the greatest future expansion in banking, and those banks will maintain the largest growth which equip themselves technically to meet this opportunity. It would be worse than useless for a bank to embark upon them with an amateur management.

In general it must be said that old-fashioned business practices in banking must give way to scientific methods in the acquisition and the formulation of information, and in the application of the banking policies based thereon, by men who have acquired what might be called a professional knowledge of banking—a technical equipment to deal with method and policy.

I have in this address attempted to point out a practical condition which is facing the banking business to which remedial measures must be applied. I have also suggested the type of management personnel that will be necessary whatever form the remedy may take, but I have not attempted to go further than that.

I may, however, say in closing that the large number of bank failures outside of the metropolitan centers during the past few years is an indication there are more banks than bankers. The scarcity of trained executives—that is to say, executives with that degree of managerial ability required by modern conditions—may be one of the underlying reasons for the rapid spread of branch banking and group or chain banking ideas among bankers and business men in this country. As the business of banking is growing at a more rapid pace than executives are being developed to operate each unit bank as a separate institution, it would seem to be an almost natural and logical outcome that this scarcity of talent will lead to a more centralized form of banking control.

INVESTIGATING FEDERAL RESERVE

Mr. NEELY. Mr. President, I ask leave to have printed in the RECORD an editorial from the Charleston (W. Va.) Gazette of Wednesday morning, February 13, 1929, entitled "Investigating Federal Reserve."

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

INVESTIGATING FEDERAL RESERVE

It seems that those who manage the financial affairs always do the right thing at the wrong time or in a clumsy way. It required no survey, reports, nor figures to expose the fact that the loanable bank funds of the country were being concentrated in a few centers, principally in New York. Banks, private individuals, and corporations, with surplus money, sent it to New York to get the call-loan rate. That is merely the operation of the law of supply and demand.

If surplus money can command, on safe security, 10 or 12 per cent in New York, there is no law or regulation that can prevent the owner from making the loan nor compel him to keep it at home for the tax gatherer. Raising the call rate in New York did not stop speculation. No one can use large sums at 12 per cent except a gambler in stocks.

Hence, the stock market got most of the money that was in New York and New York got most of the loanable money of the country because it was sent there to get the high rate.

Congress now thinks that it has a "bite" on something good—going after the Federal Reserve Board. Wrong time, of course. It should have done this several years ago. Federal reserve rates ought never be above 3 per cent—4 at the highest. The law ought to prohibit the Federal reserve banks from charging more. That would be a "Government of law, not of men." The eligibility of bank paper ought to be changed.

The attitude of the system ought to be changed by at least some warning gestures. If this Government institution can charge 7 per cent it can demand 20 per cent.

It was never intended to be a money-making institution, but a source, a reservoir of sound money. It is fool proof against unsound money.

But what can be expected of a Congress that proceeds now upon the assumption that money is too cheap—so plentiful that it is debased? If the old saying that money is worth its interest be true, then does 12 per cent call money show that it is cheap and plentiful or high and scarce? What do the small business men say? Why are intangible properties like stocks high, while land and tangible properties are low?

One is the thing itself; the other is the paper issued on the thing.

Over 60 years ago Grant broke the Black Friday gold squeeze by offering the Government's gold on the market. In 1914, McAdoo prevented a money panic by depositing Government funds where needed and giving assurance to the public that the Federal reserve system would use its resources to prevent any panic due to the war in Europe. The effect was magical.

Wall Street has the right to speculate. Most business is speculation. The growth and expansion of the country in the future is an element of investment. Buying is based largely on future increase in value. The railroads, banks, and manufacturing plants have grown in the last 20 years many times beyond the wildest guesses of optimists. But who said "man can not live on bread alone"? The country can not live on consolidations and dealing in stocks alone.

The small producers, merchants, traders, and farmers are going broke. Out in the country and small towns there is not enough money to do business and start new enterprises.

The big concerns can get money on stocks and bonds; but the real producers, who develop and build, and upon whose shoulders rest these stocks and bonds, have no market for their property and must pay too high interest for money to develop.

It is not fair to pull the horse that is ahead; but it is legitimate to whip up the horse that is behind.

Prohibiting and restraining Wall Street and nagging the big organizations is a backward movement. The farmers and producers want the big organizations to be prosperous and their stocks to go up.

But what will the 90 per cent not in those organizations do when we reach the point that only big capital can do business? All these big things are composed of units that once were small beginnings.

But is the day of small beginnings over? If so, will most of the people have to work for wages? It all gets back to the lifeblood—money and credits. That is at the bottom of all squeezes and deflations and inflations that distress the many for the few. The Federal reserve system can compel an even flow of money and credits according to the supply and demand. But such a consummation is impossible with the Federal interest rate bobbing up and down at the behest of a very few. Banks can not finance their customers when the Government reservoir charges one rate to-day and another to-morrow. Small traders must get their money from local banks; the latter are shielded from a money scare by the Federal reserve bank. What a shield it is that is steel one day and cardboard the next.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House insisted upon its amendments to the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. BOWMAN, and Mr. BLANTON were appointed managers on the part of the House at the conference.

AMENDMENT TO RULE XXXVIII—OPEN EXECUTIVE SESSIONS

Mr. CURTIS. Mr. President, at the request of the Senator from Washington [Mr. JONES] I ask unanimous consent that Senate Resolution 322, to amend Rule XXXVIII by providing for the consideration of nominations in open executive sessions, except in certain cases, submitted by him, and now on the table, may go over without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

INVESTIGATION OF SALT CREEK OIL LEASES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The resolution (S. Res. 320) submitted by Mr. WALSH of Montana February 7, 1929, was read as follows:

Resolved, That the Senate approves and adopts the minority report herewith, from the Committee on Public Lands and Surveys, of the investigation into the renewal of the contract executed in the year 1922 by Albert B. Fall, Secretary of the Interior, and the Sinclair Crude Oil Purchasing Co., for the sale of the royalty oil accruing to the United States from the leases of lands within the Salt Creek district in the State of Wyoming, and into the cancellation of such renewal.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. WALSH of Montana. Mr. President, the resolution before the Senate asks that the Senate approve and adopt the report submitted by seven members of the Committee on Public Lands investigating the question of the execution, renewal, and cancellation of what is known as the Salt Creek royalty oil contract. The report advises the Senate of the circumstances attending one of the official acts of the late Secretary of the Interior, Dr. Hubert Work, which resulted in a loss to the Government of the United States of $300,000; likewise of the delay in the action of the Department of Justice with respect to the cancellation of the contract, resulting in a loss of a thousand dollars a day for each day that the delay continued, which was something like five months.

The contract in question was executed in the month of December, 1922, by the then Secretary of the Interior, Albert B. Fall, to the Sinclair Crude Oil Purchasing Co. It operated as a sale of the royalty oil accruing to the Government from the leases in the Salt Creek field for a period of five years, with a provision in the contract to the effect that the purchaser should have the right, upon six months' notice, to a renewal of the contract for a like period of five years.

The contract was executed practically contemporaneously with the leases of the naval oil reserves; that is to say, it was intervening practically the execution of the lease of the Teapot Dome and the execution of the lease which eventually gave to the Pan-American Co. the control of naval reserve No. 1 in the State of California.

The contract was made pursuant to the provisions of section 30 of the leasing law of 1920. Under that law the royalty coming to the Government from the lease of oil lands might be paid either in kind or in cash. If it were paid in kind the Government would either be obliged to store its royalty oil or would be obliged to sell it. No provision having been made for the indefinite storage of the oil, the law provided that the Secretary of the Interior might dispose of the oil. The law also provided that he should dispose of it either by public auction or under sealed bids. The act, in that regard, reads as follows:

> Upon granting any oil or gas lease under this act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee.

Proposals were advertised and bids were received, bids being requested for a period of either 5 or 10 years. Various companies engaged in the oil business submitted bids. Among the bids was one submitted by the Mammoth Oil Co., to which the lease of the Teapot Dome had some few months before been granted. Its bid was received the day after, under the advertisement, the bids were to be closed. The advertisement required that the bids be submitted on or before the 15th day of November. The Mammoth Oil Co.'s bid did not come in until the following day, November 16.

A little history that is somewhat old in this connection will be interesting. In the month of November, 1922, Harry F. Sinclair visited Mr. Fall at his ranch at Three Rivers, N. Mex. The question of the disposal of these royalty oils was there discussed, and on his way east Mr. Sinclair stopped off at Pratt, Kans., and sent in a bid on the 15th day of November, which was not received at the department until the following day, November 16, offering to buy the oil to the extent of 10,000 barrels production per day at a price therein fixed. The bid of the Mammoth Oil Co. was held by the Secretary to be the highest bid received, which undoubtedly it was. He recognized

it, however, as having come within the period limited and made no question of it having been received too late.

The Mammoth Oil Co. requested that instead of the contract being written to it it should be written to the Sinclair Crude Oil Purchasing Co., to which request the Secretary of the Interior assented. The Sinclair Crude Oil Purchasing Co. said it would take the place and perform all of the obligations of the Mammoth Oil Co. It likewise agreed to take off the limitation of 10,000 barrels a day. So the contract was written to the Sinclair Crude Oil Purchasing Co., but it contained a provision not suggested in the advertisement at all, namely, that the Sinclair Crude Oil Purchasing Co. should have the right to a renewal of the contract at the expiration of the period of five years. Thus an advantage accrued to the Mammoth Oil Co. and the Sinclair Crude Oil Purchasing Co. that was not enjoyed by any of the other bidders for the contract. The contract went into force, and the Government secured by virtue of it through the sale of royalty oil accruing to it during the period of the five years something over $35,000,000.

In the month of June, 1927, the contract having been made effective as of the 1st day of January, 1923, the purchaser, the Sinclair Crude Oil Purchasing Co., served notice upon the Secretary that it desired to renew the contract. The contract was renewed in the month of February, 1928, by Doctor Work, the then Secretary of the Interior, the renewal to be effective as of the 1st day of January of last year.

Some protests had been filed, however, prior to that time against the renewal of the contract, to which reference will be made later. But after the contract had been renewed the White Eagle Refining Co., operating a smelter at Casper, Wyo., and one of the original bidders for the contract in 1922, learning for the first time in the spring of 1928 that that contract had been renewed, and having theretofore no knowledge whatever of the fact that there was a provision for the renewal of the contract in it, served a protest upon the Secretary, insisting, among other things, that the law gave no right to the Secretary of the Interior to make a contract in which an option was granted for a renewal of the contract. This protest and the contention made were supported by reference to a number of authorities more or less conclusive in character.

The Secretary, through his assistant, Mr. Finney, referred this protest to the solicitor of the department; and thereafter an opinion was rendered by the solicitor against the contention thus made. Thereupon, on the 27th day of April, 1928, the whole matter was referred to the Department of Justice for an opinion in the matter, in order to guide the Interior Department in its action.

Five months and 19 days thereafter, on the 17th day of October, 1928, an opinion was rendered by the Department of Justice sustaining the contention made by the White Eagle Refining Co. that there was no authority in the law for the incorporation in the contract of the renewal provision; that it was, therefore, void, and the renewal of the contract was invalid and nugatory. Thereupon the Secretary of the Interior canceled the contract, refused to deliver to the Sinclair Crude Oil Purchasing Co. any more oil under the contract, and again advertised the oil for sale for a period of three years. As a result of this new advertising a bid was received for the oil, the bidder agreeing to pay 21¾ cents a barrel more than the amount stipulated in the original and in the renewed contract. As the Government was then securing and for some period theretofore had been securing about 5,000 barrels of oil per day, the advantage to the Government by reason of the transaction amounts to something about $1,100 a day. It would be $1,100 if the deliveries were 5,000 barrels a day and the increase were 22 cents instead of 21¾; but for the convenience of computation it may be regarded that the Government got an advance of 20 cents a barrel, and 5,000 barrels would make just an even $1,000 a day that we are getting for the oil more than we were getting. In other words, every day that the renewed contract continued in operation the Government of the United States lost $1,000; and, it having been in operation something over 10 months, the total loss to the Government was approximately $300,000.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. That is assuming that the opinion of the Attorney General is correct.

Mr. WALSH of Montana. Of course.

Mr. ROBINSON of Indiana. The Senator understands, of course, that there has been no judicial decision on this question at all; that the Attorney General has this matter now before the courts to get a judicial determination.

Mr. WALSH of Montana. No; the Senator is wrong about that.

Mr. ROBINSON of Indiana. And that is assuming, too, that the suit for recovery and for damages which the department has filed against the Sinclair interests will not be successful. In the event it is successful, of course that can be claimed as damages.

Mr. WALSH of Montana. Quite so.

Mr. ROBINSON of Indiana. Then it will not be a loss to the Government. In other words, the Government certainly has lost nothing to date. Is not that true?

Mr. WALSH of Montana. No; that is not correct; because if the advertisement had taken place the Government would be just so much ahead now.

Mr. ROBINSON of Indiana. Yes; but if it is finally recovered——

Mr. WALSH of Montana. It may possibly recover.

Mr. ROBINSON of Indiana. Yes. If it recovers, then the Senator can not say that the Government up to date has lost this money.

Mr. WALSH of Montana. The Government has lost it up to date, yes; but let us have the facts about the matter.

As I shall detail a little later, early in the spring complaints were made that the original contract made by Fall was tainted with fraud, and an effort was made to gather the facts to establish that contention. The Government now has instituted a suit to recover, not on the basis that the contract was illegal, as recited in its opinion, but it has brought a suit to recover upon the ground of fraud in the original contract. It may or may not recover in that action. If it does, this amount probably will be recovered by the Government. It all depends upon whether the Government can establish fraud in the original transaction. It may establish it. Up to the present time I have not been advised of any evidence that would lead me to believe that that difficult question of fact can be established, although I am not fully advised about it. Up to the present time the Government has lost this $300,000. It may possibly recover it. That is all that can be said about it.

Mr. ROBINSON of Indiana. Mr. President, I think it can properly be said that it may probably recover.

Mr. WALSH of Montana. I can not say that. Perhaps the Senator from Indiana can.

Mr. NORRIS. Mr. President, may I make an inquiry of the Senator?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I do.

Mr. NORRIS. Assuming, to begin with, that the suit to recover establishes fraud in the original contract and nullifies the contract, the next question involved, then, would be the amount of the recovery. It would not follow as a matter of law that that recovery would be on the basis of the subsequent bids. It might be more or it might be less.

Mr. WALSH of Montana. It would not be less; but this is the situation with respect to this particular matter: Of course, the renewal being illegal under the opinion of the Supreme Court, it furnishes no basis at all for recovery, and the Government could recover from the Sinclair Crude Oil Purchasing Co. from the 1st of last January on a quantum meruit——

Mr. NORRIS. Exactly.

Mr. WALSH of Montana. The measure of damages being the market value of the oil.

Mr. NORRIS. I think so.

Mr. WALSH of Montana. But the market value of the oil is just what was being paid under the renewed contract; so, although the Government has a cause of action, it can recover no damages, because the measure of damages is just exactly what it was getting under the contract.

Mr. NORRIS. The Senator is speaking now of the renewal contract?

Mr. WALSH of Montana. Oh, of course.

Mr. NORRIS. I had particular reference to the action going away back to the original contract. Of course, the measure of damages would depend upon the market value of the oil during the time that contract was in effect.

Mr. WALSH of Montana. I think the department contends—and I am not sure that is not correct—that the measure of damages in that case would be whatever profit the Sinclair Crude Oil Purchasing Co. made out of the oil, not the market value, upon the rule that where there is an actual tort, with knowledge of a wrong, the measure of damages is somewhat different. However, that is a thing for the future. My assertion that the Government has lost this amount stands. It may get it back. It may get back more than that out of the lawsuit. That is for the future.

Now, Mr. President, it concerns us to inquire how it was that Doctor Work came to renew this contract. It contained a provision for its renewal. As I have heretofore indicated, prior to the time the renewal was made a man by the name of Phelan—a very able young man, and I think a public-spirited young man, formerly oil expert for the Shipping Board—went to the department and protested against the renewal, contending that there was fraud in the original contract. He was quite insistent about that; but he did not present to the department any facts going to sustain his belief that the original contract was tainted with fraud. Anyway, the Assistant Secretary of the Interior, Judge Finney, referred his protest to the Solicitor for the Department of the Interior, with a request that that officer advise him as to whether, under the applicable provisions of the law, the renewal was justified. To use his own language, he wanted to know from the solicitor whether a renewal of the contract was "warranted under the provisions of the applicable law."

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH of Montana. I do.

Mr. BRATTON. Will the Senator tell me from what page he is reading? I have tried to put my finger on that particular communication, and have not been able to do so.

Mr. WALSH of Montana. I read from page 3 of the report that I am canvassing, about three-fifths of the distance down.

The solicitor did not write any opinion; but a memorandum opinion was written by a member of the board of review of the Bureau of Public Lands. It was, however, O. K'd by the solicitor, Mr. Patterson. It came back the next day—bear in mind, the next day!—after the request for the opinion went to him, the 28th day of April. That opinion, if it may be called such, disposed of the important question of law which was submitted to the solicitor in just seven words. It recites at considerable length the facts in relation to the matter, and with respect to the question of law advanced it says:

> It will be observed that there is no statutory provision as to the term of a sales contract involving royalty oil. That is a detail clearly within the discretion of the Secretary—

That is correct. That is the plain law. Now he goes on—

> as is also a provision for renewal.

That is all there is in the opinion upon the difficult and intricate question of law which is submitted to the Solicitor of the Department of the Interior; and that is not correct, because there is not any such provision at all in the law.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I do.

Mr. ROBINSON of Indiana. That is the conclusion, is it not?

Mr. WALSH of Montana. That is the argument. That is all there is on the subject.

Mr. ROBINSON of Indiana. Is that the entire opinion—the seven words?

Mr. WALSH of Montana. No; I said the opinion is a long recital of the facts, and that is all there is of the discussion of the facts.

But, more, Mr. President, the opinion proceeds upon the assumption that this sale was not a public sale at all, not made upon bidding, but that it was a private sale negotiated by the Secretary of the Interior. It is important for us to inquire under what circumstances the Secretary of the Interior may make a private sale.

The opinion of the solicitor says:

> It thus appears that the Secretary has the authority and it is his duty to dispose of royalty oil by sealed bids, public auction, or private sale; that it is wholly discretionary with him as to which of these methods of disposal shall be employed.

That is not the law at all. The Secretary has no discretion to make a sale at private sale or public sale as he sees fit. He can make a private sale only "where no satisfactory bid is received," which was not the case here, because the Mammoth Oil Co.'s bid was entirely satisfactory to the Secretary. "Or where the accepted bidder fails to complete the purchase." The Mammoth Oil Co. did not fail to complete the purchase at all. It asked that the Sinclair Crude Oil Purchasing Co. might be substituted, and that was entirely satisfactory to the Secretary. "Or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder." Under those circumstances the Secretary may make a private sale, and under no other circumstances. If for any reason he rejects all the bids, he must readvertise the property.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. The Senator says that is not the law. Does the Senator mean to say or insinuate that the solicitor deliberately concealed the law?

Mr. WALSH of Montana. No.

Mr. ROBINSON of Indiana. Does the Senator mean, then, in criticizing the solicitor, to say that he was ignorant of the law and therefore was not qualified for the position he held? What is the Senator's position with reference to that very question?

Mr. WALSH of Montana. The Senator's position is that Doctor Work, if he had taken the opinion and read it, and had any kind of brains, would have known that it was not a good opinion.

Mr. ROBINSON of Indiana. Doctor Work, then, is the man the Senator is censuring in connection with this suggestion of the solicitor?

Mr. WALSH of Montana. That is what I have tried to make plain.

So that the solicitor, in the seven words in which he disposed of this important question, proceeded, in the first place, upon a wholly erroneous idea about the law, namely, that the Secretary of the Interior had the power to sell at a private sale if he saw fit to do so.

Mr. President, was it a private sale? As I have indicated, proposals were advertised, bids were requested, the bids were received, it was announced that the Mammoth Oil Co. was the highest bidder, letters were written by the Secretary of the Interior to the effect that the Mammoth Co. was the highest bidder; the Mammoth Co., as the highest bidder, said, "We would like to have the contract written to the Sinclair Co. instead of us, the highest bidder"; and the Sinclair Co. said, "We are willing to take the bid of the highest bidder and obligate ourselves to carry it out."

There is no record anywhere that Secretary Fall rejected all the bids for the reasons indicated in the statute or any other reason. Nobody contends that there is. But it was argued that because the contract that was actually entered into varied from the advertised proposals, therefore there must have been a private sale, and that is the basis upon which rests the contention that the sale was a private one and not a public one.

I said that the White Eagle Refining Co., learning from the newspapers that the contract had been renewed, filed its protest against the renewal. It will bear mention that no publicity whatever was given by the Department of the Interior to the fact that the Sinclair Crude Oil Purchasing Co. was asking for a renewal; no publicity was given to the fact that the Department of the Interior was entertaining the idea of a renewal; no publicity was given to the fact that Mr. Phelan and others had protested against the renewal, and the White Eagle Refining Co. knew nothing about the option in the contract for a renewal, or that the department had the matter under consideration or that it had renewed it, until it was read about in the newspapers after the renewal had been effected.

Mr. ROBINSON of Indiana. Mr. President, the Senator himself knew, however, that they were undertaking to have it renewed, did he not?

Mr. WALSH of Montana. I did not.

Mr. ROBINSON of Indiana. The Senator knew that another contract of the same kind was sought to be renewed, the Cat Creek contract?

Mr. WALSH of Montana. I shall get to that directly.

Mr. ROBINSON of Indiana. I just ask the Senator——

Mr. WALSH of Montana. I might as well speak about that now. Doctor Work has studiously endeavored to shift the responsibility about this matter from himself to me. What is the fact about the matter?

The facts surrounding the contract in respects of the Cat Creek field, in the State of Montana, are similar to those surrounding the Salt Creek contract. Leases were made of the Cat Creek district in Montana, a limited area, with a relatively small production, a matter of no consequence whatever. The contract for the sale of the royalty oil in that field had been granted under practically the same circumstances, bids had been requested, and the contract contained a provision for renewal, and it was likewise renewed.

A considerable correspondence came to my office from people interested in the Cat Creek contract. One of the letters asked if they could have a copy of the contract. The letter came to my office; it was routine in my office. My secretary got the letter. He wrote a letter to the Secretary of the Interior asking for a copy of the contract. He signed my name to the letter. The copy came, and he transmitted it to the person who asked for it.

In exactly the same way a letter came to my office asking if it it was understood that there would be a renewal of the Cat Creek contract.

Mr. ROBINSON of Indiana. Does not the Senator——

Mr. WALSH of Montana. Just a moment. In exactly the same way the letter was transmitted to the Secretary of the Interior; an answer came, and that answer was transmitted to the party who inquired about it. That is all I knew about it. The evidence is complete on that subject.

Mr. ROBINSON of Indiana. The Senator means to say that he never knew that any of this Cat Creek correspondence was in his office during that period?

Mr. WALSH of Montana. I knew perfectly well that it was there.

Mr. ROBINSON on Indiana. The Senator knew it contained a renewal clause, the same as this other one?

Mr. WALSH of Montana. I knew from the letter which came to the office that some one was inquiring whether the department construed the contract as entitling the purchaser to a renewal.

Mr. ROBINSON of Indiana. Did not the Senator ask the department for a ruling on the question?

Mr. WALSH of Montana. I did not. That was not what I was asked. I was asked if the department construed it that way, and I asked the department and sent the letter.

Mr. ROBINSON of Indiana. And that was in 1927?

Mr. WALSH of Montana. That was in 1927; yes.

I spoke about the want of publicity in this matter. The White Eagle Refining Co. having sent in its protest, it was referred to the Solicitor of the Interior Department, and the Solicitor of the Interior Department wrote an opinion for the information of the Assistant Secretary, Mr. Finney, who requested it. That opinion expressed the view that the contention made by the attorney for the White Eagle Refining Co., Mr. Kem, of Kansas City, was not well taken.

I do not care to review at any length that particular opinion. I merely say that it concerns itself with setting out a lot of facts to establish that the contract that was originally entered into by Fall in 1922 was a very good contract, that it was made to the highest bidder, and other things of that kind. Anyway, the contention was dismissed.

Reference was made in that connection to a decision of the Supreme Court of the State of Montana, which the Solicitor of the Interior Department thought was entirely conclusive upon the question at issue, and it does not even take a legal mind to realize from the statement of the facts that the Montana opinion does not touch side, end, or bottom of the thing. Thus it was cast off.

Then the Assistant Secretary of the Interior, Mr. Finney, who seems to have handled the whole business, transferred the whole matter, on the 27th day of April, 1928, to the Department of Justice for an opinion.

Meanwhile a man by the name of Williams, in the city of New York, had written me protesting against the renewal of the contract, and alleging fraud in the original contract, and likewise that the Midwest Oil Co., a subsidiary of the Standard, had secured a monopoly of the Salt Creek field. I wrote him a letter in which I said that if he thought so, he ought to take the matter up with the President. He apparently did so, and the President referred the matter to the Department of Justice, as was entirely proper, and requested Mr. Donovan, to whom it went in the Department of Justice, to confer with me about the matter. He apparently referred the matter to two young men in his office, Kenyon and Chandler, and they came to see me. I had no information about the matter, and was unable to give them any. They had already made an examination of some of the records of the Interior Department, searching for evidence of fraud in the original transaction. The idea advanced by Mr. Kem that the option provision of the contract was void upon the ground that the Secretary had no power to grant an option, apparently never had occurred to these young men studying the matter at all. They did not discuss it with me, and it had not been suggested to me, and I did not discuss it with them. They were concerned with the question of fraud.

When this protest of Mr. Kem was referred to the Department of Justice and turned over of them, they looked it over and told Mr. Finney that they agreed with him that the Secretary had the authority. They did not even take the trouble to read the cases cited by Mr. Kem in the protest. They made no legal opinion upon the matter, but they conveyed orally to Mr. Finney that they agreed with him in the view he took.

Meanwhile Mr. Kem was getting nowhere, there was no opinion from the Department of Justice, and the Department of the Interior refused to act until the Department of Justice advised them with respect to the matter.

Mr. President, I ought to go back, before I go to that, to refer again to the original opinion furnished by Newman and Patterson. That opinion, consisting, as I have heretofore said, of seven words, so far as the question of law is concerned, is the only thing upon which Secretary Work relied in renewing this contract.

Mr. ROBINSON of Indiana. Mr. President——

Mr. WALSH of Montana. One moment. He told us, however, upon the witness stand, that he had acted upon the advice of four officials of his force who were appointed by the President and confirmed by the Senate, and nine other technical and legal members of his force, the entire force furnished him by the Congress of the United States.

I yield to the Senator.

Mr. ROBINSON of Indiana. The Senator has supplied the omission I was going to suggest.

Mr. WALSH of Montana. Let us see who these 13 persons were upon whom the Secretary relied in his action in renewing this contract.

There were Patterson and Newman, to whom I have referred. Likewise there was George Otis Smith. George Otis Smith, as Senators doubtless all know, is the Director of the Geological Survey. He is not a lawyer; he has no legal duties of any character to perform. George Otis Smith, however, ventured to express an opinion upon this subject, and this is what he said:

> In my opinion, the renewal provision in the contract with the Sinclair Crude Oil Purchasing Co. is binding on the Government.

That is the extent of his discussion of this important question of law.

The other official, appointed by the President of the United States and confirmed by the Senate, is Mr. Havell, the Acting Commissioner of the General Land Office. He wrote a letter to the Secretary about this matter, in which he said just this:

> It is respectfully recommended that the contract of December 20, 1922, be extended for an additional five years from January 1, 1928, upon the terms and conditions set out in said contract executed between the United States and the Sinclair Crude Oil Purchasing Co.

That is the extent of the opinion of Mr. Havell. Just what help that would be to the Secretary of the Interior in determining whether under the law he had a right to renew this contract I do not care to comment upon.

In addition to that the memorandum opinion made by Newman and approved by Patterson, which came back to Mr. Finney the day after his request was made, had indorsed on it the names of nine men, employees in the Geological Survey and in the Bureau of Public Lands, signifying that those nine men had read that contract and approved it. Just what help in determining the legality of the option provision the view of subordinates in the Geological Survey would be, I likewise wonder. But that is the kind of advice Secretary Work relied upon in making the renewal contract.

But he pleads strength about another matter. He pleads strength by reason of the fact that this matter went through the hands of the senior Senator from Montana, myself, and how it went through the hands of the senior Senator from Montana has already been indicated in response to the questions addressed to me by the Senator from Indiana. All of this correspondence is listed in the statement made to us by the Secretary in an attempt to exculpate himself in this matter. He lists the following:

> February 17, 1928, Senator T. J. WALSH to W. G. Williams, advising he could not understand how Government can escape the obligation to renew contract, and agrees with Secretary that he is legally bound to renew.

Secretary Work gave similar interviews to the newspapers, in which this matter was canvassed. I had a letter from Mr. Williams, as I have heretofore indicated, a rather lengthy letter, I would not say rambling, but suggesting fraud in the original contract and monopolization of the Salt Creek field by the Mid-West Co., a subsidiary of the Standard. I wrote him and a part of the correspondence is as follows:

> I am not able to ascertain from your letter or the accompanying document just how you come to be interested in the lease of the Government royalty oil accruing to it from operations in the Salt Creek field. Will you kindly advise me?
>
> I am unable to understand how the Government can escape the obligation to renew the contract with the Sinclair Crude Oil Purchasing Co., except it treats it as void or voidable. It seems to me that neither the iniquities revealed as to the Teapot Dome lease or those that are unrevealed concerning the acquisition of the lands in the Salt Creek field by the Standard or its subsidiaries in violation of the leasing act can in any wise affect the validity of the contract by which the Sinclair Crude Oil Purchasing Co. bought the Government's royalty oil. I regret

to say that I am obliged to agree with the Secretary that he is legally bound to renew, although I have not been able to give the subject the study that it ought to have in order to arrive at a conclusion such as would be reached by a good lawyer after a careful study. I assume the Secretary has taken the advice of his counsel.

That is heralded as an indorsement of the position of the Secretary.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. The Senator was thoroughly familiar with the contract, was he not?

Mr. WALSH of Montana. I was not.

Mr. ROBINSON of Indiana. Did not the Senator have in his office a copy of the contract with the Lewistown Oil & Refining Co., an exactly similar contract?

Mr. WALSH of Montana. I have a copy of the testimony taken in the Teapot Dome hearings, the naval oil leases, and I discover from a report made by the Senator from Illinois [Mr. GLENN] that in that compilation there is a copy of the contract. Let me explain.

After we had got along in that hearing to a point where it was quite obvious that the transaction was a rotten one, the chairman of the committee, the senior Senator from Utah [Mr. SMOOT], addressed a communication to Mr. Bain, who was then at the head of the Bureau of Mines, asking him a series of questions. Of course, it was done simply for the purpose of giving Mr. Bain an opportunity to file a brief for Secretary Fall. He filed that brief in the nature of a long letter in which he referred to this royalty oil contract and set forth a copy of it. That was sent to Senator SMOOT and introduced into the record without ever reading it. I have the record here before me.

Mr. GLENN. Will the Senator yield for a question?

Mr. WALSH of Montana. Just a moment. Here is the record:

Senator SMOOT. I received an answer to that letter dated November 30, 1923. Each question asked by me is answered in detail, and with the answers there is reference made to certain memoranda and documents supporting the answers. I think, if there is no objection whatever, it would be well to have them made a part of the record so that we may have the whole subject before the committee, and then whoever desires to read it in the record, just as he has answered the questions supported by documents, could do so. Without objection, it will be incorporated in the record.

Mr. ROBINSON of Indiana. Mr. President——

Mr. WALSH of Montana. Just a moment. Doctor Bain appeared before the committee at our request and demand, and he was interrogated about everything with reference to which the committee cared to examine him. I yield now to the Senator from Indiana.

Mr. ROBINSON of Indiana. I had reference in my question addressed to the Senator a moment ago to an identical contract entered into at practically the same time with the Lewistown Oil & Refining Co.

Mr. WALSH of Montana. That is the Cat Creek company, to which I have referred.

Mr. ROBINSON of Indiana. In January, 1923, six years ago, the Senator did request a copy of that contract.

Mr. WALSH of Montana. I dare say that is true.

Mr. ROBINSON of Indiana. And the Senator did have that contract.

Mr. WALSH of Montana. In the manner indicated, my secretary came along and identified my signature to a letter requesting it as being in his handwriting.

Mr. ROBINSON of Indiana. The Senator at that time was thoroughly familiar with the contract, was he not?

Mr. WALSH of Montana. I was not. I had no knowledge of the contract. Let me explain.

Both the junior Senator from Wyoming [Mr. KENDRICK] and myself were deeply interested in the letting of the contract for the sale of the Salt Creek oil. At that time Governor Haskell, of the State of Oklahoma, was constructing a railroad running from Casper through Sheridan, the home of Senator KENDRICK, to Miles City, in the State of Montana, to connect up the Union Pacific line with the Northern Pacific and Milwaukee lines there. We were very desirous that he should get the business. He was a bidder for this oil, expecting to get it as freight for his new railroad, and we were very desirous that he should get the contract, in order that the railroad enterprise should go forward. Therefore we were in a way in touch with the transaction.

Secretary Fall wrote a letter telling about the bids and informed us that the Mammoth Oil Co. was the highest bidder, and its bid was so much higher than Governor Haskell's bid that, of course, we had no reason to protest, but neither Senator KENDRICK nor I had any kind of notion that there was a renewal provision in the contract, and neither of us ever saw the contract—at least I speak for myself when I say that.

Mr. ROBINSON of Indiana. I am speaking of the Lewistown contract, and the Senator knew all about that.

Mr. WALSH of Montana. I have told all I know about the Lewistown contract.

Mr. ROBINSON of Indiana. Was not the Senator interested in having the Lewistown contract entered into?

Mr. WALSH of Montana. I was not.

Mr. ROBINSON of Indiana. Did not the Senator, as a matter of fact, take that up at the time with the department in that very connection?

Mr. WALSH of Montana. I shall be pleased to have the Senator read any of my letters to the department.

Mr. ROBINSON of Indiana. I would like to ask the Senator if it is not a fact that after the contract was let Secretary Fall, on February 17, 1923, wrote to the Senator from Montana calling attention to letting of the contract for the sale of Cat Creek oil to the Lewistown Oil & Refining Co., and of his interest in the contract—meaning the interest of the Senator from Montana—and that he had been "courteous enough to counsel me in the disposition of that oil in an effort to secure the greatest revenue from it." Is not that letter in the possession of the Senator from Montana at the present time?

Mr. WALSH of Montana. I do not think there is any question about it.

Mr. ROBINSON of Indiana. Then the Senator knew all about the Cat Creek contract?

Mr. WALSH of Montana. I knew that bids had been requested for the Cat Creek oil. I knew that the highest bid had been accepted and that a contract had been entered into.

Mr. ROBINSON of Indiana. But did not the Senator know what the contents of the contract were?

Mr. WALSH of Montana. No; not that I have any recollection of.

Mr. ROBINSON of Indiana. Did not the Senator on January 23, 1923, write for a copy of that identical contract?

Mr. WALSH of Montana. I have already told the Senator about that.

Mr. ROBINSON of Indiana. Did not the Senator then receive it and is it not now in the Senator's office and has it not been there all these years, six years?

Mr. WALSH of Montana. The record will disclose to the Senator that as soon as it was received it was sent to the parties who requested it. The record before the Senator will disclose that fact.

Mr. ROBINSON of Indiana. When the Senator was taking that interest in the Cat Creek lease, he never read the contract?

Mr. WALSH of Montana. I did not,

Mr. ROBINSON of Indiana. And did not know anything at all about the contract?

Mr. WALSH of Montana. I did not.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH of Montana. I yield.

Mr. BRATTON. The record shows that the man requested the Senator from Montana to furnish him information about the contract. The Senator's secretary, as a matter of routine, requested the department to furnish the copy. The copy came through the mail in response to the letter written and signed by the Senator's secretary. The Senator's secretary, further, as a matter of routine, transmitted it to the inquiring constituent. The record is conclusive that the Senator did not even read it.

Let me inquire of the Senator from Indiana if he thinks that such a situation can well serve either to fasten responsibility on the Senator from Montana or to exculpate the Interior Department for whatever responsibility rests upon it? I am not now expressing an opinion about that degree of responsibility, but whatever it is, do the facts which I have reviewed briefly either tend to place responsibility upon the Senator from Montana or to exculpate the Department of the Interior?

Mr. ROBINSON of Indiana. I am not trying to fasten any responsibility on anybody. I am saying, or rather intimating, that if this was routine in the Senator's office that is one thing, but it is generally known and everybody knows that the Senator from Montana himself made the principal fight for the leasing act of 1920 and these were constituents of the Senator's in Montana.

Mr. WALSH of Montana. I shall object to an argument about that just now.

Mr. ROBINSON of Indiana. So that I do not see that anyone needs exculpating. It strikes me that the Secretary of the Interior did everything he was called upon to do, and it seems to me perhaps the Senator from Montana did. I am just wondering why there should be any criticism.

Mr. BRATTON. Does the Senator see any similarity in a matter passing through the office of a Senator purely as a routine item, with which the Senator was charged with no degree of official responsibility, and the responsibility of a department enjoined with the duty of acting in the premises?

Mr. ROBINSON of Indiana. I do not care to take further time from the Senator from Montana, but that question is easily answered by me. I think all of us are responsible to a degree even for routine matters in our offices in any opinions we give in matters of this kind which are grave. I can not agree with the Senator in the intimation he has made that there has been any dereliction of duty whatever in the Department of the Interior or the Department of Justice. But I do not care to argue that at this time. I apologize to the Senator from Montana for taking so much of his time.

Mr. BRATTON. I was curious to know, if the Senator from Montana will indulge me to make one further inquiry, why it is that the Senator from Indiana lays so much stress upon the fact that a copy of the Cat Creek contract passed through the office of the Senator from Montana as a matter of routine, handled by his secretary, and with which the Senator himself was entirely unfamiliar. What relation or what importance does that have in the solution of the pending matter?

Mr. ROBINSON of Indiana. Mr. President, since the Senator from New Mexico has interrogated me, let me say this: Here are two contracts; they are exactly the same—the Cat Creek contract and the Sinclair contract. They each contain an optional renewal clause. In one contract the constituents of the Senator from Montana are vitally interested; in the other contract others are interested. The Senator from Montana—let us say it is a routine procedure—interested himself—it may be his office, or his office force, but it is his influence, at any rate—in securing this contract or in any event aiding in its procurement. The contract is entered into by the Government. The Senator from Montana evidently knew what was going on in his own office. He therefore knew the contract was entered into by the Government and his constituents. The Senator from Montana, by his own statement, has just said that he was familiar to a degree with what was going on in 1922 when Fall let the two contracts, one to his constituents, the other to the Sinclair Co.

After this is done the office of the Senator from Montana, in 1923, writes to the department and asks for a copy of the contract. Let it be called routine. I am assuming the Senator knows something about what goes on in his office, and that he knew that contract was asked for and received with reference to a matter that was more or less vital. By this time the Teapot Dome matters were coming to the surface. I imagine the Senator reads some of the papers that come to his office before sending them on. I imagine further, then, that again, in 1927, when the Senator from Montana wrote to the Secretary of the Interior, Doctor Work, whom he now criticizes, and asked him for his interpretation of that identical contract, the Senator knew what he was doing; and that if the Senator's secretary wrote that letter over the Senator's signature, as a matter of routine, still the Senator from Montana must have known something about it, because his secretary would, at least, have given him some little information about it.

Mr. WALSH of Montana. Mr. President, I regret that my argument should be interrupted in this way. I do not think it is quite fair.

Mr. ROBINSON of Indiana. Mr. President, I hope the Senator from Montana will not charge me with the blame. This question was suggested by the Senator from New Mexico [Mr. BRATTON] and to the best of my ability I am trying to answer it.

Mr. BRATTON. I apologize to the Senator from Montana, and I shall refrain from any further interruption.

Mr. WALSH of Montana. That is all right; I do not object to interruption at any time for the purpose of asking a question and eliciting information, but I am sure the Senators will appreciate the unfairness of injecting a long speech in the midst of my remarks.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I should like to preface my question with a statement. I think I understand exactly what the Senator from Montana has explained about the routine in his office. I am not casting any reflection; I think he probably proceeded just as he narrates the facts; it is something that happens to all of us; but I should like to ask the Senator this question: The letter which was signed in the Senator's name by his secretary went to Mr. Work. That was before he renewed the contract?

Mr. WALSH of Montana. No; I think not.

Mr. NORRIS. My understanding is that it was. The point that I want to call to the attention of the Senator is that Mr. Work, whatever we may say and whether we agree or disagree as to whether he had sufficient advice or the proper advice before renewing that contract, had in his possession at the time he renewed it the letter written by the Senator's secretary, of which the Senator had no knowledge, but Mr. Work would be justified in concluding that the Senator himself signed it and that it was not signed by his secretary.

Mr. WALSH of Montana. Of course, there is no doubt about that.

Mr. NORRIS. So, whatever it amounted to on its face, at the time he took this action he had at least the partial judgment of the Senator from Montana on the legality of the proposed renewal.

Mr. WALSH of Montana Yes; but there is no pretense—and that is a matter to which I want now to refer—that the Secretary of the Interior had my letter in mind at all when he renewed the contract.

Mr. NORRIS. I understood the Senator from Montana to say that the Secretary gave as his reasons for renewing the contract all these references, and they included the letter of the Senator from Montana.

Mr. WALSH of Montana. No; the Secretary did not give that as a reason; he made that as a justification for his having done so. That is what I want to speak about now.

Mr. GLENN. Mr. President——

Mr. WALSH of Montana. If the Senator from Illinois will pardon me for just a moment, I want to call attention to the fact that there is not an iota of evidence here that the Secretary of the Interior ever even read the memorandum notes of Newman and Patterson. There is not any evidence in the record to show that he ever read the protest of anybody who protested against it. The whole thing was treated by him as a matter of routine and was left to his assistants. Now, I yield to the Senator from Illinois.

Mr. GLENN. Mr. President, I simply want to ask a question of the Senator from Montana, in order to obtain certain information and not for the purpose of embarrassment. I am not clear either from the record or from the statement of the Senator from Montana this morning as to this matter. Some reference has been made to the Salt Creek contract. The Senator from Indiana asked the Senator from Montana if he had studied it carefully, or something of that kind, and I believe the Senator from Montana answered "No." I should like to know whether the Senator from Montana had read that Salt Creek contract?

Mr. WALSH of Montana. I never had.

Mr. GLENN. The Senator never did read it?

Mr. WALSH of Montana. I never did; nor did I ever read the Cat Creek contract.

Mr. GLENN. That is all I wish to know.

Mr. WALSH of Montana. But even if I had read the Cat Creek contract, and even if I had seen therein a provision for its renewal, of what consequence is it? There was no duty devolving upon me in the premises at all; I was not called upon to go to my books at that time to find out whether that provision could be sustained or could not be sustained. I have other things to do; I have other obligations. It is the duty of the Secretary of the Interior to do these things, and not my duty. But, as a matter of fact, I never saw either of those contracts.

Now, Mr. President, I wish to emphasize the point that, although Doctor Work was examined with respect to this matter, he does not even pretend that he ever read the Newman and Patterson memorandum. He says that he relied upon the official advice that is provided for him by the Congress of the United States. That is not correct. The Congress of the United States has provided that the head of any department may at any time require the opinion of the Department of Justice on any question of law that may arise in the conduct of his office. Of course, it is not to be expected that the Secretary of the Interior will ask the Department of Justice for its opinion upon every question that comes up; but this was an extraordinary matter; it contemplated the disposition of national assets that would amount to more than $30,000,000; it concerned the renewal of a contract made by Albert B. Fall to Harry F. Sinclair, in substance, made in connection with the leases of the naval oil reserves, and modifying in an important particu-

lar the Teapot Dome lease. The facts would naturally suggest to the Secretary of the Interior that he ought to have the very best possible advice to be secured. He acts, however, upon the advice—and, as I have said, it does not appear that he even studied the opinions about the matter—of some subordinates in his office.

Mr. ROBINSON of Indiana. Does the Senator mean to say he did not read the opinions at all?

Mr. WALSH of Montana There is no evidence that he did.

Mr. ROBINSON of Indiana. Does the Senator believe that he did not?

Mr. WALSH of Montana. I believe he did not.

Mr. ROBINSON of Indiana. The Senator believes the Secretary of the Interior just sat down supinely and paid no attention whatever to it?

Mr. WALSH of Montana. That would appear to be the case from the evidence.

Mr. ROBINSON of Indiana. Yet all those who had anything to do with this work and were charged with responsibility, even including the Senator, were unanimous in their opinion that the Government would have to renew the lease.

Mr. WALSH of Montana. I have indicated just what the facts are.

Mr. ROBINSON of Indiana. Now, the Senator means to suggest—I am just trying to find out exactly what he is trying to say—that the Secretary of the Interior did nothing at all but just sat there?

Mr. WALSH of Montana. That is the evidence. It is the record here that the whole matter was handled by Mr. Finney, the Assistant Secretary of the Interior. It does not appear, I assert again, that the Secretary ever read an opinion about the matter or that he concurred in the views expressed by the solicitor of his department. That being the situation, the protest of the White Eagle Refining Co. comes in on the 11th day of April last, and on the 27th day of April, after Patterson had dissented from the view expressed by Mr. Kem, attorney for the White Eagle Refining Co., it is referred to the Department of Justice and goes to Colonel Donovan. Colonel Donovan refers it to Messrs. Kenyon and Chandler, and they, without even reading the cases cited in the protest, expressed to Mr. Finney the view that they concurred in his idea that there was nothing to it. Kem being active, calls Mr. Finney up on the telephone and asks him about the matter, and Mr. Finney tells Kem that the matter has been referred to the Department of Justice, and they are waiting for the opinion of the Department of Justice. However, the opinion does not come. Mr. Kem and his company are eager about the matter, and during the Republican convention at Kansas City, in the month of June, the president of the White Eagle Refining Co. takes the matter up with the chairman of the committee, the Senator from North Dakota [Mr. NYE]. Kem gets impatient again and calls Finney upon the long-distance telephone from Kansas City, and asks him about the matter. Mr. Finney tells Kem that the matter has been referred, and Kem asks for a copy of the solicitor's opinion, which, according to him, Mr. Finney promised to send, but never did send. Finney says that he does not recall anything of the kind, but if Mr. Kem says so, he has no doubt that it is correct, but he adds that in the department it is regarded that an opinion is not public until it is approved by the Secretary, and that perhaps later he thought of the rule and deemed it unwise to furnish it. That may be correct.

In any event, in the latter part of the month of August, four months having gone by, Colonel Donovan, to whom the matter was referred, first learned that the Department of Justice was ever asked for an opinion in the matter. He learns of it from a newspaper which he picks up on the train when he was away out in the remote West in New Mexico. He learns that the White Eagle Refining Co. has filed a protest. He gets back to Washington on the 24th day of August, 1928, and immediately sends for Kenyon and Chandler. He asks them what is there about the protest of the White Eagle Refining Co., and they tell him about it. Colonel Donovan asks that they put on his desk the cases or the reports containing the cases cited by Kem, which they do immediately. In the meantime, Chandler leaves the service, and Kenyon goes back to New York, where he is engaged in some business for the department. Kem, in the meantime, calls up Colonel Donovan at the Department of Justice. Finney had meanwhile written his letter asking when they might expect an answer to their request for an opinion, and apparently Colonel Donovan, having in mind the investigation into the fraud feature, says that the department has been making an exhaustive investigation of the facts; and it is now studying the facts; and he hopes to be able to report sometime soon. Of course this particular question, the right of renewal under the law, did not require an investigation of any facts at all. The whole thing was right there except the facts concerning the circumstances under which the contract was made. Colonel Donovan evidently referred to the investigation they had been conducting into the matter of fraud. Bear in mind that was the 28th day of August, 1928. Mr. Kem, however, comes here after calling Colonel Donovan on the telephone on the 15th day of September, 1928, some weeks after Colonel Donovan first learned about this matter. Up to that time Colonel Donovan had not read the cases cited by Kem, but he at once turns to Kenyon and tells him, "I think you fellows are wrong and that Kem is right about this. I want to go into the matter and study it with care." Kenyon then goes to work, and on the 8th day of October, 1928, he writes an exhaustive and elaborate and an able opinion fully sustaining the position taken by Kem.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. Kem is one of the two young men the Senator spoke about a while ago?

Mr. WALSH of Montana. No; Kem is the attorney for the White Eagle Refining Co., practicing law formerly at Casper, Wyo., and now at Kansas City.

Mr. ROBINSON of Indiana. No, Mr. President; I was wrong about that. I mean Kenyon is one of the two young men the Senator spoke about?

Mr. WALSH of Montana. Yes; Kenyon is the man who first, without ever having read the cases, told Finney that he agreed with him. The matter was then left in abeyance for a period of four months, when he was finally jogged by Colonel Donovan to proceed with the investigation.

Mr. ROBINSON of Indiana. The point I was getting at is that Kenyon is one of the two young men to whom the Senator referred a while ago?

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. He is the same Kenyon and the same young man who wrote this very able and exhaustive opinion?

Mr. WALSH of Montana. Exactly; the same man.

That is the 8th day of October. Meanwhile, Kem gets impatient about the matter and calls me up on the long-distance telephone from Kansas City and asks if he can come to Helena and talk to me about the Salt Creek oil-royalty contract. I set a day for him to come, and he arrives. He has a copy of his protest, with the authorities that he cited, and exposes his contention to be that although the Secretary had power to sell the oil he did not have the power to grant an option to purchase the oil. Upon an examination of the cases he cited—I was in my law office at the time—I quickly reached the conclusion that his contention was entirely sound. No progress having been made by him through either of the departments, it occurred to me that some publicity would be valuable; and I gave the whole story to the New York World, which published it on the 15th day of October, 1928. The next day—the next day!—an opinion was issued by the Department of Justice fully sustaining the position taken by Kem, and, in addition to that, supporting me in the view I took that the original contract itself was void because the contract entered into did not conform to the advertised conditions.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH of Montana. I do.

Mr. HEFLIN. The Senator complained that Secretary Work did not consult the Department of Justice.

Mr. WALSH of Montana. Yes.

Mr. HEFLIN. The Senator perhaps will recall that the failure of Mr. Fall to consult the Department of Justice when he made these deals was offered in evidence when the Government prosecuted Doheny and Sinclair.

Mr. WALSH of Montana. Quite true; quite true.

Mr. ROBINSON of Indiana. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. The Senator says the opinion of the Department of Justice or the Attorney General was given publicity on the 16th day of October.

Mr. WALSH of Montana. It was signed on the 16th, but got into the papers on the 17th.

Mr. ROBINSON of Indiana. But the Senator stated a while ago that Colonel Donovan had reached his conclusion in the matter, in accordance with what the opinion ultimately was, long before that date, or some time before that, and that Kenyon's opinion——

Mr. WALSH of Montana. It would appear that Colonel Donovan reached his conclusion, and said to Kenyon and Chandler, "I think you fellows are wrong," very promptly after the 15th of September; and it was not until a month and two

days thereafter that the opinion came out, the Government of the United States losing a thousand dollars every day of the delay.

Mr. ROBINSON of Indiana. That is, assuming that it is not ultimately recovered.

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. But the opinion of Kenyon appeared on October 8?

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Indiana. Therefore I assume the Senator does not mean to insinuate that the opinion came out on the 16th because of the article that appeared in the New York World.

Mr. WALSH of Montana. I will let each Senator draw his own conclusion about that.

Mr. ROBINSON of Indiana. But what is the Senator's opinion about it?

Mr. WALSH of Montana. My opinion is, if the Senator desires to have my opinion about the matter, that it was forced by the publication in the New York World.

Mr. ROBINSON of Indiana. And if it had not been for the information given by the Senator to the New York World it never would have appeared?

Mr. WALSH of Montana. That does not necessarily follow.

Mr. ROBINSON of Indiana. Does the Senator feel that way about it?

Mr. WALSH of Montana. I do not know any reason why the issuance of that opinion was delayed from the 8th of October until the 17th.

Mr. ROBINSON of Indiana. Let me find out just what the Senator's opinion is. When Colonel Donovan told his subordinates that they were all wrong in this matter, and that it ought to be changed, and that he had changed his views on it——

Mr. WALSH of Montana. That who had?

Mr. ROBINSON of Indiana. Colonel Donovan—or, if he had not changed his views, in any event if he had no decided views before that he thought that his subordinates were all wrong——

Mr. WALSH of Montana. On the 15th day of September he told Kem that he did not think Kem was right; that that was impracticable.

Mr. NORRIS. The Senator means Kenyon?

Mr. WALSH of Montana. No, no; on the 15th day of September Kem came from Kansas City and had an interview with Donovan. At that time Donovan said to him that his ideas were impracticable.

Mr. ROBINSON of Indiana. But, Mr. President, the Senator stated a while ago, and it is in the record, that Colonel Donovan did tell his subordinates that he thought they were all wrong.

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Indiana. And that, subsequent to that, on October 8 Kenyon's very able opinion did appear.

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Indiana. And that on the 16th——

Mr. WALSH of Montana. I tried to recite those facts, and they do not get any more adequate by the repetition.

Mr. ROBINSON of Indiana. The Senator states that, in his opinion, if it had not been for the article in the New York World, the opinion would not have appeared?

Mr. WALSH of Montana. My opinion about the matter is of no consequence here.

Mr. ROBINSON of Indiana. Except that the Senator's opinion is embodied in this minority report, in which he asks the Senate to censure these public officials.

Mr. WALSH of Montana. That is of no consequence here at all. I am not asking censure upon any such ground. I am asking censure of Doctor Work on the ground that he did not act with the circumspection that ought to have been exercised, that he took a perfectly puerile opinion of the solicitor and the chairman of the board of review, that he did not seek the advice of the Department of Justice in the first place, and that he did not even read the opinion.

Mr. ROBINSON of Indiana. Does the Senator——

Mr. HEFLIN. Mr. President, before the Senator asks another question, I should like to ask——

Mr. WALSH of Montana. I should like to answer the Senator from Indiana first.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. WALSH of Montana. I yield to the Senator from Indiana.

Mr. ROBINSON of Indiana. Does the Senator mean to say that he does not think Colonel Donovan was sincere in his attitude before this opinion——

Mr. WALSH of Montana. Oh, I refuse to answer that question. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I desire to ask the Senator from Indiana, if the Senator from Montana will permit that to be done, to state what Colonel Donovan meant by saying that these subordinates were wrong. Did he mean by that that they should let these leases go ahead, that they were all right and proper?

Mr. ROBINSON of Indiana. Oh, no. The Senator probably has not been here throughout the debate, or has not read the report carefully.

Mr. HEFLIN. I was called out of the Chamber and did not hear all of the debate.

Mr. ROBINSON of Indiana. No; if the Senator will permit me, this man Kenyon, a subordinate under Colonel Donovan in the Department of Justice, had been working on this case, but on a different theory of law—the question of fraud. Mr. Kem, who was counsel for the White Eagle Oil Co., subsequently appears before Colonel Donovan and convinces Colonel Donovan that the subordinates in the department probably are proceeding on the wrong theory of law. Colonel Donovan becomes convinced that Counsel Kem, of the oil company, is correct.

Mr. WALSH of Montana. Pardon me; the Senator has not stated the facts correctly.

Mr. ROBINSON of Indiana. In what particular have I not done so? Just let me finish this, and then let the Senator from Montana correct me. Then Colonel Donovan says to these young men, the subordinates in his department, that he thinks they are wrong in the theory they have been following. That is as I understand it.

Mr. HEFLIN. Then he was sustaining the leases, sustaining the people who got the oil, was he?

Mr. ROBINSON of Indiana. Oh, no; they were proceeding on a theory of fraud long before that. It all appears in the record here.

Mr. WALSH of Montana. No; the Senator from Indiana has not got it right. These young men were proceeding with their investigation of fraud, but the protest of Kem was referred to them, and they had expressed the opinion that Kem's contention was not correct——

Mr. ROBINSON of Indiana. That is right.

Mr. WALSH of Montana. Not taking the pains even to look at the authorities he cited, and they told Colonel Donovan that they did not think the contention of Kem was correct; and eventually Colonel Donovan, not referring to the fraud theory at all but referring to their views of the Kem protest, told Kenyon and Chandler, "I think you fellows are wrong."

Mr. ROBINSON of Indiana. Referring to the fact that they did not agree with Kem's position and his theory.

Mr. WALSH of Montana. But the fraud theory did not enter into it at all.

Mr. ROBINSON of Indiana. But Colonel Donovan had been converted to the theory of Kem, and therefore suggested to his subordinates that, in his opinion, their attitude on the matter was wrong.

Mr. WALSH of Montana. This is the situation——

Mr. GLENN. Mr. President, I do not know whether the Senator from Alabama has been advised about the subject he wanted to be advised about or not. What the Senator from Alabama wanted to know, as I understood, was whether or not the position that Donovan took at the time to which the Senator from Alabama referred was that the renewal of the leases was legal. That was what the Senator wanted to know, was it not?

Mr. HEFLIN. Yes.

Mr. GLENN. The position Donovan took at that time was that the renewal was illegal. That is correct, is it not?

Mr. WALSH of Montana. That is correct.

Mr. HEFLIN. I wanted to know what Colonel Donovan's attitude was—whether he was on the side of the Government or on the side of Doheny or Sinclair.

Mr. GLENN. He was on the side of the Government.

Mr. WALSH of Montana. I desire to say that no member of the Committee on Public Lands and Surveys has in the least degree questioned the recital of facts in this report. I think every member will agree that the facts are accurately stated in this report. There is a difference of opinion as to the conclusions properly to be drawn from that report.

I submit, in the first place, Mr. President, that Secretary Work did not exercise the circumspection with respect to the disposition of property of the Government of the United States to the amount of at least $35,000,000 that, under the circumstances, he ought to have exercised; in the second place, that if a request can come from one of the departments to the Department of Justice, and lie there for four months without the head of the Department of Justice even knowing of its existence, there is something wrong in that department. Moreover, Mr. President, I undertake to say there is not anybody

who can say that Kenyon discharged his duty in this matter when he did not even look at the cases cited by Kem, which ought to be convincing to any lawyer who examines them. Then I submit that thereafter, when Colonel Donovan learned of this matter, in the latter part of the month of August, out in the State of New Mexico, some more prompt action than that which followed might reasonably be expected from him.

I do not know what kind of a standard of public service the Republican Party care to hold up to the country; but if this is a sample of what they regard as diligent and exacting attention to the public welfare, we are in rather a bad way, seeing that they are to have a further lease of life of four years.

Mr. ROBINSON of Indiana. Mr. President, it would be difficult for the Republican Party to satisfy the Senator anyhow, would it not, no matter what it did?

Mr. WALSH of Montana. I beg to say that if that means that the Senator from Montana is acting in this matter the part of a partisan, the Senator from Indiana probably does not know him quite as well as most of the Members of this body do.

Mr. ROBINSON of Indiana. That was a general statement. I have never heard the Senator refer very kindly to Republicans anywhere, at any time, in the comparatively short time I have been a Member of this body.

Mr. WALSH of Montana. I venture to say that I have been less a partisan in this body than most of those in it who enjoy the acquaintance of the Senator from Indiana; and I desire likewise to say that I have been equally critical of Democratic Attorneys General.

Mr. ROBINSON of Indiana. The Senator has never had much to say in criticism of Mr. Doheny.

Mr. WALSH of Montana. He has not?

Mr. ROBINSON of Indiana. I have not been able to find it.

Mr. HEFLIN. Mr. President, Doheny is not a Democrat. Why, he is the worst sort of a Republican.

Mr. WALSH of Montana. Of Mr. Doheny?

Mr. ROBINSON of Indiana. Why, Mr. President, Mr. Doheny in 1920 contributed $75,000 to the Democratic campaign fund, and wrote the plank in the platform on oil and petroleum——

Mr. HEFLIN. And we kicked him out, and he went to the Republican Party. [Laughter.]

Mr. ROBINSON of Indiana. And was formally nominated for Vice President in the Democratic National Convention. [Laughter.]

Mr. WALSH of Montana. I venture to say that that is rather irrelevant to the question under consideration.

Mr. ROBINSON of Indiana. That is true.

Mr. WALSH of Montana. But I might likewise remark, seeing that Mr. Doheny is referred to, that the facts in relation to Mr. Doheny were developed with some diligence and painstaking labor upon the part of the Senator from Montana.

Mr. ROBINSON of Indiana. Mr. President, I will only say on that score that when I get an opportunity to have the floor in my own right I should like to say some things about Mr. Doheny myself.

Mr. WALSH of Montana. Mr. Doheny does not seem to be involved in the particular matter that is before the Senate now.

Mr. ROBINSON of Indiana. Not in this matter, except that it is hard to talk of oil without mentioning Mr. Doheny.

Mr. WALSH of Montana. I dare say the Senator from Indiana will do everything he can to divert the public mind from the question that is now before us.

Mr. ROBINSON of Indiana. Not in the slightest degree, Mr. President. I want the public mind to understand fully every single fact connected with this whole matter.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. HARRIS. I move that the Senate proceed to the consideration of Senate bill 1437, to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws.

Mr. WALSH of Montana. Mr. President, I trust the Senator——

Mr. HARRIS. I thought the Senator had concluded.

Mr. WALSH of Montana. I have concluded, but if anyone else wants to debate this subject, I would like for him to have the opportunity.

Mr. NYE. Mr. President, a parliamentary inquiry. If I should undertake at this time a presentation of my views with relation to the matter before the Senate, would I be interrupted at the hour of 2 o'clock?

The PRESIDING OFFICER. In the opinion of the Chair, at 2 o'clock the resolution now under consideration will be laid aside for the unfinished business, but the Senator would not be otherwise interrupted.

Mr. WALSH of Montana. I ask unanimous consent that the further discussion of this matter be continued without prejudice until the next day, when we will have morning business.

Mr. NYE. I should object to that, because, in view of the presentation that has been made here to-day, I should at least like to present my own views with relation to the matter.

Mr. FESS. A parliamentary inquiry.

Mr. WALSH of Montana. If the Senator desires to talk now, I shall certainly withdraw the suggestion.

Mr. NYE. I have no desire to force the matter to a conclusion at this time.

The PRESIDING OFFICER. The Senator from Ohio desires to propound a parliamentary inquiry. The Senator will state it.

Mr. FESS. When we reach the hour of 2 o'clock and the Chair lays before the Senate the unfinished business, that will not take the Senator from North Dakota from the floor?

The PRESIDING OFFICER. It would not take any Senator from the floor. A motion has been made by the Senator from Georgia.

Mr. HARRIS. My motion is that the Senate proceed to the consideration of Senate bill 1437.

Mr. NORRIS. Mr. President, will the Senator from Georgia yield?

Mr. HARRIS. I yield.

Mr. NORRIS. I think the Senator ought to permit the Senator from North Dakota to take the floor at this time to make a speech.

Mr. HARRIS. I was perfectly willing to let the Senator from North Dakota go ahead, but the Senator sat down and I thought he had no desire to speak at this time.

Mr. BRUCE. Mr. President, I am very sorry that I shall have to object. We have the prohibition measure as the unfinished business, and I have entered into an agreement in regard to that not to obstruct its passage in any way.

Mr. HEFLIN and others addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has the floor. Does the Senator yield?

Mr. HARRIS. I yield.

Mr. HEFLIN. I would like to have about five minutes.

The PRESIDING OFFICER. To whom does the Senator from Georgia yield?

Mr. HARRIS. I yield to the Senator from North Dakota.

Mr. NYE. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia yields to the Senator from North Dakota.

Mr. NYE. Mr. President——

Mr. HEFLIN. If the Senator from North Dakota expects to make a speech, will he yield to me for just about two or three minutes?

Mr. NYE. For what purpose?

Mr. HEFLIN. To say a word along the line of the speech of the Senator from Montana.

Mr. NYE. No; I think not at this stage.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. NYE. I yield to the Senator.

Mr. ROBINSON of Indiana. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Simmons
Bayard	George	Mayfield	Smith
Bingham	Gerry	Moses	Smoot
Black	Gillett	Neely	Steck
Blaine	Glass	Norbeck	Steiwer
Blease	Glenn	Norris	Stephens
Borah	Goff	Nye	Swanson
Bratton	Gould	Oddie	Thomas, Idaho
Brookhart	Greene	Overman	Thomas, Okla.
Broussard	Hale	Phipps	Trammell
Bruce	Harris	Pine	Tydings
Capper	Harrison	Pittman	Tyson
Caraway	Hastings	Ransdell	Vandenberg
Copeland	Hawes	Reed, Mo.	Wagner
Couzens	Hayden	Reed, Pa.	Walsh, Mass.
Curtis	Heflin	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Warren
Deneen	Jones	Sackett	Waterman
Dill	Kendrick	Schall	Watson
Edge	Keyes	Sheppard	Wheeler
Fess	King	Shipstead	
Fletcher	McMaster	Shortridge	

Mr. FESS. My colleague [Mr. BURTON] is detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, there is a quorum present.

Mr, BLEASE. Mr. President, I rise to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BLEASE. I have no desire to make a speech at this time, and I have no desire to take the Senator from North Dakota off the floor, but there is presented now a point I have been wanting to have settled for some time, and now that the opportunity has arisen, I would like to have the matter settled.

A few moments ago the Senator from Georgia [Mr. HARRIS] was recognized and had the floor. The Senator from Alabama [Mr. HEFLIN] rose and the Senator from Georgia yielded to him. The Senator from North Dakota rose to propound a parliamentary inquiry, which was whether if he should speak until 2 o'clock on the Walsh resolution he would be taken off the floor at 2 o'clock when the unfinished business was laid before the Senate.

The temporary Presiding Officer held that the Senator from Georgia had the floor. The Senator from Alabama was on his feet asking for recognition. The Senator from Georgia yielded to the Senator from North Dakota for the purpose of making a speech. I want to inquire whether a Senator has the right to gain the floor and yield the floor to another Senator to make a speech, or if that recognition should not come from the Chair. I have seen such a practice followed here now for some time.

As I understand it, a Senator may yield the floor for the purpose of allowing another Senator to ask a question, or to inject possibly some short remark, but I understand, the Senator from Georgia did not have the right, under the rule, to yield the floor to the Senator from North Dakota while the Senator from Alabama was on the floor asking recognition of the Chair.

The VICE PRESIDENT. The present occupant of the chair is not familiar with the circumstances to which the Senator refers, not being in the chair at the time. Recognition of a Senator is a prerogative of the Presiding Officer. A Senator can not yield to another Senator for the purpose of enabling that other Senator to make a speech.

Mr. BLEASE. As I said, I have no idea and no wish to take the Senator from North Dakota from the floor, but he has not the floor in his own right until he has been recognized.

The VICE PRESIDENT. The Chair recognizes the Senator from North Dakota.

Mr. NYE. Mr. President, I have been a little surprised listening in on this debate to-day, because having given close study to the report offered by the Senator from Montana, I assumed that certainly there were going to be some qualifying statements offered by the Senator which would make his report more acceptable to me than it has been. I find, though, after having listened to the debate this morning, that the matter as presented to the Senate in the report, and the conclusions which have been drawn by a great many in the Senate, and by myself, and the conclusions which certainly have been drawn by a great many newspapers and people outside of the Senate, are more in keeping with the conclusions which were mine when I declined to concur in the report when it was presented to the committee.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. NYE. Mr. President, rather than to appear as quibbling over minor questions, I shall not now question the very unusual situation which brings the Walsh report before the Senate and asks for the judgment of the Senate upon that report. I want now to say only that had I been present when the report was presented, I should have objected to its being submitted as a report from the committee, since no report of the Committee on Public Lands and Surveys had been authorized by it.

By virtue of the resolution offered by the Senator from Montana, in conjunction with the presentation of his report, the Senate is virtually asked to pass judgment upon a matter that is not properly before it. But I shall not raise the point of order. I would, however, call to the attention of the Senate at this time the fact that the report is not strictly in response to any order or request contained in Senate Resolution 202 under which the committee has been working in its investigation of leases and contracts in the Salt Creek field. The committee has not formally authorized a report upon this subject. Yet the Senate has before it now a report submitted by Senator WALSH relating to the subject of the Sinclair royalty oil contract. I have no objection to the points raised in that report being aired here on the floor of the Senate, but would much prefer that there had been opportunity afforded to have submitted to the Senate a report upon this subject which was acceptable to a majority of the committee. Then, and only then, to my mind would the Walsh report be properly in order.

No one is fair who says that no such majority report as I have suggested would have been prepared and authorized. Mindful of the duty of the committee to report to the Senate, I should certainly have seen to it that a report in keeping with the orders contained in the Senate resolution was prepared, acted upon by the committee, and reported to the Senate.

Such a report, in the face of committee findings, would not have been, with my aid and consent, one necessarily free from criticism of the Departments of Justice and Interior, which are involved in this controversy, but it would most assuredly be devoid of that measure of censure which has been accorded in the Walsh report. Such a report as I have in mind and as being occasioned by the facts in the case should contain a review of the findings of the committee with relation to the Sinclair royalty oil contracts in keeping with the expressed wishes of the Senate as contained in its resolution. The wish of the Senate is certainly not complied with in the Walsh report and the Senate is not, when asked to pass judgment upon this report, called upon to determine any point which is in keeping with the resolution.

The Walsh report and the resolution which accompanies it require the Senate to determine the degree of censure, if any, properly owing the Departments of Justice and Interior and such individuals within those two departments as have had any hand in the renewal of the royalty oil contract a year ago and its final cancellation last October.

I admit that there have been developments which make a report upon the Salt Creek royalty oil contract quite in order, but it should be here noted, Mr. President, that the matter of this contract never received any study by the Committee on Public Lands and Surveys until after the Department of Justice ordered the contract canceled as being illegal and until after the Department of the Interior had canceled the contract. In other words, the committee gave no study to the question until after fulfillment of that duty which the Committee on Public Lands and Surveys itself last spring intrusted to the study and judgment of the Department of Justice, at the suggestion, I might add, of the Senator from Montana.

I sincerely wish that this entire matter were not before us in its present shape. The Committee on Public Lands and Surveys is far from through with its oil investigations, much work remains to be done, and to accomplish best results there ought not be a break within the committee itself, for very much depends upon the ability of the committee to present a united front. Above all else, the good will and continued enthusiastic cooperation of the author of the resolution now before us is altogether desirable, not only desirable but quite thoroughly essential. I therefore hesitate in becoming involved in this controversy in any manner and I should remain quite silent were it not for the fact that my silence would seem cowardly. I can therefore but hope that, with the difference of opinion which is involved in the present controversy finally satisfied in a degree by action on the part of the Senate, the committee can be found proceeding again in an energetic and united manner in the prosecution of its investigation into other angles involved in the Salt Creek field.

I can not now remain silent, Mr. President, since grounds so wholly unreasonable have been ascribed as the cause for my choice in declining to concur in the Walsh report, which was rejected by vote of the committee and which is now before us.

I resent, Mr. President, the conclusion which I am sorry to have to admit has been drawn by some, a conclusion to the effect that those of us who declined to concur in the Walsh report were moved by a desire to shield departments of Government or departmental officials and acts of a questionable nature, or moved by a partisan prejudice.

I have never hesitated, and never will hesitate, to condemn wrongdoing on the part of any man or any department no matter what party label that man may wear or no matter what partisan flag the administration of that department may be operating under. I shall always criticize and seek remedies wherever I find a public trust betrayed or poorly served, and as a Member of the Senate I have entertained at least one fixed and steady purpose, namely, that of keeping my head above the clouds of and myself removed from the swirls of partisan prejudice or from that measure of party obligation which too often blinds men to what is right and what is wrong. I yield to no man greater sincerity of purpose than is mine in this regard, and I believe that my record demonstrates that sincerity of purpose.

I deny and I resent the charge, thought, or insinuation that I was moved by any prejudice or any political motive in declining to concur in the Walsh report. It undoubtedly would

have been more popular to have concurred with Senator WALSH in his report, particularly since one whom his report criticizes has made it so difficult for one to defend him, as Mr. Work, former Secretary of the Interior, has made such a defense in his behalf difficult by an attitude which, in at least one case, brought him no credit. Mr. Work's pronouncement, for instance, that these oil matters ought to be forgotten, and that the people were sick and tired of reading of them, is hardly becoming a man who is placed in official position which ought to demonstrate him occupied with the encouragement of clean government and not of endeavoring to subdue those who did exert honest effort toward its accomplishment. No man can seem to waive aside these oil-scandal investigations as wasted effort and as being of little importance and accomplishment and expect in return that full measure of confidence to which he may be entitled when an act of his is questioned, particularly if that act is in any wise connected with the oil scandals themselves.

But, regardless of any popular attitude on the question, regardless of whether my position is popular or not, I could not concur in the Walsh report for the simple reason that its conclusions did not square with mine after a close acquaintance with the facts relating to the cancellation of the Sinclair royalty-oil contract.

Bearing in mind that this matter under discussion has nothing whatever to do with the acts of Mr. Work, Mr. Donovan, Mr. West, or any other person connected with the two departments of government involved other than those acts which had to do with the renewal and cancellation of this Salt Creek royalty-oil contract, it is well to here at least roughly review the history of those particular transactions.

In December of 1922, Secretary of the Interior Albert B. Fall, whose record in the conduct of these oil leases and contracts is defended by none who are removed from any possible influence of the Sinclairs, the Dohenys, the Stewarts, and their ilk, entered into a 5-year contract for the sale of the crude oil accruing from Government lands in the Salt Creek field to the Sinclair Crude Oil Purchasing Co. Included in this contract, it afterwards developed, was a clause providing for a renewal at the end of five years at the option of the purchaser. At virtually the same time a like contract was made by Fall relating to royalty oil in the Cat Creek field in Montana, it containing the same identical option clause contained within the Sinclair contract.

It has since been developed that the advertisements for bids offering this royalty oil for sale did not contain any mention of a privilege to renew the contract at its expiration, a provision which was included within the Sinclair contract, however, leaving it reasonable to draw the conclusion that there may have been a secret understanding between Fall and Sinclair which was to give this unadvertised privilege of option to Sinclair.

But it is unfair to cause one to believe that the content of these renewal clauses in the contracts was kept a dark secret after they had been entered into. The record, in fact, discloses that in November, 1923, at the request of the Committee on Public Lands and Surveys, information openly disclosing the content of the option clause in the Sinclair contract was furnished by the Department of the Interior to that committee and printed in the record of the hearings then being conducted. Thus the information became available at least to all members of the committee and to all who would read the record of those hearings.

The record also discloses that on January 22, 1923, Senator WALSH wrote Secretary Fall asking for a copy of the Cat Creek contract, which contained an option clause like that in the Sinclair contract, a contract in which certain of his Montana constituents were interested, and in whose behalf as constituents the Senator counseled with Secretary Fall to win for them a contract which would give them a supply of crude oil in the Cat Creek field. The copy of the contract requested was furnished.

It is also a matter of record that on January 17, 1927, a year before the contract was renewed by Secretary Work, the Senator directed a letter to the Secretary of the Interior asking for his construction upon the renewal-option clause contained in the Cat Creek contract, and that the Secretary responded on January 26, 1927, saying that it was the department's opinion that the holder of the contract in question would be entitled to renewal under the terms of the contract.

Thus it is seen that there was no effort made to conceal the content of the option clause within these contracts.

The record further discloses that on February 17, 1928, Senator WALSH wrote one W. G. Williams, saying therein that he could not understand how the Government could expect to escape the obligation of renewing the Sinclair contract, and that in his opinion the Secretary would be bound to renew it, under the terms of the contract, if the Sinclair option were exercised. It should, in fairness, be noted here that in that same letter the Senator declared that while such was his opinion, he had not been able to give the subject the study it ought to have in order to arrive at a conclusion such as would be reached by a good lawyer after a careful study.

In further fairness to the Senator from Montana [Mr. WALSH], it should be known, as he has made it known in his report, that this correspondence, except for that with Williams, was conducted, in fact, by his secretary, over the Senator's signature, without the Senator having knowledge of the content of this correspondence carried on in behalf of a constituent. This is a practice, I am sure, in which we all indulge more or less in the press of work in our offices.

I recite these facts not for the purpose of questioning the motives of or compromising the Senator from Montana in any manner, but only to show that there was no seeming effort on the part of the Department of the Interior to keep the renewal clause a dark secret and to demonstrate that the validity of the option clause was not questioned during any of this earlier consideration by those to whose attention had come the contract itself and the renewal proposal. And I can not find that the point of lack of conformity between the advertisement for bids and the contract awarded Sinclair as a result of the bidding was definitely and seriously raised before late in September of 1928.

The original Salt Creek contract was for a period of five years dating from January 1, 1923, and would therefore expire January 1, 1928. On June 7, 1927, written notice was given by the holder of the contract to exercise the privilege of renewal in conformity with the terms of the contract. The contract was renewed by Secretary Work on February 20, 1928, after bond had been provided, after the requested renewal had been approved by the director of and others connected with the Geological Survey, the Solicitor for the Interior Department, and the First Assistant Secretary, and after every opportunity had been given those who protested against the petition to present reasons why the contract should not be renewed. Again, let it be noted that the point of lack of conformity between the advertisement and the contract had not then been raised. Criticism is offered of the procedure followed at this point, and the Secretary of the Interior is held lacking in care and diligence in not having submitted the petition of the purchaser for renewal to the Attorney General for an opinion and in having left responsibility of this important matter to subordinates in the Department of the Interior.

As to the readiness of Secretary Work to leave the matter to those officials in his department who were charged with specific duties in connection with such matters, I feel that the Secretary did what is generally done in such cases and that far less blame than is implied in the rejected report attaches to him because of that course. That the Secretary did not doubt the necessity of renewal is not strange, in view of the fact that there was utter absence of any protest against the renewal based upon the ground that the original contract with Sinclair was invalid, since its terms did not comply with the advertisement for bids or upon the ground that the Secretary had no right to grant an option, and it was this ground which formed the final basis for cancellation of the contract.

I am ready to agree that care and diligence were assuredly lacking on the part of the solicitor of the department when the matter was submitted to him. It appears first that he did not give the matter more than passing consideration, but close study of the record would lead one to believe that when the solicitor was asked for an opinion on the question of renewal, though the solicitor offered his opinion on the following day, he had in fact given the matter study through several days and was thus prepared to render such opinion as he did upon very short notice. I feel, too, that care and diligence were lacking in a degree when Secretary Work failed to avail himself of the advice of the office of the Attorney General before renewing the contract. While it is problematical, in the absence of positive protest based upon the lack of conformity between the successful Sinclair bid and the advertisement for bids, that the office of the Attorney General would have reached any other conclusion at that time than was reached by the Interior Department, it does seem to me that the great and prominent attention which was nationally given to the question of the Sinclair deals, and the magnitude of the amount involved in the contract and its intended renewal, would have prompted a man occupying the place of Secretary of the Interior to have utilized in the fullest the available advice of the Justice Department in connection with any matter in which the Sinclair interests were involved, and this no matter how apparent the rights of parties concerned might have been on the face of the contract or other agreement.

However, in the absence of proof to indicate an unworthy purpose on his part, fairness would seem to dictate the admission that Secretary Work, in relying upon the advice and views of his subordinates, acted in good faith and did precisely what we are ready to admit ourselves doing, namely, leave matters to subordinates in our offices.

Mr. BLAINE and Mr. WALSH of Montana addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Dakota yield; and if so, to whom?

Mr. NYE. I yield first to the Senator from Wisconsin.

Mr. BLAINE. I should like to ask the Senator a question at this point. After the Secretary of the Interior knew of the Teapot Dome scandal, of the jury trials within the shadow of his office, and of the debates of the Senate of the United States, was it not his official duty to use extraordinary care and diligence in connection with anything that smelled of Teapot Dome or Salt Creek or any other Federal oil reserve?

Mr. NYE. I have just so argued, Mr. President.

Mr. BLAINE. So that it was his duty to use extraordinary care. Can that lack of extraordinary care and diligence be excused under the circumstances?

Mr. NYE. I now yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, the contract in question involves the disposition of assets, as I have said, of upward of $30,000,000. If the Secretary of the Interior does not give his attention to that kind of business, to what particular kind of business does the Senator think he ought to give his attention?

Mr. NYE. The Secretary did precisely what the Senator said in a letter to one W. G. Williams he assumed the Secretary had done. More than what I have just recited, I find in the letter of Senator WALSH written to Mr. Williams a reason to pardon Mr. Work for having accepted the advice of his counsel. Senator WALSH, who is doubtless the ablest attorney in the country on law involved in these oil-land questions, told Williams, when Williams complained against the Sinclair renewal, that it was his judgment that the contract would have to be renewed; that he could not understand how the Government could escape the obligation to renew. He said further that he had not fully studied the proposition, but assumed that the Secretary had taken the advice of his counsel. Let it be noted that Mr. Work was not a lawyer, and that he did not rely upon his own judgment, untrained in law, and that he did rely upon the advice of his counsel, just as Senator WALSH implied he ought to have done.

There was not anything said in the letter of the Senator from Montana to the effect that he assumed the Secretary had taken the advice of the Attorney General but that he assumed that he had taken the advice of the counsel who are supplied him in his office. That point seems to me to be altogether essential. If we are going to find that any degree of censure at all attaches in this connection, I think we ought to take that point very carefully into consideration. I am not arguing that the Senator from Montana felt at the time that the Secretary ought to have prevailed upon the Department of Justice to render an opinion, but that he, just as the Secretary himself had done, did not avail himself of that opportunity to gain the opinion of the department.

Mr. WALSH of Montana. Mr. President, I do not care to say anything further about that matter. I think I have made it sufficiently clear. I rose, however, simply because of the statement made by the Senator from North Dakota that in this matter the Secretary, as is customary, relied upon his subordinates to take care of the situation; that is to say, he did not give it his personal attention but turned it over to his subordinates. I merely ask the Senator if the Secretary ought not to give his personal attention to this particular matter, involving the disposition of approximately $35,000,000 worth of assets, to what kind of a question should he give his attention?

Mr. NYE. I have already said that I felt that a degree of censure was owing Doctor Work for not having availed himself of the advice of the Department of Justice, but when we bring it down to a fine point, in all fairness I think we ought to be reasonable and show what was motivating the Secretary of the Interior at the time, and, in the absence of any show of a motive unworthy in the course that he pursued at that time, then, more than ever, do we owe it to him to be reasonable in our judgment.

Mr. ROBINSON of Indiana. Mr. President——

Mr. NYE. I yield to the Senator from Indiana.

Mr. ROBINSON of Indiana. I merely wish to observe that the question was promptly referred by Doctor Work to the Department of Justice, and attorneys in the Department of Justice agreed with those in the Department of the Interior. Only afterwards, and considerably afterwards, on presentation of other theories of law by Mr. Kem, was there any change in the view. So Doctor Work did everything he could be expected to do.

Mr. NYE. I would not agree in toto with that, Mr. President. I do not think he did everything that could be reasonably expected of him. I feel that if I had been Secretary of the Interior, certainly in view of the great fuss and furore that had been created over the oil scandals, I would not have confined myself to the advice that was available to me in the Interior Department, but I should have sought the advice of the Department of Justice. I have, however, argued also that, in view of the absence of any direct ground upon which to base a protest against a renewal at that time, I doubt whether the Department of Justice would have come to any other conclusion than that reached by the solicitor in the office of the Secretary of the Interior.

Mr. ROBINSON of Indiana. That is the point I raised a moment ago. Is it not a fact that the Department of Justice agreed with the Department of the Interior in the matter?

Mr. NYE. Later on they did agree in the matter.

Mr. SHIPSTEAD. Mr. President——

Mr. NYE. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I understand the Senator from Montana and the Senator from North Dakota have been discussing the views of the minority accompanying the so-called Walsh resolution. Beginning on page 13, at the bottom of the page, I find these sentences in the views of the minority:

> It is, however, less the province of this committee to justify either the view that the renewal contract is or that it is not sanctioned by the law as it is to determine whether the departments involved acted with the care, diligence, and promptitude to be expected of them. Whatever view may be taken of that question, it is indisputable that the Government has lost $300,000 and would have lost approximately $2,000,000 had not the counsel for the White Eagle Oil & Refining Co. come to its aid.
>
> It is the judgment of this committee that both departments are open to censure for the manner in which the feature of the public business herein canvassed was handled.

Are those the paragraphs in dispute between the Senator from North Dakota and the Senator from Montana?

Mr. NYE. In an indirect way they are. I have construed those paragraphs to mean virtually that those in the Department of Justice and in the Department of the Interior who were connected with this matter are open to censure, and if it does not specify any certain individuals who are deserving of that censure, then all of those who had any hand in it are under the cloud of suspicion there. As I proceed with my argument this afternoon I hope to make that point much more clear than I have so far done.

Mr. SHIPSTEAD. I thought the Senator had finished, and that is the reason I asked the question. I wanted clearly to understand, if I could, what was the particular bone of contention or difference of opinion between the Senators.

Mr. NYE. The bone of contention and the difference of opinion is the degree of censure owing to the Department of Justice and the Department of the Interior and individuals connected with those departments.

Mr. SHIPSTEAD. I thank the Senator.

Mr. WATSON. Mr. President, would it interrupt the thread of the Senator's argument if I were to ask him a question?

Mr. NYE. Not at all.

Mr. WATSON. If the question should deflect the Senator too much from his chosen course, I will withdraw it. There are some of us—and I am one of them—who are not entirely familiar with all the facts, who would like to be informed. The Senator said that the Secretary of the Interior referred this matter in due course to his subordinates. Who were those subordinates; what positions did they hold; how long did they deliberate upon the question before they rendered a decision to the Secretary; how far did they go into it; and how much did they study it? I should like to know that.

Mr. NYE. The question was referred to the Assistant Secretary of the Interior; it was also referred to and passed upon by the Director of the Geological Survey.

Mr. WATSON. Who was the Assistant Secretary of the Interior?

Mr. NYE. The Assistant Secretary is Mr. Finney.

Mr. WATSON. How long has Mr. Finney been there?

Mr. NYE. He has been there in his present capacity I think since about 1920, and has been employed in the department for something over 20 years, if I recall correctly.

Mr. WATSON. I think he has been there for 25 years, possibly. To whom else was it referred?

Mr. NYE. To individuals in the Geological Survey. I think that was the extent of the reference.

Mr. JOHNSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from California?

Mr. NYE. I yield to the Senator.

Mr. JOHNSON. I would not interrupt the Senator, and did not intend to interrupt him——

Mr. NYE. If there are to be interruptions, I should much prefer to have them right at this point.

Mr. JOHNSON. As I gather from what the Senator has said, the only difference between him and the Senator from Montana is as to the degree—I think he used that exact language—of censure that should be accorded the Department of the Interior and the Department of Justice or individuals in those departments.

Mr. NYE. Correct.

Mr. JOHNSON. So I understand that the Senator believes that they should be censured by the committee exactly as the Senator from Montana believes they should be censured, but that it is simply a question of the degree or the language to be employed in the censure.

Mr. NYE. No, Mr. President. At that point I suggest, as I will show further on in my argument, that I can not agree that any degree of censure is owing the Department of Justice. I would rather not discuss that matter at this stage.

Mr. JOHNSON. Surely. Then I misunderstood the Senator; and I think it will be wise to make that clear, because I believe others about me misunderstood him, too. The points of difference with the Senator from Montana, then, are, first, the Senator from North Dakota does not believe that the Department of Justice should be censured at all?

Mr. NYE. I shall make that point now.

Mr. JOHNSON. And secondly, as to the Interior Department, the Senator from North Dakota disagrees with the Senator from Montana in believing that the censure should be milder than that that is applied by the Senator from Montana?

Mr. NYE. May I put it in other words? I believe that censure is owing the Secretary of the Interior, censure is owing the Solicitor of the Interior Department, but, in all fairness to them, the facts ought to be brought out to show that there has been nothing brought into the record to indicate that there was anything unworthy or unclean in the motives which moved them when they were engaged in this transaction.

I think the conclusion that has been drawn as a general thing from the report submitted by the Senator from Montana has been the conclusion, first of all—I have not gathered that myself so directly as others have, but it has been drawn nevertheless—that the content within the contract which went to the Sinclair people of the option to renew was kept a dark and a great secret through all of these years, from the time it was entered into until within the last year, when all the evidence indicates that that was not the case at all; that there was never any effort made to conceal it; that the department gave out the information, gave out the contract and information about it, to all who might make inquiry for it. That it was not noted, that it was not observed, perhaps is not at all surprising.

Mr. WHEELER, Mr. GLENN, and Mr. JOHNSON addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. NYE. I yield first to the Senator from Montana.

Mr. WHEELER. Mr. President, I desire to ask the Senator for some information.

As I understand, Fall's son-in-law came here and testified to the effect that Fall had received $10,000 down in New Mexico, and that he had received $25,000 on another occasion; and that testimony, as I find, was given here in Washington before the committee on January 24, 1928. That was all given to the newspapers, and the Department of Justice had that matter before it; and, notwithstanding the fact that it had the testimony of this prima facie showing of fraud, facts which only came to light when Everhart testified on January 24, the then Secretary of the Interior, Doctor Work, without consulting the Department of Justice, and without taking cognizance, as far as the record shows, of this evidence of fraud, renewed the contract to Sinclair on February 20, 1928, less than one month after these revelations, and notwithstanding the further fact that the evidence of Everhart showed that Fall had wired to Finney telling him not to be too strict, or something of the kind, about the Salt Creek contract.

Mr. NYE. Thanks to the Department of Justice for digging up that piece of information.

Mr. WHEELER. Likewise, in the face of this showing, it seems to me the Department of Justice was equally supine. Neither Donovan nor anybody else in the Department of Justice, so far as the record shows, took any action until nine months later, in mid-October, after my colleague had called attention to the situation, when an opinion was finally rendered.

Mr. NYE. No, Mr. President; the matter of the fraud involved and the exchange of any reward that ran between the Sinclair oil people and Mr. Fall was known to the Department of Justice, was dug up by the Department of Justice last March, and was being used as the basis of their action which they were building up to institute in the courts, such action as would win recovery of the profits which the Sinclair people had taken out of that field since the period when that contract was first entered into in 1923.

Mr. WHEELER. Yes; but let me understand: Does the Senator from North Dakota think, in view of that testimony, that Doctor Work should not have been criticized, for instance, and that he should not have given a great deal more attention to this matter than he did?

Mr. NYE. But, Mr. President, the committee, the senior Senator from Montana [Mr. WALSH] early last spring knew just as much about whatever measure of fraud existed there as the Department of Justice did.

Mr. WHEELER. Oh, yes; but——

Mr. NYE. And yet the Senator, when he wrote Mr. Williams up here in New York, said he could not see how the department could escape the obligation of renewing that contract.

Mr. WHEELER. But is the Senator trying to shift the burden of responsibility for this contract now from Doctor Work over to the senior Senator from Montana?

Mr. NYE. Not at all, Mr. President.

Mr. WHEELER. There was quite a different responsibility resting upon the Senator from Montana in the letting of this contract than there was upon the Department of Justice and upon the Secretary of the Interior.

Mr. NYE. Oh, a measure of difference; perhaps quite a degree of difference.

Mr. WHEELER. Not a measure of difference, but an entirely different responsibility.

Mr. NYE. But the fact that stands out is that there is no record, there is no evidence, of an improper motive driving Doctor Work at that time. If the Senator or anyone else will show me where Doctor Work had knowledge of the gross fraud that had been perpetrated there, and had entered into any sort of a secret agreement or an understanding which was to grant this renewal without due process of law, then I will readily join in a report that can not be too severe in criticism of that. As the record stands now, however, I can not hold Doctor Work any more responsible for that than others who had knowledge at that time such as was available to him.

Mr. WHEELER. He had absolute knowledge, did he not, that this money had been paid, and that after the money had been paid to Fall by Sinclair, Falf wired Mr. Finney suggesting that he give this contract to the Sinclair interests, practically, in substance?

Mr. NYE. Yes; but he also knew that the Department of Justice was at work on that very feature of the matter.

Mr. WHEELER. Oh, yes; but, assuming that the Department of Justice was at work on it, suppose it had been put up to the Senator that fraud had been used originally, and that money had been paid in consideration of the issuing of the contract, would the Senator from North Dakota, if he had been Secretary of the Interior, have issued that contract?

Mr. NYE. Not without the opinion of the Attorney General of the United States substantiating it.

Mr. WHEELER. Yes; and would the Senator, even though he had the opinion of some man in the Attorney General's office, without giving it very serious consideration himself aside from that, have issued it?

Mr. NYE. I think I would have had to, just as the senior Senator from Montana [Mr. WALSH] has maintained that the Secretary was bound to do it.

Mr. WHEELER. Oh, well, the Senator is taking that from the letter that was written to New York? Is that it?

Mr. NYE. Precisely.

Mr. ROBINSON of Indiana. Mr. President——

Mr. WHEELER. There is nothing in the letter that would indicate that.

Mr. NYE. The letter did not indicate that?

Mr. WHEELER. Not at all.

Mr. NYE. The letter indicated just this—that on the face of the contract the Senator from Montana could not understand how the Secretary of the Interior could escape the obligation of renewing that contract. He had not given it the study, he had not given it the thought that a lawyer would before passing a good, final judgment upon it, but he assumed that Doctor Work, the Secretary of the Interior, had taken the advice of

his counsel, and that is precisely what Doctor Work did, whether he had good or bad counsel.

Mr. WHEELER. It seems to me that the Members now defending Doctor Work are just grasping at a straw, at a letter that apparently was inadvertently written with reference to the matter, without any due consideration, for the purpose of justifying Doctor Work.

Mr. NYE. Does the Senator read into what I have read here this afternoon a justification, excuse, and whitewash of Doctor Work and his entire record in the handling of this thing?

Mr. WHEELER. It is a partial whitewash of him. I do not see how we can come to any other conclusion.

Mr. NYE. It is a partial whitewash if you are to concede the conclusion which has been mine, that the kind of a report which has come from the minority members of the committee is more severe than the facts in the case warrant.

Mr. WHEELER. I can not conceive how it could be more severe than the facts warrant, in view of the testimony of the corruption and debauchery of the Department of the Interior that had just been given by Everhart, who was Fall's son-in-law, where $25,000 was paid on one occasion and $10,000 was paid on another occasion.

Mr. NYE. I am not an attorney; but let us assume that there lay on the desk of Secretary Work, on the day that he granted the renewal of this contract, the evidence that there had been a transfer of money between Fall and Sinclair at the time this contract was made. Let us say that he went to the Attorney General and got the opinion of the Attorney General, which was along the line of the opinion which has been voiced by some individual, and that still, in spite of that, by virtue of the contract and in view of the absence of having passed judgment upon the element of fraud involved there—assuming all this, now—the Secretary then had debated the question of whether or not he should enter into that renewal. Would he not have had to enter into it?

Mr. WHEELER. Why, of course not; but let me put these facts in the RECORD first, so that there will not be any dispute in the minds of Senators as to just what the testimony was.

On January 24, 1928, Mahlon T. Everhart, Fall's son-in-law, testified before the Public Lands Committee for the first time. For four years he had refused to testify on the ground that to do so would tend to incriminate him.

He was then asked when he first met Sinclair He said (p. 63, pt. 1, hearings on S. Res. 101):

I was at Three Rivers at the time I met him.

Senator WALSH. When was that?

Mr. EVERHART. It was in October or November. I think November, 1922.

Senator WALSH. Do you recall the amount that you got at that time?

Mr. EVERHART. Not exactly; no.

Senator WALSH. I don't care for the exact amount.

Mr. EVERHART. It was around $10,000. I think it was. I am not sure of that.

Senator WALSH. What I want to know is how that payment was made, whether it was made in cash, by check, or how?

Mr. EVERHART. It was paid in cash.

Senator WALSH. Do you recall any other occasion when any amount was thus paid?

Mr. EVERHART. In January, 1923.

Senator WALSH. Where did that transaction occur?

Mr. EVERHART. I think it was in Washington, but I am not sure.

Senator WALSH. And do you recall the amount of that?

Mr. EVERHART. It was around—I think it was about $25,000, as near as I remember.

Senator WALSH. That was here in Washington?

Mr. EVERHART. Yes, sir.

Senator WALSH. Where was that paid to you?

Mr. EVERHART. I think in the Wardman Park Hotel. I am not positive about that. That is just my recollection.

Mr. WALSH of Montana. Mr. President, will my colleague suffer an interruption? It was intervening these two payments that this royalty oil contract of 1922 was executed.

Mr. WHEELER. I was going to bring that up.

Senator WALSH. Do you remember how the payment was made—in what form?

Mr. EVERHART. I think it was the same way.

Senator WALSH. In cash?

Mr. EVERHART. That was my recollection.

Senator WATSON. Mr. Sinclair was not carrying around $25,000 in cash on his person, was he?

Mr. EVERHART. You mean what he paid me?

Senator WALSH. Yes.

Mr. EVERHART. He certainly was, because I received it from him * * *.

Now, here is the significance of these dates. On January 24, 1928, it thus came to light for the first time that Sinclair had transmitted to Fall through the go-between, Everhart, $10,000 in cash in November of 1922 at his ranch at Three Rivers, N. Mex. It is a matter of record that Sinclair, upon leaving Three Rivers to return to New York, stopped at Pratt, Kans., and there filed a telegram to the Interior Department bidding in the name of the Mammoth Oil Co. for the Salt Creek royalty oil contract. That telegraphic bid was filed nine hours late; that is, nine hours after the time for filing the bids as advertised by the Department of the Interior had expired. The telegram reached Washington 11 hours after the filing time had closed.

The telegram reached Washington 11 hours after the filing closed, and then Fall, from Three Rivers, wired to Finney, Assistant Secretary of the Interior, not to be too formal about the handling of these bids. It was between the time he received the $10,000 and the $25,000 that this contract was signed, and that evidence came out on January 24, 1928. So that the department had all of that before it and knew that it was signed in the interim between the payment of the $10,000 and the $25,000, and how the Senator or anybody else can stand upon the floor of the Senate and, under those circumstances, defend Secretary Work and defend the Department of Justice for passing upon the contract and renewing the contract is beyond me.

Mr. NYE. I can do it just upon this basis: That the evidence is in the record that had the Senator from Montana [Mr. WALSH] been Secretary of the Interior, he would have been content with the advice of the counsel in his office, and he said then that had he had the same knowledge of this measure of fraud that Secretary Work had he could not see how the Secretary could escape the obligation of renewing that contract.

Mr. BORAH. Mr. President, I would like to ask a question there to get a date straightened out.

Mr. NYE. I yield to the Senator from Idaho.

Mr. BORAH. What was the date when Everhart testified to the facts with reference to those payments of money?

Mr. NYE. I do not recall. I expect the Senator from Montana must have a reference to it there.

Mr. WHEELER. January 24, 1928.

Mr. BORAH. What was the date of the renewal of the contract?

Mr. NYE. February 20.

Mr. WALSH of Montana. February 20, 1928, 30 days afterwards.

Mr. WHEELER. Thirty days afterwards.

Mr. ROBINSON of Indiana. I was going to ask, if the Senator will permit an interruption, of the junior Senator from Montana——

Mr. WHEELER. I did not catch that.

Mr. ROBINSON of Indiana. I was going to ask the junior Senator from Montana if he himself would be willing to take an opinion from his colleague the senior Senator from Montana on a legal question.

Mr. WHEELER. I would be perfectly willing to take his opinion on a legal question if I thought he was right upon it, but I would not unless I did, any more than—I was going to say any more than, but that would be doing my colleague an injustice; I was going to say any more than I would take the opinion of the Senator from Indiana. But it is a certainty that if the Senator from Indiana should pass upon it and say that this contract ought to have been signed under those circumstances, I would never take his opinion upon the question of whether or not this contract should be renewed as a matter of law.

Mr. ROBINSON of Indiana. I was only going to observe that the senior Senator from Montana, three days before this renewal, on the 17th day of February, with all the facts in his possession of the Everhart testimony, assuming the Senator was acquainted with the facts, gave it as his opinion that he agreed with counsel of the Department of the Interior.

Mr. NYE. That is right.

Mr. WHEELER. Is that what the Senator is trying to do? As I said, both the Senator from Indiana and the Senator from North Dakota, it seems to me, are now doing nothing else except trying to draw a red herring across the trail and divert public opinion from the real issue in the case.

Mr. ROBINSON of Indiana. Oh, no, Mr. President; the real issue in this matter goes back to the leases in 1920 and 1921. I will discuss them in my own time. I do not want to take the time of the Senator from North Dakota. But I understood the Senator a moment ago to say that that letter written by his colleague to a correspondent in New York, in which he gave him a definite opinion on this question, was inadvertently written.

Mr. WHEELER. I do not know how it was written.

Mr. ROBINSON of Indiana. Does he mean to say that his colleague gives opinions on important legal questions inadvertently?

Mr. WHEELER. The Senator knows perfectly well that that was not a legal opinion given.

Mr. ROBINSON of Indiana. That was the Senator's own statement.

Mr. WHEELER. Oh, no. I heard the letter read, and the Senator knows perfectly well that that was not a legal opinion written. It was a letter written in answer to some person in the State of New York who wrote to him and asked him something with reference to it.

Mr. NYE. And stating what he would have done had he been in the place of the Secretary of the Interior.

Mr. WHEELER. I do not agree with the Senator at all.

Mr. ROBINSON of Indiana. He assumed——

Mr. NYE. He assumed that the Secretary had taken the advice of his counsel.

Mr. ROBINSON of Indiana and Mr. SHIPSTEAD addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from North Dakota yield?

Mr. NYE. I yield to the Senator from Indiana.

Mr. ROBINSON of Indiana. Since this letter has been so much discussed, let us see exactly what it does say.

Mr. WHEELER. Yes.

Mr. JOHNSON. Mr. President, may I ask, as a matter of curiosity, whether the Secretary of the Interior justified himself because of the action of the Senator from Montana?

Mr. NYE. No; he has not done so.

Mr. ROBINSON of Indiana. This is——

Mr. WHEELER. It is just the Senator from Indiana who is doing that, not the Secretary of the Interior.

Mr. ROBINSON of Indiana. Mr. President, the senior Senator from Montana comes in with a report censuring great executive departments of the Government because of something or other they have done which he does not like. The Senator from Montana seems to think they have committed grave faults for having changed their opinion on a question, for having changed their minds at some time or other.

This letter was written on the 17th day of February to a correspondent of the senior Senator from Montana in New York; and in that letter, written three days before the renewal of the lease, the Senator from Montana had the following to say:

Mr. W. G. WILLIAMS,
115 Broadway, New York.

DEAR SIR: I am not able to ascertain from your letter or the accompanying document just how you come to be interested in the lease of the Government royalty oil accruing to it from operations in the Salt Creek field. Will you kindly advise me?

I am unable to understand how the Government can escape the obligation to renew the contract with the Sinclair Crude Oil Purchasing Co., except it treats it as void or voidable.

This is the "inadvertent" opinion the Senator gave in this letter referred to by his colleague from Montana.

It seems to me that neither the iniquities revealed as to the Teapot Dome lease or those that are unrevealed concerning the acquisition of the lands in the Salt Creek field by the Standard or its subsidiaries in violation of the leasing act can in any wise affect the validity of the contract by which the Sinclair Crude Oil Purchasing Co. bought the Government's royalty oil. I regret to say—

Goes on this so-called "inadvertent" opinion—

I regret to say that I am obliged to agree with the Secretary that he is legally bound to renew, although I have not been able to give the subject the study it ought to have in order to arrive at a conclusion such as would be reached by a good lawyer after a careful study.

Mr. WHEELER. Well——

Mr. ROBINSON of Indiana (reading):

I assume the Secretary has taken the advice of his counsel.

Which the Secretary testified he did do. The senior Senator from Montana was not familiar with this contract then, notwithstanding the fact that more than six years previously he had been interested in the negotiation of a contract exactly like this one, and had written, in 1923, for a copy of that contract with the Cat Creek people, which was precisely the same as this. Yet the Senator from Montana protects himself in this opinion given "inadvertently," as the Senator suggests, to this correspondent in New York, by saying that he has not had time to go into it carefully; but he had had all the time since the original contract had been gone into.

Mr. WHEELER. Mr. President——

Mr. ROBINSON of Indiana. Now the colleague of the junior Senator from Montana would censure these two great executive departments because both of them did precisely what the senior Senator from Montana did—change their views——

Mr. WHEELER. Oh, no,

Mr. ROBINSON of Indiana. Changed their minds. That is all they did.

Mr. WHEELER. Oh, no.

Mr. ROBINSON of Indiana. Even the colleague of the junior Senator admits, at least I understood him to say under questioning, that there was no intention of implying corruption here, and the Secretary of the Interior, Secretary Work, had nothing whatever to do with making the original lease by Fall to the Sinclair people and to the Cat Creek people. The Senator from Montana was closer to those transactions, really, than was the Secretary of the Interior, Doctor Work, because the Senator from Montana and the Senator from Wyoming were both there practically at the time, or just before, those two leases were executed by Fall, and the Senator from Wyoming testified that they were interested in a railroad to some degree coming from Montana down into Wyoming that might get some oil-carrying privileges. That is in the record here. So that afterwards the colleague of the junior Senator from Montana changed his mind and concluded that perhaps after all he had been mistaken. So did Doctor Work; or, rather, Doctor Work left the department months ago, but those in the department did, and the Department of Justice even changed its mind on additional argument brought to bear, with a different theory, by counsel for a private oil company, a competitor of the Sinclair people.

As I get it, the senior Senator from Montana would censure—for it would have the force of censure by this great body of the Government, the United States Senate—these executive departments for doing what? Precisely what the Senator from Montana has done, changing their minds, and taking and accepting the opinion of counsel on the question at issue.

Mr. BLAINE. Mr. President——

Mr. NYE. I decline further to yield on this point. Everyone is going to have a chance in his own time.

Mr. BLAINE. I would like to ask the Senator from Indiana a question.

Mr. NYE. If I should yield to the Senator to ask a question of the Senator from Indiana, the Senator from Indiana would prolong this thing still further.

The PRESIDENT pro tempore. The Senator from North Dakota declines to yield.

Mr. NYE. Mr. President, with relation to the contract and the responsibility of the Department of the Interior and its Secretary during the administration of Doctor Work, I can not hold a complete brief. I can not completely excuse them for their conduct accompanying the matter of this renewal. I think, I have always felt, that that ought properly to have been referred by the Secretary to the Department of Justice. What the result might have been, what the Department of Justice would have found, is not for me to say. Yet I feel that he did not exhaust all avenues of information which a man ought to have gone into before entering into so vital a thing as the renewal of this contract really was.

It seems to me that the real nucleus of the report submitted by the Senator from Montana is that ever-recurring thought that something in the nature of a conspiracy existed between the Department of the Interior and the Department of Justice, a conspiracy that was to smother and to keep this contract from coming to a point where it could be canceled.

Among those conclusions, Mr. President, which have been drawn following my refusal to concur in the Walsh report is that one to the effect that I was desirous of shielding the Assistant Attorney General, William Donovan, because of the possibility of his appointment to the Cabinet of the new administration. I deny most emphatically and resent that charge, as I have the others. The facts are that I have not determined, nor even considered, what course would be mine in the event the name of Mr. Donovan were sent to the Senate for confirmation of his appointment to a Cabinet position.

Mr. SHIPSTEAD. Where was that charge made?

Mr. NYE. It has been a repeated charge in the press.

Mr. SHIPSTEAD. Not in the report?

Mr. NYE. Oh, no; not in the report.

Mr. GLENN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. NYE. I yield.

Mr. GLENN. Perhaps the Senator from North Dakota refers to the caption over an article in the New York World of Monday, October 15, 1928.

Mr. NYE. That is among them.

Mr. GLENN. It reads:

Salt Creek oil deal with Sinclair Co. is attacked as invalid. Senator WALSH charges "conspiracy of silence" to cover up then Secretary Work's renewal of contract made by Alfred B. Fall.

Mr. NYE. Mr. President, I have not, as I have said, determined what my course would be if that appointment came to the Senate for confirmation. But if my course was to be determined alone upon the basis of what is known of Mr. Donovan's conduct of the case of the cancellation of this royalty-oil contract, I would most assuredly support his confirmation, and do it gladly, and in the spirit of one who believed that the duties which would fall to Mr. Donovan in that capacity would be splendidly cared for, for in connection with the matter of the cancellation of this Sinclair contract, to my knowledge, and according to my sincere belief, Mr. Donovan has played squarely with the interests of the Government in every way, shape, and manner.

Differing, as I do, with the criticism of Mr. Donovan implied in the report, and certainly conveyed to some by the report, so also do I object to that measure of censure which seems directed against two young attorneys who were brought into the oil investigations in March, 1928, Messrs. Kenyon and Chandler. One can not have had the contact with these two men which members of the committee have had and be convinced of other than that they possess a splendid degree of ability, and a clean and altogether splendid desire on their part to ferret out the real facts and present them without prejudice. I am convinced of their complete sincerity of purpose and their desire to prosecute those guilty of wrongdoing in connection with these oil matters, and I object strenuously to their being brought under any cloud of suspicion, no matter how slight that cloud might be.

Kenyon and Chandler, up to March, 1928, had for some months been employed as special assistant United States attorneys in New York. In March of 1928, the charges of one W. G. Williams were laid before the President of the United States, these charges being that gross frauds were involved in the disposition of royalty-oil rights in the Salt Creek field. There was no reference in this correspondence, be it noted, to the lack of conformity between the advertisement for bids and the Sinclair contract. The President transmitted this letter and such papers as had been sent him to the Attorney General under date of March 2, ordering a thorough investigation made of the entire question and the taking of such action as the department would find warranted by the facts and the law to insure thorough protection of the rights of the United States.

Assistant Attorney General Donovan, upon receiving this assignment, called to his aid these two attorneys, Kenyon and Chandler, and caused to be turned over to them the papers submitted by Williams and voluminous files from the Interior Department touching upon the matter. This was on March 27, 1928. Thereupon Kenyon and Chandler immediately and enthusiastically delved into the questions which had been raised and sought first to determine just what their line of procedure should be. They conferred with Senator WALSH and in a general way sought to arm themselves with all possible facts and angles which might be involved in the subject of their studies. Primarily, their investigation became one involving the question of fraud in connection with the Sinclair royalty-oil contract. The attorneys hoped, as they voiced themselves frequently to members of this committee, to show that fraud was attendant upon the entering into of the original contract for this royalty oil and that there was, at that time, wrong practice between the Sinclair interests and the then Secretary of the Interior, Albert B. Fall.

The question of the lack of conformity between the advertisement for bids on the Salt Creek royalty oil and the contract finally entered into between Fall and Sinclair after the opening of these bids was not in any manner involved, in the minds of these attorneys. The point had not been called to their attention, and it is not known that anyone had given that point any serious thought.

Late in April, or about a month after Kenyon and Chandler had set out upon their fraud investigation, Assistant Secretary of the Interior Finney submitted to the Department of Justice the complaint of the White Eagle Oil Co., which was then protesting against the renewal of the contract for sale of the royalty oils in Salt Creek. Accompanying this protest were affidavits, opinions of the Solicitor of the Interior Department, and such other papers as might apply. However, it should be again noted that in the protest of the White Eagle Oil Co. there was no mention made of the possible invalidity of the renewal contract or the original contract on the ground of lack of conformity between the proposal for bids and the Sinclair bid itself.

The letter of the First Assistant Secretary of the Interior was addressed to Hon. William J. Donovan, Assistant to the Attorney General. When the letter, with the accompanying papers, reached the Department of Justice, in the sorting of the mail it was considered that this was a matter to which Kenyon and Chandler were giving their full time and attention, and instead of the letter being delivered to the desk of Mr. Donovan it was delivered to Kenyon and Chandler, Donovan knowing nothing of its existence until late in August.

In the report submitted by Senator WALSH, in the first paragraph, at the top of page 9, appears this language:

Just how it can possibly come about that a request from another department of the Government for an opinion pursuant to the provisions of section 304, Title V, United States Code, may not reach the responsible head of that department, or for months after it is received, has not been explained to the committee.

Section 304, to which this report alludes, provides as follows:

The head of any executive department may require the opinion of the Attorney General on any question of law arising in the administration of his department.

It therefore occurs to me that there is hardly any explanation needed of why this particular correspondence from Assistant Secretary Finney did not reach Mr. Donovan, for it is apparent on the face of the letter of Mr. Finney, the Assistant Secretary, to Mr. Donovan that a statutory opinion was not required.

Section 304, referred to, stipulates, it will be noted, that the head of any executive department may require the opinion of the Attorney General. Mr. Finney was not the head of any executive department. Consequently, I am caused to feel that the section of law to which the Walsh report refers is not at all applicable to this particular inquiry, the request coming from the Department of the Interior over the signature of the Assistant Secretary, and that the Department of Justice upon receiving the letter had no reason to believe that the request was for an opinion in keeping with the statute referred to.

Kenyon and Chandler, after casual study of the correspondence which came to their desk from Secretary Finney, considered the material in a general way primarily as being only more material for what they then considered their straw pile of information which was to be combed in their study of the greater question of fraud involved in their royalty oil contract investigation. However, they took the matter up in person with the Assistant Secretary, Mr. Finney, who concurred with the opinion which had been submitted by the solicitor for the department, and which had been read by Kenyon and Chandler, said opinion holding that there was no merit in any protest against the right of the Secretary of the Interior to grant an option. Again, it must be noted that the question of conformity between the proposal for bids and the Sinclair bid itself was not raised or before the Interior Department, the Department of Justice, or Kenyon and Chandler.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. NYE. I yield.

Mr. WHEELER. The position the Senator takes, as I understand it, is that because it was not signed by Doctor Work, but was signed by Finney, that then the Department of Justice had a perfect right to refuse to render any decision at all.

Mr. NYE. Not at all, Mr. President; but such an opinion as is supposed as having been required in the report submitted by the Senator from Montana [Mr. WALSH] was not actually required.

Mr. WHEELER. Does the Senator want to excuse the Department of Justice?

Mr. NYE. Not at all, and I am not going to do so if the Senator will bear with me just a moment.

Kenyon and Chandler, upon finding the Assistant Secretary of the Interior in agreement with the solicitor of the department, verbally expressed themselves as of the opinion that the solicitor was right in his conclusion. To use Mr. Kenyon's own language, in arriving at this conclusion they took—

into consideration the fact that the Solicitor of the Interior Department is the official of the Government who is charged with knowing what the laws mean which affect his department. We took into consideration the fact that the contract had been published since 1923. Both the advertisement and the contract itself had been before the committee, had been before the President's special counsel, and had been a matter of public notice for anybody to object to it if there was an invalidity appearing on its face. We took all of those elements into consideration

making against the contention. We knew you [Senator WALSH] had written the letter to Mr. W. M. Williams—

Which letter was the one in which the Senator had expressed the opinion that the Secretary of the Interior was bound to renew the Sinclair contract. Now, again I quote Mr. Kenyon:

Thereupon, to make certain whether or not I was right in my judgment at that time, I got in touch with Secretary Finney, and I said, "This letter has come. Your solicitor says the contention is not good. I am inclined to agree with him, but I want to find out what you think."

And he said:

"I think the solicitor is right."

That confirmed me; that confirmed me in our opinion at that time on what we had before us, that the solicitor was right.

All of this time, be it noted, the point of the lack of conformity between the advertisement for bids and the content of the Sinclair contract had never been directly raised nor did it come then to the minds of Kenyon and Chandler, who considered the submission to them of the complaint of the White Eagle Oil Co. only more material which they would have to thoroughly study in connection with their fraud case.

The first thought concerning this lack of conformity between the proposal and the bid of Sinclair occurred to Donovan or Kenyon not earlier than September 15. Donovan, while in the West, had read of the complaint of the White Eagle Oil Co., and immediately upon his return to Washington summoned Mr. Kenyon from New York on August 28. Mr. Donovan had a very inaccurate idea of what the White Eagle Oil Co.'s complaint was all about and wanted to know from Kenyon of it. Kenyon told Donovan then that he did not believe that there was anything of merit in the White Eagle Oil Co.'s complaint. Donovan scored Kenyon quite severely for not having previously brought the matter to his attention and insisted that the matter be laid before him for study and that Kenyon devote himself aggressively to the fraud case which they were building against Sinclair and Fall.

On September 1, upon receipt of a letter from Mr. Kem, attorney for the White Eagle Oil Co., Mr. Donovan wrote Mr. Kem inviting him to Washington to discuss the case of his people. Mr. Kem came to Washington on September 14. Mr. Donovan caused Mr. Kenyon to return to Washington from New York once again to give attention to this White Eagle Oil Co.'s complaint. Mr. Donovan saw Kem on the 14th and told him to go over the matter fully with Mr. Kenyon, who would arrive later in the day. For two hours on that day Mr. Kem and Mr. Kenyon conferred. After the 15th of September, the point of lack of conformity between the proposal for bids and the bid of the Sinclair people first came to the mind and attention of Kenyon and Donovan, or both, and Donovan ordered everything else dropped in favor of an intense study of this lone point.

Mr. Kenyon had a case which had to be looked after for the Government in court at Cincinnati and this held his attention until September 26. Immediately following this he devoted himself to the question of the validity of the Sinclair contract and its renewal with his mind on the fact that the advertisement for bids made no reference to an option, while the contract itself was caused to include the privilege of option to the Sinclair people.

The Senator from Montana said the report was referred to Mr. Donovan on September 8. The fact of the matter is that the opinion was dated in New York on the 8th and was laid on the desk of Mr. Donovan in Washington on the 10th.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. NYE. I yield.

Mr. BORAH. The Senator spoke about the advertisement for bids. That did not make any reference to an option, did it?

Mr. NYE. The advertisement for bids did not.

Mr. BORAH. Did the statute make any provision for an option being given in case of advertising for bids?

Mr. NYE. It has been held now that the Secretary had no right to grant such an option at all.

Mr. BORAH. I made the inquiry for the reason that it seems to me the entire trouble starts from the proposition that there was an error of law in the beginning as to what the statute covered.

Mr. NYE. Yes; the Senator is quite right.

Mr. WALSH of Montana. Mr. President, before the Senator proceeds will he yield to me?

Mr. NYE. Certainly.

Mr. WALSH of Montana. I have paid what I think is a just tribute to Mr. Kenyon's opinion of October 8 or October 10, but I would like to inquire of the Senator from North Dakota if he thinks that Mr. Kenyon discharged his full duty when he never called the attention of either Colonel Donovan or the Attorney General to the request of the Department of the Interior for an opinion, and does the Senator think Mr. Kenyon is entirely free from blame when he never even looked at the authorities which eventually convinced him that Kem was right?

Mr. NYE. No, Mr. President; I do not think I could so argue, not by any manner of means; but I am not unmindful of the fact that Mr. Kenyon and Mr. Chandler were brought into this case last March and were given a specific duty to perform. When the case came to them, I think I can understand how they felt and why they felt that it was sent to them primarily as a matter of information which they were to mill over.

Mr. WALSH of Montana. Let us take the questions one at a time. Colonel Donovan learned of this matter from a newspaper while he was in the State of New Mexico, some four months after the case went to the department. Does the Senator think that Mr. Kenyon discharged his duty when for four months he did not even mention to Colonel Donovan that the letter addressed to Colonel Donovan asking an opinion had come to his attention?

Mr. NYE. Mr. President, I could not severely criticize Mr. Kenyon for that.

Mr WALSH of Montana. That was not the question I asked. Kenyon, in the Department of Justice, received a letter addressed to Colonel Donovan requesting an opinion from the Department of the Interior and did not even look at the authority cited and did not call Colonel Donovan's attention to it for four months. I ask the Senator if he thinks that is not subject to reprehension?

Mr. NYE. Yes; I think that is subject to criticism. I believe the unfortunate thing all the way through is the lack of understanding on the part of Kenyon and Chandler as to angles of the question that were quite thoroughly removed from the duties which were directly before them.

Mr. WALSH of Montana. I like to give credit where credit is due, and I think it is proper to give censure where censure is due; but the Senator from North Dakota apparently does not agree with me about that.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield to me?

Mr. NYE. I would prefer not to yield at this point, if the Senator will excuse me.

Mr. ROBINSON of Indiana Very well.

Mr. NYE. On October 10 Mr. Kenyon turned in to Mr. Donovan an opinion which has been praised on every hand as being "as able as it is exhaustive." Mr. Donovan took three days to consider it, this consideration being occasioned by the possibility of action on this ground prejudicing the fraud case which they hoped and expected to bring in connection with the Sinclair contract. However, on or about October 13, satisfied they would not thereby seriously prejudice their fraud case, Mr. Donovan ordered Mr. Kenyon to prepare his opinion in form for the signature of the Attorney General. This redrafted form was ready on the morning of October 15, and it went to the desk of the Attorney General late that afternoon. The Attorney General was then out of the city; but immediately upon his return to his office, on October 16, the following day, the opinion was signed and sent to the Interior Department, the opinion insisting upon cancellation of the renewed contract.

Mr. President, it was not a newspaper nor any member of the committee that brought about the cancellation of this contract. It was almost alone the work of Kenyon and Donovan, undertaken after they had found, in September, the possibility of canceling the contract on the ground that the contract did not conform with the proposal for bids. It was not a matter of five or more months between the time that this specific point was brought to the attention of the Department of Justice and the time when the order of cancellation was issued, but, instead, only four or five weeks.

The Walsh report at least implies that an understanding existed between the Department of the Interior and the Department of Justice, which would delay any action looking to cancellation of the contract. In that connection I desire to say that in July an official of the White Eagle Oil Co. came to me in Kansas City voicing the opinion that the Secretary of the Interior had no right to renew the Sinclair contract for the royalty oils in Salt Creek because the Secretary of the Interior had no right, to start with, to grant an option to renew. He cited, as bearing out his contention, a certain court action and was going to write me at my home in Cooperstown, N. Dak.,

setting forth these facts in greater detail. To my knowledge such further information never came, but I kept a memorandum of the matter and since I was planning an early visit to Washington during the summer, I determined that I would then confer with the Department of Justice and Department of Interior with relation to the point. However, I did not come on to Washington until about the 20th of September. I was in the city then for only a few days, but Mr. Kem, attorney for the White Eagle Oil Co., came to see me on one of those days to enlist my interest in the protest of the White Eagle Oil Co. against the renewal. I had wondered if the matter was one to which the committee ought to give its attention or whether it was one to be left entirely with the Department of Justice under the agreement which the committee had had with that department early in the spring with relation to a division of the tasks outlined in the Senate resolution under which we were operating in the study of the Salt Creek matters.

Mr. Kem related that he had voiced the complaint of his company with the Department of Justice, and I assured him that not only would I see the Department of Justice while I was in the city with relation to the matter, but that I wished him to come back on the following day when we could canvass the situation with former Senator Sterling, who was counsel for the Committee on Public Lands and Surveys. On the following day we did go over the matter and agreed that the point raised by Mr. Kem was certainly within the realm of the duties of the committee under our resolution, and that if we found the Department of Justice inactive with relation to the question that the committee would certainly want to go into it. On that same day, or the following day, I went personally to the Department of Justice to confer with Mr. Donovan, at which time I was assured of his deep concern with the White Eagle Oil Co. complaint, and I was given every reason then to believe that the department would order done precisely what was ordered done a few weeks later. At about the same time former Senator Sterling, counsel for the committee, had a like conference with Mr. Donovan and he was likewise assured that the department was giving full consideration to the question and would in all probability order the cancellation of the contract.

About the 8th or 10th of October I had occasion to return to Washington, and during the very brief hours that I spent in the city I called again at the Department of Justice and was assured by Mr. Donovan that the report declaring the Sinclair contract subject to cancellation had been prepared by Kenyon and would straightway be placed before the Attorney General for his approval, and that he expected the opinion would be dispatched to the Department of the Interior without delay. In other words, what transpired on October 16, when the Attorney General affixed his signature to the opinion calling for cancellation of the contract, was precisely in keeping with my understanding of what could be expected after visits with Mr. Donovan.

I think it ought to be observed that when this complaint of the White Eagle Oil Co. was brought to my attention I did precisely what Mr. Kem hoped I might do, namely, impress upon the Department of Justice my interest in seeing the matter moved along. Former Senator Sterling made manifest a like interest, but when Mr. Kem, a few days later, approached the Senator from Montana [Mr. WALSH] upon the same matter, and, according to the testimony of Mr. Kem himself, with the same purpose in mind, the Senator, instead of making inquiry of the Department of Justice as to the status of the matter, and making manifest his interest in the action of the Department of Justice, turned to the newspapers. Had he turned to the Department of Justice, as former Senator Sterling and I had done, I am sure he would have received the identical information that we received.

Let it be further noted that if the attitude of the Department of Justice was in any measure a part of a suggested conspiracy of silence, as is certainly implied by the report, then I must, by joining in this report, admit myself in some measure a party to the conspiracy. In part, for that reason, I declined to lend myself to the Walsh report. Likewise have I declined to concur in that report, because I decline to be stampeded into doing a thing which, to my mind, would be a grave injustice to some individuals whose effort and work in connection with cancellation of this contract certainly do not deserve that degree of censure which has been implied by or read into the Walsh report. The work of these individuals deserved better at our hands than is contained within that report.

Mr. President, it is not pleasant to be placed in the position of seeming to in any way or degree defend such departments as existed under Fall and Daugherty, such departments of Government as have, to say the least, occupied extremely suspicious ground in connection with the Teapot Dome scandal and such matters as have had connection with the oil scandals in a general way. It would, as I have already suggested, be much easier to follow now the path of least resistance and stand opposed to nothing which might be said against those departments or men connected with them. But, to my mind, such a course with relation to the report now before us would certainly not reflect any glory upon this body, which ought to desire maintenance of a reputation of fairness such as will merit the confidence of the people in its decisions when they are made and its opinions when they are offered.

The Senate, should it decline to concur in the so-called Walsh report now before it, would be in no sense shielding or whitewashing departments guilty of acts which have been scored and scorned by courts and by decency everywhere. Nor will it by such action necessarily countenance in toto all acts of the department involved in the work accompanying and leading up to the cancellation of the Sinclair royalty oil contract. Instead, by rejecting this report we are but confessing, although there may have been errors, blunders, and, perhaps, a degree of poor judgment during the months that the matter was under consideration by two departments, that nevertheless the eventual result was the cancellation of the Sinclair contract, and that this result was gained without any prodding by the Senate, by any of its committees, by any members of its committees, or by any newspaper, but instead by the study and the work of conscientious attorneys in the office of the Attorney General, whose efforts accomplished a saving to the Government of millions of dollars and whose further effort in connection with their investigations of the royalty oil contract has brought an action in the courts that will in all probability return to the Government many more millions, this time in the form of recovery of profits which the Sinclair interests have taken from the Salt Creek field under the original Fall-Sinclair contract. The effort of these attorneys deserves a vote of appreciation rather than a report which is quite generally accepted as being one which questions their sincerity. Indeed, Mr. President, I wish the Committee on Public Lands and Surveys might be so fortunate as to have the assistance of these same Department of Justice men in its task of prosecuting its investigation into the validity of the leases which underlie the rights now exercised by the Stewart and the Sinclair interests in Salt Creek.

Mr. ROBINSON of Indiana. Mr. President, I had expected to speak on this subject this afternoon, but because the hour is now so late I shall not attempt to do so, but shall content myself with simply making the announcement that to-morrow, as soon as I can get the floor in my own right, I shall address the Senate on this question. I may say in that connection, however, that at that time I hope to go into the entire question of the province of the committee that has had the Salt Creek matter under consideration.

Mr. WALSH of Montana. Mr. President, in view of the statement of the Senator from Indiana, I ask unanimous consent that the further consideration of this matter be continued until the appropriate hour to-morrow.

Mr. JONES. I shall have to object to any agreement with reference to any other proposition at the present time.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and modified.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, before I speak on the unfinished business I desire to say just a word with reference to the vote on yesterday regarding the bill known as the apportionment bill.

The Senator from Michigan [Mr. VANDENBERG] expressed very clearly my views in regard to that matter. I am in hearty accord with his position. I am heartily in favor of both of these bills, the apportionment bill and the bill now the unfinished business. I hope they will both be acted upon, as I think they should be acted upon, before this session closes. If that measure had come to a vote first, I am not prepared to say now how I should have voted on such a proposition, because, as I say, I am just as much interested in the passage of that bill as I am in the passage of this measure; but as this measure came up first, and the Senate voted that it should be considered, I felt entirely justified in voting against the motion to take up the other bill, however much I was in favor of the passage of that measure.

Now, Mr. President, just a few words with reference to the pending measure.

To my notion, the merits or demerits of prohibition are not involved in the proposition now pending before the Senate. The question involved in this measure is one of enforcement of existing law. I assume that every Member of the Senate, whatever his personal views may be with reference to prohibi-

tion, whether he favors it or whether he thinks it is unwise, believes that so long as it is upon the statutes as a law of the country it should be enforced.

The measure that is now pending is a very simple measure. It provides for the enforcement of the constitutional prohibition against the liquor traffic.

The part of the Constitution dealing with this subject reads as follows:

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

This proposed act provides penalties for the violation of these prohibitions.

Mr. President, we have law fixing penalties for many of these violations, if not all of them. The penalties provided are sufficient for ordinary violations, and probably the most common violations. I want to read what are deemed the principal penalties that are provided in the law as it now exists.

Section 29 of the Volstead Act reads as follows:

Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.

Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than $500; for a second offense not less than $100 nor more than $1,000, or be imprisoned not more than 90 days; for any subsequent offense he shall be fined not less than $500 and be imprisoned not less than three months nor more than two years.

Mr. President, this bill simply enlarges the penalties for violations. As I said, the penalties for the ordinary violations of the law are ample now; and the real purpose of this measure is to provide an additional penalty or a larger penalty against those who are convicted of engaging in the violation of the law for commercial purposes. The bill is aimed more specifically against bootlegging and the commercial organizations that we all know have been organized and are being organized throughout the country to make money out of violations of the prohibition law.

I saw in the paper yesterday, I think, a reference to a case that illustrates just what we are seeking to do, and the class of violations that we are seeking to meet. I noticed that in Chicago one of the aldermen, I think, was convicted. He had organized a $5,000,000 company apparently to engage in a systematic violation of the prohibition law, apparently for the specific purpose of commercializing it and making money out of such violations. A penalty of $500 and probably of a few months in jail, or something of that kind, would have no deterrent effect upon anybody desiring to do anything like that.

Mr. JOHNSON. Mr. President, will the Senator yield for a question?

Mr. JONES. In just a moment.

This man was convicted, as I understand, and fined ten or eleven thousand dollars, and sentenced to jail or the penitentiary, I am not sure which, for two years. That is practically no punishment for a man organizing a $5,000,000 company or corporation or association of persons for the deliberate purpose of making money out of violations of the prohibition law; and that is really the character of the cases that it is especially desired to meet by this legislation.

I now yield to the Senator from California.

Mr. JOHNSON. What I wanted to inquire of the Senator was this:

I recognize the heinousness of such an offense as that just described by the Senator. I should be perfectly willing to penalize that kind of offense exactly as the Senator has, or even more severely; but is there any way by which we can differentiate in this act so that a particular judge in whom we may not have any confidence at all—and in some of them I have not the slightest confidence—will not be able to utilize the extraordinary penalties that are fixed as the maximum by this law in order to curry favor with some particular people or some particular set of individuals? Can the Senator suggest any way by which there can be a segregation or a particularization in the law under which the extraordinary penalties, the highest that he may see fit to inflict, may be inflicted upon those whom he thus describes, and leave the other penalties so that a judge may not have the opportunity to utilize the highest penalties against very petty offenders and offenders that are of little or no consequence?

Mr. JONES. Mr. President, I appreciate the situation to which the Senator has referred. He is an experienced lawyer. I do not know that we could frame this statute in a way that would protect everybody from any injustice that might be done by a judge. I can not believe that there is any Federal judge who is going to take advantage of his position to impose sentences of this kind in trivial cases. I have never heard of anything of that kind. I know that it is possible under the terms of this bill; that is true; and if proper safeguards against such a thing could be put into a statute, I should be perfectly willing that they be put in. It does seem to me, however, that in all criminal statutes we have to rely very largely upon the justice and high character of the judge. There may be, of course, exceptions.

Mr. JOHNSON. Generally speaking, the Senator from Washington is entirely correct. In this peculiar kind of offense I regret to say that I do not believe he is always correct. I am unable myself to see how a statute could be worded so as to apply to different classes of offenses such as I have indicated; but I thought possibly the Senator, with his wider knowledge of the subject, might be able to suggest something in that regard.

Mr. JONES. I am satisfied that I have not wider knowledge of that phase of the matter than the Senator from California.

Mr. REED of Missouri. Mr. President——

Mr. JONES. I yield to the Senator from Missouri.

Mr. REED of Missouri. Does the Senator expect to get a vote on this bill to-day? I am asking because there are several of us who want to have a meeting.

Mr. JONES. I really see no prospect of a vote to-day.

Mr. REED of Missouri. If a vote is not going to be taken to-day, I am going to try to have that meeting.

Mr. JONES. I think the Senator can safely hold the meeting.

Mr. REED of Missouri. Very well.

Mr. JONES. I have understood from several Senators that they do not desire to vote to-day, but they want to discuss the measure and get along with it, so that we hope for a vote to-morrow.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Maryland.

Mr. TYDINGS. I appreciate what the Senator has just said, and I, too, am more or less in accord with what he has said; but I should like to point out the thought which I know has occurred to him, that in many of the States already very drastic State laws have been passed; and, to show the Senator the miscarriage of justice as a result of the conflict of the two sets of law, while the man in Chicago who had organized the $5,000,000 criminal ring received a sentence of only two years in the penitentiary, a woman in Detroit who was an individual bootlegger, and had been arrested on three occasions for bootlegging a mere pint of liquor, under the laws of Michigan was sent to the penitentiary for life. It does seem to me that when we pass these laws we should take into consideration the existing State laws, so that injustice will not be compounded, but rather reduced.

Mr. JONES. I am not going to enter into a discussion of the State laws or the laws of the State of Michigan. The United States has a jurisdiction within which it can act and within which I think it should act.

Of course, we should get this legislation as proper as it can possibly be made, but it does seem to me that we have to assume—I think we have a right to assume—that the Federal judges will act wisely and justly in these matters. If I have had any complaint to make with reference to Federal judges in regard to violations of the prohibition laws which we now have on the statute books, it is that they have been too lenient rather than enforcing too severely the laws that they have the right to enforce.

Mr. TYDINGS. Mr. President, I would like also to observe, in connection with the point I have just brought up, that under the Constitution, which the Senator has just quoted, Congress has provided that the States shall have concurrent authority to carry out the provisions of the statute. Congress having said that, it would be not only unfair but without the spirit of the Constitution not to take into consideration the State laws which now exist, because we have to some extent asked the States to help us to enforce this law, and in passing a Federal law we should not ask them to do that and then pass a Federal law without regard to what they have done. It seems to me we would be shortsighted and compounding injustices rather than eliminating them.

Mr. JONES. There are some of the States that are not cooperating very much with the Federal Government in the enforcement of a provision in the Constitution which, in my judgment, is just as binding upon the States and as obligatory upon the citizens of the States as upon the Federal Government and upon the citizens of the United States.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

Mr. COPELAND. I was going to ask the Senator this question: When this bill came from the House——

Mr. JONES. This bill did not come from the House. This is a Senate bill.

Mr. COPELAND. When it went to the committee there was no limitation of the measure to criminal prosecutions, was there?

Mr. JONES. Of course, it was intended to apply only to criminal prosecutions, but the committee has suggested an amendment which I think is entirely proper.

Mr. COPELAND. I would like to ask this question: Suppose a young college student were found with whisky in his possession. That would be a violation of the law, would it not?

Mr. JONES. I think so. I am not entirely familiar with all the provisions of the Volstead Act.

Mr. COPELAND. Then, if in a doctor's office there were found whisky, and no record of his having obtained it in the technical manner prescribed, that would be illegal possession?

Mr. JONES. I do not understand that that is, under the Volstead Act. I do not think so.

Mr. COPELAND. Let us assume for the moment that it is.

Mr. JONES. Well, assume that it is.

Mr. COPELAND. In these instances that I have cited, of the young college student and the doctor having illegal possession of liquor, would that young man or the doctor be sent to jail for five years or fined $10,000?

Mr. JONES. I suppose if the judge so wished, it could be done, but a judge like that would not stay on the bench very long.

Mr. COPELAND. I am not so sure of that.

Mr. JONES. I am pretty sure of that. I will confess that all sorts of suppositions can be made that technically might endanger a person to a far greater penalty than, of course, he should receive, but I can not conceive of courts and judges acting in such a way.

Mr. COPELAND. Is not the question raised by the Senator from California a pertinent one?

Mr. JONES. Certainly; and I have tried to answer it in the best way I can. The Senator from New York and the Senator from California are just as capable of coming to a conclusion regarding that as I am.

Mr. COPELAND. I assume it is the purpose of this debate to attempt to formulate a law which will reach those vile persons who are flooding the country with poisoned liquor. It should be possible to formulate a law which would strike them with the greatest possible severity, and I am in favor of that——

Mr. JONES. Yes; I have no doubt of that.

Mr. COPELAND. Yet we have to think about these young men who are misled, misdirected often, and when I think about some doctors who may have liquor in their possession which did not get there in a manner which is not perfectly legitimate, as I see it, there should be provision to protect such persons—innocent-minded persons, entirely different from the criminal type spoken of by the Senator from Washington; there should be written into the bill, if possible, a distinction between those types of persons in order that there may be no injustice done and no miscarriage of justice from overexactions.

Mr. JONES. Mr. President, I think it is very difficult for us to define fully and minutely in a statute how far a court may go or how far not or what shall be the particular details with reference to a violation of law. It seems to me we must rely, to some extent, at any rate, upon the humanity and the justice and the proper conduct of the judge. While I can conceive, as the Senator has, that it may be possible that some student may intentionally violate the law, and yet in a very minor way; and he might be brought before some court, which possibly might impose the extreme penalty; yet I can not believe that anything of that sort would be done.

Mr. COPELAND. Yet the Senator recognizes that if the judge did not have the right spirit, the penalty might be imposed upon persons of the type suggested?

Mr. JONES. That is a supposition which may be assumed with reference to every criminal act that can possibly be passed.

Mr. COPELAND. Does not the Senator think, in view of the failure to formulate reasonable legislation in the past, that we ought to be extremely careful in the future in prescribing penalties and making changes in the law?

Mr. JONES. Mr. President, I think we have passed pretty reasonable laws in the past touching all sorts of criminal acts, and there are very few abuses on the part of the judges. I do not look for any abuses of this statute on the part of our Federal judges.

Mr. WHEELER. May I inquire from the Senator just why it is that he wants to increase the penalty? It would seem to me that it is unnecessary to increase the penalties unless there is some very good reason for doing so.

Mr. JONES. I tried to state to the Senate that it has become the conclusion of the enforcement officials that the penalties now provided by law are not sufficient to deter men from violating the law, from considerations purely commercial, and that includes smuggling. I will be glad to read what was stated by the Department of Justice, which really gives the justification for the legislation. I would like to read it.

Mr. WHEELER. I was going to say to the Senator that I do not think the trouble at the present time is with the penalties imposed in most instances, but I think the trouble is in the laxity of the men in the field, or it is because of the fact that there are not enough men in the field to enforce the law; and I am not seeking to criticize the department, because I know the assistant commissioner and the commissioner, who both worked under me in Montana when I was United States district attorney, and I feel that both of them are very competent men.

Mr. JONES. I will read from the report the statement of Mrs. Willebrandt, who, as the Senator knows, has had charge directly of prohibition enforcement in the United States. Whatever anyone may think about Mrs. Willebrandt, I myself have no doubt as to her ability and her earnestness in the enforcement of the law, and also her desire that justice may be done, as well as that adequate penalties may be inflicted for violations of the law of the land. In testifying before the Judiciary Committee she said:

> I most earnestly recommend the passage of Senate bill 2901. It raises the maximum penalty which may, within the discretion of the judge, be imposed for a violation of those parts of the national prohibition act which tie in with the things prohibited by the Constitution of the United States—the eighteenth amendment. * * * I have become convinced, not only by my own experience but by the recommendations of scores of Federal judges and hundreds of Department of Justice law-enforcement officials, such as United States attorneys, marshals, and the like, that the maximum penalties of the Volstead Act for the violation of things which violate the Constitution as well as substantive law, are entirely inadequate. As a result of the inadequacy of the penalty which the Volstead Act provides for the things the Constitution prohibits, prosecutors have been led to resort to prosecutions under other laws than the Volstead Act whenever they could.
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> They have resorted to the old internal revenue laws relating to the violation or evasion of various kinds of liquor taxes and the Supreme Court of the United States has upheld the use of those old internal revenue laws. However, it is only the occasional case that has evidence so prepared that in honesty a prosecution can be grounded under the internal revenue laws rather than the Volstead Act.
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> The other statute that they have popularly resorted to for grave, serious, widespread violations of the liquor laws, instead of grounding the offense under the national prohibition act, is the conspiracy statute, section 37 of the Penal Code. In my estimation, section 37 has been strained beyond all reach in grounding liquor-law prosecutions under it * * *.

Mr. President, that is the statement of the officer of the Government who had had charge to a great extent, if not entirely, of prosecutions for violations of this law.

Mr. WHEELER. What is the maximum now? I do not remember offhand.

Mr. JONES. Here is the law:

> Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.
>
> Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than $500; for a second offense not less than $100 nor more than $1,000, or be imprisoned not more than 90 days; for any subsequent offense he shall be fined not less than $500 and be imprisoned not less than three months nor more than two years * * *.

Mrs. Willebrandt bases her recommendation for the passage of this act upon her experience as the head of the law-enforcement department of the Government, and that is based upon the experiences and the recommendations of judges, marshals, and United States attorneys, and others who have been brought into direct contact with the matter. It seems to me that that is an experience and a knowledge derived from sources which are thoroughly reliable.

This bill has been approved by the Committee on the Judiciary of the Senate, composed of very able lawyers. A similar bill was reported in another body by the Judiciary Committee of that body, composed of very able lawyers. Their judgment is far better than mine. It confirms my opinion and my judgment, and I think we can very safely rely upon their judgment.

Mr. WHEELER. I want to say to the Senator that I feel that we should not leave the minimum as it is at present. I have in mind, for instance, at the present time, one State where people are brought up, convicted, and the judges are constantly letting them off with a dollar fine, with practically no punishment whatever. Instead of extending the maximum to five years, which I think we ought to be careful about, and making it so that any judge in this country can impose imprisonment for five years upon some individual who violates the Volstead Act, I think we ought to increase the minimum, but that we should not increase the maximum penalty under this statute.

Mr. JONES. We have our differences of opinion with reference to that matter, and those differences must be harmonized in some way The Department of Justice itself has felt that this is the wise way to proceed. I know there are many States in the Union which have a maximum penalty of five years for violations no different from those covered by the pending bill, except, as I said, that the real purpose of the bill is to provide for more adequate penalties that may be inflicted upon those who violate the prohibition law largely for commercial purposes.

That, Mr. President, is all I care to say.

Mr. BLEASE. Mr. President, I would like to ask the Senator before he takes his seat if the Department of Justice or if the Senator himself has taken into consideration the fact that by reason of penalties being too severe very often guilty men have been acquitted by juries?

Mr. JONES. That has been taken into consideration. I think that emphasizes the fact that under the bill it will be possible to prosecute the minor offenders who have been referred to; because if any complaint should be made against a minor offender, the jury would be able to acquit. But in cases such as we have had in Chicago—and we have had similar cases out in the State of Washington—the juries would not hesitate to convict if the penalty was much larger than it is now.

Mr. BLEASE. I know in my own experience that we have had jurors in more cases than one, when they came out of the jury room after having acquitted a man, make the statement that if they could have convicted him and been assured from some source that the penalty would not be very severe, they would have convicted him, but they refused to convict the defendant because of the severe penalties that might be inflicted. For instance, in my own State in the case of manslaughter I have had several jurors tell me that they would have convicted the defendant for manslaughter, were they permitted to find a verdict of manslaughter, if they could have inflicted some different punishment, but that because under the statute the sentence could not be less than two years and because they did not propose to put the particular defendant in the penitentiary or chain gang for two years, they acquitted him. If they had been allowed to inflict a lesser punishment, they would have convicted the defendant.

Mr. JONES. The provisions of the bill are not applicable to cases like that, because the minimum is the very lowest possible. There is no limit to the minimum, and the jurors would take that into account.

Mr. BLEASE. Then, if we take that view of it we should change the title of the bill and make it read: "A bill to license rich men and to put poor men in jail." I happen to know of cases where the same judge tried two men. One of them had influential friends who would go to the judge's room after court adjourned and use their influence with the judge to be easy on the particular defendant because his father was a good man or his mother was a widow or for some other reason. The next morning the other poor devil who had no one to speak for him just drifted in without any friends. Not long ago I heard two defendants sentenced for stealing automobiles. One young man had influence behind him and was given six months for stealing a Cadillac. The same judge on the same day sentenced another boy, who had no one to speak for him, to five years in the penitentiary for stealing a Ford. That was an actual experience and that is what is going to happen under this bill if the Senator from Washington does not provide some safeguard against it.

Mr. BINGHAM. Mr. President, I am sorry that I have a committee meeting at the present time which I must attend, and I desire therefore to speak only a very few minutes. I should like to proceed without being interrupted. I shall promise to take not more than 10 minutes. I merely want to state the reasons why I feel that I shall have to vote against the bill in its present form.

In the first place, the bill changes existing law so that a first offender may be fined $10,000 and imprisoned for five years. That I believe to be contrary to the principles of justice which we have usually followed.

In the second place, a study of English history shows that our ancestors at one time in an effort to secure observance of law provided very heavy penalties. In the sixteenth and seventeenth centuries there was an enormous amount of law breaking in England. In order to try to stop that wave of crime capital punishment was made the penalty for about 200 different crimes, including things which seem to us at the present time as utterly lacking in any justification for such a terrible punishment, namely, poaching, or the shooting of a rabbit on some nobleman's preserves. The taking of a loaf of bread from a bake shop, and similar offenses could be punished by loss of life. English jurisprudence found that it was impossible to prevent crime in that way and that it was impossible to secure convictions under laws of that kind.

The experience of our race has been that when we apply too drastic punishment for crimes which are not universally recognized as heinous offenses, such as murder, rape, attacks with intent to kill, and matters of that kind which have been crimes since the memory of man runneth not to the contrary, and whenever we attempt to punish crimes other than those by excessive penalties we do not succeed in achieving our object. Consequently, to change the law at the present time and make it possible for an ardent judge, acting under the pressure of public opinion, to impose a fine of $10,000 and imprisonment for five years in the penitentiary for the first offense is in my opinion not likely to produce the effect desired by the proponents of the measure.

In the third place, we have at the present time certain States, as has been pointed out, where the penalties are exceedingly drastic. I have read in the newspapers, and I have not seen it contradicted, that, for instance, in the State of Michigan for the fourth offense of having in one's possession any illicit liquor, one may be imprisoned for life. Surely nothing in our day and generation would be tolerated any more severe than that. Yet I do not find any evidence whatever that there is more observance of law in Michigan than in any neighboring State; in fact, some of the States where the law is very much more lenient than that have a better record for observance of the law than exists in the States where the penalty is very, very severe.

Only yesterday I heard of a case in a college town in Michigan—I need not mention any names—where at a recent dance participated in by the college fraternities the reports disclosed the existence of a very large amount of liquor being used in an extremely intemperate manner. In other words, enabling a judge to inflict a very severe penalty has not resulted in that State, or in any others similarly located, in increasing observance of law.

Finally, and in the fourth place, we are about to inaugurate as President of the United States a gentleman who has announced that as a part of his program he will appoint a commission to study the situation with regard to the eighteenth amendment and its enforcement. Mr. Hoover has expressed repeatedly his belief that a commission ought to study the situation now existing in the country, which everyone agrees is very bad, and make proper recommendations for its improvement. I believe that Mr. Hoover will appoint a commission consisting of eminent citizens who are not associated with either those who are banded together against the eighteenth amendment or those who are banded together particularly to secure its enforcement, but will secure the services of citizens whose whole effort will be to see to it that we have more law observance in the country and less crime, and to bring our country more nearly into line with the countries which worship law and order. After that commission has met and made its findings and its report if it recommends the enactment of such provisions as are contained in this particular bill I shall believe that I am wrong and shall be willing to vote for such a measure; but until that commission does so recommend it does not seem to me that this a wise thing to do.

The Senator from Washington [Mr. JONES] has referred to a case which clearly comes under the conspiracy laws of the country. Where a number of people conspire together on a large scale to break our laws, it is possible to secure an indictment and, if they are convicted, to inflict very severe penalties.

For these reasons I shall vote against the bill. Before taking my seat I should like to place in the RECORD a few references to the Criminal Code of the United States to show what is the nature of the crimes for which this and similar punishments are to-day regarded.

I find in the Criminal Code, section 82, that for the crime of shanghaiing sailors—that is, for forcibly taking on board a vessel engaged in trade and commerce sailors who do not desire to serve, practically kidnaping them and imprisoning them on vessels and forcing them to perform labor when they have not committed any crime, but merely in order to force them to serve on vessels engaged in long voyages and practically to kidnap them—the penalty at the present time is a fine of not more than $1,000 or imprisonment for not more than one year, or both. And yet we do not find that the crime of shanghaiing is a very common crime even though the penalty is so moderate as that.

Section 135 of the Criminal Code in regard to attempting to influence witnesses, jurors, or officers provides that whoever corruptly or by threat or force or by any threatening letter or communication shall endeavor to influence or intimidate any witness in any court, and so forth, or obstruct the due administration of justice, shall be fined not more than $1,000 or imprisoned not more than one year. That is considered an adequate punishment to prevent that crime which interferes with the progress of the wheels of justice.

With regard to more serious crimes, surely everyone will agree that the white-slave traffic is one of the most serious crimes which may be carried on in this or any other country. Under section 398, title 18, of the code of the United States, we find a penalty provided for "any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for," and so forth, "any woman for the purpose of prostitution or debauchery or for any other immoral purpose," may be fined not exceeding $5,000 or imprisoned for not more than five years. In other words, a similar penalty is to be imposed by the pending bill for a violation of the prohibition law.

It seems as though sometimes those who are deeply engaged in devoting their lives to this one crime on the calendar, the violation of the Volstead Act, had lost their sense of proportion and their sense of values.

Another crime which has a similar punishment is found in title 18 of the Criminal Code of the United States, section 426:

> Hovering on coast with slaves on board: Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coast thereof, having on board any person, for the purpose of selling such person as a slave, or with intent to land such person for any such purpose, shall be fined not more than $10,000 and imprisoned not more than four years.

That is not as severe a penalty, Mr. President, as that proposed and made possible for the first offenders in the bill now before us.

Mr. BORAH. What is the date of the statute the Senator is reading?

Mr. BINGHAM. I am reading from title 18 of the Criminal Code which we finally approved and adopted here two years ago.

There is also a reference to kidnaping and bringing kidnaped persons into the United States, as follows:

> Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell or cause to be sold into any condition of involuntary servitude any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than $5,000 and imprisoned not more than five years.

There again, Mr. President, we find a penalty less than that provided in this bill. It seems to me that in our zeal we are asked to do something which, in the first place, will not be effective, as history shows severe penalties do not insure a reign of law; and, in the second place, will cause and make it possible for our judges to inflict a greater penalty for this particular offense, which in itself has not been considered morally wrong, although at present it is legally wrong in the United States, than is imposed on persons who are engaged in slavery, kidnaping, and the white-slave traffic.

Mr. HEFLIN obtained the floor.

Mr. EDGE. Mr. President, will the Senator from Alabama yield that I may ask the Senator from Washington a question?

Mr. HEFLIN. Yes.

Mr. EDGE. I do not desire to discuss the bill for the moment. I merely wish to ask the Senator in charge of the bill what his intention is as to the time for reaching a vote. Is it his intention to have the bill carried over until to-morrow and to recess when we shall conclude the session to-day?

Mr. JONES. I desire that the Senate shall take a recess to-night, and I have a unanimous-consent agreement prepared which I intend to submit.

Mr. HEFLIN. Mr. President, I shall occupy but a few minutes.

Mr. JONES. I will submit a proposed unanimous-consent agreement before we close to-day's session.

Mr. EDGE. In other words, the Senator does not expect to reach a vote on the bill to-day?

Mr. JONES. I do not think there is any probability of reaching a vote to-day.

Mr. HEFLIN. Mr. President, the pending bill involves a subject of great importance. Additional legislation on this subject is being demanded by a great many people, but we must be very careful in what we do. The Senator from South Carolina [Mr. BLEASE] has made a suggestion that is worthy of our consideration. If penalties for first offenses shall be made too severe there will be difficulty in getting convictions. If there is put up to a judge or jury a situation where they must in effect—for that is what it is—permit the law to be violated, rather than impose what they believe to be an unjust punishment on some person who has been inveigled into the violation of the law, we shall have done harm rather than good.

What we need, Mr. President, is strict law enforcement under officers who are honest; who can not be bribed. There ought not to be employed unscrupulous and unprincipled detectives who can be used to "frame" somebody in order to let some one else in more favorable circumstances financially escape. I think perhaps the most contemptible person in the world is the detective who will shield the guilty party—the culprit—and unload the crime on some innocent and uninfluential man or woman. We have heard of that being done. We had an instance in this city when the Sinclair trial was on where a detective and his force undertook to hamper the instrumentalities of the court and defeat the ends of justice. They were seeking to acquit a man, Mr. Sinclair, charged with a grave offense against his country.

The detectives to whom I refer are W. J. Burns and his son. They were convicted of shadowing a jury, of interfering with the court's procedure when Sinclair, the rich oil man, was on trial for a serious criminal offense. Their purpose was to defeat the ends of justice and prevent the conviction of Sinclair.

Sinclair was a criminal in the eyes of the American people; he is a criminal to-day. He has escaped punishment only because of his enormous wealth; because he is a millionaire. Just recently I read an article in the Washington Star. Here it is. It reads in part as follows:

> Besides Sinclair, who was sentenced to serve six months, H. Mason Day, an associate, and William J. Burns and his son, W. Sherman Burns, also asked the court to set aside their convictions by the District Supreme Court for contempt in connection with the shadowing. Day was given 4 months in jail, the elder Burns 15 days, and W. Sherman Burns was fined $1,000.

And they go under the name of American detectives—think of it—employed to do questionable and crooked things to shield a criminal.

Mr. President, I think there are many honorable detectives, and in my opinion they are engaged in a splendid work when they are hunting down those who have violated the law and are seeking to collect truthful testimony in order to bring about the conviction of such persons; but think of a detective crippling and hindering a court, shielding the guilty person, and following around after a jury for the purpose of breaking up the processes of the court and bringing about the acquittal of a guilty man!

This is not the first time the Burns Detective Agency has been in bad repute. The late Senator Watson, of Georgia, now gone to his reward, had a very ugly story which he told about this same detective Burns. Senator Watson said that Burns was employed to go down into Georgia to help secure the acquittal of Leo Frank, who had been convicted of criminal assault and murder, and who was afterwards lynched by some citizens of Georgia. Burns sought to put that crime upon an innocent Alabama negro. The story was that a white girl was murdered in Leo Frank's manufacturing establishment. Frank was accused of the crime. The detective force of Mr. Burns—and he himself went down there—undertook to saddle the crime upon a little negro, a janitor, who was found in the manufacturing establishment, I believe, the night after the girl had been murdered. The negro was sitting near the furnace, with the door of the building wide open, sound asleep. He was the boy on whom the Burns detectives were going to unload the crime.

The girl was dead upstairs, and this negro did not even know it. Every Senator from the South who hears me knows that it would have been impossible to have kept that negro anywhere about that building if he had committed that murder; and certainly he would not have gone asleep there all alone if he had known there was some dead person upstairs. I wrote Senator Watson that the fact that the negro boy was found sound asleep sitting by the door was proof of his innocence.

Senator Watson excoriated this same Burns detective for trying to shield the guilty person and convict an innocent negro boy. The negro commits enough crimes on his own account to be punished for, including the very offense with which Leo Frank was charged, and the negro pays the penalty, and ought to pay it; but any white man who will undertake to saddle such a crime on an innocent negro is a criminal himself. The people of Georgia were so outraged at detective Burns's performance that a mob got after him and he fled for his life from that State. Yet he is the man who was here working in Mr. Sinclair's cause, hounding a jury in the city of Washington, hampering and hindering a court of justice, and helping to shield Sinclair and to ease him out of a grave crime against his country. Let the judgment against the Burns detective stand.

Mr. President, I hope that those charged with and interested in the enforcement of the prohibition law will get honest detectives who will not "frame" people, but who will diligently go about their business of convicting those who are purposely and intentionally violating the law.

Mr. JONES. Mr. President, I submit a proposed unanimous-consent agreement.

The PRESIDING OFFICER. The proposed agreement will be read.

The legislative clerk read as follows:

Ordered, by unanimous consent, That after the hour of 3 o'clock p. m. on the calendar day of February 16, 1929, no Senator shall speak more than once nor longer than 15 minutes upon the pending bill, viz, S. 2901, to amend the national prohibition act, as amended and supplemented; nor more than once nor longer than 10 minutes upon any amendment proposed thereto.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Does that provide for a limitation of debate on to-morrow?

Mr. JONES. It does.

Mr. COPELAND. Mr. President, under the rules is it not necessary that the roll shall be called for a quorum?

The PRESIDING OFFICER. No. The agreement does not provide for a final vote.

Mr. JONES. The agreement does not fix a time to vote.

The PRESIDING OFFICER. Is there objection to the agreement submitted by the Senator from Washington? The Chair hears none, and the agreement is entered into.

Mr. JONES. Mr. President, if no Senator at this time desires to speak on the bill, in view of the agreement, I move that the Senate proceed to the consideration of executive business.

WASHINGTON (D. C.) AIRPORT

Mr. VANDENBERG. Mr. President, will the Senator from Washington withhold his motion for a moment?

Mr. JONES. I withhold it.

Mr. VANDENBERG. There is a minor matter upon which I should like to have the Senate act and which will take but a moment. I should like to call up Senate Joint Resolution 216, to provide a joint committee of the House and Senate to consider the Washington airport problem. The joint resolution was reported from the District Committee this morning. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 216) to establish a joint commission on airports, which was read, as follows:

Whereas it is vital to the resources of the Capital of the United States that its airport facilities should be adequate for present and anticipated aviation needs in order that Washington's equipment in this respect should serve maximum capital requirements and reflect the Capital's national leadership; and

Whereas this important problem involves not only municipal facilities but also Federal facilities and a proper consideration of the relationships between them; and

Whereas comprehensive inquiry and recommendation require simultaneous study of such ports and fields as may be maintained for the use and benefit of the War Department, the Navy Department, the Post Office Department, the Commerce Department, and the municipality; and

Whereas this multilateral problem involves considerations ordinarily referred to several separate committees in the Senate and the House of Representatives: Therefore be it

Resolved, etc., That there is hereby established a joint congressional commission to be known as the joint commission on airports and to be composed of five Senators, appointed by the President of the Senate, and five Members elect of the House of Representatives for the Seventy-first Congress, appointed by the Speaker of the House of Representatives. The commission is authorized and directed to investigate the needs for airports and aviation fields of the War Department, the Navy Department, the Post Office Department, the Department of Commerce, and the District of Columbia, and to report to the Congress as soon as practicable but in no event later than December 15, 1929, the results of its investigation, together with its recommendations of sites, plans, and suitable allocation of costs.

SEC. 2. For the purposes of this resolution the commission, or any committee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services in reporting hearings shall not be in excess of 25 cents per hundred words. The expenses of the commission, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the commission.

SEC. 3. The commission shall cease to exist upon the submission of its report to the Congress in accordance with the provisions of this resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I renew the motion made by the Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 16, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 15, 1929

UNITED STATES DISTRICT JUDGES

Halsted L. Ritter to be United States district judge, southern district of Florida.

Alexander Akerman to be United States district judge, southern district of Florida.

POSTMASTERS

DELAWARE

Levin R. Hill, Selbyville.

LOUISIANA

Joseph C. Ballay, Buras.

MARYLAND

Roland M. White, Princess Anne.

MASSACHUSETTS

Ralph H. Parker, Framingham.
Charles G. Starratt, Ocean Bluff.

MISSISSIPPI

Walter E. Dreaden, Lambert.

PENNSYLVANIA

Alexander G. Dunlap, Delta.

WEST VIRGINIA

J. Wade Bell, Quinwood.

WISCONSIN

Milton V. Jones, New Holstein.

WYOMING

Harry J. Thompson, Parco.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 15, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most Holy and Merciful Father, manifest in us finer works than are even seen in the heavens above and in the earth beneath. So, we pray, make us unafraid in affliction and fearless in the gardens of life, where the thorns grow. Oh, wherever we are, whatsoever may be the circumstances confronting us, may we sing the jubilee of the soul, which is the music of a sweet and beautiful trust in the All-Father! We bless Thee that Thy boundless strength is our infinite tenderness. In Thee each succeeding day may our characters have their trend and our destinies their verdict. Heavenly Guide, keep us on the road of the loving heart, singing not sobbing, blessing not blighting, and thus we shall serve Thee well and wide just from where we are. In the name of the world's Saviour we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods; and

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy.

The message also announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) entitled "An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States," further disagrees to the amendments of the House to said bill, asks for further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 110) entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes."

The message also announced that the Senate agrees to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922; and

H. R. 12538. An act for the benefit of Morris Fox Cherry.

The message also announced that the Vice President had appointed Mr. SHIPSTEAD and Mr. FLETCHER members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Government Printing Office.

The message also announced that the Vice President had appointed Mr. NYE and Mr. PITTMAN members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

PROVISIONAL MISSOURI MILITIA

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 379, extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of House Joint Resolution 379, which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, be, and they are hereby, extended to include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served 90 days or more during the Civil War and were honorably discharged, and to the widows and minor children of such persons.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I do not know whether this is a privileged matter or not. I think we should have some explanation of the resolution, because it seems to be quite comprehensive.

Mr. W. T. FITZGERALD. I will read the last part of the report.

There is but a handful of the survivors of these regiments and their dependents on the pension roll at the present time and a high percentage of them are blind or otherwise incapacitated and there appears to be no just reason why the benefits of the acts as provided in this resolution should not be extended to them. It was brought out in the hearing this committee had on this resolution that the additional annual cost would be a minmum of $2,000 and a maximum of $5,000 and a conservative estimate would be about $3,000 additional per annum.

Mr. SNELL. Just who are these people and were they in Federal service or not?

Mr. W. T. FITZGERALD. They were. I will ask my colleague from Missouri [Mr. LOZIER] to make the explanation desired by the gentleman from New York.

Mr. LOZIER. Mr. Speaker, the gentleman from New York, of course, understands that our pension laws consist of a succession of acts and, in many of these acts, reference is made to the provisions and descriptive paragraphs of previous acts. During the Civil War period, under direction of the Federal Government, numerous military organizations were created from time to time in Missouri, to meet emergency conditions. One of these was the Missouri Enrolled Militia, the members of which have never been given a pensionable status under our general pension laws, and the pending resolution does not confer upon them a pensionable status. In February, 1863, a number of regiments were formed from men selected from the Enrolled Missouri Militia. These new units were known as the Provisional Missouri Militia, or Provisional Enrolled Missouri Militia, and were utilized for continuous service during the then existing emergency.

These military units, while in the service of the State of Missouri, cooperated with the Federal forces, rendering effective service, and the Federal Government furnished uniforms and equipment for these soldiers, and afterwards reimbursed the State of Missouri for all money expended for their services, thereby, in effect, recognizing these organizations as constituent parts of the Federal forces, though these Missouri Militia regiments were never formally mustered into the Regular United States Army and were not commanded by the regular United States Army officers. Inasmuch as these military units were never mustered into the United States Army, and technically were never a part of, although actively cooperating with, the Federal military forces, service in these regiments did not give a soldier a pensionable status under act pensioning persons who served 90 days or more in the military or naval service of the United States during the Civil War, and for the same reason widows of these soldiers did not originally have a pensionable status under an act which by its terms limits its benefits to widows or former widows of officers or enlisted men in the military or naval service of the United States.

But in recognition of the real service performed by these Missouri military organizations, by the act of March 3, 1873 (R. S., sec. 4722; Code of Laws of the United States, title 38, chap. 2, sec. 23), Congress extended the provisions of the general pension laws to officers and privates of the Missouri State Militia and the Provisional Missouri Militia who were disabled by reason of injuries received or disease contracted in the line of duty, while such militia was cooperating with the United States forces, and to the widows and children of any such person dying of injury received or disease contracted in service in line of duty.

It will be observed that the act of March 3, 1873, did not provide pensions for service alone, but for disabilities incurred in line of duty. But for disabilities thus contracted this act placed

members of the Missouri State Militia and the Provisional Missouri Militia in the same class and on the same basis as those who had served in the Regular Army during the Civil War period. Many members of the Missouri State Militia and the Provisional Missouri Militia were pensioned under the act of March 3, 1873.

Prior to June 27, 1890, all pensions were based, not on service but on disabilities resulting from or contracted in the service, but the act of June 27, 1890, subject to certain limitations, conferred a pensionable status on all persons who served 90 days or more in the military or naval service of the United States during the Civil War, who were honorably discharged, and so forth, and on the widows and minor children of such persons. In administering this law the Pension Bureau ruled that the provisions of the act of June 27, 1890, were not sufficiently broad to extend the benefits of that act to the officers and enlisted men who served in the Missouri State Militia or the Provisional Missouri Militia, and in order to correct this manifest injustice and extend its provisions to this group of soldiers, Congress passed a joint resolution known as the act of February 15, 1895, which was as follows:

> That the provisions of the act of June 27, 1890, be, and are hereby, extended to include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served 90 days during the late War of the Rebellion, and were honorably discharged, and to the widows and minor children of such persons. The provisions of this act shall include all such persons now on the pension rolls, or who may hereafter apply to be admitted thereto.

On the adoption of this resolution the officers and enlisted men of the Missouri State Militia and the Provisional Missouri Militia were given the benefits of the liberal act of June 27, 1890, and their widows and minor children were placed on the same footing as the widows and minor children of soldiers who served in the United States Army during the Civil War.

The act of February 6, 1907, relates to survivors of the Civil War and, like the act of June 27, 1890, did not extend its benefits to soldiers who served in the Missouri State Militia or the Provisional Missouri Militia, but it was an act solely beneficial to soldiers who had served 90 days or more in the regular military or naval service of the United States. To enlarge the beneficiaries of the act of February 6, 1907, and bring the members of the Missouri State Militia and Provisional Missouri Militia under its provisions and benefits, Congress passed another joint resolution known as the act of March 4, 1907, extending the benefits of the act of February 6, 1907, to all classes included in the act of February 15, 1895, among which were members of the Missouri State Militia and the Provisional Missouri Militia, and their widows and minor children.

The act of April 19, 1908, dealt with widows' pensions, increasing the rate from $8 to $12 per month. This increase accrued to all widows already pensioned or who might be thereafter pensioned under existing laws. Then came the act of May 11, 1912, which described its beneficiaries in substantially the same language used in the act of June 27, 1890, which was followed by a paragraph extending its benefits to all persons embraced within the provisions of the act of February 15, 1895, which, of course, included officers and enlisted men who had served in the Missouri State Militia and the Provisional Missouri Militia.

The acts of May 1, 1920, July 3, 1926, and May 23, 1928, granted pensions to "every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, who was honorably discharged therefrom," and so forth, and to the widows and minor children of such persons. It is evident that these descriptive words defining the class of soldiers entitled to pensions were not sufficiently broad to include soldiers who served in either the Missouri State Militia or the Provisional Missouri Militia, because, as I have already shown, these organizations were not technically mustered into the military service of the United States, although they were organized under an agreement between the State of Missouri and the Federal Government, cooperated with the Union forces and rendered very valuable service to the Federal Government. By the terms of these acts the beneficiaries of governmental bounty in the form of pensions were substantially restricted because certain classes of persons entitled to pensions under previous acts were not embraced in the description of the classes entitled to pensions under these three acts. So the provisions of these three acts were not extended to those who served in the Missouri State Militia or the Provisional Missouri Militia and their widows and minor children, although these classes had a pensionable status under prior acts.

In construing the act of May 1, 1920, the department held (Lewis, case 21, Pension Decisions 200) that the act of May 1, 1920, does not provide a pensionable status for widows of members of the provisional regiments of Enrolled Missouri Militia, and that the act of May 1, 1920, does not confer a pensionable status on the widow of any person on account of his services during the Civil War unless rendered as an officer or enlisted man in the Army, Navy, or Marine Corps of the United States.

It will be observed that when the act of May 1, 1920, was passed the benefits of all previous Civil War pension acts had been extended to the soldiers who served 90 days or more in the Missouri State Militia and the Provisional Missouri Militia, provided they had been honorably discharged, and to their widows and dependent children; but the provisions of the acts of May 1, 1920, July 3, 1926, and May 23, 1928, did not extend, and by subsequent act have not as yet been extended to include the soldiers who served in these two Missouri militia organizations and their widows and minor children.

I am convinced that in passing these last three acts Congress had no intention of excluding from their benefits soldiers and widows who had for many years been placed by law on an equality with those specifically described in these three acts, and who had under prior acts been recipients of the Nation's bounty in the form of pensions on an absolute equality with those included in the classes specifically enumerated in the three aforesaid acts. In view of the long-established public policy of pensioning those who served in these military units and their dependents we are justified in assuming that the omission of this class from these acts was by inadvertence. On several former occasions when a similar omission had been made in pension acts it was promptly corrected by joint resolution of Congress, and inasmuch as the adoption of the pending resolution will not add to the pension rolls a new class of beneficiaries who have not heretofore enjoyed a pensionable status, justice and sound public policy justify, and I think demand, the adoption of the pending resolution, the main purpose of which is to correct a manifest injustice and to equalize the pensions of persons belonging to the same class who are not now on the same footing, and which inequality results from some having been pensioned under one act and others under a different act.

Practically all the soldiers who served in the Provisional Missouri Militia and the Missouri State Militia, who are now living, are drawing pensions, and nearly all of the widows of these soldiers are now already on the pension rolls, but some of them are not drawing as much as others, although belonging to the same class. Some are pensioned under one law and others acquired their pensionable status under another act. Those pensioned under one law are getting $30 per month and others belonging to the same class and of the same age, who were pensioned at a different time and under a different act, are getting $40 per month.

Before May 23, 1928, all widows of Civil War veterans who were drawing pensions received the same amount, $30 per month. This included the widows of soldiers who served in the Missouri State Militia and the Provisional Missouri Militia. That is to say, prior to the act of May 23, 1928, there was no discrimination against widows of soldiers who served in the Missouri State Militia and the Provisional Missouri Militia. The act of May 23, 1928, was passed in response to a nation-wide demand for an increase in the pensions of widows of Civil War veterans. This act attempted to increase the pension allowance of all widows of Civil War veterans from $30 to $40 per month, but in drawing the bill the benefits of its provisions were limited to widows of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more, and who had married their soldier husbands prior to June 27, 1905, and who had then attained or may hereafter attain the age of 75 years, and who were pensioned under the general pension laws. It is apparent that this act was not sufficiently broad and comprehensive to include soldiers who served in the Missouri State Militia or Provisional Missouri Militia or their widows and minor children for the reasons I have heretofore enumerated.

I am quite sure the scrivener who drafted the act of May 23, 1928, had before him one of the former pension acts that limited its benefits to those who served in the Regular Army, Navy, or Marine Corps. I do not think that the failure to include widows of soldiers of the Missouri State Militia or Provisional Missouri Militia was intentional, as theretofore Congress had firmly established the policy of placing the widows of the soldiers of these Missouri organizations on exactly the same footing as widows of persons who served with the regular military, naval, or marine forces of the United States during the Civil War period. The act of May 23, 1928, was evidently intended to liberalize and increase the pensions of all widows who have attained or may hereafter attain the age of 75 years, and in enacting this law, I am confident that no Member of Congress understood that the benefits of the act were to be withheld from certain widows who had previously been on an exact equality

with the widows who are beneficiaries under the act of May 23, 1928. As similar mistakes and omissions in the past had been twice remedied by the adoption of the joint resolutions of February 15, 1895, and March 4, 1907, so the pending resolution will correct and cure the omission and mistake in the acts of May 1, 1920, July 3, 1926, and May 23, 1928.

I am sure no one will contend that by employing the language that was used in these last three acts, Congress intended to discriminate against the widows of soldiers who served in these two Missouri military units, and these acts did not indicate a deliberate departure from the theretofore well-established policy of placing all Civil War widows entitled to pensions on an equality without reference to the particular organization in which their soldier husbands served.

It is a reasonable inference that the draftsmen who drew the last three acts, in attempting to enumerate the classes that would get the benefit of an increase in pension, by inadvertence, failed to use language descriptive of the classes sufficiently broad to include those who have a pensionable status by reason of a soldier's service in the Missouri State Militia or the Provisional Missouri Militia.

Mr. SNELL. There are no new names added to the general law by this resolution?

Mr. LOZIER. I will say to the gentleman from New York that this is the situation, inasmuch as the Missouri State Militia and the Provisional Missouri Militia actively cooperated with the Federal forces, they were given a pensionable status as far back as 1873. Later their widows and minor children were given the benefits of our pension laws. Our pension policy is reflected in numerous acts passed from time to time, and generally speaking, each act was more liberal than the previous ones. In many of these acts reference is made to previous acts or to a group or class pensioned by preceding acts. Some of these acts seem to have been loosely drawn, and fail to enumerate certain groups who had previously been granted a pensionable status under former enactments. These three acts mentioned in the pending resolution gave additional benefits to a certain class of pensioners, but failed to give these same benefits to another class of pensioners.

Mr. SNELL. And this is to give added benefits to men who are now drawing pensions?

Mr. LOZIER. Yes; and to equalize pensions and prevent discrimination. This resolution, if adopted, will equalize the benefits and place the persons who belong to the same general class or group on exactly the same basis.

Mr. SNELL. How many men does this apply to?

Mr. LOZIER. I can not speak with certainty as to the number of persons that will be affected by this bill, probably less than 200. Yes; probably less than 100, but I can not indicate the exact number. Its chief effect will be to place all pensioned widows who have reached the age of 75 years on the same footing. Some now get $40 per month and others only $30. Widows of soldiers who served in the Missouri State Militia or the Provisional Missouri Militia and who are 75 years old, are now drawing only $30 per month. If this resolution is adopted these widows who have reached the age of 75 years will get $40 per month—the same amount that is now being paid to widows of soldiers who served as a part of the regular military or naval forces of the United States.

It was shown by the hearings that there is but a handful of persons who will be benefited by this act and it was estimated that the additional annual cost to the Government would range from $2,000 to $5,000, or a probable average additional annual cost of $3,000.

The SPEAKER. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, why does this resolution apply to the Missouri State Militia and not apply to the militia of Kentucky?

Mr. LOZIER. I understand that Missouri is the only State in the Union where the militia of this particular class, under their own officers, and under an arrangement with the War Department, cooperated with the Federal forces. I do not understand that the militia of Kentucky was organized on the same basis as the Missouri State Militia or the Provisional Missouri Militia, or under a similar arrangement between the State and the Federal Government.

Mr. KINCHELOE. I beg the gentleman's pardon. That is not a correct statement.

Mr. LOZIER. Kentucky, West Virginia, and some of the other border States organized militia companies known as home guards, but I do not think they were organized on the same basis as these Missouri regiments, nor did they cooperate with the Federal armies in the same way. I am not sure that any of these military units have been brought under the provisions of the general pension laws, but most of them, like the Enrolled Missouri Militia, have not yet been given a pensionable status. I will say to the distinguished gentleman from Kentucky that I think the time is ripe to extend the benefit of our general pension laws to the soldiers who served in the Enrolled Missouri Militia and in similar militia companies in the States of Kentucky and West Virginia and to the dependents of these soldiers. I will be glad to cooperate with the gentleman from Kentucky in securing a pensionable status for these old militiamen and their dependents. Only a few of these old soldiers are left, and, in view of our liberal pension policy, I think that these soldiers, their widows, and minor children should be given a pensionable status.

Mr. KINCHELOE. The militiamen of the State of Missouri were never nationalized and were never in the Union forces.

Mr. LOZIER. The gentleman from Kentucky is correct, but the Provisional Missouri Militia and the Missouri State Militia both during and since the war were recognized by the Federal Government as being on a different basis than the Enrolled Missouri Militia, soldiers of which latter organization have never been given a pensionable status. And this resolution does not give a pensionable status to the members of the Enrolled Missouri Militia, though, as I have already stated, I believe the time has come when the members of these organizations and their dependents should be given the benefit of our beneficent pension policy.

Mr. KINCHELOE. Why did they call them "provisional"? In other words, why is it that the militia of Kentucky and West Virginia have not been placed on the provisional roll?

Mr. LOZIER. They were called "provisional" militia because they were provided for an immediate service and to meet an urgent necessity. Some of these West Virginia and Kentucky militia companies, like some of the Missouri militia companies, were not organized under an agreement between the States and the Federal Government and did not cooperate with the regular Federal forces in the same manner or to the same extent that these Missouri units cooperated with the regular troops of the United States. As I have stated, we have in Missouri quite a number of men who served in the Enrolled Missouri Militia, and they probably have the same status as your Kentucky militiamen, and they have not been given a pensionable status. As far back as 1873, when the character and extent of the services rendered by the several militia companies in the several States were well known, the Federal Government, recognizing the superior claims and superior service of the Missouri State Militia and the Provisional Missouri Militia, granted the members of these organizations a pensionable status. The character of the service rendered by these different military units was then fresh in the minds of the American people, and this explains why Congress recognized the distinction as far back as 1873, when it granted a pensionable status to those who served in the Missouri State Militia and the Provisional Missouri Militia and withheld these pension benefits from those who served in the militia companies of Kentucky and West Virginia.

Mr. KINCHELOE. How long have these provisional enrolled soldiers of Missouri had a pensionable status?

Mr. LOZIER. Since the act of March 3, 1873.

Mr. KINCHELOE. How many on the pension rolls from the Provisional Enrolled Militia of Missouri?

Mr. LOZIER. I can not answer the gentleman exactly, but nearly all of these old men are gone. Quite a number of their widows still survive, and it is my understanding that the Pension Bureau states that this resolution will only affect a handful of these soliders and their dependents, and that the additional expense to the Government will probably amount to about $3,000 annually.

Mr. KINCHELOE. I was not so much interested in that part of it as I was because it strikes me on the face of it, it is a discrimination.

Mr. LOZIER. As the gentleman well knows, all the pension acts, beginning right after the Civil War, made 90 days' service in the United States Army, under United States Army officers, a condition precedent for the granting of pensions.

Mr. KINCHELOE. And these provisional soldiers about whom the gentleman speaks now, had that status?

Mr. LOZIER. They were given a pensionable status by the act of March 3, 1873.

Mr. KINCHELOE. I remember that since I have been in Congress there was a bill proposed to give all the members of the home guard, as we call them in Kentucky, a pensionable status, and I recall that former Speaker Clark left the chair and made a speech here on the floor in favor of it. It passed the House, but was killed in the Senate.

Mr. LOZIER. Yes; I think the bill to which the gentleman from Kentucky refers was a bill to give a pensionable status to those who served in the Enrolled Missouri Militia, but those

soldiers have never been given a pensionable status, and the pending resolution does not give them a pensionable status.

Of all the States that suffered from border warfare during the Civil War period, Missouri was probably most devastated by the rip tides and cross currents of the opposing armies of the North and South. The Union and Confederate forces alternately swept across the State, leaving woe and desolation in their wake. It was to meet this situation that the Federal Government created the Department of the West and the Department of the Missouri, and by the act of March 25, 1862, Congress provided—

That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the Department of the West or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

This act further gave these officers and privates a pensionable status when wounded or incapacitated for service.

The act of March 25, 1862, placed those who served in Missouri Militia organizations (whose services were accepted, and who were actually used by the generals in command of the Department of the West or the Department of the Missouri, although not actually mustered into the Army of the United States) on a different basis than those who served in militia organizations in other States. They were given this preferred and pensionable status if their services were accepted and actually employed by the generals in command of the Department of the West or the Department of the Missouri.

Mr. TILSON. Is the gentleman ready to assure the House that this joint resolution does not enlarge the class that now draws pensions?

Mr. LOZIER. Yes; this resolution adds no new class to the pension rolls. It will in some instances increase the allowance and remedy present discriminatory conditions. It does not give a pensionable status to any group or class of soldiers or their dependents who have not heretofore had and who do not now have a pensionable status.

Mr. TILSON. But it enables the members of the said class to take advantage of more recent laws. Is that the case?

Mr. LOZIER. Yes; the statement of the gentleman from Connecticut is correct. This resolution extends to the survivors of the Missouri State Militia and the Provisional Missouri Militia who rendered service during the Civil War and their dependents, who now have title to pension under existing law, the advantage of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928. Under the present law these survivors are receiving $50 per month, and by extending the benefits of these acts to them they will be automatically increased to $65 per month, with further increase to $72 and $90 per month in case of partial or total disabilities. The widows of the Missouri State Militiamen and the Provisional Missouri Militiamen who have title under existing law now receive $30 per month. This will increase them to $50 per month under the provisions of the act of July 3, 1926, if married to the soldier prior to or during the period of his service during the Civil War.

It also allows them the benefits of the provisions of the act of May 23, 1928, increasing their pensions from $30 per month to $40 per month if they have or may hereafter attain the age of 75 years. All widows must show their husbands rendered 90 days or more military service and were honorably discharged from all contracts of service, or, regardless of the length of service, were discharged for or died in service of a disability incurred in the service and in the line of duty, and that they were married to the late soldier prior to June 27, 1905.

As I have stated, there are two precedents extending the benefits of existing pension laws to the survivors of the Missouri State Militia and the Provisional Missouri Militia and their dependents. The first was a House joint resolution approved February 15, 1895, and the second was a House joint resolution approved March 4, 1907. I have already explained these resolutions in detail. The pending resolution extends the benefits of the acts of May 1, 1920, July 3, 1926, and May 23, 1928, so as to include the officers and privates of the Missouri State Militia and the Provisional Militia and their widows and minor children, just as House joint resolution, approved February 15, 1895, extended the provisions of the act of June 27, 1890, to these classes, and just as House joint resolution, approved March 4, 1907, extended the benefits of the act of February 6, 1907, to these same classes.

Mr. CANNON. Mr. Speaker, the only criticism that can be made of this bill is that it does not go far enough. It should also provide a pensionable status for all who served during the Civil War in the Missouri Militia and the Provisional Enrolled Missouri Militia and their survivors. Thousands of loyal citizens of the State enlisted in these organizations, were armed and equipped by the Federal Government, commanded by Federal officers, fought side by side with Federal troops, and the State of Missouri has since been reimbursed for their services by the Federal Government. But because in the turmoil of war they did not happen to be sworn into the Federal service, that technicality has excluded them and their widows from the benefits of the pension laws enjoyed by their comrades, who rendered no greater service, endured no greater hardships, and contributed no more loyally to the preservation of the Union. It is to be hoped that in the near future their patriotic services will be recognized by legislation giving them equal pensionable status. But in the meantime this bill is a step in the right direction. It allows veterans who are now limited to a pension of $50 per month the advantage of recent enactments providing for increases to $65 per month, with a further increase to $72 and $90, respectively, in case of partial or total disabilities. It also permits widows now receiving $30 per month to take advantage of recent legislation authorizing increases to $40 and $50 per month, depending on date of marriage. For this reason the bill should be passed. It is to be hoped that it will also serve to call attention to the need for additional legislation providing for other members of Missouri organizations whose services in the war entitle them to the same consideration but who have for more than half a century been deprived of this deserved recognition.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. W. T. FITZGERALD]?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and disposition of matters on the Speaker's table, I may be permitted to address the House for 30 minutes.

Mr. TILSON. Mr. Speaker, the Consent Calendar is a very heavy one, and I am loath to allow the gentleman to take 30 minutes on Consent Calendar day.

Mr. CONNERY. I will modify my request and ask for 20 minutes.

Mr. SNELL. What is the matter with to-morrow?

Mr. TILSON. Will the gentleman be ready to-morrow?

Mr. CONNERY. No; I am not ready for to-morrow, but I will be ready for Monday or Tuesday.

Mr. SNELL. Tuesday is to be a full day for the Committee on the Merchant Marine and Fisheries. They have two bills that will take the entire day, Mr. Speaker. It would be all right to-morrow.

Mr. CONNERY. All right, Mr. Speaker. I will try to be ready to-morrow, and will change my request and ask for 30 minutes to-morrow.

Mr. TILSON. So far as I am concerned the gentleman can have as much time as he needs to-morrow.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of matters on the Speaker's table, he may address the House for 30 minutes. Is there objection?

There was no objection.

IMMIGRATION

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 318, a privileged resolution, which I send to the Clerk's desk to have read.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution the Committee on Immigration and Naturalization shall have one legislative day for the consideration of the following bills:

H. R. 16927, to clarify the law relating to the temporary admission of aliens to the United States.

H. R. 16926, granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science.

S. 5094, making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

That after general debate on each bill, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, each bill shall be read for amendment under the 5-minute rule. In the case of the bill S. 5094, it shall be in order to consider without the intervention

of the point of order, as provided in clause 7 of rule 16, the committee amendment recommended by the Committee on Immigration and Naturalization now in the bill, and such committee amendment for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of the reading of each bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on each bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this rule makes in order three bills reported favorably by the Committee on Immigration and Naturalization. The bills are a bill to clarify the law relating to the temporary admission of aliens to the United States, a bill granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science, and a bill making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

I might state that the so-called Schneider bill or naturalization bill is not in issue, neither is the Box quota bill.

This rule simply permits the consideration of these bills under the general rules of the House, permitting one hour general debate on each bill, with the exception that in the consideration of the Senate bill (S. 5094) the amendment which has been suggested by the committee may be considered without being subject to a point of order.

These are immigration bills and will be fully explained by the Immigration Committee when being considered.

Is any time desired in opposition to the rule?

Mr. O'CONNOR of New York. Yes; I would like to have some time.

Mr. MICHENER. How much?

Mr. O'CONNOR of New York. Fifteen minutes.

Mr. MICHENER. I yield to the gentleman from New York 15 minutes.

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen of the House, it has been said around this Chamber that these three bills are perfectly innocent and do not involve much controversy. The Rules Committee has reported this rule for consideration of these three bills at this short session of Congress. Some of us who shall listen to the debate on the bills will be anxious to find out just what emergency prompted their being brought in under a rule when so much important legislation is still pending in this short session.

During the six years that I have been in the House, and during all that time I have been on the Rules Committee, I have always had grave doubt about any immigration bill which was presented to this House. It is not so much the particular provisions of any immigration bill as it is the spirit behind the bill with which I am deeply concerned. Here to-day I want to discuss that spirit which I believe pervades our country to an alarming extent, and I want to discuss it without any thought of the past or recent events. I approach it looking to my country's future.

I believe that there are many people in this country to-day who fear that these United States of ours is the most intolerant, narrow-minded nation on the globe. I am not going to use any bromides about loving my country. That is the gratuitous mouthing of a demagogue. If I think my country is wrong, I propose to criticize it in its own citadel. I will defend it against attack from without, but I reserve the right to criticize it from within. I fear there is a spirit pervading our country to-day reflected in these immigration bills that is a menace to the country—a spirit of intolerance and bigotry not only to religions but to races.

Take the first bill, relating to the deportation of alien criminals. Has anybody ever said anything here about establishing a penal colony for the deportation of citizen criminals and putting out of the country the criminal citizen?

Take another bill before us to-day, the Box bill, relating to immigrants coming over our borders. It represents a spirit of superior intolerance to our neighbors on the north and south.

Oh, I do not like the spirit behind all these measures. There seems to be a spirit of bigotry and intolerance in America directed at the races of the rest of the world that surely is un-American. There are certain people in our country who believe that no other race on the face of the globe can be compared in education, in culture, in respectability to the inhabitants of the United States.

Let me state here, gentlemen, not in order to say anything sensational but to bring the truth forcibly before this body: Take a railroad train and go through the South, through the West, through the North, and in the outlying sections of the country look at what we call our own people, who have not had the opportunities of the people in the big cities. You will see American people of the Nordic races, you will see people whose forefathers were here 300 years ago, but you will see them in the lowest state of civilization. Is that the type to which you refer when you speak of the "American blood" in America? Yes; you will see them in rags and tatters; you will see them unkempt, uncultured, uneducated, and uncouth.

Then I suggest you take an automobile and ride through the so-called foreign sections of the big cities and see these foreign people whom you hate so vehemently. Look at their children going to school in droves, seeking every opportunity for education, eager to acquire and to assimilate all the customs and habits of our country. See them going through the grammar schools, the high schools, to the colleges, from Harvard to Stanford, eager to become a part of America and of its institutions.

Let me make this assertion here, after due consideration, that I believe that the foreigners in this country to-day on the whole furnish better material for citizenship than many of the so-called American types living in outlying sections of the country.

Oh, I do not consider that an attack on my country. Every one of these bills is directed at one or a few particular races. Why is that spirit rampant in America? It is daily commented upon in colleges in nearly every issue of the current magazines.

How long can demagogues in all political parties continue to preach this doctrine of saying "America for Americans only" and further foment this vindictive intolerance evidenced by these bills? It surely must result in damage to our country. It is a spirit of vindictiveness against anybody whose ancestors were not born here 300 years ago. I do not care what its effect is in elections, but I do care what effect it is going to have on our country in the future.

Where is this doctrine being preached? On the political stumps by demagogues. But, more than that, this doctrine of intolerance of "American" narrow-mindedness is being preached in the pulpits of our churches, from the rostrums of small communities where people go to learn the thought of their communities. This doctrine is being propagated through the country by what I believe to be an ignorant, uneducated, cleric party, and I have no hesitation in saying it.

I further have no hesitation in saying that the preachers of intolerance, and I am talking principally about intolerance to races, are the most uneducated of any profession in America; that the clergy of America are the least educated of any profession in America, but they have the most powerful influence of any profession in America. They get a smattering of general knowledge, a little ecclesiastical training, but no broad vision, and then they go into a community and try to shape the thought of that community and preach that the Italian, the Jew, the Irish, the German are not fit to live in America. That is the danger to America. The country is flooded I might say with "Elmer Gantrys" preaching an un-American doctrine. Many Members are as afraid of an immigration bill as they are of a prohibition bill. They fear what will be said about them at home if they take a position in opposition to them. The preachers will attack them.

It is not a bad rule in approaching legislation to "beware of the Greeks bearing gifts," to see what spirit is behind the legislation.

These three bills are not needed now, but they will go to credit some men here in their districts with having furthered the cause of intolerance. I am as much interested in this question of restrictive immigration as anybody else, but I do not want America to become so narrow that it feels that these people of the Old World can not furnish something to this country. They have, in fact, furnished a great deal it has to-day. This smug nationalism is the greatest snobbishness that any nation could wear on its countenance in facing the rest of the world. Much we have in this country to-day we owe to the immigrants who came here from the Old World. Everyone knows the spirit behind the 1924 immigration law, directed principally at two peoples, the Italians and the Jews. That spirit of the Ku-Klux Klan has continued to persist. The same spirit I believe pervades these three bills here to-day—the sanctimonious, self-opinionated conceit that nobody else except the natural-born American, whatever he may be, is fitted to enjoy our present-day America.

I am not so much interested for the moment in what happens in immigration legislation. Perhaps immigration should be regulated. Perhaps we should close the doors. But I do detest the giving of false economic reasons to disguise intolerance. I regret to see labor deceived and deluded by false eco-

nomic reasons advanced, when I feel confident that the spirit behind the whole question is mean and contemptible and, worst of all, un-American. [Applause.]

REGULATING THE HEALING ART IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3936) to regulate the practice of the healing art, to protect the public health in the District of Columbia, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill (S. 3936) to regulate the practice of the healing art in the District of Columbia, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. ALMON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Maryland in reference to the House amendment known as the Johnson amendment, whether he will bring that back to the House, if necessary, in order to have it incorporated in the bill as a part of the bill, and give the House an opportunity to vote upon it? The amendment was adopted by a considerable majority. I do not think it would be fair to the House for the House conferees to recede without giving the House an opportunity to vote upon it.

Mr. ZIHLMAN. Mr. Speaker, there are only two amendments. It is true there are three, but one of them is a corrective amendment of the text. Necessarily, the conference report would come back to the House for action.

Mr. ALMON. But if the conferees receded on this amendment and brought back the conference report, we would have to vote the conference report up or down.

Mr. ZIHLMAN. Mr. Speaker, I do not understand what the gentleman desires.

Mr. ALMON. I mean this: Rather than recede from the House amendment known as the Johnson amendment, that the gentleman give the House an opportunity to vote on it before receding. It is a very easy question to answer yes or no.

Mr. ZIHLMAN. I do not see how the conferees could agree to bring it back for further instructions. We will bring back the conference report.

Mr. ALMON. I think the gentleman should agree to give the House an opportunity to vote upon it again rather than to let it go out.

Mr. ZIHLMAN. The gentleman presumes that the conferees are going to let that go out. The conferees are bound by the action of the House and they represent the will of the House. We will insist upon the House amendments and my unanimous-consent request carried with it the provision that we insist on the House amendments.

Mr. ALMON. I hope that the House conferees will insist on the Johnson amendment.

Mr. ZIHLMAN. We hope to bring the bill back with the House amendments agreed to by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. ZIHLMAN, Mr. BOWMAN, and Mr. BLANTON.

IMMIGRATION

Mr. SABATH. Mr. Speaker, I desire to propound an inquiry to the gentleman from Michigan. Does this rule provide that one hour of general debate shall be on each of these bills or one hour on all the bills combined.

Mr. MICHENER. On each bill.

Mr. SABATH. That is the information I desired.

Mr. MICHENER. Mr. Speaker, there being no further debate on the rule, I move the previous question.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

TEMPORARY ADMISSION OF ALIENS TO THE UNITED STATES

Mr. VINCENT of Michigan. Mr. Speaker, under the rule just adopted by direction of the Committee on Immigration and Naturalization, I call up the bill H. R. 16927 for consideration.

The SPEAKER. The gentleman from Michigan calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16927) to clarify the law relating to the temporary admission of aliens to the United States

Be it enacted, etc., That section 3 of the immigration act of 1924 (U. S. C. title 8, sec. 203) is amended by inserting "(a)" after the section number and by adding at the end of the section a new subdivision to read as follows:

"(b) For the purposes of clause (2) of subdivision (a) of this section no alien shall be considered as visiting the United States temporarily as a tourist or temporarily for business or pleasure (1) if he is coming under an agreement already made, express or implied, to engage in or resume employment by a person in the United States, or employment in any business or industry of the United States whether or not the employer is a citizen or resident of the United States, unless in either case he would, if an immigrant subject to the contract-labor provisions of the immigration act of 1917, come within the specific exemptions of such provisions, or (2) if he is coming to seek employment in the United States."

Mr. VINCENT of Michigan. Mr. Speaker, will the Speaker call my attention when I have used 10 minutes?

Gentlemen of the House, this bill is not for the purpose of making any drastic change in the immigration law. It is for the purpose of making certain and clear the intent of the Congress with respect to one point of the immigration law of 1924, in view of certain court decisions which the committee believes have departed from the real intent of the Congress. When the immigration law of 1924 was adopted it was found necessary to permit certain persons to enter the United States as nonimmigrants. Those classes of persons were clearly set forth in the immigration law.

The classes of nonimmigrants, that is, persons who were not to be treated as immigrants at all, but who could come into the United States temporarily because they were not immigrants, were set forth in section 3 of the immigration law, and they are made up of six different classes of persons. The first class is the government official, his family, attendants, servants, and employees. That is, those who come here to represent another country as officials of that country are not immigrants to this country. Second, an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure. Those people were not to be considered as immigrants. They could come in for a brief limited period and then depart without undergoing the rules and regulations of quota, and so forth, that govern immigrants. The third class was the alien in continuous transit through the United States. That is, if a man came from a foreign country and landed at New York, but his destination was Montreal, Canada, he could pass through the United States without becoming an immigrant to the United States. Fourth, an alien lawfully admitted to the United States and who later goes in transit from one part of the United States to another through a foreign contiguous territory. That is, an immigrant admitted lawfully to this country, living in Buffalo, but passing to Chicago across the lower part of Canada, did not become an immigrant again when reaching the United States at Detroit, and so forth. Now trouble has arisen with respect to the second class that I named, that is, the alien visiting the United States temporarily as a tourist or temporarily for business or pleasure. Certain persons have come to the borders of the United States and claimed the protection of this clause 2 as nonimmigrants on the ground that they were intending temporarily to enter the United States for business. That business in each of these instances has consisted of this, either going into the United States to engage in a job of labor or some employment for which they have a contract, or, second, going into the United States to hunt for a job as a laboring man, or in some such employment. It was never the thought of the Committee on Immigration and Naturalization that a person coming into the United States to take a job, or to go about the country hunting for a job, was engaged in business. The intention the committee had is clearly expressed in its debates, and that was that we should not raise around the United States a Chinese wall through which business men, engaged in trade and having one part of such trade in a foreign country and the other part in this country—international commerce—ought not to be deprived of entering the United States temporarily for the purpose of carrying on a legitimate, substantial business which had, as I have said, a part of its situs in this country and part in another country.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield there for a question?

Mr. VINCENT of Michigan. Certainly.

Mr. MORTON D. HULL. Does this affect those coming into this country as teachers in schools and colleges and preachers?

Mr. VINCENT of Michigan. This provision has no reference to them. That is covered by another provision of the immigration act.

Now, then, a short time ago certain persons entered the country first at Detroit and then at Buffalo, and when they were excluded from entering they brought suit in the Federal court on the ground that they were entering under this clause 2 of this provision. They contended that they were entering temporarily for business. That "business" consisted in many of these cases of coming into the United States to take a job as a laboring man, a job that had already been contracted for, and the court, in the second circuit court of the United States, Judge Manton, ruled that such person entering the United

States to take a job was entering the United States temporarily for business under the provision I have read to you. That has been followed by another case, where a man who appeared at the border formally stated that he had no job, and had had no opportunity to search for one, but that he had entered the United States temporarily for business, with the purpose of looking around the United States to get a job. The court held that this also came within the provisions of the law with reference to business.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield there?

Mr. VINCENT of Michigan. I would rather be allowed to make a consecutive statement, if I may.

Those people came from Canada. The action of the court applies to them, no matter from what country they came to Canada. One case arose where a gentleman who came from a foreign country in an ocean steamship to New York claimed he had the right to enter the United States for business, that business being to hunt for a job. The court has ruled that he could come in under this provision. Up to date almost 2,000 aliens have entered the United States under these and similar court rulings, either to take a job or to look for one.

Now, the purpose of the committee in bringing before the House for consideration this particular bill is to cure the situation which we feel has arisen under these court decisions. This draft of the proposed bill is the result of most careful study not only on the part of members of the committee but on the part of those experts consulted by the committee who have helped us in making this draft. It provides that for the purpose of clause 2 of subdivision (a) of this section no alien shall be considered as visiting the United States——

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. VINCENT of Michigan. Mr. Speaker, I will yield myself five minutes more.

Visiting the United States temporarily as a tourist or temporarily for business or pleasure, under either of two circumstances: First, if he is coming to take an employment already entered into, express or implied; second, if he is coming to seek employment in the United States.

Under the first provision, coming in to resume or to take employment that has already been expressly or impliedly agreed upon, there has to be a certain limitation, which is contained in this proposed bill, because we have a contract labor law that has certain exceptions to it which have been found necessary by the Congress, and the limiting phraseology in this first portion of this paragraph is designed to save the validity of these exceptions to the anti contract-labor provisions of the law.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield there?

Mr. VINCENT of Michigan. Yes.

Mr. DICKSTEIN. Is it not a fact that you can deport the very people who are attempted to be excluded by this bill under the act of 1920 and 1922?

Mr. VINCENT of Michigan. The gentleman suggests that at the end of the time of their temporary visit they may be deported if they remain over that length of time. I have suggested to the House that almost 2,000 people have been admitted to the United States or ordered admitted under court procedure under this loophole recently discovered. There are 2,000 already in, for the Department of Labor to try to keep track of, in the 3,000 miles that span this country from ocean to ocean, with the right to go to any part of it at any time they see fit under this court proceeding, and it seems to the committee, or to most of the committee, that it is better to stop the practice at the border than to try to hunt up the so-called "travelers" that have been admitted after the six months have expired.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. LAGUARDIA. Are the provisions of this bill sufficiently broad to apply to aliens coming from Mexico?

Mr. VINCENT of Michigan. They apply to both land borders of the United States, and also to the sea borders. It is not to be expected that so many visitors will arrive at the sea border, but the provision applies to all the borders of the United States.

Mr. LAGUARDIA. Do you think this bill will cure it?

Mr. VINCENT of Michigan. I think it will greatly relieve it.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. BRIGHAM. On the borders, both the Canadian and the Mexican, we have this condition, that citizens domiciled in Mexico and in Canada come daily across the border for employment in this country. What will be the effect upon them?

Mr. VINCENT of Michigan. If a person is domiciled in a foreign country—as, for example, in the case of Windsor, Canada—under this provision before he can continue to operate in any employment in Detroit he must comply with the law and be allowed to enter the United States as a quota immigrant or as an immigrant. Then, after he has received permission to enter the United States as a permanent immigrant, he is allowed under the law the right to depart at any time to a foreign country for not more than six months without losing his right to remain in the United States. So that if he wishes to have his house across the river in Canada and come in each morning to his work, after he has complied with the law, there is nothing in this provision that will prevent him from doing that.

Mr. BRIGHAM. If a person is a citizen of Norway, for instance, domiciled in Canada and comes across the border for employment in this country, in that event he would have to come as a quota immigrant under the Norwegian quota, would he not?

Mr. VINCENT of Michigan. He would.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. VINCENT of Michigan. Does the gentleman from Illinois desire some time?

Mr. SABATH. Yes. As I understand the rule, the time is to be equally divided, 30 minutes on each side.

Mr. JOHNSON of Washington. If the gentleman will permit, this particular bill is not contentious.

Mr. SABATH. But that is the rule, and I always believe in living up to the rules of the House and the laws and regulations. That has always been my position.

Mr. JOHNSON of Washington. Can the gentleman get along with 20 minutes?

Mr. SABATH. If I can, I will; but Judge Box is on this side, and as this is his bill he is entitled to some time.

Mr. VINCENT of Michigan. If the gentleman will permit, I desire to be entirely fair with him. I intend that he shall have time to speak and that the gentleman from Texas shall have time to speak. How much time does the gentleman desire?

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR of New York. Under the terms of the rule is it necessary for any agreement as to time? If the gentleman from Illinois is opposed to the bill, he is by right entitled to one-half hour.

Mr. VINCENT of Michigan. There is no objection on my part to that, and if the gentleman from Illinois desires that time, I will be glad to yield 30 minutes to him.

Mr. O'CONNOR of New York. But, Mr. Speaker, the gentleman is not yielding anything.

The SPEAKER. The Chair will state that this is a rather peculiar rule and it does not seem to be according to the usual rules. This is a House Calendar bill, and under the procedure of the House the gentleman from Michigan, having been recognized by the Chair, would have control of one hour and can do what he pleases in that hour. He can move the previous question or yield time for debate, but as this rule provides that one hour shall be equally divided between those favoring and those opposing the bill, that would supersede the ordinary rule to the extent of debate. The Chair thinks the gentleman from Michigan would retain control of the floor for the purpose of making such motions as he desires to make, and he only could do so. There is nothing in the rule which provides that any one particular person shall control the time, so that the Chair could recognize, in his discretion, any gentleman who was opposed to the bill and asked for recognition for one-half hour.

Mr. O'CONNOR of New York. Without any necessity of yielding time by the other side?

The SPEAKER. The Chair thinks that would be the proper way to proceed.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. I assume from the proceedings that have been had up to date on this bill that the Speaker holds that it is not necessary under the rule to go into the Committee of the Whole to consider these bills.

The SPEAKER. As to the first bill.

Mr. MAPES. And to that extent ignores the language of the rule which says that at the close of the consideration of each bill the committee shall rise and report the bill to the House.

The SPEAKER. Well, those bills are Union Calendar bills, and a motion would be necessary for the House to resolve itself into the Committee of the Whole House. This is a House Calendar bill.

Mr. MAPES. But the language of this rule says that at the conclusion of the reading of each bill mentioned in the rule the committee shall rise.

The SPEAKER. The Chair would think that only referred to Union Calendar bills. Obviously we are not in the Committee of the Whole, and this bill must be considered in the House.

Mr. MAPES. So the Chair interprets that language as not meaning exactly what it says?

The SPEAKER. Quite so. In construing the rule it is necessary to assume that it does not mean what it says. The Chair recognizes the gentleman from Illinois [Mr. SABATH] for 30 minutes.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker and Members of the House, I do not quite follow the remarks made by the member of the committee, the gentleman from Michigan [Mr. VINCENT].

If a man enters this country for business purposes and it is found while in this country he is doing some other kind of work, there are certainly sufficient provisions in the deportation law to put him out. Now, how can we physically determine what he is going to do until he actually gets into the United States?

If a man should go before a consul—referring now to Montreal—and say, "I want to go to the United States for the purpose of business," what evidence has the consul that he will do anything else but that thing which he is speaking about, namely, that he is going to do some sort of business which he has the right to do under the treaty between the two countries?

After he gets here and it is found he is engaged as a hod carrier or as a laborer, there is enough in the deportation law to grab that man and throw him out. In other words, the man changes his status; and no person has a right to change his status; and under the present law even the Commissioner of Labor can not change your status once you are in here for business purposes or for pleasure.

Mr. VINCENT of Michigan. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. VINCENT of Michigan. Does the gentleman mean to say that under the court holdings that have been referred to, if a man is found laboring in this country he is immediately deportable? Have not the courts, on the contrary, held that that is business and therefore he is protected?

Mr. DICKSTEIN. In the first place, how can we find out what a man is going to do until he is actually in the United States and we see what he does? Suppose a man comes into the United States and does the very thing that he said he would do before the American consul, and that is that he is engaging in some business; and let us assume that the next day he abandons that business and goes to work as a laborer. How can we actually know these facts until this man actually gets in here? We can not determine these things while the man is crossing the border.

Mr. GIFFORD. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. GIFFORD. Would a young woman coming from Canada into my city, where perhaps 40 per cent of the population are from Canada, to act in the capacity of a nurse for a distant or near relative be debarred from coming in if she were to say when applying to be admitted that she is coming for a small consideration to look after a relative?

Mr. DICKSTEIN. Yes. Under the present law she would be here under the contract-labor provision. It is a clear-cut case that the gentleman has illustrated; but that lady can come in here for the purpose of visiting and say nothing about compensation and take care of her relative or as many relatives as she wants to, but the moment she tells the American representative at the point of entry that she is coming here for the purpose of engaging in labor, under the present law she is under mandatory exclusion.

Mr. GIFFORD. Under this amendment she will be asked that and will have to say so.

Mr. DICKSTEIN. You are assuming a state of facts that does not appear in this record at all.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. In just a moment. What we should do in this case, if we want to fix the law and put the law where it should be, is to put Canada under the quota and let each person enter the United States accordingly.

Mr. VINCENT of Michigan. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. VINCENT of Michigan. The gentleman said that a nurse coming in under the situation presented by the gentleman from Massachusetts would fall afoul of this provision. Nurses are under the exceptions of the contract labor law and therefore are particularly excepted.

Mr. GIFFORD. I did not mention a nurse.

Mr. DICKSTEIN. Prior to the act of 1924 a nurse or a lawyer or a doctor was exempt from the quota. In the act of 1924 we eliminated all professions.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. The gentleman from Massachusetts [Mr. GIFFORD] inquired about a person coming from Canada. Canada is not under the quota and therefore a nurse can come in under the exemption of the contract labor law.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the purpose of this bill, clearly, is to meet a situation now existing concerning countries that do not come under the quota. I think I am correct in that.

Mr. BOX. It applies to others, too.

Mr. LAGUARDIA. It applies to others, but the cases of violation of the visitors' privileges from countries coming under the quota are individual cases. From Canada and Mexico you have wholesale and daily abuse of that privilege.

I want to point out to the Committee on Immigration that there is only one way to cure that situation, as suggested by my colleague from New York, and if you want to be perfectly fair about this, if you are really intent and bent upon protecting American labor, the way to do it is to put Mexico and Canada under the quota. [Applause.]

The trouble, gentlemen, is this. I have read the hearings before the committee on the Mexican situation. The committee was inclined to apply the quota rule to Mexico, but there was tremendous pressure brought to bear by the beet growers and the railroads. They frankly told you that they preferred green labor from Mexico to the Mexicans born and raised in New Mexico, because they could get longer hours and could get them to work for lower wages. Now when you come here and say you are seeking to protect the American labor market, you are estopped from taking that position until you apply the quota law to Mexico and Canada.

We have had conditions in the building trades up North where contractors went into Canada to get stonemasons and bricklayers and bricklayers' helpers because they could get them cheaper. Yet the committee comes here and seeks to apply the most rigid and strict quota provisions to the countries of Europe under the pretext that they are protecting American labor when, as a matter of fact, the very law encourages and countenances the worst kind of peonage labor we have ever had in the history of this country. As long as the doors of Mexico are open to laborers for railroads and beet growers—on starvation wages—do not talk about protecting American labor.

The conditions under which Mexicans are working in the beet fields are nothing short of inhuman and disgraceful. The growers frankly told you that they wanted that kind of labor. They want the peon labor that will huddle in huts and accept contracts whereby they work whole families under the contract system at ridiculously low wages. That is the condition possible under the immigration policy. That is what is destroying the American standard of wages, and not permitting these people to live up to any kind of a standard of living.

Let us be perfectly frank about this. If it is desired to remedy existing evils, then go to the root of the evil. When a man comes as a visitor it is the intent of the law that he must be a bona fide visitor, it is not the individual cases that is the real trouble, it is the wholesale importations of thousands and thousands of peon labor which the law permits and the supporters of this bill tolerate and countenance.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. VINCENT of Michigan. I yield 10 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker, I have had pending for some time a bill placing quota restrictions on Mexico and Canada and other American countries which I am heartily supporting, but that is not what is involved here, and I do not wish to divert your minds from the question before you.

This bill is intended to clarify the law and make it read exactly what your committee understood the law to be when the act of 1924 was written, and what we think you want it to be now.

The decisions were clearly outlined by the gentleman from Michigan [Mr. VINCENT], and are to the effect that one coming to the United States to work as a laborer at a job, or when coming to seek employment, is coming for business within the exception stated in the act of 1924. They hold it to be a temporary visit for the purpose of business. It has not been so understood by the committee nor has the Department of Labor so construed it.

This is an effort to carry forward the law as we understood that we had written it, but those provisions have been impaired by these decisions, the effect of which is to nullify the contract labor provisions of the law in so far as they apply to a man coming to work, holding a job he already has, or to seek one.

If you will remember the contract provisions of the labor law, they are designed especially to prevent men from going into foreign countries and making contracts with laborers and others and importing them into the United States for that purpose. That has been of itself a sufficient reason for exclusion in the administration of the law as it existed heretofore. It is intended now that the meaning shall be made plain so that the man who comes seeking a job and the man who comes to hold a job already obtained will not be held to be within the exception.

There are two questions involved in these decisions as I construe them, but we are dealing directly with one of them here. I think there is no doubt that if it finally becomes a law it will apply to labor-seeking aliens from every country who are not excluded by other provisions of the law, such as those ineligible to citizenship and those from the barred zone. Aliens from every country except such as are specially barred coming temporarily for the purpose of seeking or holding employment as laborers will be admitted unless the court's ruling is changed by the Supreme Court or unless Congress changes the statute as are now proposed to do.

I am informed that the court admitted an Italian at the port of New York on the ground that he was coming temporarily to seek employment. The purpose of this is not to present to you any radical change in the law. I wish it were more drastic, but I shall not oppose it merely because it does not go all the way I would have it go.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOX. I yield.

Mr. LAGUARDIA. Does the gentleman state that this Italian who came to the port of New York was coming as a visitor?

Mr. BOX. Yes; seeking employment. Most gentlemen who have spoken against this bill have been a little bit wrong on this point—I do not know that the gentleman from New York [Mr. LAGUARDIA] fell into that error—but when the immigrant comes we do not wait until he gets in to determine whether he is coming for a lawful purpose. We examine him to see if he is coming as a contract laborer. These people declare their purpose on entering the country. We examine them to see if they are coming as contract laborers within the meaning of the act as it has existed for years.

The purpose of this bill is to bar them when their intent develops at the port, and it is the duty of the administrative officers to discover that intent in order to enforce the law.

Mr. LAGUARDIA. The gentleman stated there is a case in New York where the court held that an immigrant from Italy who came here and afterwards was looking for work——

Mr. BOX. No; not afterwards. He came here declaring that his purpose was to look for work.

Mr. LAGUARDIA. Was he a quota immigrant?

Mr. BOX. No; he was seeking to enter as a temporary visitor for business within what the court held to be the meaning of the act of 1924.

Mr. LAGUARDIA. But that was not the intent of the act.

Mr. BOX. Your committee has its own convictions about the meaning of that law and what construction ought to be given it, but it does not seem proper for Congress to array itself against what the courts have done so far. We hope that any error they have made will be rectified, but the breach developed by this decision is a serious one. As the gentleman from Michigan said, some 2,000 have already been admitted, and great numbers of others may be admitted in the course of a few months or a few years, both from the northern and southern borders, and also from the coastlines. While gentlemen might not be willing to go along with me to what they regard is an extreme length in dealing with immigration from Mexico and other countries, I think this legislation is essentially sound, and if you want to maintain the contract-labor provisions of your law as they now are, you ought to support this bill.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. MOORE of Virginia. As I understand this bill, it would not touch such a case as was stated a while ago by the gentleman from Massachusetts [Mr. GIFFORD]. That was the case of a nurse coming in.

Mr. BOX. It adds no new features to the law as we thought we were writing it in 1924. I think the gentleman from Massachusetts [Mr. GIFFORD] afterwards said that he did not intend that to apply exclusively to a nurse, but under the law as it has been construed up until recently, if she came for the purpose of engaging in any form of contract labor, she would have been excluded heretofore. This amendment is written for the purpose of making it plain hereafter that the law is just as Congress intended it before.

Mr. DICKSTEIN. If the gentleman will permit, I think I stated the law correctly when I stated to the House that a person who enters the United States for the purpose of business, and who states to the immigration officers that she is to be employed as a nurse for compensation, would be mandatorily excluded under the present act.

Mr. BOX. Under the court decisions they come in temporarily. The gentleman also said that if she would keep her mouth shut, in other words, hide from the department what she had in her mind, she might be admitted, and after she had hidden the facts, including her intent and, being in truth a contract laborer, had disclosed the fact by her subsequent conduct, then the Government could hunt her up and take her out; but I say now, in discussing that pertinent question, that while your Government is deporting about 12,000 people annually who are illegally in the country, the administrative officers admit that they are not doing anything like all of the deporting that ought to be done, and this argument that we should leave the gap open and let them come in and thereafter catch them and take them out does not appear to me to be sound.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. LAGUARDIA. According to my experience 20 years ago as an immigration official, all of the real contract-labor cases that were detected were detected after they landed, because contract labor does not arrive at the port of entry and tell its whole story.

Mr. BOX. The gentleman may have found that condition existing 20 years ago, and doubtless many contract laborers yet get in, but if he will examine the reports of the Commissioner General of Immigration he will find that great numbers are excluded at the port and deported because of the fact that they try to come in in violation of the contract labor law, and that is developed upon their application for admission—great numbers of them.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes, if I have the time.

Mr. ROBSION of Kentucky. I am very much for the rule and for the bill, but it seems to me that so many more people are coming in——

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it will be so ordered.

Mr. ROBSION of Kentucky. I hope the gentleman will also extend my question and the answer to it at the same time. [Laughter.]

Mr. SABATH. Mr. Speaker, I presume some Members will be surprised when I give my reasons for opposing this bill. They are not because of what it does but because of the things that should have been added to the bill that are not embodied in it. I want to make impossible such things as are complained of to-day, where a large number of aliens are coming in for work. This law applies only to those people who reside in Canada or Mexico, who are not Mexicans or Canadians, or South American or West Indian born citizens. A Mexican, or a Canadian, or those born in Central or South America, Cuba, or the West Indies may come in here now, in as large numbers as they desire, and they do come. There is no quota against any of them. The gentleman from Texas [Mr. Box] and myself have tried to place Mexico, Canada, and Central and South America, including the West Indies, under the quota basis. If that had been done we could have accomplished much more than the gentleman from Texas has finally succeeded in obtaining in this bill. So I am not, as I stated, opposed to the bill because of what it does but because of the things that are not embodied in the bill, which I think it should provide for. I take the attitude

that if there is a law of the land, it should be upheld. I do not believe that any judge or any administrative official should evade the law by placing an erroneous or false construction upon its provisions.

I feel that if any man comes here in violation of the law, or is trying to come, he should be deported or should be precluded. But let us see to whom this act applies. You gentlemen remember that up to a few years ago there was a law providing that aliens who had resided in Canada or Mexico for a period of one year could enter the United States in the same manner as those who had been born in those countries. A little later on Congress extended that one-year provision to three years. Finally, a few years thereafter, Congress extended it to five years, making it impossible for a man to come from Mexico or Canada or one of these other countries to the United States if he was not born in one of them or if he had not resided within the borders of one of them at least five years; and then in the act of 1924 we eliminated completely the time limit and provided that no one, no matter how many years he may have resided in Mexico, Canada, Cuba, or one of the South or Central Americas, can enter the United States outside of the quota if he is not a native of one of those countries. So we completely cut out those people who have resided there for years without giving them a fair chance or opportunity, as I pleaded for them to have from time to time when these immigration bills were under consideration here. Now the blame is all placed upon those people. I have repeatedly called your attention to the fact that the blame is not with them.

The blame lies with the steamship companies and with the department which permit these steamship companies to mislead the people and bring them in under false pretenses, telling them if they will make the voyage on a Canadian steamship they would bring them to Canada and they could then enter the United States.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SABATH. I will.

Mr. HUDSPETH. The gentleman, as I understand, complained against this bill that it does not apply the quota to Canada, Mexico, and South American countries?

Mr. SABATH. Yes, sir.

Mr. HUDSPETH. I want to ask if, when the general immigration restrictive law was passed, the gentleman voted to apply the quota to all nationalities coming into this country?

Mr. SABATH. At that time, if my memory serves me right, I was in favor of treating all nations and all peoples equally and fairly.

Mr. HUDSPETH. Did the gentleman vote for the general restrictive law which we passed here several years ago, in 1924?

Mr. SABATH. I did not, because I said then that it was a discriminatory measure because under the old law it was claimed they were protecting the American laboring man, and yet nearly 200,000 were permitted to enter from Canada, Mexico, and so forth, and then as to other sections, we cut to the minimum those classes which have demonstrated their loyalty to this Nation. There are many who have thus been very unjustly discriminated against; who have proven their desirability, and who have proven their loyalty and their patriotism. That is why I voted against that bill and knowing what the real conditions have been for the last three years; how these Canadians, and especially Mexicans, were being brought in, thus becoming competitors of the American laboring man, I have been advocating that all these nations—not one, but all of them—be placed on an equal quota basis. I have consistently pleaded here that we be big enough, broad enough, capable enough, and courageous enough to treat all peoples alike.

That was my position heretofore, and it is my position now.

Mr. JOHNSON of Washington, Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; I regret I can not.

Mr. JOHNSON of Washington. Just for a question?

Mr. SABATH. I will yield.

Mr. JOHNSON of Washington. Will the gentleman help the committee prepare bills to do just what he has outlined?

Mr. SABATH. I will do it with pleasure. The gentleman knows I have always advocated equity and justice, fairness to all, and special privileges to none. As a Democrat I can not do otherwise. That has been my policy, and that is the reason why in my youth I joined the party that upholds these policies and these principles.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. GRIFFIN. Is it the gentleman's interpretation of the measure before us that it applies only to citizens of South and Central American States?

Mr. SABATH. It applies to everyone who is not a native, if he comes here seeking work under the pretense that he desires to engage in business. In other words, the courts have ruled that a man coming here for work means "business" under our treaty and under certain court rulings, and that is what the committee is trying to rectify.

Mr. GRIFFIN. The gentleman's understanding of this bill before us is that it applies to all coming in under the guise of "visitors" if their actual purpose is to seek work?

Mr. SABATH. Yes.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ROBSION of Kentucky. I am for this bill, and I am much interested in the stand the gentleman is taking to exclude those people from entering through Mexico and Canada. May I ask why your committee has not reported out a bill and given us an opportunity to pass upon that question?

Mr. SABATH. I will admit this, that it is a very complicated proposition, and there are many things involved. [Laughter.] I can frankly say also that it has been charged that the railroad industry and the textile industry and to some extent the cotton industry do not want those people excluded because they tend to lower the price of labor. Those are not the only reasons—I will be candid with you—that enter into this proposition [laughter], and I would not want to be altogether too harsh with the gentleman's side of the House by charging that through its committee it has been neglecting to bring in such a measure.

Mr. ROBSION of Kentucky. Will the gentleman admit that it is discriminatory that the farmer should have a quota from Mexico and from Canada? So far as the gentleman's position is concerned, it is his party that professes to oppose special privileges to any.

Mr. GREEN. We want a quota put upon Mexico.

Mr. ROBSION of Kentucky. How about the cotton producers?

Mr. SABATH. I will say that the demand does not come from the southern Democrats, but it comes from the great cotton industry in the South, whose exponents happen to have developed a Republican organization recently; and it also comes from that section of the country that controls the railroads and the beet-sugar industry. You surely will not charge that the sugar barons have contributed anything to the southern Democracy at any time.

Mr. ROBSION of Kentucky. The gentlemen from the South who fight against this are not Republicans.

Mr. SABATH. We have some gentlemen from the South who are standing at all times for the Democracy of the Nation. They are not all absolutely correct in everything they say, or everything they write about, or go to. I agree that they have been wrong sometimes; they are wrong many times, but I hope that in the very near future we who do believe in Democracy and fair play and who are against unjustifiable discriminations, will be able to convince even those gentlemen from the South who heretofore have been so fair, and in the future persuade them to meet us fairly and justly in granting the requests and propositions that we in the North and in the East stand for and advocate.

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. COLE of Iowa. The gentleman must admit that if this committee should report out such a bill, the House would pass it, and that the only reason we do not have this legislation is because the committee of which the gentleman is a member has failed to report it.

Mr. SABATH. I want to say this, that I do not think there is a harder working committee in the House than the Committee on Immigration, and I am in a hopeless minority there. But I will say that these men on the majority side of the committee are sincere and honest and are trying to do the best they can for the country. When it comes to the matter of the consideration here of any proposed legislation that sounds like prohibition or restriction of immigration, why, you could bring in any kind of a bill, even a bill to deport me and half a dozen others who have the courage to come out and do certain things that do not suit certain restrictionists, and the majority might vote for such a bill. The trouble is we have not been tolerant enough and broad enough, as the gentleman from New York [Mr. O'CONNOR] stated only a few moments ago. I hope the prejudice that has been prevailing throughout the Nation in the last few years will soon become a matter of the past and that we will all treat one another fairly and justly and show some of that brotherly love that we hear so much about here and there on the part of certain people.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'CONNOR of New York. Has any bill ever been offered in the committee to deport those distinguished Nordics like Fall, Sinclair, and Daugherty, who stole the Nation?

Mr. SABATH. No; but they are not foreign born, you see.

Mr. O'CONNOR of New York. They are Nordics.

Mr. SABATH. Well, when we come to the question of deportation, I will show you who is being deported, and perhaps I will demonstrate that we deport much larger numbers of Nordics than we do of those from southeastern Europe or those against whom we have been legislating in the last eight years or so—since 1920.

Not wishing to delay the House, Mr. Speaker, I will conclude; and I ask unanimous consent to revise and extend my remarks. [Applause.]

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VINCENT of Michigan. Mr. Speaker, I move the previous question.

Mr. LAGUARDIA. Mr Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Will not the bill be read for amendment?

The SPEAKER. The Chair thinks not, the bill already having been read. The Chair, as he stated before, thinks this is not a very well-drawn rule, but the Chair thinks that the only amendment to the rules of the House that this rule makes is with reference to debate. As far as the control of the floor is concerned, it remains under the regular rules of the House; so that the gentleman from Michigan, having retained the floor, is entitled to move the previous question if he so desires.

Mr. LAGUARDIA. Will the gentleman withhold his motion to order the previous question so that I may offer the following amendment:

SEC. 2. All of the provisions of the immigration act of 1924 shall hereafter apply to the Dominion of Canada and the Republic of Mexico.

Mr. VINCENT of Michigan. I can not yield the floor for that purpose, Mr Speaker.

The SPEAKER. The gentleman from Michigan moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VINCENT of Michigan, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JENKINS and Mr. GRIFFIN rose.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS. Mr. Speaker, ladies, and gentlemen of the House, it shall be my aim to discuss the changes in the immigration laws as proposed by the three bills passed by the House on Friday, February 15, and Saturday, February 16. I do this in the belief that it may be of interest to Members who have not had time to study the matter carefully and because of a widespread interest in all immigration matters. These bills are known as the Box bill, the Free bill, and the Johnson deportation bill. These bills deal with entirely different phases of the immigration law and will be treated separately. Each of these bills must receive favorable action from the Senate and the President before it becomes a part of the law of the land.

THE BOX BILL

It must be made clear at the outset that this is not the Box bill that has received so much publicity in connection with putting Mexico and the Mexicans under the quota law. That bill will not be considered further in the present session of Congress. The Box bill as it passed the House Friday, February 15, is short, and because of the importance of getting the exact language I am incorporating it into my remarks.

It is subdivision (b) of section 3 as hereinafter printed. To better understand the proposed amendment I am inserting the whole of section 3 with the proposed amendment:

SEC. 3. (a) When used in this act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a Government official, his family, attendants, servants, and employees; (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman; and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

(b) For the purposes of clause (2) of subdivision (a) of this section no alien shall be considered as visiting the United States temporarily as a tourist or temporarily for business or pleasure (1) if he is coming, under an agreement already made, express or implied, to engage in or resume employment by a person in the United States, or employment in any business or industry of the United States whether or not the employer is a citizen or resident of the United States, unless in either case he would, if an immigrant subject to the contract labor provisions of the immigration act of 1917, come within the specific exemptions of such provisions, or (2) if he is coming to seek employment in the United States.

NEED FOR LEGISLATION

The necessity for the passage of the Box bill arises from an unexpected interpretation having been put in the words "temporarily for business" as used in clause (2) of subsection (a). Aliens coming over from Canada refused to recognize the authority of the Department of Labor to prevent them from coming into the United States to carry on their jobs or to seek new jobs. They interpreted the words "temporarily for business" to include a person coming in to seek employment. In a test case in the United States court they were upheld. The case is now in the Supreme Court of the United States for final decision. Without a favorable court decision or without remedial legislation the whole fabric of the immigration law would be torn to pieces.

Under the interpretation of the law as held by the Labor Department, citizens of Canada could come into the United States upon complying with the regulations of the department, and citizens of the United States could pass to and fro from Canada without hindrance upon complying with regulations as to identity, and so forth, but it was contrary to our whole immigration system for aliens to come and go as they wished. Under our theory it was expected that they should come under and within the quota of their country and not free from quota. The proposition involved is easily understood, and the wonder is that it had not presented itself earlier.

The situation may be remedied by the Supreme Court when it comes to decide the question, but the legislative branch of the Government should assume its responsibilities without throwing any of the responsibility upon the court. If the Box bill becomes a law the aliens who present themselves at the Canadian and Mexican borders will be compelled to come in as quota immigrants, with proper papers from American consuls in the countries from which they come.

THE FREE BILL

At the present time provision is made in the immigration law for the admission of certain classes of aliens for temporary purposes. These are outside of the quotas. One of these classes includes skilled laborers. They are admitted only for a limited time and upon a showing that "labor of like kind unemployed can not be found in this country." There was no very urgent reason for the passage of the Free bill, for the law already provides a way by which highly skilled technicians can be brought in.

The bill at first sought to bring these into the country outside the quota. The vigilant restrictionists opposed this and only reluctantly granted support to the measure, after amendments which provide that there should be no increase of immigration outside the quotas. To meet this demand the bill as passed provides that the preferences within the quotas should be rearranged slightly so that these skilled workmen might come in with the same preference as fathers and mothers of citizens and with the same preference given to skilled agriculturists. These skilled technicians will not be allowed to come within this preferred class except after a showing by the company or person wishing their services that persons of like skill and training can not be found unemployed in the United States.

The sole object of the law is to permit this class of persons to come in as immigrants with a right to stay after entry. Without this law they could come but their presence would never ripen into citizenship. Since they come within the quota the only difference their coming will make under this bill, if it becomes a law, is that skilled mechanics and technicians will take the place of the same number of immigrants of the general class who may be in line waiting their turn. It is estimated that the number who will come under the provisions of the law will be very small. If the restrictions are faithfully enforced the number

should be reduced to a mere handful, for our great country has within its borders men skilled in all the crafts and arts and sciences and capable of doing practically any work that can be done anywhere. For ready reference, I am inserting the law with the proposed amendment. Clause (B) is the proposed amendment:

(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; (B) quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science, are needed by bona fide employers to engage in work to perform which persons so trained and skilled can not be found unemployed in the United States, and the wives and the dependent children under the age of 21 years of such immigrants, if accompanying or following to join them; and (C) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives and the dependent children under the age of 21 years of such immigrants skilled in agriculture, if accompanying or following to join them. Preference under clause (B) of this paragraph shall not be given to any alien claiming to be so trained and skilled unless the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer needs persons so trained and skilled and that such persons can not be found unemployed in the United States. The determination of the Secretary of Labor shall be transmitted to the consular officer through the Secretary of State. Such determination of the Secretary of Labor shall also be considered for the purposes of the fourth proviso of section 3 of the immigration act of 1917 as his determination of the necessity for importing such skilled labor.

THE JOHNSON DEPORTATION BILL

This bill is a modified form of the Holaday bill passed by the House of the Sixty-ninth Congress. The deportation laws are inadequate, but they are not much more inadequate than the appropriations furnished to the Labor Department to carry on the work of deportation. To deport an alien entails a great expense. Many aliens have been apprehended but were not deported for lack of funds. The department has deported practically no aliens except those that have been thrust upon it out of the penal institutions of the country. Very little work of hunting up aliens is done by the department. Too frequently we have heard the public speaker appeal to the patriotism of his audience in ringing sentences demanding those who do not subscribe to our system of government and who do not respect our institutions should be sent back from whence they came. This sentiment is strong in our country, but the tremendous handicap under which the Labor Department has been attempting to carry on its work because of lack of funds is not well known.

The Department of Labor has been deporting aliens at the rate of about 12,000 per annum. Several thousand others have been permitted to leave the country without having been forcibly deported. This is done to save time and expense. Many thousands have been turned back at the ports of entry. On the Mexican border immigration officials have, on many occasions, taken back to the borders many who had entered illegally and ordered them back into their native country without the formalities of a technical deportation.

There is a marked increase in the use of narcotics and stimulating drinks of various kinds. Aliens who engage in this traffic are deportable under this proposed law.

Aliens convicted in a court of record of carrying dangerous weapons or bombs, and sentenced to imprisonment for six months or more, and aliens convicted for a second offense of the same kind may be deported under the proposed law.

Aliens convicted in a court of record for manufacturing, selling, or transporting intoxicating liquor and sentenced to imprisonment for a year or more, and aliens convicted in a court of record for a second or subsequent offense and sentenced to imprisonment for a combined period of one year or more are deportable under this bill if it becomes a law.

Under the present law it is very doubtful whether a bootlegger alien can be deported for the reason that the courts have held quite uniformly that violation of the liquor laws does not "involve moral turpitude." If the bill under discussion becomes a law, the bootlegger and the gunman may be deported after conviction as above indicated. The gunman and the bootlegger do more to encourage the spirit of lawlessness in our country than any other class of criminals. No gunman or persistent bootlegger should be permitted to foment lawlessness in our country when they do not have or feel the responsibility of citizenship.

The Johnson bill also provides for the deportation of aliens who violate or conspire to violate the Mann white slave law and aliens who aid in procuring the unlawful entry of other aliens. Habitual criminals are also included under the provisions of the proposed law.

Many of the aliens unlawfully in the country came in as sailors and remained in the country in violation of the law. This law provides that an alien seaman once deported can not have landing privileges as allowed by the La Follette Act to the crew of any vessel stopping at our ports.

A very significant provision of this proposed law is that which provides that an alien who has once been arrested and deported can not reenter and that if he reenters or attempts to reenter he will be subject to a heavy fine and a severe penalty of imprisonment.

In order to assist the Labor Department in its enforcement of this proposed law it is provided that upon the final conviction of an alien in a court of record it shall be the duty of the clerk of the court to immediately report said conviction to the Department of Labor.

The most effective weapon against unlawful immigration is efficient deportation. An alien prefers almost any imprisonment to being deported to the land from whence he came. Since our country is committed to a policy of restriction of immigration, we will always have the deportation question with us. A well-considered deportation law, thoroughly enforced, would go a long way toward commanding respect for our immigration laws.

Mr. GRIFFIN. Mr. Speaker, a point of order. My point of order is that the Speaker did not put the question in such a way as to give an opportunity to vote in the negative.

The SPEAKER. The Speaker certainly did. He waited for quite an appreciable length of time.

Mr. GRIFFIN. It was not audible here.

ADMISSION OF ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I call up H. R. 16926, granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science.

The SPEAKER. The gentleman from Washington calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and under the rule the House resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16926, with Mr. ACKERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16926, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (1) of subdivision (a) of section 6 of the immigration act of 1924, as amended by the joint resolution entitled "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States," approved May 29, 1928 (45 Stat. L. 1009), is amended to read as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; (B) quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science, are needed by bona fide employers to engage in work to perform which persons so trained and skilled can not be found unemployed in the United States, and the wives, and the dependent children under the age of 21 years, of such immigrants, if accompanying or following to join them; and (C) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 21 years, of such immigrants skilled in agriculture, if accompanying or following to join them. Preference under clause (B) of this paragraph shall not be given to any alien claiming to be so trained and skilled unless the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer needs persons so trained and skilled and that such persons can not be found unemployed in the United States. The determination of the Secretary of Labor shall be transmitted to the consular officer through the Secretary of State. Such determination of the Secretary of Labor shall also be considered for the purposes of the fourth proviso of sec-

tion 3 of the immigration act of 1917, as his determination of the necessity for importing such skilled labor."

SEC. 2. Section 1 of this act shall take effect July 1, 1929, except that the determinations thereunder by the Secretary of Labor may be made at any time after the enactment of this act.

Mr. JOHNSON of Washington. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. FREE], who will explain the provisions of the bill.

Mr. FREE. Mr. Chairman and gentlemen of the committee, the Burnett Act of 1917, an act which dealt particularly with contract labor, contained this proviso:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case.

Under that provision of the law the Department of Labor adopted elaborate provisions as to the manner of proving that such labor was needed and all the other things incidental to bringing it in. All went well until the passage of the quota immigration law. When the numerical limitation was superimposed upon the Burnett law the exemptions afforded by the latter statute became practically a nullity in respect of aliens born in the quota countries of Europe. Aliens born in nonquota countries of the Western Hemisphere could still avail themselves of the exempting provision, but aliens born in Europe could not do so. To partially take care of the practical difficulty thus presented, the Department of Labor for the past four years or more has been going through the routine of determining the admissibility of certain highly skilled aliens under the above-quoted proviso, and the Department of State, accepting the Labor Department's determinations, has visaed passports for the admission of these people as nonimmigrants entering temporarily for business.

This has been an unsatisfactory arrangement in many respects, for although it has permitted the temporary entry of a limited number of persons much needed in particular industries, it had included no provision for their permanent stay, or for the entry of their dependents, or for their acquisition of American citizenship. In other words, while some industries have been benefited in greater or less degree, the incoming aliens, their dependents, and their employers have been put to great inconvenience; and the administration of the law has been embarrassed by a procedure which, although not unlawful, has been cumbersome and almost impossible of explanation.

This bill would amend the preference provisions of the immigration act of 1924 so as to facilitate the admission as quota immigrants of certain highly skilled workmen needed by American industries for the performance of specialized work, or for the development of improved methods or processes, when labor of like qualifications can not be found unemployed in the United States. The bill does not increase the number of immigrants. It simply provides that these immigrants, together with certain relatives and together with certain persons admitted for agricultural purposes, shall have a preference of 50 per cent of the quota.

This particular bill has been approved by both the Department of State and the Department of Labor. I wish to read a letter in regard to this bill written to me by Secretary of Labor Davis:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 13, 1929.

Hon. ARTHUR M. FREE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: It is a source of much gratification to me to know that your bill granting a preference within the immigration quotas to certain aliens skilled in a particular art, craft, technique, business, or science has been favorably reported from committee and will soon be considered by the House of Representatives.

From discussions with various Members of the House I have no doubt that the bill will be passed practically without opposition, and I am quite sure that the Senate will also take favorable action. It has long been perfectly apparent to the Department of Labor that an amendment of this nature would very greatly increase the practical value of the quota-limit system and this need has become increasingly apparent from year to year as our experience has progressed.

I have repeatedly advocated legislation along this line and have considered many proposed amendments, but I am happy to say that the language you have adopted in your bill is by far the best that has ever come to my attention, for the reason that it provides in unusually clear language the precise authority necessary to carry our ideas into effect. I am thoroughly convinced that the enactment of your bill into law would prove to be the most important step in the development of a sensible system of immigration control since the quota limit law was enacted.

While it is true that we have become the greatest industrial Nation in the world, it is also true that we can still learn many things from other lands, and I am convinced that the further extension of our present industries and the development of new processes, or even entirely new industries, will be very materially enhanced by making possible the coming of the classes enumerated in your bill when they are needed by American employers or interests. I do not believe that it is an exaggeration to say that our future immigration policy and control will be very largely based on the principle contained in the legislation which you have proposed.

Sincerely yours,

JAMES J. DAVIS,
Secretary of Labor.

The Secretary of Labor has called attention to some cases that have come before the department, citing particularly the illustration of a technical worker who was needed in the cotton mills of New England and could not be admitted for some two and a half years on account of the great number applying under the quota, and yet during the time this technical worker was kept out, who by reason of processes which he would have installed would have resuscitated an industry that needed help, perhaps 10,000 textile workers who were not skilled came in.

There are various illustrations of different types of labor. I remember, back at Stanford University, when it was being built, they decided upon a plan that the center building to the rear of the inner quadrangle should be a church, which would be elaborately covered with mosaics and paintings of one kind and another. There was not at that time any individual in the United States who could do that work, and two men had to be brought over from Italy to do it.

At the time we installed the cranes and dredges for the Panama Canal we had to bring over two Germans to do the work.

Under the present law these people have to come in either as temporary visitors, which would not permit them to stay if they did establish an industry, or they have got to wait for their turn under the quota, which in some instances means waiting many years.

Mr. STOBBS. Will the gentleman yield?

Mr. FREE. Yes.

Mr. STOBBS. I am in sympathy with the purposes of the bill, but it seems to me the language in lines 11 and 12, on page 2, "which persons so trained and skilled can not be found unemployed in the United States," goes quite a distance.

Mr. FREE. That has been the language adopted in all bills of this character for many years and there has apparently been no difficulty in showing that to the Secretary of Labor after a proper investigation.

Mr. STOBBS. I can imagine, of course, just as you say, a very highly skilled engineer who is necessary for the purposes of a particular industry in this country and a man that it would be desirable to have come into this country, but you might have engineers unemployed in this country and it is only a question as to the degree of skill. Will the Secretary of Labor construe that in a very broad way?

Mr. FREE. He will construe it in a very limited way, as he has in the past.

May I illustrate how this is done? I have a letter here from a concern that wanted to bring in a man for the potter industry, and in order to establish the fact there were no men who could be so employed in the United States they were compelled to show that they had advertised in all the journals that concerned pottery and that they had advertised in certain other papers throughout the United States where it was possible to get such help.

They have got to make a definite showing that there are no people available for the work in the United States. The character of the work itself for which these people are wanted is such that this is quite apparent. For instance, right now, in my own State, the farmers would like to establish a silk-worm industry. The Japanese have been very proficient in this, but they can not be brought in. Italians could be used for this, but under the quota law they can not be brought in for some time.

Mr. STOBBS. So it is not a question of the degree of skill, it is a question of whether all the men in that particular industry are employed here?

Mr. FREE. Yes.

Mr. STOBBS. So it would not take care of the case of a skilled and efficient engineer from abroad whom certain industries in this country would like to employ here?

Mr. FREE. No. The fundamental proposition is that you have got to show that no labor of like kind is available in the United States.

Mr. JENKINS. Will the gentleman yield there?

Mr. FREE. Yes.

Mr. JENKINS. I might say in further answer to the gentleman from Massachusetts that the language employed here is the same language employed in similar paragraphs of other laws.

Mr. KETCHAM. Will the gentleman yield further at this point?

Mr. FREE. Yes.

Mr. KETCHAM. Is it not true in the case that the gentleman from Massachusetts cites that the party might come here as a visitor and, after having remained here for six months under a proper bond and proper application, he might have that leave extended, and even then it might be extended beyond that time, but his residence could not become permanent?

Mr. FREE. He could not become a permanent resident, and after a certain length of time he would have to leave. Such a man clearly would have to come in under the quota.

Mr. KETCHAM. In the case of a particularly highly trained man?

Mr. FREE. No matter how highly trained he might be. Under this law that is proposed and under the other laws that we have on our statute books it does not make any difference how highly trained the man is, if there are other men available in the United States to do that particular kind of work such a man must come in under the quota.

Mr. STOBBS. Will the gentleman yield again?

Mr. FREE. Yes.

Mr. STOBBS. Does not the gentleman think that the phraseology of the bill is narrow?

Mr. FREE. I get the gentleman's point.

Mr. STOBBS. There are certain men of outstanding ability in a particular line of industry and it is desirable to get these men into this country to help industry here. The particular man in question may be an engineer. There are thousands of engineers in this country, but this may be the one man that this manufacturing concern in this country wants, and he is going to do more for a particular industry in this country than anyone else could do, but he can not come in under this proposed law.

Mr. FREE. Answering the gentleman's question personally and not for the committee, I would prefer, coming under the quota, to have people of the type the gentleman mentions rather than a lot of people who are coming in under quota. If we could have some sort of selective immigration, like this bill contemplates, we would have a better type of immigration than we have had.

Mr. KETCHAM. Do I understand that the exemptions provided for here are within the quota?

Mr. FREE. Yes.

Mr. KETCHAM. And this would not enlarge the total at all?

Mr. FREE. No.

Mr. ARENTZ. Will the gentleman yield?

Mr. FREE. Yes.

Mr. ARENTZ. On page 2, beginning in line 15, it speaks of quota immigrants who are skilled in agriculture. In the sheep industry there is a great demand for sheep herders. These men come from the Pyrenees Mountains between Spain and France. They are absolutely unskilled except in the taking care of sheep. I wonder if in the interpretation of skilled agriculturists such men could be brought into this country. These men know how to herd sheep; they are experts in the care of sheep from youth. I may state these men get from $100 to $150 a month and found. They go out with a bunch of 1,500 to 2,000 head of sheep and camp equipment and a burro, and stay out for three, four, five, or six months by themselves, and occasionally a man will bring them a little grub. These men are skilled in this important line of work, and we need a supply of these men from the Pyrenees in the West from time to time. Would it be possible under this provision to obtain these men?

Mr. SABATH. Why do you need them when the sheep and woolgrowers are going broke and obliged to go out of business, according to reports I have received?

Mr. ARENTZ. As long as the sheepmen are receiving 33, 35, and 40 cents a pound for wool and 9 to 16 cents a pound for mutton and lamb I do not think they are going out of business, but will, if given a chance and time, not only increase their herds, improve their stock, but make mutton a more common item of food in our diet.

Mr. FREE. Mr. Speaker, we are going far afield; I can not yield further.

Mr. JOHNSON of Washington. I will refer the gentleman from Nevada to the State Department's pamphlet in regard to immigration of agriculturist experts, which will answer all of his questions.

Mr. ARENTZ. That is very kind of the gentleman; but I think it would be well if the gentleman from California would answer the question to a limited degree.

Mr. FREE. I will answer the gentleman by saying that I do not know how the department has ruled on sheep herders, but it would seem to me that a sheep herder is much more a skilled agriculturist than some who come in as preferred agriculturists and then go into the fur business in New York. There is an instance where a man came in as a skilled agriculturist under the bill and then went into the fur business. You understand that the language of this bill has been followed in bills before, and agriculturists have come in under the quota.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SABATH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman and members of the committee, I am opposed to this bill. I want to make it clear because up to the present time I do not think the bill has been made clear to you. Before I forget the question that the gentleman from California left off talking about—high skilled labor from Spain—let me call the gentleman's attention that Spain's quota is only approximately 100. Under the act of 1924 half of that is taken away for preferences, and that is what I am going to talk about now. This present bill will add another bundle to the wagon that can hardly move. Now, gentlemen, I want you to bear with me, and in order to appreciate these provisions we must understand this particular angle of our immigration laws.

Prior to 1921 we had no quota laws at all. Any man or woman who was physically fit could enter this country. In 1921 you fixed a quota law on the basis of 3 per cent based on the census of 1910. As a result of that quota law there came to this country about 240,000, approximately. In 1924 you made a drastic change in that law, and you have made it a permanent policy, and you adopted in 1924 the 1890 census as a basis. As the result of that, under the present immigration law, if a country has, say, 300, this total quota of 300 will be used as follows: One-half for preferences and one-half to the so-called new blood. What happens under the present preference? A father and mother of an American citizen could come under it—that is, be taken out of the 150 if the quota is 300. The next one you have entitled to a preference is the husband of an American citizen. That is No. 3 preference. The next one you have is for agriculturists and their wives and minor children, and in 1928, under the resolution that we passed, we raised the age limit from 16 to 18 years for children of agriculturists. We have already four classes in one category.

You now have another attachment that you want to place under this bill, and that is the so-called "highly skilled labor." Who wants them in this country; who asked for them? I do not know. I do not find any special hearings in the committee that somebody wanted this kind of labor. Is it somebody in the department or in the committee who wants to get a few in? Why tack on another preference to a loaded wagon that can not carry the present load?

Some one talks about discrimination. Certainly you have discriminated, and you did in 1924 when you passed the so-called permanent immigration law. You simply thrust out the southern and eastern European countries and gave all of the quotas to Germany and Great Britain, because out of a total number of 161,000 quota numbers for all of the countries Great Britain and Germany received 116,000, leaving the balance, the difference between 161,000 and 116,000, or about 45,000, to the rest of the 49 or 50 nations in the world.

What happened then? You came along and because of a tremendous cry the minority of this committee appealed to this House to exempt the father and mother of an American citizen. We could not see why the father and mother of an American citizen should not be permitted to enter this country without a quota, in exemption of any quota, and instead of that you give us a preference. Let me demonstrate to you by way of illustration only. If your father and mother resided in Great Britain or were born in Great Britain you could bring them in under the preference quota within 30 days, but if your father and mother resided in Syria and you were an American citizen, and you wanted your old father and mother in this country, it would take you at least 22 years to bring them into the United States. Certainly you have discriminated, you have separated families, you have destroyed the home. Now you want to tack another preference onto this same section. You are putting another load on the wagon that can hardly move. You are putting on a

fixed preference. What does this bill say? The consul can turn around and push your father and mother aside and take up the so-called "highly skilled labor." In other words, as the matter stands to-day, it takes on an average of at least four to eight years before you can bring in your father and mother from certain countries, and from some countries it will take about 40 years before you can bring them in under the preference that Congress has given the American citizen for his aged father and mother. You now propose to make it about 100 years before you can get them in.

I am opposed to this bill because, in the first place, the demand is not so strong for it. I can not find any hearings or any individual or any corporation or syndicate or business community that wants this kind of legislation. It was proposed in the committee by my good friend Mr. FREE. Who wants it, I do not know; but I do not care who wants it; if you want these people in here, add a few more numbers to the quota, put them under a separate clause, but for God's sake do not add any more preferences, because you have six or eight now that we can not accommodate, under which we can not bring the families together. They are separated because Congress in the act of 1924 said they should be separated under that law.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LOZIER. If this bill becomes a law, will it not discourage American technicians from qualifying themselves to fill these places that these foreign born will be admitted to fill? In other words, is there not a discrimination against the American technician or mechanic, and does it not discourage him from qualifying himself for these positions?

Mr. DICKSTEIN. There is no question about that.

Mr. LAGUARDIA. Does the gentleman know the attitude of the American Federation of Labor on this bill?

Mr. DICKSTEIN. No one appeared before the committee of any account to ask for this legislation, because under the present law if I have a highly skilled person that I want to bring into the United States for the purpose of carrying out a certain plan, beginning a certain mill, for example, I apply to the Secretary of Labor and he comes right in, and he can stay here as long as it is necessary. So, why turn around and take him out of that clause and attach him to another clause as appears on page 2 of this bill?

May I call your particular attention to the language used in paragraph 1, on page 2 of the proposed bill, H. R. 16926, which reads as follows:

(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes.

It can be seen, therefore, from a reading of this bill that there is no priority between any of the preferences that now exist under the present law, which will continue by this bill with an additional clause.

From a reading of the language of the bill on the same page you will find that the Secretary of Labor, upon the application of any person interested, and after full hearing and investigation of the facts in the case, has the power to determine what is necessary and so advise the Secretary of State, who in turn will communicate with the respective consuls.

What will be the result, other than brushing aside the husband of an American citizen, the father and mother of an American citizen, as well as uniting the families, under the resolution passed in 1928, and the other preferences on the statute books, which are greatly overburdened.

In other words, the consul can accept the recommendation when he receives it from the Secretary of State for special kind of labor, which we can very easily obtain right here in the United States, and discriminate against all other classes who have been waiting for years to be certified for preference, which classes at the present time are more than full.

Now, I will ask gentlemen to be patient and let us see what this bill says. The bill talks about referring to sections of the immigration law of 1924 and then talks about the resolution we passed May 29, 1928. Now, then, we come along to page 2, and we see what? That the following preferences shall be made to the following persons: (a) Quota immigrants——

Mr. FREE. If the gentleman will permit, only 50 per cent of the quota is taken up by preferences.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I yield the gentleman another five minutes.

Mr. DICKSTEIN. Will the gentleman make his question clear?

Mr. FREE. Is it not a fact that these preferences only apply to 50 per cent of the quota?

Mr. DICKSTEIN. Certainly; and that is the more reason why you should not attach any preferences to a bill which is so overloaded with preferences. Think of the fathers and mothers who have not seen their sons, most of whom fought in the World War! Take your bill as an illustration. Say, a country that has 100 numbers, 50 per cent of it is taken up with preferences. Assuming 51 men had mothers or fathers over there. In this bill, which you want Congress to pass, first you say that preference shall be given to fathers and mothers. The next one is husbands of an American citizen. That is, an American woman who marries a foreign husband. We appealed to Congress a year ago to place these husbands in the exempted class and we did not do it. Now, we turn to No. 3. Then you bring in the preference of the quota immigrant who is trained and skilled in a particular art, class, technique, business, or science. Good God, gentlemen, those four different classes every year of skilled persons might apply under this preference. And then, in addition to that, you are bringing in also the wives and minor children of the person who is coming in here as being skilled in a particular art, class, technique, business, or science. In other words, you give a preference in here to any man who brings a wife and probably three or four children, and that is to be taken out of the 50 per cent. The next one is the farmer—the agriculturist.

Under the present bill he has a preference. Now, you want to stick in No. 6 and say highly skilled artists. How many people could come in and claim to be artists for the purpose of getting the benefit under this bill? How many, many tears will be shed by fathers and mothers because there is another preference in the law and they are being put aside? Do not forget that we have already placed in the preferred class of 50 per cent the wives and minor unmarried children under 21 of aliens permanently admitted to the United States under our resolution of May 29, 1928.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield there?

Mr. DICKSTEIN. Yes.

Mr. GRIFFIN. Is there any limitation in the law as it stands or in this measure upon the power of the Department of Labor to allocate the various classes among those that are in the preferential category?

Mr. DICKSTEIN. You mean can the Secretary of Labor check up on this preferential list?

Mr. GRIFFIN. Yes. Is there anything in the law under which he can do that?

Mr. DICKSTEIN. They might indicate a preference for this so-called kind of skilled labor.

Mr. GRIFFIN. The gentleman has not answered my question. Is there anything in the law either as it stands or as is proposed that limits the Department of Labor or prevents it from letting in all or any one of the preference classes to the exclusion of the parents and the exclusion of the children?

Mr. DICKSTEIN. They can pick out under the so-called reason or excuse to the detriment of the mother and the father.

Mr. GRIFFIN. In other words, they could take out all those engaged in agricultural pursuits?

Mr. DICKSTEIN. Yes.

Mr. FREE. Now all mothers and fathers who have made applications are considered for priority in the order of treatment.

Mr. DICKSTEIN. That is not so.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. DICKSTEIN. I can give the committee a specific case. It is the case of a young man who was born in Syria. His father was killed there. He has not seen his mother for 15 years. They are only behind 40 years in the list of applications already filed. Now, what has happened?

Mr. FREE. These people, I believe, would be farther down the list than that. They would not displace mothers and fathers.

Mr. DICKSTEIN. There is no difference between preference No. 1 and preference No. 2. The law permits the consul to issue visas "without priority of preference," as the law says.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. The figures I have here as to the quota of Syria is 100,000.

Mr. LAGUARDIA. It would take 80 years.

Mr. JOHNSON of Washington. The number estimated in the demand is 47,000.

Mr. SABATH. Mr. Chairman, will the gentleman yield? I wish to correct the gentleman from Washington.

Mr. DICKSTEIN. I yield.

Mr. SABATH. I do not like to do it when the gentleman is wrong. The number of Syrians is 47,000. The applications pending are only 4,000. The gentleman has multiplied it by 10.

Mr. JOHNSON of Washington. The gentleman is right about the 47,000, but the estimate is right also. Those are the pending applications.

Mr. SABATH. Those are the pending applications now.

Mr. JOHNSON of Washington. The gentleman has not answered me the question I propounded.

Mr. SABATH. That is the estimated demand.

Mr. DICKSTEIN. If it is so important that somebody in the United States wants this particular kind of labor that we can not get in the United States; if it is so important and vital to pass special acts, why not turn around and select the number to be used for that purpose? We know the quota is overburdened now. Why turn around and put something else in it?

Mr. LAGUARDIA. What information or data was before the committee showing that a particular class was called valuable?

Mr. DICKSTEIN. If you have somebody on the other side of the House who will say, "You are all right," you do not have to have a hearing.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LAGUARDIA. Not long ago a number of people said to be expert in making glass eyes were brought in from Belgium. After they were here and had the jobs the attention of the department was called to them.

Mr. DICKSTEIN. There is not a European who can come in and say he knows more than our Americans. The trouble is we find some excuse to bring in somebody somewhere under some pretense.

Mr. LAGUARDIA. That is to get cheaper labor.

Mr. DICKSTEIN. That is one of the excuses.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. GREEN. Is it not the purpose to make these alien people who come here the best Americans?

Mr. DICKSTEIN. My purpose would be to select our best people and unite the families; and until we do so we can not class ourselves in that category.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. FREE].

Mr. FREE. The question has been brought up as to the demand for this legislation. I read from the letter of the Secretary of Labor dated February 1, 1929, in which he says:

> The proposal above outlined is particularly interesting to this department for the reason that during the past four years a good many cases have arisen in which it clearly appeared that the immigration of a limited number of highly skilled laborers, inventors, engineers, chemists, and other persons possessing peculiar qualifications along some specialized line were actually needed in American industry, but they could not be brought in without considerable delay because they were subject to the quota of the country of their birth.

Mr. STOBBS. Mr. Chairman, will the gentleman yield there?

Mr. FREE. In a moment. But before doing that I want to make this further statement, that under the practice all of these applications are listed in the order in which they are made, and if this bill is passed it will not shut out any mother or any father or relative provided they have in the last two years done what they should have done, namely, notified the Secretary of State through our consuls that they wanted to come here. The State Department has taken up their applications in their order. All these applications are taken up in the order in which they are made.

Now I yield to the gentleman from Massachusetts.

Mr. STOBBS. I am in favor of this legislation, but the trouble is it does not allow skilled chemists or skilled engineers to come in, because before they can be allowed to come in under this law the Secretary of Labor must find as a fact that there are no skilled chemists or skilled engineers unemployed in this country. That is a perfectly ridiculous proposition, so as a result this legislation does not help in one single instance in allowing skilled chemists or skilled engineers to come in, of the type we want to get into this country. All this legislation accomplishes is simply this: That if you have a new industry in this country and no people in this country skilled enough to perform the work of that new industry, then you can go ahead and get in new people to do that work.

Mr. FREE. That is not correct, and let me illustrate it to you.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. FREE. Several papers, like the New York Times, the San Francisco Chronicle, and several others, have been putting out these rotogravure sections you have seen. They have some labor here to do that, but they have not enough labor to do it, and they want to bring in other people. They can make the showing that the industry is here, and they can make the showing that they can not get enough of these experts to carry on the industry. Let me give you another illustration. I have here a letter from an industry located at Lime Rock, Conn., which is engaged in making highly specialized paper that is used by the Library of Congress, by the Carnegie Institute, and by the Smithsonian Institution. They are making that paper in limited quantities, but they can not get experts enough here to furnish all the paper that those institutions must have. So I say to the gentleman that it does help some.

Mr. STOBBS. But it does not take care of the skilled engineers and chemists the gentleman referred to in the letter he just read.

Mr. FREE. It takes care of part of them, but not all.

Mr. STOBBS. And we want to get skilled men in this country.

Mr. FREE. I think there is much in what the gentleman says, and it would be well if we could have more of that type come into the country instead of some we are now getting. But this bill goes part of the way, and it will enable us to get the people who are actually needed when it can be shown that such people can not be secured in this country.

Mr. SABATH. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and colleagues, I do not see any objection to this proposal to admit skilled professional craftsmen into the country, in fact, I think it is very desirable. There are, doubtless, occasions where the necessities of business might require the importation of particularly skilled labor in certain lines, but if it is a good thing why not be frank about it? Why not put them in the nonquota class? They can not amount to any such number as to imperil our institutions. Skilled men brought in to establish a new industry certainly can not do very much harm or crowd conditions in the labor market. There should be no objection to having skilled men come in to establish an industry, because when once established it will lead to the education and employment of other Americans. So I ask whether the committee has given any consideration to that point; that is, whether or not it might not be well to admit persons in this particular class as nonquota? I am addressing my question particularly to the gentleman from California, who introduced this bill. I am sorry to have to repeat, but I have made this inquiry, whether or not your committee has given any consideration to the wisdom of admitting persons in this very limited class nonquota, and not block up and choke the preference class.

Mr. FREE. When I first introduced the bill I introduced it so that they could come in outside the quota.

Mr. GRIFFIN. And that still is the right way to do it.

Mr. FREE. But the committee thought it ought to be under the quota and the bill was reintroduced bringing them under the quota.

Mr. GRIFFIN. It seems to me the number would not mean more than 50 or 100 men, and the admission of these skilled men in the nonquota class would not, as my colleague from New York has stated, choke up the preferred class. I know that the gentleman from California, in response to a question, has said that it is not going to interfere with the parents, wives, husbands, or children of immigrants who have filed their applications, but there are thousands perhaps who have not filed applications. It will bar them. They are equally entitled to our solicitude.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the gentleman two additional minutes, and I desire to ask him a question.

Does the gentleman understand the possibility of choking up the preference list in the countries of small quotas like Greece, Hungary, Rumania, Yugoslavia, and some others of them? Further, countries like Italy, having observed the situation that now exists, are declining to give their passports to those other than the main preferences, namely, fathers, mothers, wives, and children. I think the time will soon come when other countries will follow the example of Italy, and the first

step in emigrating being the passport, will give passports to those that can make the classifications. I think that is the answer.

Mr. GRIFFIN. Does the gentleman consider that as disposing of my suggestion that people in this professional class of highly skilled labor should be admitted nonquota?

Mr. JOHNSON of Washington. I think the gentleman will find that the applicants that make this affirmative showing, which is afterwards looked into by the consul abroad, will come from the countries of the larger quotas only. There is no other way to fix it at this time.

Mr. LAGUARDIA. Will the gentleman from New York yield so that I may ask the chairman of the committee a question?

Mr. GRIFFIN. Yes.

Mr. LAGUARDIA. The chairman of the committee states that some countries will not recognize this preference. If that is so and if any country refuses to give passports to parents or relatives to whom we have given a preference, I think retaliatory measures should be taken.

Mr. JOHNSON of Washington. That is a matter for the Committee on Foreign Affairs.

The CHAIRMAN. The time of the gentleman from New York [Mr. GRIFFIN] has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the gentleman three additional minutes and will use one minute myself.

The State Department says with respect to a certain country:

> As to Italy, it may be mentioned that the Italian Government is following a strict policy of limiting emigration, and it is quite possible that difficulties would be encountered in bringing in Italians, even though it were possible to do so under American laws.

Mr. LAGUARDIA. Are they giving passports to mothers and fathers?

Mr. JOHNSON of Washington. Yes; and wives of aliens who are here.

Mr. GRIFFIN. In conclusion and summarizing, I want to repeat that the proposal is a good one, but it is a mistake for us to put professional, skilled labor into the already overcrowded preferred class. They ought to be put into the nonquota class and ought to be admitted freely, first, for the reason that they can not amount to a very great number, and for the further reason, if they are brought over here to establish a new industry, they come over as teachers, and this means laying the foundation stone for the education of our own laboring men and increasing the diversity of our industries.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. DICKSTEIN. And this should not only apply to one class but should be given to all classes that need this kind of labor as an exception to the quota and should not be made discriminatory.

Mr. GRIFFIN. That is what I have said.

Mr. DICKSTEIN. And should be safeguarded by the Department of Labor.

Mr. GRIFFIN. Yes; the gentleman from California [Mr. FREE] says the admission of this particular class into the preferred category will not block the opportunity of parents, husbands, wives, and children from coming in who have filed their applications, but it will block those who have not filed their applications. The gentleman concedes that. But why should that be done? Why should there be any discrimination whatever?

I think the gentlemen have made a mistake in crowding the skilled craftsmen into the preference class, which of right should be reserved entirely for the families of citizens. I will vote for it, talk for it willingly, if the gentlemen will consent to an amendment to put them in the nonquota class. [Applause.]

Mr. SABATH. Mr. Chairman, I yield myself seven minutes.

Mr. Chairman and gentlemen, I fully agree with what has been said by the gentleman from New York [Mr. DICKSTEIN], a member of the committee, and the gentleman from New York [Mr. GRIFFIN]. I fully recognize the point made by the last speaker, and I have long had that in mind.

I am desirous to be of service to our industries. I am desirous that any new industry in need of experts or highly specialized men that may not be available here should be placed in a position to bring them here. We can not do too much to develop our many industries, and it does frequently happen that we can not secure such labor here.

But as the gentleman from California stated—and I agree with him—we should not make it any harder than it is at the present time, and, therefore, I have favored the bill which he introduced permitting these people to be brought in here but placing them within the quota.

The number is not large, and I feel that this should be done in the interest of America and American industry, and we should permit these people to come in here outside of the quota.

I have the utmost confidence in the Secretary of Labor and in the Commissioner of Immigration that they will not permit anyone to come unless it is proven beyond any doubt that such skilled labor can not be obtained in the United States; and in view of that fact, if we are honest and sincere and wish to be helpful and do not wish to be altogether inhuman, we should adopt as a substitute the bill which the gentleman from California has introduced and favored; and I want to say right here that he is about as good a restrictionist as we have in the House. The gentleman has always believed in extreme restriction, but he recognizes the need of this legislation, and I am willing and I will favor the substitution of the bill which he originally introduced placing all these people outside of the quota for the bill now under consideration.

Mr. LAGUARDIA. What do you mean by the designation "quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science," and so forth?

Mr. SABATH. There are large manufacturers who are establishing their bureaus here, as is stated, who absolutely require men who are familiar with their products to come here and represent them, and to properly introduce the article which they produce and manufacture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. DICKSTEIN. May I call the gentleman's attention to page 2 of this bill, where it says—

> 50 per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants without priority of preference as between such classes.

Is that correct?

Mr. SABATH. I know what the gentleman fears, and I believe there is foundation for the suspicion that the influential manufacturers, the influential men of industry, can secure the approval of the authorities much easier than the poor, unfortunate fellow who served the Nation during the war and can not prevail, perhaps, when he makes application for his father or mother to be placed in the preferential class. I really think there is a foundation for the suspicion, and that such a case may occur.

Mr. BURTNESS. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BURTNESS. I would like to come back to the question asked by the gentleman from New York [Mr. LAGUARDIA] about the word "business," and the construction of this clause.

Does this mean that the person admitted must be skilled in the business for the purpose of establishing a business in this country, or does it mean that the person may be admitted to be employed in a business, if they can come here as skilled persons?

Mr. SABATH. I think the chairman is in a better position to answer the gentleman's question that is propounded.

Mr. BURTNESS. The word "business" seems to be entirely inconsistent here.

Mr. SABATH. I have explained it to the best of my ability, and I feel that the chairman is in a better position to answer the gentleman than I am.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. FREE].

Mr. FREE Mr. Chairman, I have a statement here from the State Department which I want to read:

> Attention is called to the fact that a very small part of the preference half of the quotas for the above countries has ever been utilized in the past. During the last quota year only 1,326 quota numbers were used for preference relatives and 15,154 for skilled agriculturists in all of the countries of northern and western Europe. This makes a total of but 16,480 out of 70,449 quota numbers available for first-preference aliens in these countries.

In other words, in the large countries the mothers and fathers and other relatives are not using up the preferences allowed them at the present time. While the gentleman from New York has picked out Syria, which has a small quota, where many people wanted to come in, yet as a matter of fact, take it all in all, the preference clauses which include the wives, mothers, and fathers have not been utilized to the extent of the law.

Mr. DICKSTEIN. The only persons as mothers and fathers who come in without any difficulty are those from Germany and Great Britain. The rest of the world, having small quotas, are practically barred out. Let me ask the gentleman a question. On page 2 of the bill you allow fathers and mothers to come in under the preference visa. Suppose a skilled mechanician, or craftsman, as you call him, comes to the consul at the same time that a mother comes. Who is the consul going to give the preference to—the mother or the mechanician or craftsman?

Mr. FREE. That would be impossible.

Mr. DICKSTEIN. You say there should be no distinction between classes. Could you not give the preference to the skilled technician as against the father or the mother?

Mr. GREEN. Which would be worth the most to our Government as a citizen—the skilled man or the father or mother?

Mr. JOHNSON of Washington. Mr. Chairman, with reference to the introduction of the word "business" in line 10, page 2, it was thought advisable by the State Department, in order to take care of certain possibilities that might arise under treaties under the right of a person to travel without let or hindrance in the country of the other party to the treaty, that word should go in.

Mr. BURTNESS. The question is what the word "business" means in that connection.

Mr. JOHNSON of Washington. I have explained it that far. The State Department's objection to the bill was that it did not provide for business experts. One man can make his definition of that just as well as another.

Mr. BURTNESS. Is there any country in the world that has as many business experts as the United States has?

Mr. JOHNSON of Washington. Probably not. We probably have so many that we will not receive many from other countries.

Mr. BURTNESS. Therefore the use of the word in this bill would be inapplicable to the practical situation.

Mr. JOHNSON of Washington. I doubt if it will be needed at all, except that it seems necessary to offer treaty protection. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That paragraph (1) of subdivision (a) of section 6 of the immigration act of 1924, as amended by the joint resolution entitled "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States," approved May 29, 1928 (45 Stat. L. 1009), is amended to read as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; (B) quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science, are needed by bona fide employers to engage in work to perform which persons so trained and skilled can not be found unemployed in the United States, and the wives, and the dependent children under the age of 21 years, of such immigrants, if accompanying or following to join them; and (C) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 21 years, of such immigrants skilled in agriculture, if accompanying or following to join them. Preference under clause (B) of this paragraph shall not be given to any alien claiming to be so trained and skilled unless the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer needs persons so trained and skilled and that such persons can not be found unemployed in the United States. The determination of the Secretary of Labor shall be transmitted to the consular officer through the Secretary of State. Such determination of the Secretary of Labor shall also be considered for the purposes of the fourth proviso of section 3 of the immigration act of 1917, as his determination of the necessity for importing such skilled labor."

Mr. SABATH. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That section 4 of the immigration act of 1924, as amended, is amended by striking out the word "or" at the end of subdivision (e) and by striking out the period at the end of subdivision (f) and inserting in lieu thereof a semicolon and the word "or" and by adding after subdivision (f) a new subdivision to read as follows:

"(g) If or when a person of like qualifications unemployed can not be found in the United States, an immigrant who, being trained and skilled in a particular art, craft, technique, or science seeks to enter the United States solely to engage in the invention, development, perfection, or operation of such an art, craft, technique, or science, or of a mechanical, electrical, or chemical process, as an employee of an American person or corporation."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the amendment is not germane. This bill proposes to grant preferences within quotas, while the proposed amendment grants preferences beyond the quotas.

Mr. SABATH. Mr. Chairman, I am offering it as a substitute.

Mr. LAGUARDIA. Mr. Chairman, the bill before the House is a bill amending paragraph 1 of section 6 of the immigration act of 1924. The substitute offered by the gentleman amends the very same provision of the act, and offering it as a substitute clearly brings it within the ruling on the Aswell amendment to the McNary-Haugen bill.

Mr. GREEN. But the gentleman seeks to amend it in an entirely different way.

Mr. SABATH. Mr. Chairman, my substitute provides for the same thing that the bill does, with this one exception. My amendment provides that these men should be permitted to come outside of the quota, and the pending bill provides that they shall come within the quota. That is the only difference between my substitute and the pending bill. For that reason I feel that it is in order.

Mr. GREEN. Mr. Chairman, for that reason our contention is that the substitute is not in order, because it brings in an entirely different proposition. The bill before the committee has for its main purpose preventing the bringing in outside of the quota additional aliens.

Mr. JOHNSON of Washington. The substitute is an amendment to section 4, and the bill amends section 6 of the immigration act of 1924.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order made by the gentleman from Washington.

Mr. SABATH. Mr. Chairman, will it be in order then to offer that as an amendment to the bill if it is not in order to offer it as a substitute?

The CHAIRMAN. The Chair thinks not.

Mr. SABATH. What will be in order and what is permissible under the ruling?

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that that is not a parliamentary inquiry.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 15, after the semicolon, strike out all the remainder of line 15, and all of lines 16, 17, 18, 19, and 20, on page 2.

Mr. LAGUARDIA. Mr. Chairman, my amendment strikes out the provision for immigrants skilled in agriculture. I do not believe there is any more need for skilled agriculturalists in this country. I think we have too many of them now. I am sure that the chairman of the committee will state that this provision of the law has not been used to any great extent since 1924, when we enacted it. What few individual cases have come in under this provision I say now came in under a subterfuge. There is no doubt about that. I have seen applications and attempts made to bring in skilled agriculturalists to the cities. If we strike this out, I think we will eliminate one source of abuse in encumbering the now limited number of immigrants preferred under the law, thereby facilitating and expediting the entry of parents of American citizens. Unless the committee has information that this provision of law has been used and properly used and is needed, I do not see why we should not strike it out at this time. It will lighten the work of applications made to consuls under this provision of law by people who are not entitled to come in and who can not qualify, and I think we will compensate what you are now inserting under provision (b), the amendment offered by the gentleman from California [Mr. FREE]. I have not heard of a single individual case, a meritorious case, that has qualified under the so-called skilled agriculturalists provision of law.

And that being so, it should not be here, because it permits them to go into the preferential class and take the place of a bona fide preferential immigrant.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. The proposal, about as offered by

the gentleman from New York, has been given careful attention in the committee, but owing to the fact of the short time between now and the adjournment of the Congress, it was thought best not further to confuse the matter by striking the farmer preference out of the first one-half quotas.

Mr. LAGUARDIA. Has it served a useful purpose up to date?

Mr. JOHNSON of Washington. Well, the farmer preference available in the first four months of the fiscal year show the countries of northern and western Europe 5,000 and the other 1,042.

Mr. IRWIN. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. IRWIN. Is there any law at the present time in reference to expert agriculturists coming over to this country and going to work on a farm and in two or three months they become disgusted—as I say, is there any law prohibiting their going to the towns and taking work in the towns instead of agricultural work?

Mr. JOHNSON of Washington. Well, that is very slight.

Mr. IRWIN. There is no prohibition?

Mr. JOHNSON of Washington. No.

Mr. IRWIN. So if one is an expert agriculturist, he gets tired of the farm in two or three weeks, he could go to the town and obtain employment?

Mr. JOHNSON of Washington. There is no way in the United States to compel him to stay on the farm and work if he can find a job elsewhere and wants to go into a foundry or factory.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. DICKSTEIN) there were—ayes 15, noes 70.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. Section 1 of this act shall take effect July 1, 1929, except that the determinations thereunder by the Secretary of Labor may be made at any time after the enactment of this act.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and colleagues, I dislike to take up so much of your time on this comparatively unimportant amendment to the immigration law, and I would not except that it has a sentimental and a moral side to it. Let me call your attention specifically to the language in lines 4 and 5 of the bill on page 2, which reads:

Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes.

In other words it not only puts the skilled technicians and specialists in business in the preferential class along with the parents, wives, and children of American citizens but forbids priority being extended to the members of a citizen's family. I do not think that is fair or just, and I do not think this Congress, if it gives a moment of reflection and deliberation to it, will consent to it. This amendment seems to me to be dictated perhaps by some special interests in the country which want to get some particular kind of technicians to build up their business, and may not, perhaps, involve the immigration of more than a dozen or more of such workmen. But as little distance as it goes it inevitably involves the exclusion of parents, husbands, wives, and children of American citizens who are here. Going that far is going too far. It is radically wrong.

In my experience since the World War closed I have had scores of boys who fought in the war, who carried our flag on the other side and fought in the trenches, who were not able to get their parents here for years. I told this House two years ago of an instance where one of our alien soldier boys, after four years of struggle, finally got permission to bring his mother here, but the permission came so late that it was her dead body that was finally delivered to him at Ellis Island.

Such discriminations are barbarous and unjust. If they have fought our battles and if they are good enough to be American citizens, they ought to be good enough to have their fathers and mothers enter our land in the nonquota class. At least we should not put up this additional barrier to further minimize their chances of entering our frontiers. The Department of Labor has no restrictions whatever upon its discretion. The Secretary of Labor may take and allocate the whole of a country's preference quota to the agricultural employments or to the skilled craftsmen who are provided for in this bill.

The gentleman from California [Mr. FREE] had the right idea when he originally framed his bill in putting the skilled craftsman in the nonpreference or nonquota class. The substance of it was offered by my friend and colleague from Illinois [Mr. SABATH] as an amendment to this bill, but was held out of order. The gentleman from California has the right idea, and he ought to have the courage to stand and fight for it and not consent to an emasculation of his well thought out bill.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. LOZIER. Does not this bill from start to finish camouflage and conceal the purpose of the bill, which will permit technicians in one or two industries to enjoy its benefits?

Mr. GRIFFIN. All that I know is that there are certain people who want to get a few men in here under color of this amendment, and that is enough to damn it.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment: Page 3, line 10, strike out the comma and insert a period and strike out the balance of the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 10, after the figures "1929," insert a period and strike out the balance of the section.

Mr. LAGUARDIA. Now, Mr. Chairman and members of the committee, the cat will be out of the bag in a very few minutes. If it is the intention to have the new preferred class to take their places after the applications of parents of citizens now pending, then there is no necessity for the provision that the Secretary of Labor may pass upon these applications and have them all ready before July 1, 1929. This indicates, as my colleague from New York [Mr. GRIFFIN] and the gentleman from Missouri [Mr. LOZIER] just pointed out, that something has been prepared and set to bring in individuals, not because they can not find the same class of skilled labor in the United States but because they want cheaper labor, and they want to bring them in here at once.

The bill puts in the amendment of the law a provision, so as not to lose any time, to the effect that immediately and before July 1, 1929, the Secretary of Labor may determine whether they need these skilled laborers or not; and if so, give them the necessary permit to come in.

Mr. JOHNSON of Washington. Does not the gentleman agree to that?

Mr. LAGUARDIA. No.

Mr. JOHNSON of Washington. The quotas are prepared four months before that.

Mr. LAGUARDIA. If the gentleman will put into effect the provisions of this bill on July 1, 1929, and stop right there, it will give at least four months' start to the fathers and mothers who are now waiting and who want to apply for preferential visas. I want to state to the gentleman from Washington, who prides himself on his regularity, that the President of the United States in four or five successive messages to Congress recommended that we humanize the law so as to permit families to be united as soon as possible, and that President-elect Hoover, in his speech of acceptance, went on record as being in favor of amending the immigration law so as to humanize it and permit fathers and mothers of citizens to come in. Now we find that you not only inject a new class to cut down the number of fathers and mothers, but you come in and destroy the advantage they should have by permitting the Secretary of Labor to determine ahead of the time the law goes into effect. Then you come in and pretend that you restrict immigration, while you really open the doors to a cheaper kind of foreign labor.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DICKSTEIN. Is it not expected that the class will be closed up by the preferences already listed?

Mr. LAGUARDIA. It is closely figured that by the time the papers will arrive on the other side this new amendment will become operative to take the place of mothers and fathers.

Mr. DICKSTEIN. The mothers and fathers who wanted the preference would go to the American consul, while these other people will not have to go there.

Mr. LAGUARDIA. They can even bring in a stenographer under this bill and anyone in business.

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GREEN. The gentleman is not in favor of repealing the quota law, is he?

Mr. LAGUARDIA. I am in favor of repealing the discriminatory features of the quota law.

Mr. GREEN. Does not the gentleman know that if we do not include this class within the quota that they will continue to pound at the doors and try to get in without the quota?

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ACKERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16926) granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science, had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DICKSTEIN. Mr. Speaker, I move that the bill be recommitted to the Committee on Immigration.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DICKSTEIN. Yes.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DICKSTEIN moves to recommit this bill to the Committee on Immigration.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

The question was taken; and on a division (demanded by Mr. DICKSTEIN) there were—ayes 20, noes 96.

Mr. GRIFFIN. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 42, nays 280, not voting, 106, as follows:

[Roll No. 25]

YEAS—42

Allgood	Cooper, Wis.	Huddleston	Quayle
Auf der Heide	Corning	Kading	Ransley
Ayres	Crosser	Kemp	Sabath
Berger	Cullen	LaGuardia	Schafer
Black, N. Y.	Dickstein	Lampert	Somers, N. Y.
Bloom	Douglass, Mass.	Lindsay	Steagall
Browne	Fitzpatrick	Lozier	Tinkham
Busby	Glynn	O'Connell	Watres
Carss	Golder	O'Connor, La.	Weller
Combs	Griffin	Palmisano	
Connery	Hill, Ala.	Peavey	

NAYS—280

Abernethy	Cohen	Gardner, Ind.	Kearns
Ackerman	Cole, Iowa	Garrett, Tenn.	Kendall
Adkins	Collier	Gasque	Kerr
Allen	Colton	Gibson	Ketcham
Almon	Connally, Tex.	Gifford	Kiess
Andresen	Cooper, Ohio	Gilbert	Kincheloe
Arentz	Cox	Goldsborough	Knutson
Arnold	Crail	Goodwin	Kopp
Aswell	Cramton	Green	Korell
Bachmann	Crisp	Greenwood	Kurtz
Bacon	Culkin	Guyer	Langley
Bankhead	Dallinger	Hadley	Lanham
Beers	Darrow	Hale	Lankford
Begg	Davis	Hall, Ill.	Larsen
Bell	Deal	Hall, Ind.	Lea
Black, Tex.	Dempsey	Hall, N. Dak.	Leatherwood
Bland	Denison	Hancock	Leavitt
Blanton	DeRouen	Hardy	Leech
Bohn	Dickinson, Iowa	Hare	Lehlbach
Bowman	Dickinson, Mo.	Hastings	Letts
Box	Dominick	Haugen	Linthicum
Brand, Ga.	Doughton	Hickey	Lowrey
Brand, Ohio	Dowell	Hill, Wash.	Luce
Briggs	Drane	Hoch	McCormack
Brigham	Drewry	Hoffman	McDuffie
Britten	Driver	Hogg	McKeown
Browning	Dyer	Holaday	McLeod
Buchanan	Eaton	Hooper	McSwain
Buckbee	Edwards	Hope	McSweeney
Bulwinkle	Elliott	Houston, Del.	Magrady
Burdick	Eslick	Howard, Nebr.	Major, Ill.
Burtness	Evans, Calif.	Howard, Okla.	Major, Mo.
Byrns	Evans, Mont.	Hudson	Manlove
Canfield	Fish	Hudspeth	Mansfield
Cannon	Fisher	Hughes	Mapes
Carter	Fitzgerald, Roy G.	Irwin	Martin, La.
Cartwright	Fitzgerald, W. T.	Jeffers	Martin, Mass.
Chalmers	Fletcher	Jenkins	Menges
Chapman	Fort	Johnson, Ill.	Michaelson
Chase	Foss	Johnson, Ind.	Michener
Chindblom	Free	Johnson, Okla.	Miller
Christopherson	Freeman	Johnson, S. Dak.	Monast
Clancy	French	Johnson, Tex.	Montague
Clarke	Fulmer	Johnson, Wash.	Moore, Ky.
Cochran, Mo.	Gambrill	Jones	Moore, Ohio
Cochran, Pa.	Garber	Kahn	Moore, Va.
Morehead	Reece	Summers, Wash.	Welch, Calif.
Morgan	Robinson, Iowa	Sumners, Tex.	Welsh, Pa.
Morin	Robsion, Ky.	Swank	White, Colo.
Morrow	Rogers	Swing	Whitehead
Nelson, Me.	Romjue	Tarver	Whittington
Nelson, Mo.	Rowbottom	Tatgenhorst	Wigglesworth
Nelson, Wis.	Rutherford	Taylor, Tenn.	Williams, Ill.
Newton	Sanders, N. Y.	Thatcher	Williams, Mo.
Niedringhaus	Sanders, Tex.	Thompson	Williams, Tex.
Norton, Nebr.	Sandlin	Thurston	Williamson
O'Brien	Sears, Fla.	Tilson	Wilson, La.
Oldfield	Seger	Tucker	Wilson, Miss.
Oliver, Ala.	Selvig	Underhill	Wingo
Parks	Shreve	Updike	Wolfenden
Patterson	Simmons	Vestal	Wolverton
Peery	Smith	Vincent, Iowa	Wood
Perkins	Snell	Vincent, Mich.	Woodruff
Porter	Speaks	Vinson, Ga.	Woodrum
Pratt	Sproul, Kans.	Vinson, Ky.	Wright
Purnell	Stalker	Wainwright	Wurzbach
Quin	Steele	Ware	Wyant
Ragon	Stobbs	Warren	Yates
Rankin	Strong, Kans.	Wason	Yon
Rayburn	Strong, Pa.	Weaver	Zihlman

NOT VOTING—106

Aldrich	Doutrich	King	Reed, N. Y.
Andrew	Doyle	Kunz	Reid, Ill.
Anthony	England	Kvale	Schneider
Bacharach	Englebright	Lyon	Sears, Nebr.
Barbour	Estep	McClintic	Shallenberger
Beck, Pa.	Fenn	McFadden	Sinclair
Beck, Wis.	Frear	McLaughlin	Sirovich
Beedy	Fullbright	McMillan	Spearing
Boies	Furlow	McReynolds	Sproul, Ill.
Bowles	Garner, Tex.	Maas	Stedman
Boylan	Garrett, Tex.	Mead	Stevenson
Bushong	Graham	Merritt	Strother
Butler	Gregory	Milligan	Sullivan
Campbell	Griest	Mooney	Swick
Carew	Hammer	Moore, N. J.	Taber
Carley	Harrison	Moorman	Taylor, Colo.
Casey	Hawley	Murphy	Temple
Celler	Hersey	Norton, N. J.	Tillman
Clague	Hull, Morton D.	O'Connor, N. Y.	Timberlake
Cole, Md.	Hull, Tenn.	Oliver, N. Y.	Treadway
Collins	Hull, Wm. E.	Palmer	Underwood
Connolly, Pa.	Igoe	Parker	Watson
Crowther	Jacobstein	Pou	White, Kans.
Curry	James	Prall	White, Me.
Davenport	Kelly	Rainey	Winter
Davey	Kent	Ramseyer	
Douglas, Ariz.	Kindred	Reed, Ark.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Sullivan (for) with Mr. Sproul of Illinois (against).
Mr. Boyland (for) with Mr. Spearing (against).
Mr. O'Connor of New York (for) with Mr. Pou (against).
Mr. Kindred (for) with Mr. Furlow (against).
Mr. Prall (for) with Mr. Hammer (against).
Mr. Oliver of New York (for) with Mr. McReynolds (against).
Mr. Carew (for) with Mr. Reid of Illinois (against).
Mr. Sirovich (for) with Mr. Fenn (against).
Mr. Doyle (for) with Mr. McFadden (against).
Mr. Kunz (for) with Mr. Griest (against).

Until further notice:

Mr. Hawley with Mr. Garner of Texas.
Mr. Treadway with Mr. Rainey.
Mr. Timberlake with Mr. Hull of Tennessee.
Mr. Bacharach with Mr. Watson.
Mr. Crowther with Mr. Ramseyer.
Mr. Estep with Mr. McLaughlin.
Mr. Andrew with Mr. Taylor of Colorado.
Mr. Kelly with Mr. Lyon.
Mr. Winter with Mr. Mead.
Mr. Barbour with Mr. Casey.
Mr. King with Mr. Moorman.
Mr. Clague with Mr. Igoe.
Mr. Swick with Mr. Milligan.
Mr. Connolly of Pennsylvania with Mr. Kent.
Mr. White of Maine with Mr. Underwood.
Mr. Graham with Mr. Reed of Arkansas.
Mr. Reed of New York with Mr. Moore of New Jersey.
Mr. Murphy with Mr. Carley.
Mr. Beck of Pennsylvania with Mr. McClintic.
Mr. Merritt with Mr. Gregory.
Mr. Campbell with Mr. Collins.
Mr. Aldrich with Mr. Mooney.
Mr. James with Mr. Shallenberger.
Mr. Curry with Mr. McMillan.
Mr. Sinclair with Mrs. Norton of New Jersey.
Mr. Davenport with Mr. Stedman.
Mr. Englebright with Mr. Celler.
Mr. Temple with Mr. Tillman.
Mr. Frear with Mr. Jacobstein.
Mr. Palmer with Mr. Davey.
Mr. Bowles with Mr. Garrett of Texas.
Mr. Parker with Mr. Fulbright.
Mr. Beedy with Mr. Kvale.
Mr. England with Mr. Douglas of Arizona.
Mr. Doutrich with Mr. Stevenson.
Mr. Taber with Mr. Harrison.

Mr. HADLEY. Mr. Speaker, the Ways and Means Committee is holding tariff-revision hearings. Several members of the committee have paired, and I ask unanimous consent to have read the additional pairs which I send to the Clerk's desk.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Mr. Hawley with Mr. Garner of Texas.
Mr. Treadway with Mr. Rainey.
Mr. Timberlake with Mr. Hull of Tennessee.
Mr. Bacharach with Mr. Watson.
Mr. Crowther with Mr. Ramseyer.
Mr. Estep with Mr. McLaughlin.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE RETIREMENT AND RECLASSIFICATION BILLS

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to proceed out of order for three minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed out of order for three minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, I feel it of the utmost importance to call to the attention of the House at this time the necessity for passing the Dale-Lehlbach retirement bill. I have aided in securing a rule for consideration of this measure, which rule has been in the possession of the chairman of the Rules Committee for quite a while.

This act increases the maximum retirement pay to $1,200 a year and the average allowance to $800. The present maximum is $1,000, and the average pay around $700. And in many cases employees receive less than $100 yearly.

This fund comes largely out of the salaries of the employees—in fact, practically all of it. So, why should Congress object to passing a meritorious measure, which means the caring for aged employees of the Federal Government, when it comes out of their own pockets?

The session is approaching its close. There is no question that if this bill should be placed before the House at the present time it would pass by a vote of three-fourths of the membership.

I also wish to draw attention of the Members of the House to the reclassification act, passed by the Senate, known as the Brookhart bill and introduced in the House by Mr. CELLER, of New York.

And I will further bring to the attention of the Members of the House the fact that under the Welch bill, as administered by the Personnel Classification Board, from my personal knowledge and through information gained in discussing the matter with employees here, in my home city of El Paso, and elsewhere, that the ones receiving the lower pay have not been benefited.

I do not object, Mr. Speaker and gentlemen, to the fact that increases were granted under the Welch Act. I think this was very necessary and timely. But I do wish to impress upon you the fact that those in the lower grades, who I thought at the time of the passage of the act, would receive substantial increases, have not received them under the classification made by this board.

Furthermore, the Comptroller General construes this act in a different way from what Congress intended. And those whom we intended should get the real benefit, or a majority of the Federal employes, I might say, have not received it, as the act has been construed and administered.

Everyone recognizes at the present time the great increase in the cost of living. And since I have been a Member of Congress there has been at least 100 per cent increase in the cost of living. But the increase in salaries has not been commensurate with, by any means, or in proportion to the increase in the necessaries of life.

"The laborer is worthy of his hire." The Federal Government is a big corporation, and it has as faithful employees as we have in this great country. Therefore I especially urge that these bills be taken up at the earliest possible moment and placed before the House, where there is no question they will pass by a large majority.

I especially urge the Republican steering committee and the chairman of the Rules Committee, who have the power to bring these measures up and permit the Members who earnestly desire to have these increases made, to give them opportunity to vote upon them, so that they may be enacted at the other end of the Capitol and reach the President in time for his signature before the final adjournment on the 4th of March.

I recently signed a request for the bringing up of these measures and am informed by the gentlemen who circulated this petition that over 300 names of Members of the House had been secured requesting immediate consideration. This shows the temper of the House and should convince the "powers that be" of the great importance of considering this legislation at the earliest possible time. [Applause.]

DEPORTATION OF ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 5094, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, this bill is an abridgement of a bill relating to deportation which passed the House almost unanimously in the last Congress and in the Congress before that. The bill in much larger form was reported from the committee to this House a year ago in January, but the time now is so short between now and adjournment it has been decided by the committee to report out a deportation bill in shorter form.

The committee has given the bill, in case it becomes a law, a title so that the act may be known as the undesirable aliens act of 1929.

The bill has been written with the greatest care, without malice or feeling of any kind, and is designed for the protection of the United States, and is intended to reach only the most dangerous classes of criminals and those aliens who smuggle or who assist in smuggling other aliens into the United States. This is the bill you have all been asking for. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. JOHNSON of Washington. In just a minute. Wait until I have finished my statement.

The committee spent some time in endeavoring to draft a paragraph that would reach the alien gunman, and at a meeting of the committee this morning the reporting of an amendment including one more classification was authorized, reading as follows:

(8) An alien who is convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, for which he is sentenced to imprisonment for a term of six months or more; or who, having been convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, is thereafter convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, regardless of the sentence in either case. This subsection shall apply only in the case of offenses committed after the enactment of this act.

In other words, in respect of this line of cases the committee, if we can enact this into law, reaches down to less than one year's conviction and recognizes a conviction of six months in a court of record, or two convictions of the same person regardless of the length of time.

Quite a number of the States have very stringent laws against the carrying of guns. Most of them require permits, and several States have laws with regard to the carrying of guns by aliens, and in some States aliens are required also to have permits.

I am hopeful we can get right along with the bill. It has been abridged to the last degree and will be effective, and now includes this additional provision.

Mr. HUDSON. Will the gentleman yield?

Mr. JOHNSON of Washington. Wait until I have rounded out my statement.

Mr. HUDSON. Will the gentleman yield with respect to the language describing the bomb?

Mr. JOHNSON of Washington. I just read it. We can not describe bombs and hatchets and the size of bombs, and all that sort of thing, in respect of the enactment of a bill to apply to persons who have been convicted. We use the words "explosive bombs." The courts will take care of the description according to State laws.

This language is the key to the bill:

That the following aliens shall, upon warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in sections 19 and 20 of the immigration act of 1917 (U. S. C. title 8, secs.

155, 156), if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Now, gentlemen must understand that sections 19 and 20 of the basic immigration act of 1917 still stand, providing for deportation, and that every alien may have a lawyer and have a defense. That applies to two or three classes now—the procurer type and one or two others. This bill extends it to the narcotic type, the narcotic peddler, and also to those who would smuggle and harbor aliens. I think that makes it clear. They have the process and opportunity of defense, and in addition I want to say that all cases of deportation not mentioned in this particular act remain in the law of 1917.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. TAYLOR of Tennessee. I regard this as a very meritorious bill. It has already passed the Senate, I believe?

Mr. JOHNSON of Washington. Part of the text of the bill has passed the Senate, but we have substituted a deportation bill.

Mr. TAYLOR of Tennessee. I wondered if this amendment was adopted it would not jeopardize the bill?

Mr. JOHNSON of Washington. I think not; this Senate proposal really related to aliens deported and returning to the United States. I think that we can get something out of this that the people want.

Mr. UNDERHILL. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. UNDERHILL. Will the gentleman state why we can not make this retroactive?

Mr. JOHNSON of Washington. I have a doubt as to the policy of making laws retroactive.

Mr. UNDERHILL. If we could go back to January 1 and catch that bunch that did the shooting the other day in Chicago——

Mr. JOHNSON of Washington. I am not sure they are all aliens.

In regard to a retroactive clause, it is interesting to note that many of the provisions in the large deportation bill were brought out a year ago in the past. Yet some of the cases provided for deportation exist now only in a small degree. You must remember that there was a time limit—five years in most cases and three years in some. There was no limit to some of the worst criminals. When your committee undertook five years ago to work out a deportation law there were a great many dependent aliens in insane institutions—decrepit and paupers. The law was not passed and so time limit ran in nearly all of the cases. The restrictive immigration act went into effect on July 1, 1924, so it will be five years next July, and on July 1 next the time limit will run out in nearly all classes.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. COCHRAN of Missouri. My attention was called to the cases of four aliens ordered deported confined in an institution in St. Louis where the State Department was unable to secure from the foreign government their passports. How are you going to get such people deported if the foreign government will not issue the passports?

Mr. JOHNSON of Washington. We have the same trouble in the United States, for we as a government decline to take back our insane aliens from Canada.

Mr. COCHRAN of Missouri. Then what is the use of passing this bill if the foreign governments will not grant the passports?

Mr. JOHNSON of Washington. This reaches another type entirely.

Mr. SABATH. Mr. Chairman and gentlemen of the House, I am pleased to be in a position to say that it begins to look as if I have been of some service to the House and to the country. I say this because I recall that when some four years ago the House was about to pass a deportation bill I called attention to the fact that it contained many glaring defects. I pointed out here at that time that some of its provisions were most unfortunate, unfair, and utterly indefensible. That I was justified in my criticism was demonstrated later by the refusal of the Senate to enact it into law.

Again, a year ago, the House passed a deportation bill, not as fierce, not quite as bad, as the one we passed in 1926, but still a very vicious bill which again failed, and properly so, to pass the Senate.

Therefore, I am indeed pleased that to-day the committee submits for your consideration a deportation bill which is not as vicious, which is not as bad, and which I am hopeful that I may be able to vote for, and will vote for, if a few amendments are agreed to, and which amendments I feel that you gentlemen will vote for when they are submitted to the House.

Now, with a view of enlightening some of you gentlemen who have been made to believe that in years gone by we have had no deportation legislation, I want to read to you, while I have a chance, what the present law provides.

I desire to do this so that in the future you will not be carried away on legislation that is brought up on the floor of the House merely because some unreasonable people insist upon its enactment. I know that most of you, due to the large amount of work you have, and the many duties which you must perform, are unable to familiarize yourselves with all of the laws. Therefore, at this time I shall read what the present deportation law actually is. Section 19 provides:

SEC. 19. That at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section four hereof; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported.

I have read to you the deportation provision of our law which has been on the statute books for over 10 years, under which to my mind you can deport almost anybody, at least anybody and everybody who is guilty of any crime. But in that law there were limitations as to when deportations must take place in instances of certain offenses. It will be noted that the law now requires that deportation must take place within three or five years in certain instances. That, however, does not apply to the provision that I had written into the law, namely, the deportation of violators of the white-slave traffic, under which they can be deported at any and all times without any limitation of time. The bills that the committee reported, and the House voted for, at the last session and the session before last, merely recited the present laws and eliminated the limitations that are placed in it, in respect to some of the offenses mentioned in the 1917 act. Therefore, as I say, I am mighty pleased to-day to know that the committee has finally, after sobering up and giving the matter due consideration, submitted a report and recommended a bill which is not as harsh, not as unreasonable, as those bills which you gentlemen have twice voted for almost unanimously in this House, due to the fact that you did not have the information that you should have had before voting on such important legislation.

Mr. EVANS of California. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. EVANS of California. Will the gentleman point out to us the difference between the old deportation law and this bill under consideration?

Mr. SABATH. I do not think that I have the time, but I will say that this bill eliminates the time limit in certain offenses, so that under this law—and that is one of the objections I still have—a man may be deported for a minor offense—yes, even for misdemeanors committed 20 or 30 years ago. The gentleman, I take it, is a lawyer; and he knows that in every State in the Union we have a statute of limitation which runs, in most of States, three years, and in some of them five years, which is the time limit within which a man guilty of an offense, even a crime, can be prosecuted. But in this bill we completely eliminate that time limit, and a man might be deported, as I stated, 10, yes, 20, years after the offense has been committed. That provision in relation to some minor offenses is, I think, cruel, un-American, unwise, and unjustifiable, and I feel it should be amended. I favor the deportation of a real criminal at any and all times, but not one guilty of only a minor infraction of law.

Mr. RUTHERFORD. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. RUTHERFORD. The gentleman stated a moment ago that the committee had sobered. Does the gentleman wish to leave the impression that it was drunk on power?

Mr. SABATH. I know that the gentlemen of my committee do not get drunk on anything else than power. Of course, I am not at all times with them, and I do not know whether they imbibe anything other than the power that has been granted to them as members of that committee. I certainly do not wish to leave any inference that the committee, or any member of it, has been drunk on anything other than power. Proviso 3 and proviso 4 in this bill, I think, should be amended. I hope you gentlemen who are here will realize that I am not seeking anything beyond fairness and justice, that I favor deportation, and that I always did, of any criminal and, again, I am obliged to congratulate myself and pat myself on the back because the committee has finally agreed with me and has brought in a provision under which we will be able to deport the criminal gunman. In the acts of 1925 and 1926, and in the last year's act, that provision was not in the deportation bill. I then introduced a bill which provided directly for the summary deportation of gunmen. I have no sympathy, and never did have any, with any real criminal, but I do have sympathy for an unfortunate alien who, through no fault of his, finds himself an inmate in an institution, such as a hospital or public sanitarium, where he has been sent because of injury that he has received through no fault of his own, and who, because of that fact, when found to be receiving treatment in such an institution is designated a public charge, though he did nothing to bring it upon himself, and under our laws is ordered deported because he has not enough funds to be taken care of or treated in a private hospital or sanitarium. I have always favored the deportation of every real criminal.

I have no sympathy with those who deliberately come here in violation of the law, trusting to outwit our officials, and I repeat that they should be deported. Therefore, I hope to-day to be able to support a deportation bill even though it may go a little further than I think it should, providing it may contain provisions which I feel of interest to our Nation. I say, I am hopeful that I may be able to vote for it, providing, however, you will help me to justify my vote for it by eliminating some few unjustifiable provisions which are both unreasonable and unconstitutional.

In addition to the amendment which I offer, I have another amendment which I desire to offer and will offer when the proper time comes, and that provides for the deportation of anyone, not only the gunman convicted in court of record, but I will go with the committee a step farther. I believe we should deport every gunman after he has been found guilty the second time of having in his possession any gun, pistol, revolver, or explosive bomb. It should not be necessary that he should be convicted in a court of record, but it should suffice that he has been convicted in any court. I repeat that I am not, never was, and never will be in favor of anything helpful to any alien criminal. I am against them; I want them out. I want the alien here to behave himself and demonstrate that he is deserving of our hospitality. On the other hand, gentlemen, I want to ask of you that in the future when this question comes up do not look upon this question as involving principally the alien, but as having reference chiefly to the criminal.

The number of the criminal aliens is small, indeed, in comparison; the percentage is much lower in fact than that among American-born or American citizens.

These gunmen that you read about are not aliens. They are not men who came here in the last 5, 8, 10, or 15 years and of the so-called new immigration. A majority are men who are born in this country; some are of foreign parentage.

A large number of men who are studying the present crime wave believe that the late war is responsible for the prevalent crime.

The war undoubtedly taught men to hold human life cheap; it imbued men with the killing instinct. Civilization is going to have to pay the price for a certain period, until this killing instinct subsides.

However, anyone who has studied the conditions can not deny that prohibition, to a far greater extent than the war, is responsible for the present wave of crime.

In this I am borne out by every man and woman, and every organization that has investigated and studied conditions. Therefore, gentlemen, the sooner we modify or change the present prohibition law the sooner we will be able to reduce, and I hope, eliminate a great measure of the existing deplorable conditions. Such action, and such action alone, in my judgment, will tend to arrest the ever-increasing disregard of every other law. Prohibition has been responsible for more crime than anything else that has occurred in America in a century.

Therefore I am indeed grateful that the committee has agreed to embody in this bill an amendment which will bring about summary deportation of any alien guilty of carrying concealed weapons. I concede it is a very stringent provision, but I feel it is absolutely necessary, not because it will bring about any great number of aliens for this offense, but it will prove beyond doubt that only a very few, if any, of these gunmen are aliens, which will be demonstrated within a short space of time after this provision goes into effect and will stop the continuous attacks of those who are trying to unload all the blame for all crime on the shoulders of the immigrant classes.

The amendment referred to which I shall offer at the proper time and which I hope will be adopted, reads as follows:

(8) An alien who is convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, for which he is sentenced to imprisonment for a term of six months or more; or who, having been convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, is thereafter convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, regardless of the sentence in either case. This subsection shall apply only in the case of offenses committed after the enactment of this act.

In this connection, gentlemen of the House, I desire to state that in the following additional amendment I believe I provide a manner of getting at a real solution of this problem of the alien gunman in a more far-reaching and practical way than by any method that has heretofore been suggested here:

an alien who has no lawful and visible means of livelihood, who has been convicted for the second time as a vagrant, if it appears that in each case at the time of his arrest he was carrying on his person or in a vehicle, a concealed pistol, revolver, gun, or bomb.

Mr. GREEN rose.

Mr. SABATH. I had forgotten the gentleman. I am glad——

Mr. GREEN. Will the gentleman yield?

Mr. SABATH. I will.

Mr. GREEN. I wonder if the gentleman has the figures showing exactly what percentage of the criminals of the country are aliens and what percentage are Americans?

Mr. SABATH. Well, I will give that information in a minute.

Mr. GREEN. And also give to the House what percentage of our population is foreign born.

Mr. SABATH. I will try to give the gentleman and the House all the information I possibly can within the time allotted to me. I am glad to see the gentleman rise and ask for information for I know he can use a lot of information and the information probably will be beneficial to him I hope in the future. [Laughter.] I do not know of anybody who can absorb more information than the gentleman.

Mr. GREEN. And I do not know of any gentleman who can come as near not giving information as the gentleman. Will the gentleman answer the question?

Mr. SABATH. I shall again prove to you and to the House that you are again wrong in your statement, as I will give you facts and figures that will make you dizzy, and I hope that it will do you some good.

Mr. GREEN. Answer the question.

Mr. SABATH. And be absorbed by you and subsequently utilized in the right direction.

The gentleman from Florida requested information, and I must not disappoint him. I wish to submit some information relative to his own State of Florida. Florida had an estimated population in 1925 of 1,253,957, of which 28,571 are listed by the United States Census Bureau as aliens, and I imagine a very, very small proportion of that number are Europeans and a very large proportion Cubans and from the West Indies.

Florida, being part of the States, is under prohibition along with the rest of us, and the records show the people down there are inclined to violate the prohibition laws very much as they do elsewhere. If the aliens are the only ones violating the Volstead Act, they must be kept pretty busy. The records show that during the year ending June 30, 1928, the number of "distilleries" seized in the State of Florida numbered 820, while of lesser apparatus for violating the prohibition laws, there were confiscated in that State, in addition, 581 individual stills, 850 still worms (whatever they are), and 20,981 "fermenters." So that it is evident that someone down in the gentleman's State does enjoy a drink. I read recently in the newspapers a statement by some public official to the effect that 100 stills are operating in the Nation as a whole for every 1 destroyed, and if this estimate holds good as to Florida it becomes evident that more good "likker" is being produced in the good and great State of Florida than can probably be consumed by the aliens without a little assistance now and then from the balance of the Florida citizenship.

I do not wish to be understood as assailing Florida or Floridans. Not at all. I sympathize with Florida. Not only did she lose in a single year all that valuable paraphernalia for the manufacture of the celebrated Florida "hootch" or "white mule," but her citizens were forced to withstand the agonizing ordeal of standing helplessly by and watching the authorities seize, lay violate hands upon, and destroy 36,596 gallons of the finished product of the still, to say nothing of 1,097,287 gallons of the still unfinished product, otherwise known as "mash." Visualize it, contemplate it, weep over it, you who have hearts, the "makings" of a million grand and glorious feelings heartlessly and ruthlessly wasted!

One more reference as to the prohibition and Florida, and then I intend to let Florida alone. In addition to the output of Florida's distilleries, stills, still worms, and that Florida handy household convenience, the "fermenter," it is said that enough red liquor is smuggled into Florida ports from Cuba and the Bahamas every year to float one of those cruisers of the type recently authorized by Congress.

Adjoining Florida is the "bone-dry" State of Georgia. Georgia in 1925 had an estimated population nearly three times that of Florida, but only one-sixth as many aliens, 4,734 against Florida's 28,571. But—shades of William D. Upshaw—the year ending June 30, 1928, witnessed the destruction of more than twice as many stills, and the seizure of more than twice as much mash, in which so much hope and anticipation is centered, than occurred even in Florida.

To recapitulate, the year's casualties for "bone-dry" Georgia were: 1,919 distilleries, 1,484 stills, 934 still worms, 19,379 fermenters, 33,351 gallons of spirits, 2,456,067 gallons of mash—all gone to smash! And the number of aliens affirmed to be in Georgia was only 4,734 out of its total population of 3,058,260! Only one-sixth as many aliens and more than twice as much law violation? Is further comment necessary?

If the estimate previously cited, of 100 stills operating for each one discovered and seized holds good for Georgia, the "aliens" down there have no need of any worry on our part. They are no doubt still able to get a drink and this notwithstanding the statement on the part of its Representatives.

I have no personal animus whatever in this matter, and am not pretending that Florida or Georgia is any worse or any better or any drier or any wetter than any other State in the Union. As a matter of fact, they are not. I could cite similar figures about most any other State in prohibition America. For the farce is nation-wide.

But since I have been discussing those two States I wish to add, as a mere matter of postscript, a little further data to show which way the wind is blowing in a couple of the leading cities of Florida and Georgia.

Arrests for drunkenness in Jacksonville, Fla., for the year 1921 numbered 995, but for 1927 the number was 3,109 more than three times as many as during 1921.

Arrests for the same cause in Atlanta, Ga., in 1921 numbered 4,491, as against 9,896 in 1927.

Similar statistics could be cited for most cities in the United States, and it is a curious fact that the increase of arrests for drunkenness appears markedly greater in the former so-called dry States than in the former so-called wet States.

Another peculiar fact revealed by the official report of the Commissioner of Prohibition is that some of the States which send the leading dry crusaders to Congress are greater violators of the prohibition law, in proportion to population, than some of the former so-called wet States. Much is said, for instance, about the "wetness" of my own State, Illinois. Now, I frankly admit the prohibition law is violated there, but you seldom hear the Representatives of the "dry" States doing likewise. Yet the official report of the United States Commissioner of Prohibition shows that the number of arrests for violations of the prohibition amendment is greater per capita in the "dry" South, which produces our leading "dry" advocates, than in "wet" Illinois. The following figures are all taken from the report indicated, covering the year ending June 30, 1928:

State	Population estimated, 1925	Distilleries seized	Stills seized	Still worms seized	Fermenters seized	Spirits seized	Mash seized
						Gallons	*Gallons*
Alabama	2,467,190	414	308	3	4,298	8,207	377,634
Florida	1,253,957	820	581	850	20,981	36,596	1,097,287
Georgia	3,058,260	1,919	1,484	934	19,379	33,351	2,456,067
Total	6,779,407	3,153	2,373	1,787	44,658	78,154	3,930,988
Illinois	6,964,950	330	935	191	9,431	75,193	1,618,234

This table and figures show that there are ten times as many distilleries, three times as many stills, nine times as many still worms, five times as many fermenters, and over twice the number of gallons of mash seized in the three States with a population of 200,000 less than that of the State of Illinois. And this notwithstanding that the laws are not enforced in these dry States to the extent that they are in my State.

Now, I hope that in the future the gentleman from Florida, who believes in law and order and decency and morality, will help me and others to bring about an amendment or modification of the prohibition law, so that we can eliminate the present wave of crime that is prevalent from one section of the country to the other solely as a result of prohibition.

Mr. GREEN. I will be glad to help the gentleman if his committee will bring out a bill that will deport every alien who violates the prohibition law.

Mr. SABATH. Here I have a report from the Commissioner of Immigration for the year 1928. On page 154 of this highly informative document he will find, in Table No. 56, the facts relative to "Aliens deported (under warrant proceedings) after entering the United States, fiscal year ended June 30, 1928, by race or people and causes."

In that entire year, the latest for which we have available statistics, the total number deported for the entire United States was 11,625. Of that number, only 681 are shown to have been deported as "criminals after entry." In other words, this amounts to less than 6 per cent.

Now, the gentleman wants to know from what countries these deported persons came. This table furnishes that information, too. Of the 681 deported under the aforementioned head, 191 were returned to Mexico. It may surprise some Members of this House to know that neither the second largest number of those deported, nor the third largest number of those deported, came from any of the much-maligned southeastern European countries, but from the so-called Nordic races, so much championed here. Now, gentlemen, I dislike very much to point out the shortcomings of any people. But I feel that it is nothing short of my duty to give the country the facts on the situation. The second largest number of aliens deported as "criminals after entry" were English, of which there were 79.

Among the various races we note that 46 French were deported; also 58 Italians—a considerable number, perhaps, yet 21 fewer than of British. Deportations of some of the nationalities were: Czechoslovakian, 5; Bohemian and Moravian, none; Lithuanian, none; Rumanian, 2; Russian, 3; Bulgarian, Serbian, and Montenegrin, none; but Scotch, 29.

The fact is, gentlemen, and you may as well face the facts, the English propagandists have been fooling the American people right along. It is well known in this connection that propaganda always did constitute a big part of British diplomacy. Through British secret organizations, lobbyists, and through the press the English have succeeded in convincing the American people that the southeastern European immigration to the United States is composed mainly of the lawbreaking class.

Were we to take this propaganda at its face value, we could only conclude, and God only knows how many Americans have erroneously so concluded, that lawbreakers have been coming in from southeastern Europe by the hundreds of thousands. I have just cited figures showing how different are the real facts in the premises.

The document from which I have read to the House to-day is available to anyone. If the gentleman has not been able to secure a copy, I will be glad to furnish him one, together with additional information that will be helpful and beneficial to him in the future.

Mr. GREEN. Does not the gentleman know that it is estimated there are a million criminal aliens in the United States?

Mr. SABATH. I thank the gentleman. He always comes to my relief when I am nearly exhausted.

This statement of the gentleman from Florida, about the million of alien criminals in the United States is on par, and just as wild and untrue, as many of his other statements on the question of immigration and prohibition. It is amazing how reckless he and the other prohibitionists and restrictionists can be with facts and figures.

Now, I have with me information here that I have been furnished with only to-day by the secretary of the committee, namely, a report from the State Department. If we have no confidence in the Labor Department or the Commissioner of Immigration, although I know he is a sincere and well-meaning man, and so is the Secretary of Labor, we certainly have confidence in the Secretary of State. I am sorry that the incoming newly elected President will not see fit to reappoint the present incumbent as Secretary of Labor, because I know that he has done splendid service in the position that he occupies, and especially during the last campaign.

Mr. GREEN. Mr. Chairman, will the gentleman yield right there?

Mr. SABATH. No; I can not yield.

Mr. GREEN. I think the Secretary of the Treasury is the one they were most interested in.

Mr. SABATH. Oh, I know you people are interested in the Treasury and in money.

Mr. GREEN. We are interested in the Secretary of the Treasury when he opposes a $24,000,000 additional appropriation for prohibition enforcement.

Mr. SABATH. Yes; I know you and all your prohibitionists are just anxious to get hold of the $24,000,000, and, if possible, more, so that you can provide for more lucrative jobs for the professional prohibitionist fellows.

The gentleman wanted to know the number of aliens that are on the list that might be deported, and what proportion of them had been deported. I have to repeat that the number who have been deported was a little over 11,000, and I believe that under the present law the number will not be increased, although I am ready to vote for any additional appropriation that may be necessary.

Right in connection with this, Mr. Chairman and members of the committee, let me call your attention to one thing: I observe that yesterday the Secretary of the Treasury agreed to an additional appropriation for the Coast Guard and for our border patrol. I have advocated for years that the service should be unified. Why should we have a thousand or twelve hundred immigration inspectors at $2,000 each and other inspectors as well doing work in the same section of our country, and doing nearly the same work? We could easily save millions of dollars and secure a better enforcement of the law on our borders and at the same time secure much better and more efficient service if the inspection force were unified, and for that reason I hope you gentlemen on the Committee on Appropriations and you other men of influence will be able to bring home to the Secretary of the Treasury that information that should have been his that this department should be unified. We would be able to secure thereby an inspection and examination and control of our border lines without the additional expenditure of $2,000,000 or $5,000,000.

Now, as I am nearly exhausted—not in convincing material but in strength—I shall be glad to yield the floor. How much time have I consumed, Mr. Chairman?

The CHAIRMAN. Twenty minutes.

Mr. SABATH. I am thankful for the courtesy of my friend, the chairman, and the membership of the House, in giving me this opportunity at this time.

Mr. JENKINS. Mr. Chairman, in the momentary absence of the gentleman from Washington [Mr. JOHNSON], I yield to the gentleman from Texas [Mr. BOX] 10 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BOX. Mr. Chairman and members of the committee, Members of the House who were Members of the preceding Congress will recall that this House then passed a deportation bill. It was much more inclusive and, I think, a better bill than this one. But it did not become a law. The fault, if it was a fault, is not chargeable to this House.

During the first session of this Congress your committee reported another deportation bill, somewhat subdued, a little milder in its provisions, and that bill remained here on the calendar indefinitely and had very little prospect of passage. Now we have brought forth a third and still more subdued edition of the original deportation bill.

One reason why this bill is presented in this form is because your committee believes that it has a better chance of passage than a bill such as was reported before; and if Members are not satisfied with this measure because it does not do all the things they think should be done, I suggest to them that, although we can not accomplish all that we believe we should do, that is no reason whatever why the good that this measure will accomplish should not be done.

There are several leading features in this measure which are worthy of attention and fully justify its passage by the House. I want to call attention, first, to a group of offenses named in the first part of the bill. When aliens commit these offenses there is a summary proceeding for their deportation upon its being found that they are guilty of these offenses and are undesirable aliens. You will find them grouped in the first portion of the bill—those who engage in the sale of narcotics and others who are guilty of the commission of certain other offenses therein named. Then there is another group of offenses. When aliens commit any of those latter offenses it is necessary, before they can be deported, that they shall have been convicted in a court of record and given the sentences prescribed. In viewing this legislation and wondering why former measures have been so modified, you should give attention to the fact that we have a very large number—and I could quote official figures if it were necessary to do so—of people now in the United States who are subject to deportation and who are not being deported. It seems not wise to add a vastly increased number when the number is so great and the Government is not now dealing with them adequately. Take, for instance, aliens who are guilty of the violation of the liquor laws. A number of gentlemen have asked questions about that. I would not undertake to estimate the number, but I would say it is very great. With Congress willing to appropriate only enough money to deport about 12,000 aliens per year, it would seem to be utter folly to authorize the deportation of 50,000 or 100,000 more. We do not want the law to appear utterly helpless and ineffective, and therefore your committee has concluded for that reason to leave out a lot of these offenses. When these offenses are committed many of those who commit them are tried in a police court. The sentences are short. It is not certain that it is wise to deport a man who has been convicted in a magistrate's court or in any court other than a court of record.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOX. Yes.

Mr. LAGUARDIA. When these blanket injunctions are issued during a labor dispute, it is quite possible for a man to be committed for contempt or for the disobedience of an injunction and thus come under the provisions of this bill.

Mr. BOX. If that is true—and I would not want to be diverted into a discussion of it—I will say to the gentleman that that line of offenses was not considered by the committee in reporting this legislation, and I think the gentleman will find that the Department of Labor must find, in addition to other things, that they are undesirable aliens.

Mr. LAGUARDIA. In all these cases?

Mr. BOX. I think so.

Mr. LAGUARDIA. That would be helpful, but I fail to find it in the bill.

Mr. BOX. I think the gentleman will find that in the bill. Then there is another class of aliens with which we have been dealing heretofore. I refer to immigrants who approach the border, are detected, and then ordered deported. If such immigrants have been rejected at the border, they can attempt to enter and reenter repeatedly, subjecting themselves to no inconvenience except being pushed back across the border. We have inserted in this bill a provision providing for their punishment in case they attempt to reenter the country or to enter it in any manner illegally. If an adequate force is provided to intercept these who enter the country illicitly, and they are carried into the courts and punished for their efforts to disregard the immigration laws, that will have a very beneficial and helpful effect in procuring a better enforcement of the law.

There are many features of the measure which I would like to discuss with the House at length. However, an adequate discussion of them would require much more time than any of us can take under the circumstances here. I therefore merely say to my colleagues that while this measure does not accomplish all that the country would like to accomplish in this direction, it is a moderate but substantial improvement of the present law. The committee amendment, which I understand the chairman expects to present, ought to be adopted and the bill as thus amended ought to pass the House. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, this is a bill that is good as far as it goes. I would like to see the committee offer a much more stringent deportation bill in view of the fact that the department, as I understand, has estimated there are now 1,000,000 aliens in the United States who entered unlawfully.

I would also like to see the bill go far enough to deport for one offense, though it happened to carry only a 30-day conviction, be it for prohibition violation or what not. I do not entertain the sob stuff about separating families, and all the propaganda which is usually forced before the committees and before the House in regard to breaking down the immigration laws.

I believe if our department has not sufficient machinery to enforce the deportation laws, the Congress, in defense and in protection of the laboring forces of America and the homes and institutions of America, should provide sufficient funds for this purpose.

I believe there is no more serious question confronting the organized labor forces of the Nation and the institutions of our Government than the immigration question. If you will examine the criminal records you will find that, in proportion to alien population, the percentage of criminals is largely foreign.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. GREEN. A little later. I think you will find the percentage is 80 per cent, according to population.

Mr. COMBS. Will the gentleman yield?

Mr. GREEN. A little later. You will find that 80 per cent of them are of foreign birth, I believe, that is according to population. You will find that the communistic and bolshevistic influences which are here in our Nation are invariably emanating from persons of foreign birth.

Then, my colleagues, when we know these things and when we are sworn to protect the Constitution, when we pay our taxes to uphold American institutions, why not meet these problems frankly? I favor closing the immigration doors and deporting all undesirable aliens. [Applause.]

If we stand for restricted immigration, vote for all these measures and instruct your immigration committees to bring out more drastic bills, even though the august body which sits at the other end of the Capitol seems to be laboring under a different spell.

Mr. DICKSTEIN. Will the gentleman yield now?

Mr. GREEN. I will.

Mr. DICKSTEIN. Where does the gentleman find that 1,000,000 unlawful aliens are in the United States?

Mr. GREEN. One million aliens unlawfully entered the United States and are now here.

Mr. DICKSTEIN. Where does the gentleman get that information?

Mr. GREEN. I understand that is a statement that has recently been made by the Immigration Bureau.

Mr. DICKSTEIN. Does the gentleman state that upon his own knowledge?

Mr. GREEN. Certainly not. I have not checked it up.

The CHAIRMAN. The time of the gentleman from Florida has expired.

There being no further general debate, the bill will be read for amendment.

The Clerk read as follows:

That the following aliens shall, upon warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in sections 19 and 20 of the immigration act of 1917 (U. S. C. title 8, secs. 155, 156), if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States:

(1) An alien who hereafter violates or conspires to violate the white slave traffic act (U. S. C. title 18, secs. 397–404), or any law amendatory of, supplementary to, or in substitution for, such act.

(2) An alien who hereafter violates or conspires to violate any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, possession, use, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves.

(3) An alien who hereafter willfully conceals or harbors, attempts to conceal or harbor, or aids, assists, or abets any other person to conceal or harbor, any alien liable to deportation.

(4) An alien who hereafter willfully aids or assists in any way any alien unlawfully to enter the United States.

(5) Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact.

(6) An alien who is convicted of any offense (committed after the enactment of this act and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more, and who is thereafter convicted of the same or any other offense (committed after the enactment of this act and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more.

(7) An alien who is convicted of any offense (committed after the enactment of this act and within 10 years after entry) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under two or more previous convictions of the same or any other offense (committed after the enactment of this act), amounts to two years or more.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Page 4, after line 9, insert a new subsection to read as follows:

"(8) An alien who is convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, for which he is sentenced to imprisonment for a term of six months or more; or who, having been convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, is thereafter convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, regardless of the sentence in either case. This subsection shall apply only in the case of offenses committed after the enactment of this act."

Mr. JOHNSON of Washington. Mr. Chairman, this amendment is self-explanatory.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. LAGUARDIA. Even the case under this provision would be subject to review by the Secretary of Labor as provided in the first section here as an undesirable alien?

Mr. JOHNSON of Washington. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, after line 9, and after the amendment just agreed to, insert a new subdivision to read as follows:

"An alien who has no lawful and visible means of livelihood, who has been convicted for the second time as a vagrant, if it appears that in each case at the time of his arrest, he was carrying on his person or in a vehicle, a concealed pistol, revolver, gun, or bomb."

Mr. SABATH. Mr. Chairman, this is the amendment that I alluded to before, and it ought to pass without any opposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 26 ayes and 42 noes.

So the amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and members of the committee, I doubt whether anything I may say will influence your vote, but I think you are working very fast and certainly working in haste. I venture to say that 9 out of 10 Members of the House can not explain if I asked them certain questions regarding this legislation, and how drastic it is. I am not going to speak about the constitutionality of the bill, I will leave that to my colleagues and the gentleman from Florida.

So far as I am concerned, I will give you the meat of the proposition.

The new deportation bill is a decided improvement over the bill reported by the committee. It does not change the limitation statute of the existing deportation provisions. It does not make the inspectors of immigration judges and jurors or give them any discretionary powers. It consists of seven sections, which briefly provide as follows:

First. It deports all violators of the white slave traffic act. We have no objection to that.

Second. It deports all violators of the narcotic act. We have no objection to that.

Third. It deports any alien who willfully harbors or conceals aliens liable to deportation. We have no objection to that.

Fourth. It deports any alien who assists willfully another alien to enter the United States unlawfully. We have no objection to that.

Fifth. It deports aliens who enter the United States at an improper place or elude examination by an immigration inspector. We have no objection to that.

Sixth. It deports an alien who is convicted of any offense for which he is sentenced for one year or more. I certainly object to this clause. If the offense were a felony, I have no objection,

but I can not accept the broad definition of "offense," which appears in the act.

Seventh. The same objection applies to the next provision, which makes an alien deportable if two or more convictions will total 2 years or more within 10 years after entry. The same objection is made as is made to the preceding provision. If the offense be a felony, I am satisfied; but where it is the violation of some police regulation or the prohibition law, I certainly can not accept it.

An attempt was made a number of years ago to insert in the deportation bill the question of violations of the prohibition law. So far as I am concerned, I am not talking about alien violators who willfully attempt to smuggle liquor into the United States or moonshiners or persons who are bringing in poisonous liquors. What I am referring to is persons who innocently and under circumstances may be found in possession of liquor and who may be sentenced for one year or more by some judge who is a fanatic on the question. It is needless for me to mention the States in which judges habitually impose stiff sentences for the most trivial liquor violation.

It may further happen that a poor alien, who may otherwise have a good moral character and who has raised an American family, may be subject to the attack under this proposed amendment if he should by chance be convicted of a violation of the prohibition law.

Proponents of this bill apparently do not want to insert a paragraph in this proposed deportation bill by saying so in the American language that they intend to deport persons who violate the prohibition law, and so they express it under the heading of "any offense."

It is needless to say that this offense, if committed by anybody, does not make him an undesirable person to remain in the United States; and we can not compare them to persons who violate the white slave traffic law and the narcotic act.

Objection must be raised to the provisions of section 2, where in a case of an indeterminate term the term actually served shall be considered on the basis of the length of sentence. It will be observed that under the laws of New York, for instance, a good many misdemeanors, even of a trivial nature, are punishable by an indeterminate term, and therefore a person may be convicted several times of trifling violations of law and have deportation stare him in the face if this bill is not amended

I respectfully suggest that wherever the term "offense" appears in the act it should be changed to "felony." If that correction is made, I shall be prepared to accept the bill as it stands.

The minority of the committee is not opposed to deportation; as a matter of fact, in seven sections you will find in the proposed deportation law, to five of them we have no objection. I want to call your earnest and serious attention to sections 6 and 7 of this proposed bill. In my opinion, if you read it twice you will hesitate as to whether or not you would agree to the policy and advisability of striking it out.

As to the proposition on page 7, paragraph 6, where it says a person convicted of "any offense." Why do they not provide for a person convicted of a felony instead of a person convicted of "any offense"? The present deportation law is, I maintain, more than sufficient to deport every undesirable alien. Whether it is going to be workable or not, it is a repetition of the same deportation provisions that we had in the previous act.

Mr. CRAIL. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. CRAIL. In the gentleman's State, can they send a man to prison for a year for anything less than a felony?

Mr. DICKSTEIN. Yes; they can for a misdemeanor. We can send them up for a indeterminate sentence, which means three years.

Mr. LAGUARDIA. For spitting on the sidewalk.

Mr. DICKSTEIN. Yes. Under the provisions of this bill a person who has been here for 20 years and who has committed three or four offenses, if they total up to 2 years in the 20 years, can be deported, and what are you going to do with his wife and family; who is going to take care of that wife and family?

Mr. GREEN. Send them with him.

Mr. DICKSTEIN. Oh, the only time that I can answer the gentleman's question is, if he will come back with me to-morrow and tell me the difference between a white horse and a black horse and which horse eats more, then I shall be in a better position to yield to some of his questions.

Mr. GREEN. I will do that if the gentleman will support with me a proposition closing the doors to immigration altogether for five years.

Mr. DICKSTEIN. Then you would have to throw everyone out of Florida.

Mr. GREEN. I am in favor of a restriction for five years.

Mr. DICKSTEIN. You better go back home and tell some of your townsmen not to charge $1 for a glass of beer that is not worth a nickel. [Laughter.] You go back and tell them that.

Mr. GREEN. If the gentleman knows of a place in Florida or elsewhere where they sell beer openly, I will send the prohibition agents there.

Mr. DICKSTEIN. If the gentleman will come with me to-morrow, I will show him where it is.

Mr. GREEN. I will not go with you. You take the prohibition agents with you.

Mr. DOWELL. Mr. Chairman, I make the point of order that both gentlemen are out of order, and I shall insist upon their proceeding in order.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SCHAFER. The gentleman from Florida [Mr. GREEN] desires to entirely close the doors to immigrants and wants to deport everybody. His speech indicates that the only criminals are aliens. I would like to see him so amend his views as to be willing to deport the notorious criminals in the Ku-Klux Klan organization.

Mr. DICKSTEIN. I have no objection.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 2, after the word "offense," insert the words "involving moral turpitude"; and on page 4, line 3, after the word "offense," insert the words "involving moral turpitude."

Mr. LAGUARDIA. Mr. Chairman, I submit this amendment for the purpose of making clear what I am sure is the intent of the committee.

Mr. JOHNSON of Washington. But it is not the intent of the committee.

Mr. LAGUARDIA. Mr. Chairman, that is a frank and honest admission. Therefore I shall change my statement and say that I offer my amendment in order to make this law somewhat in keeping with the ideas of fair men and men who are versed in the law. To have this law apply to men who are convicted of offenses which the chairman of the committee has declared do not necessarily involve moral turpitude is so extreme as to make its very purpose ridiculous. We have the declaration of the chairman that it is not the intention of the committee to deport only in cases involving moral turpitude, and that destroys the logical, the sensible, the sound and honest intent, as described by the gentleman from Texas [Mr. Box]. You have a proposition here which requires very serious attention. If it is limited to offenses involving moral turpitude, then you embrace in the provisions of the law cases of murder, assault, burglary, robbery, arson, rape, all the crimes in the penal laws known as malum per se. But if you leave it open, with the meaning which the chairman of the committee has declared is the intention of the committee, you are providing for deportation in cases of violation of traffic regulations, or in violation of a town ordinance, a misdemeanor, or any trivial matter, and, mark you, without a statute of limitation. A man may be deported for the most trivial offenses.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. The gentleman understands that the present deportation laws have to do with those who are convicted of crimes involving moral turpitude. This prosecution is dealing with two convictions, each of a year or more, and it is not likely that any court in the land will send anybody up for one year for violating a traffic regulation.

Mr. LAGUARDIA. I will say to the gentleman that right in the great State of Pennsylvania in the coal region a man may be sent to jail for standing on the street. The private coal and iron police of the coal companies—thugs and perjurers, that is what they are—may send a man to jail for holding a meeting on his own property. That is the situation I am trying to overcome.

Mr. TARVER. If the gentleman will yield, the gentleman I am sure is aware that the highest courts in the country have sustained the ruling that the manufacture and sale of intoxicants is not a crime involving moral turpitude. If this amendment is adopted, any bootlegger or manufacturer of intoxicating liquor could not be deported irrespective of conviction.

Mr. LAGUARDIA. If the gentleman will support my amendment, I will support an amendment providing for the deportation of the bootlegger.

Mr. TARVER. I would accede to the gentleman's proposal if I could be assured that such an amendment——

Mr. LAGUARDIA. I will withdraw my amendment if the gentleman will offer such an amendment.

Mr. TARVER. I have such an amendment prepared, and if the gentleman will withdraw his amendment I will offer my amendment.

Mr. LAGUARDIA. I want to say to the gentleman from Georgia that the proposition contained in this bill and as admitted by the chairman of the committee is so extreme, so farfetched that my amendment should be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TARVER. If the gentleman will stand by his statement and withdraw his amendment, I will offer my amendment.

Mr. LAGUARDIA. I ask unanimous consent that my amendment may be held in abeyance pending the amendment to be offered by the gentleman from Georgia.

The CHAIRMAN. Is there objection?

Mr. MCCORMACK. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. SCHAFER) there were—ayes 10, noes 70.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 13, strike out the words "in any way."

Mr. SABATH. Mr. Chairman and gentlemen, I hope you have before you the bill, and if you will look at page 3——

Mr. LAGUARDIA. What line?

Mr. SABATH. Line 12.

Mr. JOHNSON of Washington. The committee will accept the amendment. I would like to say the words mean nothing anyway, and there is no objection to striking them out.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 4, strike out "10" and insert "5."

Mr. SABATH. You will find, Mr. Chairman and gentlemen, on page 4, paragraph 7, starting out with line 3, the following:

(7) An alien who is convicted of any offense (committed after the enactment of this act and within 10 years after entry) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under two or more previous convictions of the same or any other offense (committed after the enactment of this act), amounts to two years or more.

My amendment strikes out the word "10" and substitutes the word "five," so that the paragraph will provide—

that within five years after his entry—

In lieu of 10 years, and so forth.

Now, we know that after a man has been here for five years he has, more or less, acquired the habits and customs of our country, and if, in due course of time, he commits some violation or offense of which he may be found guilty, which may be only a misdemeanor, or he may be guilty of something else, and due to two or three such convictions, sentence would amount to two years, he could be deported up to 10 years of his residence within the United States. Now, I feel that it would be reasonable if we would shorten that to five instead of ten.

Mr. DICKSTEIN. Does not the gentleman think that instead of using "any conviction" it would be better to use the word "felony" in sections 6 and 7?

Mr. SABATH. I am not speaking of that. This amendment is pending now, and I feel that it should be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. TARVER. Mr. Chairman, I have been trying for 15 minutes to get the floor.

The CHAIRMAN. The gentleman from Washington moves that all debate on this section and amendments thereto be now closed. The question is on agreeing to the motion of the gentleman from Washington.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. TARVER and Mr. SCHAFER demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 65, noes 8.

Mr. SCHAFER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. SCHAFER. Mr. Chairman, I will withdraw that point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order.

Mr. TILSON. Mr. Chairman, may I proceed for two minutes out of order?

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for two minutes out of order. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Chairman, did we not just adopt the motion of the gentleman from Washington [Mr. JOHNSON] closing debate on the pending question?

The CHAIRMAN. That is correct.

Mr. TILSON. I am not going to debate the question at all, I assure the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Chairman, as I understand the rule under which we are now operating, it will be necessary to continue to-day if this bill is to be finished under the rule. It happens that we have now reached about the hour of adjournment, and it seems that we have several sections of the bill still to consider that will require some little time. To-morrow we are to be in session and the day is not crowded at all. I am wondering whether if we rose and went into the House we might be able to secure unanimous consent to go on with this bill to-morrow instead of continuing to-day. Is there anyone who will object to this request in the House?

Mr. TARVER. I object.

Mr. SCHAFER. I shall object unless the vote taken to close debate on the section is vacated.

Mr. TARVER. I shall object unless I shall be afforded the same opportunity of presenting my amendment as other Members have had.

Mr. JOHNSON of Washington. There is no desire at all, I will say to the gentleman, to keep off legitimate and proper amendments. Just as the gentleman from Connecticut has said, the rules confine us to one day. The hour is getting late. If we can come to an agreement by unanimous consent, we may be able to finish the bill.

Mr. TARVER. I shall object unless you follow the suggestion of the gentleman from Wisconsin that we vacate the motion to close debate.

Mr. TILSON. The committee can vacate its own aetion at this stage by unanimous consent.

Mr. JOHNSON of Washington. If we can have the understanding that we are not foreclosed because the rule provides for one day and can continue to-morrow, I will be very pleased to give the gentleman the time he wants.

Mr. LAGUARDIA. I will state that while I shall invoke every honorable and fair parliamentary and strategic measure to defeat the bill I will not avail myself of the privilege of raising the question of consideration to-morrow. I think it is for the best interests of all concerned that we have more time to-morrow to consider the bill.

Mr. TILSON. It seems to me that is true, and if the Members present are willing to agree to this I should like to make the request in the House, where it will be binding.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to vacate the proceedings of the committee by which debate on this section was closed. Is there objection?

Mr. NEWTON. Mr. Chairman, reserving the right to object, and I shall not object, should there be an objection when we go into the House, I presume the procedure will be that we will go back into the Committee of the Whole and complete our labors to-day.

Mr. JOHNSON of Washington. That is so understood.

Mr. GREEN. And the gentleman from Georgia [Mr. TARVER] will be given an opportunity to offer his amendment to-morrow?

Mr. JOHNSON of Washington. That is understood.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to vacate the proceedings limiting debate on this section. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. In accordance with the understanding just reached, Mr. Chairman, I move that the committee do now rise.

Mr. COOPER of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Ohio. I have an amendment at the Clerk's desk. What will be the status of that amendment?

The CHAIRMAN. The amendment offered by the gentleman from Ohio has not yet been reported. It can be offered to-morrow when the House is in the Committee of the Whole. The question is on the motion of the gentleman from Washington that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 5094, making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, and had come to no resolution thereon.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on to-morrow it may be in order to continue the consideration of Senate bill 5094, which has been under consideration in the Committee of the Whole to-day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow it shall be in order to consider Senate bill 5094. Is there objection?

Mr. GARRETT of Tennessee. Under the rule?

The SPEAKER. Under the rule; yes. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. NORTON, for an indefinite period, on account of illness.

BATTLE FIELDS AT BRICES CROSS ROADS AND TUPELO, MISS.—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., for printing under the rule.

CONSTRUCTION AT THE MILITARY ACADEMY—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., for printing under the rule.

MORRIS FOX CHERRY—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 12538) for the benefit of Morris Fox Cherry, for printing under the rule.

DEFINITION OF THE TERMS "CHILD" AND "CHILDREN"—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, for printing under the rule.

THE CONGRESSIONAL CEMETERY

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon a bill which I have introduced in the House and which has been favorably reported by the Committee on Military Affairs, a bill relating to the Congressional Cemetery, and I desire to include in that extension certain data included in the report of the hearings about this cemetery.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks on a bill introduced by himself. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the Military Affairs Committee has reported unanimously H. R. 11916, a bill introduced by me for the care and preservation of certain lands and monuments in the Congressional Cemetery.

This historic cemetery, in which many of the Nation's heroes and great men are buried, has been allowed to lapse into decay and the monuments and gravestones to deteriorate for the want of proper care and protection. A large part of this cemetery is Government-owned ground. The Government cared for the same for quite a while, but for many years no care has been given it.

The bill introduced by me and recommended by the Military Affairs Committee puts the care of that part of the cemetery owned by the Government under the supervision of the War Department.

In the hearings before the committee certain historical data concerning the Congressional Cemetery were produced, and under the permission granted me I am having the same inserted in my remarks. I am also including certain letters and other data showing the patriotic organizations which favor this bill, which were also placed in the hearings.

The Sons of the American Revolution submitted to me for the committee the following data:

1. The remains of Jacob Gideon, a Revolutionary soldier, lie in Congressional Cemetery. He is of special interest also because two of his descendants, Philip F. and John B. Larner, are members of the Columbia Historical Society and the Sons of the American Revolution. Jacob Gideon was a trumpeter and private in the Pennsylvania Militia. His name also appears in the index of Eckenrode's Virginia Archives. The inscription on his monument, a marble slab, reads:

"In memory of Jacob Gideon, a soldier of the Revolution; died March 3, 1841, aged 87 years."

In the National Intelligencer of March 5, 1841, appeared the following notice:

"Died in this city on Wednesday evening, the 3d instant, Mr. Jacob Gideon, sr., a soldier of the Revolution, aged 87 years. His friends and acquaintances and those of his son, Jacob Gideon, jr., are requested to attend his funeral this morning, Friday, at 11 o'clock, from the residence of his son, on Seventh Street between E and F Streets."

2. Capt. Hugh George Campbell: The actual Revolutionary services of this Hugh George Campbell are somewhat shrouded. His name does not appear in any of the indexes of the South Carolina archives. It is, however, an indubitable fact, obtained from the current literature of his later life, that the inscription on his monument states the historical truth. The inscription reads as follows:

"Beneath this marble rest the mortal remains of Hugh George Campbell, late a captain in the Navy of the United States. He was a native of the State of South Carolina. In the year 1775 he entered as a volunteer on board the first vessel of the war commissioned by the council of his native State. He served his country upward of 22 years as a comrade and died in this city on the 11th day of November, 1820, aged about 62 years."

"Calahan, in Officers of the Navy, 1775 to 1800, has this entry:

"'Hugh George Campbell appointed commander 27 July, 1799, captain 16 October, 1800.'"

3. In the Congressional Cemetery lie the remains of Hon. Elbridge Gerry, who was gathered unto his fathers in Washington during his second year as Vice President, on November 23, 1814. The military services of Gerry are noted by Heitman. It is proper also to record that he was born at Marblehead, Mass., July 17, 1744, graduated at Harvard, and became a member of the Continental Congress of 1776. He was also a member of the First National Congress of 1789 and was one of the envoys sent to establish relations with France in 1797. He was elected Governor of Massachusetts in 1810 and Vice President of the United States in 1812. His grave is covered with a handsome monument which was erected by an act of Congress in 1823.

4. At this point it will be well to record that Gen. George Clinton was originally interred in Congressional Cemetery, where he remained until a few years ago, when his body was transferred to New York with considerable ceremony.

5. Gen. James Jackson, one of the most distinguished Georgians, reposes in Congressional Cemetery. His enviable military record is to be found in Heitman, and more extensively, together with his civil life, in The National Portrait Gallery. He was Governor of Georgia, and United States Senator from 1801 to March, 1806. He passed away on the 19th day of March, of that year, and was interred, the Portrait Gallery states, "Four miles from Washington," which was, in fact, Rock Creek Churchyard. He was reinterred in Congressional Cemetery under one of those quaint cenotaphs. A Revolutionary War, D. A. R. marker stands on his grave and the last phrase of the inscription on his tomb is "a soldier of the Revolution."

6. Senator Uriah Tracey, of Connecticut: Connecticut Men in the Revolution lists the name of Uriah Tracey in a company that marched from sundry places for the relief of Boston, etc., in the Lexington alarm, 1775, and were formed into an independent and ranging company at Roxbury. The military services of Senator Tracey were of a clerical nature for a short period. There is nothing on his grave to permanently record his army connection. He was the first Congressman to be interred in Congressional Cemetery. This occurred July 19, 1807, by exhumation from Rock Creek.

7. Gen. Thomas Blount, a Representative from North Carolina, was born in Edgecomb County, May 10, 1759, and at the age of 16 entered the Revolutionary Army. In 1780 he became a deputy paymaster

general, and was a major commanding a battalion of North Carolina Militia at the Battle of Eutaw Springs. The congressional biography ranks him a major general of militia. He enjoyed a long congressional career, passing away while a Member February 7, 1812. There is no inscription on his monument of patriot service.

8. Hon. Levi Casey, of South Carolina, served in the Revolutionary War as a brigadier general of militia. He was born in South Carolina in 1749, and died in Washington February 1, 1807. Evidence seems to show that his ashes were placed in Congressional Cemetery by reinterment August 1, 1832. His gravestone contains no patriot inscription.

9. The Pennsylvania muster rolls record Henry Black as a private, York County Militia; corporal, Cumberland County Militia; and captain, Bedford County Militia. He was a Member of Congress from Somerset, Pa. This patriot passed away November 28, 1841, but evidently was reinterred in Congressional Cemetery June, 1842. There is no Revolutionary marker.

10. Col. James Morrison, of Lexington, Ky., died in Washington, D. C., April 23, 1823. He was a native of Pennsylvania, and Heitman registers him as an ensign, Eighth Pennsylvania, from 21st of December, 1778, until he retired January 1, 1781. Colonel Morrison settled in Lexington, Ky., in 1792, and became a man of great wealth and founder of Morrison College in Lexington. He was State representative from Fayette and quartermaster general. The only record on his monument of military service is the title "colonel."

11. Dr. Elisha Harrison's remains also repose in Congressional Cemetery. His name is found in the Maryland archives and also in Heitman's, where he is recorded as enlisting in the Fourth Maryland the 15th of October, 1781, and retired 1st of January, 1783. The doctor entered into rest August 26, 1819, aged 59. The site of his original interment is not known, but he was transferred to Congressional Cemetery April, 1823. Part of the chiseling on his monument reads as follows: "A native of Maryland and surgeon in the Revolutionary War."

12. "Maj. John Kinney, of New Jersey, an officer in the Army of the Revolution, died in this city July 17, 1832, aged 75 years," is cut in another monument in Congressional Cemetery. John Kinney's name as an ensign, New Jersey Line, is found in United States Pension Roll, page 514. Heitman gives him a splendid record for three years' service.

13. James Gillespie, a Member of Congress from North Carolina, passed away January 11, 1805. His patriot record includes membership in the State house of commons 1779–1783. The ashes of this distinguished man were transferred to Congressional Cemetery from the old Presbyterian Cemetery April 14, 1892, and now lie under a marble monument just south of the superintendent's residence. The only inscription is "James Gillespie, North Carolina, died January 11, 1805."

14. H. Brockholst Livingston was born in New York City November 26, 1757, and died in the District of Columbia March 19, 1823. He entered the Revolutionary Army with the grade of captain and won the rank of lieutenant colonel. Colonel Livingston became also an eminent diplomat and jurist, being a Justice of the United States Supreme Court.

The body of Hon. James Jones, of Georgia, rests in Congressional Cemetery. There was a James Jones in Georgia who was a prominent civil patriot, but it has not been possible to make identification. Representative Jones may have been this Georgia State assemblyman, but some facts of residence seem to indicate that he was not.

The remains of Tobias Lear, the private secretary of George Washington and foreign emissary, repose in Congressional Cemetery. Some reports include Lear as worthy of Revolutionary honors. He came of a patriot family, and a "Tobias Lear" signed a petition to the State committee of safety from Portsmouth, N. H., May 5, 1777. Reliable biographies give the date of his birth September 19, 1792, and this would make his age such as to cast doubt on his signing the petition. The signature is probably that of his father, Capt. Tobias Lear, sr. The career of Tobias Lear, jr., seems to have begun after he was graduated from Harvard in 1783.

A letter from the National Society of the Daughters of the American Revolution favoring the bill:

NATIONAL SOCIETY, DAUGHTERS
OF THE AMERICAN REVOLUTION,
Washington, D. C., April 24, 1928.

MY DEAR MR. ABERNETHY: It is said that in the Congressional Cemetery, established in 1807, in Washington, D. C., more patriots whose names are linked with our early history are buried than in any other single cemetery in the country. Two Vice Presidents of the United States, one of them a signer of the Declaration of Independence, are interred there. Private soldiers and those in high command of the Continental Army sleep side by side in the democracy of death.

Within this historic setting, the United States Congress of that day selected Christ Church burying ground (known as the Congressional Cemetery) as the resting place for Senators and Representatives who should die in office. Up to 1835 this custom prevailed.

There, weather stained and moss covered, stand the quaint congressional cenotaphs erected by a grateful country in honor of these early Americans.

It is entirely fitting and proper that these cenotaphs, now crumbling in ruin, should be restored and preserved by act of the Congress of to-day.

Therefore I, as president general of the National Society, Daughters of the American Revolution, heartily indorse and urge the passage of the bill now before the Congress for the preservation of these early memorials to our patriot dead.

The preservation of these memorials is strictly in line with the objects of our society: "To perpetuate the memory and spirit of the men and women who achieved American independence by the acquisition and protection of historic spots and the erection of monuments." Such monuments will inspire the youth of to-day to emulate their ancestors and to live up to their ideals by sustaining our institutions of Government which have so long endured.

Very sincerely yours,

GRACE H. BROSSEAU
(Mrs. Alfred J. Brosseau),
President General,
National Society Daughters of the American Revolution.

The War Department for the committee furnished certain data concerning this Congressional Cemetery which I print in part, as I am sure it will be most interesting to the Congress and to many people in the country at large:

In compliance with instructions contained in your memorandum dated May 23, 1928, an investigation has been made of the land and monuments owned by the Government in the Congressional Cemetery which would be turned over to the Secretary of War for care and preservation if H. R. 11916 is enacted into law. The following are the facts according to the best information that could be obtained:

1. Ownership of cemetery: The cemetery is owned by the Vestry of Christ Church, Washington Parish, G Street between Sixth and Seventh Street SE., Washington, D. C. It is an active cemetery with the remains of about 60,000 people buried there and about 9,000 available grave sites.

2. Government-owned lands: See map attached as Exhibit A.

3. Burials: Attached hereto as Exhibit B is a list of the persons who are now or who apparently have at some time been buried in Government-owned lots.

A study of this list shows that the grave sites in ranges 24, 25, 29, 30, 31, 54, 56, 57, 59, and 60 are occupied by the graves of 87 Members of Congress and other high Government officials and distinguished personages who were evidently buried in this cemetery by the authority of Congress. In these ranges are also 96 cenotaphs which were erected to the memory of persons whose remains have either been removed from the cemetery for burial elsewhere or who were never buried in this cemetery. It appears to have been the practice at one time to erect cenotaphs to the memory of distinguished persons regardless of whether or not they were actually buried in the Congressional Cemetery.

The grave sites in ranges 61 and 62 are vacant and the cemetery records do not show that any burials have ever been made therein.

In ranges 97 and 98 are buried the remains of 21 employees who were killed in an explosion at the Washington Arsenal, now the Army War College, in June, 1864.

In ranges 147, 148, and 149 are buried the remains of 99 sailors and marines.

4. Monuments: An inspection of the cemetery shows that there are 270 monuments of which 96 are Government headstones, 164 are cenotaphs, and 10 are ordinary monuments.

In that portion of the cemetery which was reserved for the burial of Members of Congress and other high Government officials and distinguished personages the monuments are all of the cenotaph type except 9, which are ordinary monuments. These cenotaphs are made of Aquia Creek stone, a soft sandstone, which is rapidly deteriorating, and many of them are in a dilapidated condition. (See photographs attached as Exhibit C.) This stone is very much inferior to the Aquia Creek stone that is cut at present owing to the fact that at the time of cutting existing cenotaphs modern machinery was not known and only the soft grade was used so that it could be cut by hand. The present grade of Aquia Creek stone is much harder and has a better surface for carving. For monumental purposes it can not be compared with marble or granite and the cost is about one-half that of granite. The condition of these cenotaphs is such as to make the preparation of an estimate for their repair a very difficult matter. On many of them the dies are broken and disintegrated. Others have bases or caps broken, and in some instances the foundations have settled resulting in damage to stones and throwing them out of alignment. An examination of these cenotaphs shows the following conditions:

Foundations defective	27
Sub-bases broken or disintegrated	48
Bases broken or disintegrated	35
Dies broken or disintegrated	43
Inscriptions completely obliterated	11
Caps broken or disintegrated	10

It is estimated that 48 of these cenotaphs could not be repaired, and if it is desired to replace them with similar stones of Aquia Creek stone

the cost will be approximately $575 each, or a total cost of $27,600. Of the remaining 116 cenotaphs many have holes, broken corners, and other defects which can be repaired with cement at an estimated cost of $4 each, or a total cost of $468, but such repairs will be of only temporary benefit, since the nature of this stone is such that it will be only a few years before many of the 116 now in fair condition will crumble and need to be replaced.

These cenotaphs are most unattractive in appearance and any attempt made to repair them or to replace those which are broken and disintegrated with similar cenotaphs of like design will not improve the condition to any great extent. A much better solution of the problem would be to remove all the cenotaphs and to erect suitable granite or marble monuments to mark the graves of those who are now actually buried in the cemetery. The advisability of reerecting monuments to those persons who are not buried in the cemetery is a matter which should be determined by Congress.

In addition to the cenotaphs requiring repairs a marble monument on range 29, erected to Hugh George Campbell, was found to be in very bad condition. Defective foundation has caused this monument to settle and become out of plumb. The marble veneer of the die is broken and unless repairs are made soon the monument will fall apart. It is estimated that repairing the monument and preparing a suitable foundation will cost $350. The other monuments are in fair condition and do not need special repairs.

In range 97 is a monument erected to the memory of those who were killed in an explosion at the Washington Arsenal in June, 1864.

The monuments erected in ranges 147, 148, and 149 are Government headstones.

5. Military persons buried in private plots: The superintendent of the cemetery states that there are approximately 600 of such burials. It is practically impossible to get accurate information on this subject due to the fact that the cemeterial records which extend back for a period of over 100 years do not show it. The same is true of monuments erected by the Government on private plots. The cemetery records do not show any such monuments.

6. Cost of maintenance: The Government does not contribute toward the maintenance of these lots. The question of perpetual care or annual cost of maintenance was taken up with one of the vestrymen of Christ Church, but no information on this subject could be obtained until after a meeting is held early in December. The condition of the lots owned by the Government is practically the same as that of the other lots in the cemetery. To put the Government-owned lots in good condition will not be a very great task. A few loads of soil and sod with the labor of two men for 30 days should put the entire area in such condition that it could be easily maintained in good condition thereafter. It is estimated that this could be done for $420. If these lots are to be maintained by the Government, it is estimated that they could be maintained in good condition by one laborer at $1,200 per year and approximately $100 per year for supplies.

It is probable that satisfactory arrangements could be made with the Congressional Cemetery to maintain these lots in good condition at a reasonable charge.

7. Summary: The following table summarizes the information obtained. It shows the Government-owned lots, the number of burials, and character of service, whether military or nonmilitary, whether graves are occupied or unoccupied, the kind of monument erected, and the number of graves that are unmarked.

Government owned		Burials		Graves occupied	Bodies removed	Monument	Kind of monument		
Range	Lots	Military	Nonmilitary				Cenotaph	Headstone	Unmarked
24	4		2	2			2		
25	8	3	2	5			2		3
29	62	1	24	22	3	2	23		
30	35		13	11	2	1	11		1
31	32		11	9	2	2	9		
54	51		17	10	7		17		
55	51		17	11	6		17		
56	51		17	6	11		17		
57	51		17		17		17		
59	67		22	2	20	2	20		
60	104		31	3	28	2	29		
61	145								
62	145								
97	5		21	21		1			
98	5								
147	23	23		23				20	3
148	38	38		38				38	
149	38	38		38				38	
Total	915	103	194	201	96	10	164	96	7

A table has been prepared by the War Department showing the names of those buried in the cemetery and whether they are military or nonmilitary, and whether the bodies have been removed:

No. of range	No. of site	Name of decedent (if known)	Occupied (yes or no)	Military or nonmilitary, if known	Monument or cenotaph
24	1, 2	Hon. Uriah Tracy	Yes	Nonmilitary	Cenotaph.
	3, 4	Hon. Ezra Darby	Yes	do	Do.
25	1, 2	Hon. Francis Malbone	Yes	do	Do.
	3, 4	Whitting	Yes		
	5	Captain	Yes	Military	
	6	do	Yes	do	
	7, 8	Hon. Thomas Blount	Yes	Nonmilitary	Do.
29	9, 10, 11, 12	Vice President Elbridge Gerry.	Yes	do	Monument.
	13, 14	Hon. Elijah Brigham	Yes	do	Cenotaph.
	15, 16	Hon. Richard Stanford	Yes	do	Do.
	20, 21	Hon. George Munford	Yes	do	Do.
	22	Hon. David Walker	Yes	do	Do.
	26, 27	Commander Hugh G. Campbell.	Yes	Military	Monument.
	28, 29	Hon. Nathaniel Hazard	Yes	Nonmilitary	Cenotaph.
	30, 31	Hon. Jesse Slocum	Yes	do	Do.
	32, 33	Hon. James Burwell	Yes	do	Do.
	34, 35	Hon. W. A. Trimble	Yes	do	Do.
	36, 37	Hon. Wm. Pinkney	Yes	do	Do.
	38, 39	Hon. Wm. Ball	Yes	do	Do.
	40, 41	Hon. John Gaillard	Yes	do	Do.
	42, 43	Hon. Christopher Rankin	Yes	do	Do.
29	44, 45	Hon. Alexander Smyth	Yes	do	Do.
	46, 47	Hon. James Noble	Yes	do	Do.
	48, 49	Hon. Chas. Johnson	Yes	do	Do.
	50, 51, 52, 53	Hon. Jonathan Hunt	No	do	Do.
	54, 55, 56	Hon. George Mitchell	Yes	do	Do.
	57, 58, 59	Hon. James Jones	Yes	Military	Do.
	60, 61, 62	Hon. James Jackson	Yes	Nonmilitary	Do.
	63, 64, 65	Hon. Levi Casey	Yes	do	Do.
	66, 67, 68	Hon. Philip Dodridge	Yes	do	Do.
	69, 70, 71	Hon. James Lent	No	do	Do.
	72, 73	Hon. T. T. Boulding	No	do	Do.
30	9, 10	Hon. John Smilie	Yes	do	Do.
	11, 12	Hon. John Dawson	Yes	do	Do.
	13, 14	Hon. Samuel A. Otis	Yes	do	Monument.
	15, 16, 17	Troup of Georgia U. S	Yes	Military	Do.
	48, 49, 50	Hon. Hedge Thompson	Yes	Nonmilitary	Cenotaph.
	51, 52, 53	Hon. T. D. Singleton	Yes	do	Do.
	54, 55, 56	Hon. T. J. Carter	Yes	do	Do.
	57, 58, 59	Hon. Isaac McKim	Yes	do	Do.
	60, 61, 62	Hon. Jonathan Cilley	No	do	Do.
	63, 64, 65	Hon. Nathan Smith	No	do	Do.
	66, 67, 68	Hon. Warren Davis	Yes	do	Do.
	69, 70, 71	Hon. Littleton Dennis	Yes	do	Do.
	72, 73	Hon. James Blair	Yes	do	Do.
31	32, 33, 34	Frederick Grenham	Yes	do	Monument.
	41, 42	Fush-ma-ta-ha	Yes	do	Do.
	47, 48, 49	Hon. Thos. Bland	Yes	do	Cenotaph.
	50, 51, 52	Hon. Geo. Holcombe	Yes	do	Do.
	53, 54, 55	Hon. Joab Lawler	Yes	do	Do.
	56, 57, 58	Hon. Naisworthy Hunter	Yes	do	Do.
	59, 60, 61	Hon. James Gillespie	Yes	do	Do.
	62, 63, 64	Hon. I. McLene	Yes	do	Do.
	65, 66, 67	Hon. J. R. Manning	Yes	do	Do.
	68, 69, 70	Hon. Z. Weldman	No	do	Do.
	71, 72, 73	Hon. E. K. Kane	No	do	Do.
54	101, 102, 103	John Q. Adams	No	do	Do.
	104, 105, 106	Hon. J. W. Hornbeck	Yes	do	Do.
	107, 108, 109	Hon. John Fairfield	Yes	do	Do.
	110, 111, 112	Hon. I. S. Pennybacker	No	do	Do.
	113, 114, 115	Hon. R. P. Herrick	No	do	Do.
	116, 117, 118	Hon. Henry Frick	Yes	do	Do.
	119, 120, 121	Hon. Wm. Taylor	Yes	do	Do.
	122, 123, 124	Hon. Peter Bossier	No	do	Do.
	125, 126, 127	Hon. S. G. Wright	Yes	do	Do.
	128, 129, 130	Hon. John Miller	No	do	Do.
	131, 132, 133	Hon. Albert G. Harrison	Yes	do	Do.
	134, 135, 136	Hon. J. W. Williams	Yes	do	Do.
	137, 138, 139	Hon. R. W. Habersham	No	do	Do.
	153, 154, 155	Hon. Benj. Thompson	Yes	do	Do.
	156, 157, 158	Hon. Alexander H. Buell	Yes	do	Do.
	159, 160, 161	Hon. Orin Fowler	No	do	Do.
	162, 163, 164	Hon. Charles Andrews	Yes	do	Do.
55	101, 102, 103	Hon. J. F. Harper	Yes	do	Do.
	104, 105, 106	Hon. James A. Black	Yes	do	Do.
	107, 108, 109	Hon. Edw. Bradley	Yes	do	Do.
	110, 111, 112	Hon. Geo. C. Dromgoole	Yes	do	Do.
	113, 114, 115	Hon. Felix G. McConnell	Yes	do	Do.
	116, 117, 118	Hon. John B. Dawson	Yes	do	Do.
	119, 120, 121	Hon. Joseph H. Peyton	Yes	do	Do.
	122, 123, 124	Hon. Herman A. Moore	No	do	Do.
	125, 126, 127	Hon. Barker Burnell	No	do	Do.
	128, 129, 130	Hon. Wm. Loundes	Yes	do	Do.
	131, 132, 133	Hon. Wm. Potter	Yes	do	Do.
	134, 135, 136	Hon. Davis Dimock	No	do	Do.
	137, 138, 139	Hon. Nathan Dixon	Yes	do	Do.
	153, 154, 155	Hon. Henry Ness	No	do	Do.
	156, 157, 158	Hon. I. M. Harmanson	No	do	Do.
	159, 160, 161	Hon. Dan P. King	No	do	Do.
	162, 163, 164	Hon. Wm. Upham	Yes	do	Do.
	101, 102, 103	Hon. W. A. Burwell	Yes	do	Do.
	104, 105, 106	Hon. Daniel Heister	Yes	do	Do.
	107, 108, 109	Hon. Thomas Hartley	No	do	Do.
	110, 111, 112	Hon. Gabriel Holmes	No	do	Do.
	113, 114, 115	Hon. Charles Slade	No	do	Do.
	116, 117, 118	Hon. Henry Wilson	No	do	Do.
	119, 120, 121	Hon. B. F. Deming	No	do	Do.
56	122, 123, 124	Hon. John Coffee	No	do	Do.
	125, 126, 127	Hon. Henry Black	Yes	do	Do.
	128, 129, 130	Hon. Charles Ogle	Yes	do	Do.
	131, 132, 133	Hon. Lewis Williams	No	do	Do.
	134, 135, 136	Hon. W. S. Ramsey	No	do	Do.
	137, 138, 139	Hon. Jos. Lawrence	Yes	do	Do.

No. of range	No. of site	Name of decedent (if known)	Occupied (yes or no)	Military or nonmilitary, if known	Monument or cenotaph
56	153, 154, 155	Hon. Alex. D. Sims	No	Nonmilitary	Cenotaph.
	156, 157, 158	Hon. Thomas L. Hammer	No	do	Do.
	159, 160, 161	Hon. D. S. Kaufman	Yes	do	Do.
	162, 163, 164	Hon. A. E. Wood	No	do	Do.
57	101, 102, 103	Hon. Patrick Farrelly	No	do	Do.
	104, 105, 106	Hon. John Linn	No	do	Do.
	107, 108, 109	Hon. Jacob Crowninshield	No	do	Do.
	110, 111, 112	Hon. Peterson Goodwin	No	do	Do.
	113, 114, 115	Hon. Thadeus Betts	No	do	Do.
	116, 117, 118	Hon. Nathan Bryan	No	do	Do.
	119, 120, 121	Hon. David Dickson	No	do	Do.
	122, 123, 124	Hon. R. P. Henry	No	do	Do.
	125, 126, 127	Hon. Geo. N. Kinnard	No	do	Do.
	128, 129, 130	Hon. James Johnson	No	do	Do.
	131, 132, 133	Hon. Wm. S. Hastings	No	do	Do.
	134, 135, 136	Hon. Simon H. Anderson	No	do	Do.
	137, 138, 139	Hon. Anson Brown	No	do	Do.
	140, 141, 142	Hon. James C. Alvord	No	do	Do.
	153, 154, 155	Hon. John M. Holley	No	do	Do.
	156, 157, 158	Hon. R. Dickinson	No	do	Do.
	162, 163, 164	Hon. Chester Butler	No	do	Do.
59	47, 48	Vacant			
	84, 85, 86	Hon. Wm. N. Roach	Yes	Nonmilitary	Monument.
	87, 88, 89	Page from House of Representatives (Lucien R. Davidson).	Yes	do	Do.
	90, 91, 92	Hon. H. Hoag	No	do	Cenotaph.
	93, 94, 95	Thos. E. Noel	No	do	Do.
	96, 97, 98	Hon. Cornelius Hamilton	No	do	Do.
	101, 102, 103	Hon. David Heaton	No	do	Do.
	104, 105, 106	Hon. Benj. Hopkins	No	do	Do.
	107, 108, 109	Hon. Jos. Hinds	No	do	Do.
	110, 111, 112	Hon. Thad. Stephens	No	do	Do.
	113, 114, 115	Hon. Elijah Hise	No	do	Do.
	116, 117, 118	Hon. Darwin A. Finney	No	do	Do.
	119, 120, 121	Hon. Chas. Dennison	No	do	Do.
	122, 123, 124	Hon. Philip Johnson	No	do	Do.
	125, 126, 127	Hon. Henry Grider	No	do	Do.
	128, 129, 130	Hon. Jos. Humphrey	No	do	Do.
	131, 132, 133	Hon. Orlando Kellogg	No	do	Do.
	134, 135, 136	Hon. Owen Lovejoy	No	do	Do.
	137, 138, 139	Hon. John Noell	No	do	Do.
	140, 141, 142	Hon. Luther Houchett	No	do	Do.
	143, 144, 145	Hon. Goldsmith Bailey	No	do	Do.
	146, 147, 148	Hon. Thos. Cooper	No	do	Do.
	149, 150	Hon. Geo. Scranton	No	do	Do.
60	47, 48, 49, 50, 51, 52, 53, 54, 55, 56	Vacant			
	57, 58, 59	Hon. John Gillespie	Yes	Nonmilitary	Monument.
	60, 61, 62	Hon. Lemuel Bowden	Yes	do	Do.
	63, 64, 65	No name on cenotaph	No		Cenotaph.
	66, 67, 68	Hon. Silas Burroughs	No	Nonmilitary	Do.
	69, 70, 71	Hon. Wm. O. Goode	No	do	Do.
	72, 73, 74	Hon. John Schwartz	No	do	Do.
	75, 76, 77	Hon. Cyrus Spinck	No	do	Do.
	78, 79, 80	Hon. T. L. Harris	No	do	Do.
	81, 82, 83	Hon. John A. Quitman	No	do	Do.
	84, 85, 86	Hon. Andrew P. Butler	No	do	Do.
	87, 88, 89	Hon. Moses Norris	No	do	Do.
	90, 91, 92	Hon. I. Pinckney Henderson.	Yes	do	Do.
	93, 94, 95	Hon. Thos. I. Rusk	No	do	Do.
	96, 97, 98	Hon. Josiah I. Evans	No	do	Do.
	101, 102, 103	Hon. James Bell	No	do	Do.
	104, 105, 106	Hon. Samuel Brenton	No	do	Do.
	107, 108, 109	Hon. James Lockhart	No	do	Do.
	110, 111, 112	Hon. John G. Montgomery	No	do	Do.
	113, 114, 115	Hon. John G. Miller	No	do	Do.
	116, 117, 118	Hon. Preston S. Brooks	No	do	Do.
	119, 120, 121	Hon. Sampson W. Harris	No	do	Do.
	122, 123, 124	Hon. Thos. H. Bailey	No	do	Do.
	125, 126, 127	Hon. James Meacham	No	do	Do.
	128, 129, 130	Hon. Presley Ewing	No	do	Do.
	131, 132, 133	Hon. John F. Snodgrass	No	do	Do.
	134, 135, 136	Hon. Henry A. Muelenburg	No	do	Do.
	137, 138, 139	Hon. Brookins Campbell	No	do	Do.
	140, 141, 142	Hon. Robt. Rantoul	No	do	Do.
	143, 144, 145	Hon. Chester Ashley	No	do	Do.
	146, 147, 148	Hon. John C. Calhoun	No	do	Do.
	149, 150, 151	Hon. Henry Clay	No	do	Do.
	152	Vacant			
61	7-152	do			
62	7-152	do			
97	142, 143, 144, 145, 146	For the burial of those killed at the arsenal by an explosion June, 1864.	Yes	Nonmilitary	Do.
98	142, 143, 144, 145, 146	do	Yes	do	Do.
147	221	Thos. Duncan, U. S. Navy	Yes	Military	Government headstone.
	237	Daniel Morgan, Marine Corps.	Yes	do	No monument.
	238	Albert Conrey, Marine Corps.	Yes	do	Government headstone.
	239	Thaddeus F. Small, Marine Corps.	Yes	do	Do.
	240	Jno. W. Edwards, Marine Corps.	Yes	do	Do.
	241	Peter Puceta, Marine Corps	Yes	do	Do.
	242	Richard Ford, Marine Corps.	Yes	do	Do.
	243	Bernard P. Smith, Marine Corps.	Yes	do	Do.
	244	Fred B. Pervee, Marine Corps.	Yes	do	Do.
147	245	Walter P. Buck, Marine Corps.	Yes	Military	Government headstone.
	246	Samuel Eopolucci, Marine Corps.	Nes	do	Do.
	247	John Leahy, Marine Corps.	Yes	do	Do.
	248	Jos. E. Dudley, Marine Corps.	Yes	do	Do.
	249	Budrow Leonard, Navy	Yes	do	Do.
	250	Jno. W. Green, Marine Corps.	Yes	do	Do.
	251	Wm. Van Schekke, Marine Corps.	Yes	do	Do.
	252	Wm. H. Oakes, Marine Corps.	Yes	do	Do.
	253	Wm. H. Gilbert, Marine Corps.	Yes	do	Do.
	254	Philip Burch, Marine Corps.	Yes	do	Do.
	255	Thos. J. Sothern, Marine Corps.	Yes	do	Do.
	256	Samuel I. Boyd, Marine Corps.	Yes	do	Do.
	257	Chas. Ardell, Navy	Yes	do	No stone.
	258	Col. E. A. McHenry	Yes	do	Do.
148	221	Edward J. Dougherty, Marine Corps.	Yes	do	Government headstone.
	222	Herbert J. Clute, Navy	Yes	do	Do.
	223	Thomas S. Gray, Navy	Yes	do	Do.
	224	Ole Nelson, Navy	Yes	do	Do.
	225	Walter G. Hall, Navy	Yes	do	Do.
	226	James A. Moore, Navy	Yes	do	Do.
	227	Patrick McKeon, Navy	Yes	do	Do.
	228	George Weibert, Navy	Yes	do	Do.
	229	J. Herman Werner, Marine Corps.	Yes	do	Do.
	230	J. E. Madden, Navy	Yes	do	Do.
	231	Edward Engler, Navy	Yes	do	Do.
	232	Bernard Reilly, Marine Corps.	Yes	do	Do.
	233	James Henry, Marine Corps	Yes	do	Do.
	234	William Robertson, Marine Corps.	Yes	do	Do.
	235	Wellington Lindsey, Navy	Yes	do	Do.
	236	Daniel Burnes, Navy	Yes	do	Do.
	237	John Grover, Navy	Yes	do	Do.
	238	Michael O'Brien, Marine Corps.	Yes	do	Do.
	239	Geo. Magee, Navy	Yes	do	Do.
	240	Adam W. Branner, Navy	Yes	do	Do.
	241	William Murphy, Navy	Yes	do	Do.
	242	Chas. C. Sharp, Marine Corps.	Yes	do	Do.
	243	Aaron W. Almsley, Marine Corps.	Yes	do	Do.
	244	John Ollans, Navy	Yes	do	Do.
	245	Wm. Borthwell, Navy	Yes	do	Do.
	246	Arthur H. Douglass, Marine Corps.	Yes	do	Do.
	247	Peter B. Liner, Navy	Yes	do	Do.
	248	Charles Penn, Marine Corps.	Yes	do	Do.
	249	H. Oachman, Marine Corps.	Yes	do	Do.
	250	Wm. Hack, Marine Corps.	Yes	do	Do.
	251	Joseph Meekins, Marine Corps.	Yes	do	Do.
	252	Peter Fortune, Marine Corps.	Yes	do	Do.
	253	M. Dee, Navy	Yes	do	Do.
	254	Joseph Neill, Marine Corps.	Yes	do	Do.
	255	Patrick Maloy, Navy	Yes	do	Do.
	256	Wm. Halferd, Navy	Yes	do	Do.
	257	Hugh McCleary, Marine Corps.	Yes	do	Do.
	258	Geo. Lowe, Navy	Yes	do	Do.
149	221	Wm. Richard Davis, Navy	Yes	do	Do.
	222	Andres B. Roberts, Navy	Yes	do	Do.
	223	John Vaughn, Marine Corps	Yes	do	Do.
	224	Josiah Packard, Marine Corps.	Yes	do	Do.
	225	John Lyons, Marine Corps.	Yes	do	Do.
	226	Alfred Wallace, Navy	Yes	do	Do.
	227	Wm. Sadler, Marine Corps.	Yes	do	Do.
	228	Wm. Webb, Navy	Yes	do	Do.
	229	Henry B. Hunter, Marine Corps.	Yes	do	Do.
	230	Edwin W. Conover, Marine Corps.	Yes	do	Do.
	231	Frank Moran, Marine Corps.	Yes	do	Do.
	232	Daniel Murphy, Marine Corps.	Yes	do	Do.
	233	John Riley, Marine Corps.	Yes	do	Do.
	234	Patrick McNabb, Marine Corps.	Yes	do	Do.
	235	George Hoffman, Marine Corps.	Yes	do	Do.
	236	Charles A. Mills, Marine Corps.	Yes	do	Do.
	237	Andres Cantley, Navy	Yes	do	Do.
	238	Wm. Saydan, Navy	Yes	do	Do.
	239	Edward Curtis, Navy	Yes	do	Do.
	240	Joseph Brown, Navy	Yes	do	Do.
	241	John A. Quigley, Marine Corps.	Yes	do	Do.
	242	Francis Norton, Navy	Yes	do	Do.
	243	Thomas Lee, Navy	Yes	do	Do.

No. of range	No. of site	Name of decedent (if known)	Occupied (yes or no)	Military or nonmilitary, if known	Monument or cenotaph
149	244	John James, Navy	Yes	Military	Government headstone.
	245	Christian C. Carey, Navy	Yes	do	Do.
	246	John N. Logue, Marine Corps, Navy.	Yes	do	Do.
	247	Henry F. Meyer, Navy	Yes	do	Do.
	248	John D. Scrivener, Marine Corps.	Yes	do	Do.
	249	Geo. W. Anderson, Navy	Yes	do	Do.
	250	Thomas Pratt, Navy	Yes	do	Do.
	251	Maurice Desmond, Navy	Yes	do	Do.
	252	Bernard Todd, Marine Corps.	Yes	do	Do.
	253	Michael Rooney, Marine Corps.	Yes	do	Do.
	254	Elisha Stevens, Navy	Yes	do	Do.
	255	Edward Cleveland, Navy	Yes	do	Do.
	256	John McCullen, Navy	Yes	do	Do.
	257	W. B. Shirley, Navy	Yes	do	Do.
	258	Thomas Stewart, Marine Corps.	Yes	do	Do.

SUMMARY

Total number sites occupied	190
Total number sites unoccupied	722
Total number grave sites owned by Government	912
Total number cenotaphs	164
Total number monuments and headstones	106

MOTION-PICTURE CENSORSHIP

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a speech delivered by me before the National Board of Review of Motion Pictures on the subject of motion-picture censorship.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD a speech delivered by him. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, it is to the credit of Congress that after thorough hearings on the Swope and Upshaw motion picture bills that the committee decided not to report either bill. We should have sent these bills to the Smithsonian Institute, bureau of medieval atrocities, as fine specimens of mental wracks and thumbscrews. Upshaw and Swope have passed off the political stage and a new joy killer has appeared in the bill of Congressman HUDSON, of Michigan. His bill is the deformed successor of the others, and is dying a beautiful death under the political anesthesia in our Committee on Interstate and Foreign Commerce.

The Federal Government, documented by the Constitution, was intended to combine our States and people against foreign aggression. The Constitution had an objective purpose. It was not to be considered to subjectively turn in on the individuals and the States and interfere with their rights and powers. It guaranteed freedom of speech and a free press. It was developed by men of heterogeneous stock and habits, not as a mold to standardize our people, but to weld them all as a unit against the outside world.

However, the reformers have seized upon the Constitution as the jawbone of an ass to smite the Philistines who believe that this is the land of the free. The arguments for censorship are largely based on the theory that the National Government is a sort of a hierarchy; that Americanism is a religion which denies the right of choice to the individual conscience and sets up a standard of morals in conformity with the notions of the political group in power The state was never supposed to be a church, nor was the church supposed to be the state. The state is not a preacher, nor is the church supposed to be a grand jury or a sheriff. We do not want a pulpit parliament in America. The rectitude that the church requires is of a much higher order than the rectitude the state requires for its purposes. The church has in mind the hereafter. The state is created for temporal purposes, such as protection from foreign invasion, advancement of commerce, science, and kindred activities. Particularly is this so of the United States, whose origin is due to the courageous men and women who fled from religious persecution and who wanted to live freely according to their ideas. Good Christian reformers are generally unconscious heretics, for they deny man a God-given conscience. In motion pictures they want to substitute their own artistic notions for the general intelligence and a Federal regulation for the free will of man.

The strange thing about the reformers who advocate motion-picture censorship is that they claim there is a crime wave due to the pictures, but when the same reformers argue for prohibition they insist that prohibition has eliminated crime. It is also a strange thing that when these reformers argue for prohibition they point out those States which have censorship are States which have great increase in crime. We had no crime wave before prohibition but we had motion pictures without censorship. As a matter of fact, records will show that the increase in crime wave is largely confined to the crime of highway robbery, and that there is no increase in the number of sexual crimes since the pictures, and that type of offense is generally charged by reformers as being caused by the pictures.

One of the chief arguments for censorship was that Russia has a national censorship proposition, but Canon Chase overlooks the fact that Russia is also an advocate of atheism. The reformers are highly upset because pictures sometimes show the evils of prohibition, and they want a censorship to stop such displays. Therefore you would have a national political body being able to censor pictures that might show to the American people views that would affect the administration politically. This is all opposed to our notions of free speech and of free press.

The great pictures that have been recently produced have been a powerful argument against a political censorship. The best answer to the reformers is in handsome edifices erected for the movies. Surely they are not monuments to indecency built by an indecent public; but if they were, they would be an improvement over the old dives and dens of vice. They have indicated that the box office itself is a strong and voluntary regulation of the picture production which has been in the interest of better moral atmosphere. Because some of those engaged in the picture production have been found guilty of moral dereliction is no reason for censorship. There have been men and women in all walks of life "caught with the goods," but that is no reason why their particular callings should require a national political censorship.

I venture to state that in the aggregate, the devotion to Venus, though surreptitious and collateral, is as great in the choir lofts as it is openly and notoriously in Hollywood. We have too many bureaus in Washington now interfering with life, liberty, and the pursuit of happiness, and nobody with any sanity on public questions will be in favor of this added bureaucratic despotism to engage in the field of morals. If we keep it up, we will not only have our morals regulated by Washington but there will be a guard of etiquette deputies and he who offends in his manners will be clapped into jail by a Federal agent. I believe that unregulated movies are giving better service than highly regulated public utilities. The reformers argue that the nations of the world have national censorships, but the United States, without national censorships and with but 7 per cent of the world's population, is furnishing 85 per cent of the world's films.

In all the censorship bills that undetermined quality known as sex appeal is recognized as a legal entry. The bills provide that there shall be no pictures with exaggerated sex appeal inasmuch as the acts do not set forth what is the exaggeration that must be construed with another act, to wit, the Volstead Act; and I take it that there shall not be allowed more than one-half of 1 per cent of sex appeal. Whether or not this is to be measured by weight or volume, I suppose is left to the censors. It is quite positive that brunettes will be permitted a greater allowance based on the blonde preferentials set forth in a classical scientific treatise on the subject.

If all the present city and State censorship boards can not satisfactorily excise the movies, what hope is there in a Federal board. If the movies increasingly vitiate under existing censorships, why create a Federal board unless to insure debauchery.

Any realistic picture of current life, must carry the impressions of revolt. Not the least read parts of the Old Testament are the unholy passages on Sodom and Gomorrah. All ages have carried their wanton and wastrels, and they force their capers on the art and panorama of their times.

Movie goers are generally given to moderation. Devotees of other entertainments more likely take part in excess. This is the age of excess; life has been speeded up; leisure has become attenuated, and consequently crammed with more intensive distractions. The high-strung go in for the periodical low lives.

Reformers are an unnatural and unhappy lot. The thin ones are ghastly and hatrackety and the fat ones are swampy and obscene. Just as they seem miscast in healthy environment, their mental protégé, censorship, is unrealistic. Art and man are better natural.

We seem due for a barrage of legislation from the artillery of reform from Bishop Cannon to Canon Chase. The boys tasted blood on election day and the whirlwind of the Lord is going into high. The ark of the constitutional covenant will be padlocked and the land of the free is to be put under injunction

by the high court of the Victorian conscience. The chancellor of the exchequer will pass the hat for the propagation of bigotry.

The movies will be the first victim for the operation of the intolerants. All else which gives joy in life had better prepare for the tomb.

The liberals should swing into action—save America for decency—issue a general "as you were" order. The war gave the individual an inferiority complex. The Government regulated the citizen as though he were a ward and not a voter. The reformers assumed guardianship at the end of the war. "As you were"—let everybody get back in his place and mind his own business. May America revive its old belief "In God we trust" and supplement it with the healthy philosophy of "Live and let live."

EXTENSION OF REMARKS—IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that all Members of the House may have unanimous consent to extend their remarks in the RECORD for six legislative days on the subject of immigration and related subjects.

Mr. NEWTON. Their own remarks?

Mr. JOHNSON of Washington. Their own remarks.

Mr. SABATH. For the present, Mr. Speaker, I feel compelled to object. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. EDWARDS. Mr. Speaker, ladies, and gentlemen, there is a growing interest in immigration legislation. There is a well-defined sentiment that is strong and general throughout the country that immigration should be rigidly restricted.

I voted several years back for the Burnett immigration bill, which was one of the best bills up to that time on the subject, and which has done more, perhaps, for restricted immigration than any act as yet put on the books. I have voted for every restriction measure that has been put before the House since I have been a Member of Congress.

It has been my observation that the restrictionists are generally in favor of prohibition enforcement as well as strict immigration law enforcement, while on the other hand the counter group in Congress known as the antirestrictionists generally vote wet on the prohibition issues, and oppose any attempt at immigration restriction. There is a reason for this. What is the reason? I am going to leave the matter right here and leave this question to be answered by those who wish to think it over and see if they can figure out the reason.

MEXICAN IMMIGRATION

Through the laws as they now stand, enacted by those of us who believe in restriction measures with respect to immigration, the situation is in better shape than it has ever been, except gross abuses are taking place on the Canadian and Mexican borders. Hordes of undesirable immigrants from Mexico are coming into the United States. I have seen it stated that anywhere from 65,000 to 100,000 Mexicans are annually coming over the border into this country. As a rule they are not the better or higher-type Mexicans, but generally of the less desirable type, and in many cases the criminal and diseased element. Something must be done to stop this. Every one of those Mexican peons who come into this country compete in labor of some kind with American labor. Their standard of living is so far below that of the American standard it is impossible for American labor to compete in low wages with these peons, and the result is that every year in the border and other States where this Mexican immigration is absorbed anywhere from 40,000 to 60,000 Americans are run out of employment by them.

TAKING JOBS FROM AMERICAN LABORERS

This is an army of Americans to lose their jobs annually to peon laborers. It is a great hardship and is unfair. It is a condition that ought to be corrected as quickly as it can be done. When matters of this kind arise and the question is asked why it has not been stopped the answer generally is "we have not had sufficient funds." I believe Congress is ready to vote any amount that may be necessary to stop this undesirable swarm of pauper labor from Mexico. They are not as good labor as the American laboring men; in fact, the latter is the finest labor in the world and the most efficient.

DO NOT UNDERSTAND AMERICAN IDEALS

This ignorant and undesirable element pouring into the United States from Mexico, not only do not understand American ideals, but many of them come into our country with hatred in their hearts for America and Americans. Of course, there are many who are of the higher and better type, but at present there is no way of keeping either class of Mexicans out, as there is no adequate protection on the border. Who is to blame for this? What political party is in power and control of this Government, and had control of it for the last eight years? What are you going to do about it? The American people want to know. It is not of concern to the border States alone, but it is of keen concern to all the States and all the people of the country. Not only are these Mexican immigrants in competition with our own laboring men but the products of this pauper labor, whether on the farm or in factories, are in competition with the products of American laboring men, and it is being felt in many lines.

We can not afford to let this situation remain as it is. Congress should pass the Box bill and such other restriction measures as will effectively shut off the influx of this pauper labor and these undesirable immigrants, and Congress should appropriate all the money, regardless of amount, it will take to make effective the laws we enact.

ALWAYS A FIGHT ON IMMIGRATION LEGISLATION

Every time a restriction measure of any kind affecting immigration comes up on the floor of the House or the Senate there is a vigorous fight put up by the antirestrictionists, and generally it is argued that it will do no good and will not restrict immigration. Then why a fight on every bill and every move that looks to more rigid restriction of immigration?

POPULATION RAPIDLY INCREASING

Our population is rapidly increasing and our industries are growing, although they are not as prosperous as they should be. It has been estimated that in the United States there is a birth every 12 seconds, a death every 24 seconds, and that an immigrant enters the United States approximately every 3 minutes. It is estimated that some one emigrates from the United States about every 12 minutes. Assuming that these figures are approximately correct, it will be observed our population is rapidly increasing both in birth rate and by immigration. These figures relate to the legally admitted immigrants and not to those who slip in, as is being done on the Mexican border and elsewhere.

MUST NOT LET DOWN THE BARS

It is a mistake and has been proven so to in any manner let down the bars. To the contrary, we should keep up the bars and keep building the statutes stronger and tighter against undesirable and criminal elements, who will do us far more harm than good.

If they came here and assimilated our ideals, as some do, and become good law-respecting citizens it would be quite different, but we know from experience just what has taken place and it is our duty to be ever on guard. We can not afford to take chances. Our American institutions, bought by the blood of our fathers, are too sacred and dear to American hearts and too important to be sacrificed. Our deportation laws must be stricter and enforced more rigidly than in the past, that respect for and obedience to our laws may be properly had. We are told let's be fair and just. Agreed, let's be fair and just, but let it first be to America. Let's be just and fair to our own Republic and not poison her institutions with the riff-raff and scum of other countries who will not, and can not, from the very nature of things, become one of us because they have no conception of Americanism. The desirable and better type will be dealt fairly with, especially the intelligent and upright immigrants. They have always been dealt fairly and humanely with, and everyone knows that the fight has been against the vicious, undesirable, and criminal element that it is vastly to our welfare to keep out of this country.

Mr. HASTINGS. Mr. Speaker, the question of immigration is one of intense interest throughout the entire country. I believe that the people generally are better informed upon this question than upon any other subject which will come before Congress for consideration during the present session.

The World War aroused an interest in the study of foreign questions, and during the past few years the question of immigration has been the subject of debate in the schools throughout the country. It has been discussed from the pulpit, through the public press, in civic bodies, labor organizations, Legion posts, and has been the subject of individual investigations, so that the people have more information upon the subject and are better prepared to express themselves upon it than perhaps any other public question.

I voted for the Burnett immigration law in 1917 and also voted to pass it over the President's veto. I voted for the immigration act of 1924 and every amendatory act that has subsequently been reported to and considered by Congress.

We have up for consideration to-day three additional bills, which have for their purpose the strengthening of the immigration laws.

Senate bill 5094, known as the alien deportation act, is intended to strengthen the deportation provisions of the immigra-

tion laws, and it provides that aliens may be deported for certain additional offenses, as provided in the bill.

Another bill, H. R. 16296, provides for the admission of certain technical and skilled experts within the quotas. This does not increase the number who may be admitted under the quotas, but only provides that of those admitted preference be given to skilled experts in certain lines.

The third bill, known as the Box bill—H. R. 16927—is to clarify the 1924 immigration act relating to nonimmigrant aliens entering temporarily for business.

The reports of the Committee on Immigration go into the details of the respective bills and contain much valuable information and are helpful to the proper understanding of the provisions of these bills.

The immigration act of 1924 recognized the principles of the immigration law enacted in 1917 and the acts subsequently passed and supplemented and extended it, and none of the prior laws have been repealed, except where there is a conflict or it is specifically so provided in the act. All laws enacted subsequent to 1917 and 1924 are for the purpose of strengthening and not weakening our immigration laws.

Section 3 of the immigration act of 1917 is not repealed by the 1924 act but is continued in force, and enumerates in great detail the classes of aliens to be excluded from admission into the United States; and among them are idiots and insane persons, paupers, vagrants, persons afflicted with tuberculosis or with any loathsome or dangerous contagious disease, persons convicted of felony involving moral turpitude, polygamists, anarchists, or persons who are opposed to all forms of law or who are opposed to organized government and favor the assassination of public officials or the unlawful destruction of property, prostitutes, contract laborers, aliens over 16 years of age physically capable of reading who can not read the English or some other language, and many other classes enumerated in this section.

If this section were honestly, intelligently, sympathetically, and rigidly enforced, it would result in the rejection of many seeking admission to our country who are undesirable, and it would relieve from criticism in a large measure the foreigners who come to our country.

Everyone desirous of studying the immigration question should carefully read this section in order to appreciate the very great responsibility which is given to our immigration officials under this bill, first, to the consular officials abroad, and, second, to the immigration officials at home.

Those aliens who are not eligible to citizenship are excluded by the provisions of this bill and other acts of Congress, and this, of course, will exclude the Japanese, Chinese, and the yellow races of Asia. They can not be assimilated, are not in sympathy with our form of government, and should be excluded. These aliens will gradually spread to the interior. This is a very acute question now on the Pacific coast.

Immigrants, under the terms of the 1924 act, are divided into two classes, "quota" and "nonquota" immigrants.

First. "Quota" immigrants are composed of 100 persons plus 2 per cent of the nationals based upon the census of 1890; and

Second. "Nonquota" immigrants, as defined in section 4.

That act provides for the admission as "quota immigrants" of 100 persons in addition to 2 per cent of the number of foreign-born individuals of such nationality who are now residents of the United States, based on the census of 1890. In other words, 100 persons may be admitted from any foreign country, and in addition thereto 2 per cent of the nationals from that country who were residents of the United States as shown by the census of 1890.

That law also provides—section 2—that the consular officials in foreign countries, under rules and regulations to be prescribed, may issue tentative immigration certificates up to but not to exceed the quota which it is provided may come from that country, and this certificate shall indicate the nationality, name, age, sex, race, and a sufficient personal description to identify the applicant, the date and place of his birth, and such additional information as may be prescribed by the rules and regulations of the Secretary of Labor, who has the administration of the act in charge. These certificates may be issued to "quota" and "nonquota" immigrants.

In addition to the quota immigrants the law provides—section 4—that there may be admitted in addition thereto as nonquota immigrants children under the age of 18, dependent parents over 55 years of age, husband or wife of a citizen of the United States, an immigrant previously admitted and who is returning to this country after a temporary visit abroad, and one who has continuously resided for the past 10 years in Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, or islands adjacent to the American continents, an immigrant who continuously for the past two years preceding the time of his application to enter the United States has been, and who seeks to enter this country solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college or university, an immigrant who is a skilled laborer, and students who desire to enter college and universities for the purpose of study.

Based upon the census of 1890, it is estimated that the maximum number of immigrants admitted annually would not exceed the total of 161,184.

By basing the admissions upon the census of 1890 and reducing the percentage from 3 to 2 the number of immigrants to be admitted will be very greatly reduced.

I favored a further reduction of the "quota" immigrants, either by basing the admissions upon an earlier census than that of 1890 or by reducing the percentage from 2 to 1. However, it is stated that no census prior to 1890 can be used as a basis for the reason that the nationality of immigrants is not shown.

There were admitted during 1923, 522,919 immigrants, whereas, under the provisions of this law, there will be admitted 161,184 immigrants.

During the six months before enactment of the 1924 law there were 469,000 immigrants admitted into the United States.

The number of immigrants admitted to our country during the more than a century of our Government is a very interesting study. Prior to 1842 the number did not reach 100,000 in any one year. In 1842, 104,565 were admitted. In 1865 the number reached 459,803. The largest number admitted during any one year was that of 1907, when 1,285,349 were received, and more than a million came to our country in the years 1905, 1906, 1907, 1910, 1913, and 1914. Since the World War a new tide of immigration started and in 1921 805,228 immigrants were admitted, but the number was reduced the following year by the acts of May 19, 1921, and of May 11, 1922. From September 30, 1820, up to and including June 30, 1923, 35,292,506 immigrants were admitted to our shores.

In order to get away from Old World conditions, unless immigration is restricted as by the terms of this bill, we may expect a much larger influx of immigrants. The period of depression, unstable conditions, militarism, the love of political liberty, and religious freedom will greatly stimulate immigration from Europe.

The 1924 law restricts immigration to those persons eligible to citizenship in the United States, and it is the purpose of the bill to reduce the number to those who can be assimilated. Every immigrant permanently admitted to our country should be carefully examined, and none should be admitted except those who desire to and will become useful, productive, and patriotic citizens of the United States.

In considering that bill many questions were important. Immigration is a domestic question and one for congressional legislation. We have a right to determine how many immigrants may or may not be admitted from any country. We may admit from one country or class and not from another.

In certain congested centers the percentage of foreign born is very high. The questions of assimilation, of education, of illiteracy, of teaching them the English language, of finding employment, of not displacing other labor, and many other questions go to make up the problem to be solved in considering immigration.

It is imperative that we do not admit those who would make undesirable citizens or those who are ineligible to become citizens or those who could not be assimilated.

The American Legion, at its annual convention in San Francisco in October, 1923, adopted the following resolution:

Resolved, That Congress be urged to permanently deny admission hereafter, as immigrants or permanent residents, to all aliens who are ineligible to citizenship under the laws of the United States.

The American Federation of Labor, in October, 1923, at Portland, Oreg., in its annual convention, adopted the following resolution:

We recommend that the executive council be instructed to advocate before the Sixty-eighth Congress a more stringent immigration policy under which immigration shall be curtailed below the present quotas.

The American Farm Bureau Federation passed a resolution in Chicago on December 12, 1923, as follows:

We favor a limitation of the number of immigrants permitted to enter this country to approximately the present total. We would shift the basis upon which the percentage is determined from 1910 to 1890, or an earlier period. We recommend that all immigrants be selected after physical, mental, and other tests in the land of their nativity by representatives of our Government, and that the Congress take proper steps to put such plan into operation.

It will be noted that the persons to be admitted, embodied in the 1924 law, follow very closely the number recommended to be admitted in the above resolution.

The National Grange, November 14–24, 1923, at Pittsburgh, adopted the following resolution at its annual meeting:

The grange favors immigration laws which will make for more loyal Americanism and better citizenship, and urges such modifications of the present laws as will accomplish this end. We favor the substitution of the census of 1890 for the census of 1910 as the basis for the percentage immigration law should it be reenacted. We reiterate the previous action of the grange asking for denial of permanent residence in the United States to aliens ineligible to citizenship.

The above resolution indorses the substitution of the 1890 census for the census of 1910. In addition, various civic organizations and patriotic societies, chambers of commerce, and Daughters of the American Revolution have passed resolutions favoring a further restriction of immigration and for the weeding out of the undesirables, and the selection of a better class of immigrants who would be eligible for citizenship when admitted and who could be assimilated into our body politic.

While I am not a member of the committee, and have not had the time to carefully read all of the hearings and the arguments used before the committee, I favor a reduction in the number of immigrants to be admitted and a selective system by the issuance of tentative certificates in foreign countries, with a final determination by our more responsible officials in this country, so that the number of immigrants will be greatly reduced and confined to those eligible to citizenship in this country and those who will be in sympathy with our Constitution and laws and those who can be readily assimilated. We have had many people of foreign birth who have added greatly to our citizenship. We must not overlook the splendid record they have made. We are not unmindful of the fact that in almost every Cabinet, from the days of Washington down to the present time, some member thereof has been of foreign birth.

However, in these days following the World War, when conditions abroad are so disturbed, we must give great care to a proper selection of those who are admitted to our shores, seeing to it that no undesirable foreigners are admitted who will be a menace to our institutions, who can not be readily assimilated, and who will be a burden and not a help to the communities in which they will reside. The 1924 law, under the nonquota section—4—admits the minor children, wives, or husbands, or the dependent parents over 55 years of age of those foreigners who have been previously admitted, and grants to them the privileges of citizenship in this country, so that there will be no hardship upon them; and in our selection of new immigrants we have provided for tentative certificates to be first issued abroad, so that prospective immigrants may not be admitted if they are not entitled to enter. We agree with the sentiment that no immigrant should be admitted to this country whom we would not welcome as a citizen of our State and Nation. This is our own beloved country; let us protect the fundamentals upon which it was founded as we would guard the purity of our own homes.

Under the 1924 law, after July 1, 1929, there will be admitted 150,000 immigrants of the quota class, and it is estimated that, including the nonquota aliens to be admitted, that the number to come in will not exceed 165,000.

There is much confusion in the figures given out by the Commissioner of Immigration as to the number actually admitted to this country. The quota class does not apply to Canada or to Mexico. Immigrants from these countries come in under the restrictive provisions of the act of 1917, as subsequently amended. Very large numbers come in from both of these countries. It has been found difficult to adequately patrol both borders. We need additional legislation as to both countries, and particularly against admissions through Mexico. Mexican laborers come here in competition with American workmen, and those who come in from that country are less desirable citizens. I would place both Canada and Mexico within the quota provisions of the immigration act, increase the appropriations to patrol these two borders, and strengthen the law with reference to those legally admitted with identification cards, so that those not found in possession of them may be the more easily detected and deported. The importance of this may be readily appreciated when it is known that as many foreigners come into our country illegally or surreptitiously from Mexico and Canada as are admitted from all European countries.

PERMISSION TO PRINT AMENDMENT IN RECORD

Mr. TARVER. Mr. Speaker, I ask unanimous consent that an amendment to the pending bill which I sent to the Clerk's desk during its consideration to-day, but which was not reported, may be printed in the RECORD for the day.

Mr. SABATH. Mr. Speaker, I object.

Mr. SCHAFER. Reserving the right to object, is that the amendment with respect to the bootleggers?

Mr. TARVER. The gentleman is correctly informed.

Mr. SCHAFER. I shall not object.

The SPEAKER. Objection is heard.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods;

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; and

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; and

S. J. Res. 110. Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group of the United States, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Saturday, February 16, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 16, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

847. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Justice for the fiscal year 1929 amounting to $14,400; also draft of proposed legislation affecting an existing appropriation (H. Doc. No. 591); to the Committee on Appropriations and ordered to be printed.

848. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $50,000 for the Department of Agriculture, fiscal year 1929, for an additional amount for control and prevention of spread of the gypsy moth (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

849. A communication from the President of the United States, transmitting proposed legislation affecting appropriations which would authorize the Secretary of Agriculture to construct during the fiscal year 1930 the bridge across Bayou Teche at the livestock experiment station of the Department of Agriculture at New Iberia, La., which was authorized to be constructed during the fiscal year 1929 (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

850. A letter from the Public Printer, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

851. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1929, for Lincoln Birthplace Memorial, amounting to $80,000 (H. Doc. No. 594); to the Committee on Appropriations and ordered to be printed.

852. A communication from the President of the United States, transmitting draft of proposed legislation for the Department of the Interior, Bureau of Indian Affairs, affecting an existing appropriation for the Flathead Indian irrigation project, Montana (H. Doc. No. 595); to the Committee on Appropriations and ordered to be printed.

853. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property and damages by collision with lighthouse vessels in the sum of $7,493.68 (H. Doc. No. 596); to the Committee on Appropriations and ordered to be printed.

854. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year 1929, for the relief of contractors' claims, in the sum of $21,034.07 (H. Doc. 597); to the Committee on Appropriations and ordered to be printed.

855. A communication from the President of the United States, transmitting supplemental estimate of additional appropriation amounting to $20,000 for the fiscal year 1929, to remain available until expended, for administrative expenses for the Porto Rican Hurricane Relief Commission, as provided for by Public Resolution 74, Seventieth Congress, approved December 21, 1928 (H. Doc. No. 598); to the Committee on Appropriations and ordered to be printed.

856. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Post Office Department for the fiscal year 1930, amounting to $3,400,000 (H. Doc. No. 599); to the Committee on Appropriations and ordered to be printed.

857. A communication from the President of the United States, transmitting two supplemental estimates for the War Department for the fiscal year ending June 30, 1929, for United States Military Academy, totaling $14,803 (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LAMPERT: Committee on the District of Columbia. H. R. 16700. A bill authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; with amendment (Rept. No. 2530). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928; without amendment (Rept. No. 2531). Referred to the House Calendar.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 15893. A bill authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex.; without amendment (Rept. No. 2536). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 16436. A bill to provide for the repatriation of certain insane American citizens; without amendment (Rept. No. 2537). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16659. A bill to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota; with amendment (Rept. No. 2538). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16660. A bill to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota; with amendment (Rept. No. 2539). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 406. A joint resolution to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes; without amendment (Rept. No. 2540). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LOWREY: Committee on War Claims. H. R. 11659. A bill for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; with amendment (Rept. No. 2532). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 15900. A bill for the relief of Charles H. Young; without amendment (Rept. No. 2533). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 15942. A bill for the relief of the University of Kansas; with amendment (Rept. No. 2534). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 16691. A bill to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*; with amendment (Rept. No. 2535). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3002. An act for the relief of Mina Bintliff; without amendment (Rept. No. 2541). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased; without amendment (Rept. No. 2542). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.); without amendment (Rept. No. 2543). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. S. 4848. An act for the relief of T. L. Young and C. T. Cole; with amendment (Rept. No. 2544). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 3738. A bill for the relief of Mary Murnane; with amendment (Rept. No. 2545). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 14873. A bill for the relief of Chesley P. Key; with amendments (Rept. No. 2546). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HILL of Washington: A bill (H. R. 17122) to extend the times for commencing and completing the construction of a bridge across the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON of Iowa: A bill (H. R. 17123) to provide for research work in connection with the utilization of agriculture products other than forest products, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: A bill (H. R. 17124) to authorize the issuance of patent for lands containing gold-bearing gravels at depths which are overlaid by volcanic lava; to the Committee on the Public Lands.

By Mr. JOHNSON of Indiana: A bill (H. R. 17125) to provide for the payment of compesation to World War veterans in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of Illinois: A bill (H. R. 17126) authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: A bill (H. R. 17127) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: A bill (H. R. 17128) to amend section 11 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve"; to the Committee on Naval Affairs.

By Mr. CLARKE: A bill (H. R. 17129) to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mrs. LANGLEY: A bill (H. R. 17130) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, fertilizer manufacture, electric power production, flood and farm relief, and other purposes, and, in connection therewith, the incorporation of the farmers' federated fertilizer corporation and the lease to it of the said project; to the Committee on Military Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 420) requesting the President to make representations to the powers party to The Hague Opium Convention and the Republic of Switzerland, urging full compliance with the provisions and aims of that convention; to the Committee on Foreign Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 421) to establish a joint commission on airports; to the Committee on Rules.

By Mr. KINCHELOE: Concurrent resolution (H. Con. Res. 56) to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorializing the Postmaster General of the United States to cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

Memorial of the Minnesota State Legislature memorializing Congress for the relief of the Lake of the Woods settlers for past damages suffered at the hand of power corporations and enterprises in Canada, in accordance with the convention between the United States and Great Britain to regulate the level of the Lake of the Woods by providing that the settlers may have their claims heard and tried in the courts of the land; to the Committee on the Judiciary.

By Mr. MAAS: Memorializing the Congress of the United States for the relief of the Lake of the Woods settlers, as provided in S. F. No. 359, Resolution 4; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 17131) for the relief of Grover C. Van Nest; to the Committee on Military Affairs.

By Mr. DOYLE: A bill (H. R. 17132) for the relief of James S. Kelly; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 17133) granting a pension to Lizzie Albright; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 17134) granting an increase of pension to Katharine S. Ryan; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 17135) granting an increase of pension to Addie R. Graves; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 17136) granting a pension to Ella Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17137) granting an increase of pension to Matilda A. Jones; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 17138) extending benefits of the World War adjusted compensation act, as amended, to Peter Joseph Sliney; to the Committee on Naval Affairs.

By Mr. VINCENT of Michigan: A bill (H. R. 17139) granting a pension to Pearl Brentlinger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11232. Petition of First Methodist Episcopal Church, Charleroi, Pa., urging the Congress to give immediate attention to the needs of the national prohibition movement to insure effective enforcement of the law; to the Committee on the Judiciary.

11233. Petition of St. Louis, Mo., citizens, requesting a readjustment by Congress of a war-time settlement with the holders of 64,000 German chemical patents; to the Committee on Interstate and Foreign Commerce.

11234. By Mr. ABERNETHY: Petition of the Congregational Church of Dudley, N. C., with 48 present, unanimously petitioning on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia, presenting reasons for such action; to the Committee on the District of Columbia.

11235. By Mr. BARBOUR: Resolution adopted by the rehabilitation commission, American Legion, Department of California, relative to the hospital situation in that State; to the Committee on World War Veterans' Legislation.

11236. By Mr. CONNALLY of Texas: Petition of A. A. Murray and other citizens of Brewster County, Tex., in behalf of Smith and Smoot drainage bills; to the Committee on Irrigation and Reclamation.

11237. By Mr. EATON: Petition of 19 members of the Hopewell Mountain Christian Church, New Jersey, urging the enactment of the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11238. By Mr. GARBER: Petition of Frank Hamilton, Burlington, Okla., in regard to existing radio conditions; to the Committee on the Merchant Marine and Fisheries.

11239. Also, petition of residents of Kay County, Okla., in support of separate bill for increased tariff duties of competitive farm products; to the Committee on Ways and Means.

11240. By Mr. GARRETT of Tennessee: Petition of retail shoe dealers and customers of Gleason, Tenn., against tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

11241. By Mr. KOPP: Petition of V. L. Halpool, fingerprint expert, urging a universal fingerprint law; to the Committee on the Judiciary.

11242. By Mr. MAAS: Petition of 45 citizens of St. Paul, Minn., urging that no change be made in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11243. By Mr. McCORMACK: Petition of Mrs. Frederick W. Grant, 30 Alpha Road, Dorchester, Mass., vigorously protesting against enactment of the Newton maternity bill and the equal rights bill; to the Committee on Interstate and Foreign Commerce.

11244. By Mr. MAAS: Petition of 36 citizens of St. Paul, Minn., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11245. By Mr. MORIN: Petition of the Retail Lumber Dealers Association of Pittsburgh, Pa., R. F. McCrea, secretary, protesting against a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

11246. By Mr. NIEDRINGHAUS: Petition of 27 citizens, residents of Bonhomme Bottom, St. Louis County, Mo., urging assistance and relief from the Government for them in protecting their farm land from erosion by the Missouri River; to the Committee on Flood Control.

11247. By Mr. O'CONNELL: Petition of the New York Conservation Association (Inc.), favoring the appropriation now contained in the Agriculture appropriation bill for the purchase of nonagricultural lands in national forests; to the Committee on Appropriations.

11248. Also, petition of the Montizona Copper Co., New York City, favoring the present tariff schedules upon manganese be maintained; to the Committee on Ways and Means.

11249. Also, petition of Douglas I. McKay, State department commander, American Legion, New York, favoring the passage of the American Legion's hospital bill; to the Committee on World War Veterans' Legislation.

11250. By Mr. PERKINS: Petition of Warren Pomona Grange, No. 10, Patrons of Husbandry, Stewartsville, N. J., protesting against legislation fixing prices of farm products; to the Committee on Ways and Means.

11251. By Mr. ROBINSON of Iowa: Petition against any change in the present tariff on hides and leather used in the manufacture of shoes, signed by C. H. Wilmott and about 50 other citizens of Dubuque, Dubuque County, Iowa; to the Committee on Ways and Means.

11252. By Mr. SELVIG: Resolution of National Livestock and Meat Board, urging Congress to enact higher duty on meat and meat animals through amendment of the tariff law; to the Committee on Ways and Means.

11253. By Mr. SMITH: Petition signed by Mr. A. W. Johnson and 21 other citizens of Buhl, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

11254. By Mr. SWING: Petition of residents of San Diego and National City, Calif., protesting against House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

11255. By Mr. THURSTON: Petition of W. C. Borrell and others, of Chariton, Iowa, protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11256. By Mr. WOOD: Petition of many citizens of La Fayette, Ind., and vicinity, asking that no changes be made in the present immigration law unless it would be to make them more drastic in their provisions; to the Committee on Immigration and Naturalization.

11257. By Mr. WYANT: Petition of Pittsburgh Wholesale Lumber Dealers' Association, opposing the levying of a duty on timber, lumber, lath, and shingles imported into the United States; to the Committee on Ways and Means.

11258. Also, petition of Retail Lumber Dealers' Association of western Pennsylvania, opposing the levying of a duty on timber, lumber, lath, and shingles into the United States; to the Committee on Ways and Means.

11259. Also, petition of John Brady, jr., Camp No. 84, United Spanish War Veterans, Greensburg, Pa., favoring passage of House bill 14676; to the Committee on Pensions.

SENATE

SATURDAY, *February 16, 1929*

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16926. An act granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science;

H. R. 16927. An act to clarify the law relating to the temporary admission of aliens to the United States; and

H. J. Res. 379. Joint resolution extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes;

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods;

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; and

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes; and

S. J. Res. 110. Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes.

REPORT OF PERSONNEL CLASSIFICATION BOARD ON SURVEY OF FIELD SERVICES

The VICE PRESIDENT laid before the Senate a communication from the Chairman of the Personnel Classification Board, tentatively reporting, pursuant to law, relative to a survey of positions in the several field services of the Federal Government "exclusive of the Postal Service, Foreign Service, and employees in the mechanical and drafting groups whose wages are now or have heretofore been fixed by wage boards or similar authority," and submitting a preliminary report thereon, which, with the accompanying papers, was referred to the Committee on Civil Service.

PHYSICIAN IN CHARGE OF NARCOTICS DIVISION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending the passage of legislation making the physician in charge of the Narcotics Division of the United States Public Health Service, while so serving, an Assistant Surgeon General in that service, etc., which, with the accompanying papers, was referred to the Committee on Finance.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, dated February 12, 1929, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President, appointed in the State of Mississippi at the election held November 6, 1928, which was requested to be substituted for the certificate transmitted on January 18, 1929, which, with the accompanying papers, was ordered to lie on the table.

PETITIONS AND MEMORIALS

Mr. TYSON. I present a resolution adopted at the January term of the Knox County (Tenn.) quarterly court, relative to the location of a summer home for the President of the United States, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Mr. Chairman and members of the Knox County court, conditions come and go, likewise suggestions that are often made by both high officials and sometimes humble citizens, that have a great deal of merit, but neither the press or the public become impressed or interested and unless the individual making such suggestion is so wedded to the idea to keep it before the public it will soon be forgotten.

This preamble is to get you members to become interested in what I am going to suggest and present to you.

Mr. Chairman and members of the court, some days ago I saw and read a suggestion from the President of the United States, Calvin Coolidge, that the Government should build a permanent summer and rest home for the President. Since that suggestion I have not seen, heard, or read a word of comment; yet it impressed me so deeply that I have thought the idea was one of the wisest suggestions made by a President in times of peace for a public improvement or necessity. President Coolidge frankly, wisely, and truthfully stated the facts, and that he could recommend a permanent summer home for the President of the United States without any selfish motive.

He stated that the altitude at Washington was virtually sea level and when the President took an outing on the ocean it was virtually the same altitude, and it did not give the rest and vigor that was needed. I was very much interested and very deeply impressed with the remarks of the President suggesting a permanent out-of-Washington home to be known as The President's Summer Home. With his suggestions carried out, it would forever eliminate the annoyance of the President selecting a palace or cottage donated by some kind citizen where he will spend his vacation. The Government has always maintained the President's Mansion, known as the White House, ever since the founding of our present Capital. Now, to think we have 48 States and not a place provided where the President can go for rest and recreation—such a condition should no longer exist.

At the present time it is more difficult for the President to decide where he is going to spend his vacation than it is whether he will approve or veto a tariff bill.

There are two questions for Congress to consider. First, should there be an isolated home for the President of the United States, where he can go for a rest as well as being isolated from disturbing elements, and where he may be given undisturbed time in the preparation of very important messages to be submitted to Congress?

The second question, If we are going to have a President's summer and rest home, where shall it be located? It seems such a home should

be located on a Government domain and as close and accessible to Washington as possible to get the altitude needed, as suggested by President Coolidge.

Mr. Chairman and members of the court, I do not hesitate to suggest that no other place on the map of our lands could be more ideal for the location of such a home than on the lands of the Great Smoky Mountain National Park. Altitude just right, climate finest of the fine, mountain springs pure as melted snow, the foliage of millions of trees and shrubs, 137 species, with more tints and colors and more gorgeous than could be found in an art gallery. The autumn presented by Old Smoky is the most beautiful picture painted by the hand of nature. Five hundred and sixty-five varieties of wild flowers permeating the air with fragrance. The sweetest of all nature.

This is where we suggest that a summer home be located, a rest resort for a tired and overworked President; where he can dwell and live with nature and enjoy the blessings of an undisturbed day. And when he becomes tired in body he can go to the many tops of Old Smoky and there see the sun of day come riding in on the waves of the Atlantic and emerging through the foliage of the forest dripping with the honeydew of the morning, spreading the smiles of day and kissing with unfelt lips the slumbering and God-loving people whom He has loved and protected through the night from their visions of beauty and dreams of excitement to a day of happiness and joy; and with the dawn of the morning embark on the lap of nature to enjoy the laughter of the day's journey; and from the smiles of the morning to the laughter of the evening behold the most beautiful panorama view stretching from the incoming waves of the Atlantic to the banks of the Father of Waters—the greatest commercial-carrying stream of the world. And at the end of day dip the torch of light into the bosom of the great Mississippi and there pronounce to his people a benediction—sweet visions and dreams. This is the place beneath these trees in the cluster of these shrubs, surrounded by these wild flowers and enrapt with the honeysuckle of fragrance and under the shadows of Old Smoky, where he can enjoy the wild life of the mountains, the developed life of the valleys, surrounded with the protection of a people devoted to liberty, freedom, and peace: Therefore be it

Resolved, That we memorialize Congress through our Senators and Representatives to assist in carrying out President Coolidge's suggestion, and then to have said home located in the Smoky Mountain National Park.

Respectfully submitted.

SAM HARRISON,
Justice of the Peace,
Second District, Knox County, Tenn.

STATE OF TENNESSEE,
County of Knox, ss:

I, L. M. Kennedy, clerk of the county court for the aforesaid county, do hereby certify that the foregoing is a true and perfect copy of the resolution unanimously adopted at the January term of the Knox County quarterly court, in re: The location of a summer home for the President of the United States, as the same appears of record in my office.

Witness my hand and official seal in Knoxville, Tenn., this 17th day of January, 1929.

[SEAL.] L. M. KENNEDY,
Clerk of the County Court.

Mr. FESS presented the following joint resolution of the Legislature of the State of Ohio, which was referred to the Committee on Interstate Commerce:

Senate joint resolution memorializing the Congress of the United States to distribute radio-broadcasting facilities equitably in accordance with the population of the States

Whereas under General Order No. 40, issued by the Federal Radio Commission on August 30, 1928, and subsequent orders assigning frequencies, powers, licenses, and hours of operation to the broadcasting stations of the United States, Ohio did not receive its equitable share of these facilities in accordance with the letter and spirit of the Davis amendment; and

Whereas the inequalities and injustice which have resulted from the reallocation as promulgated by the Federal Radio Commission are the results of using the arbitrary radio zones of the 1927 act as the basis; and

Whereas no equitable distribution of broadcasting facilities, serving public interest, convenience, and necessity can be brought about so long as equal division among the five arbitrary zones is adhered to: Therefore be it

Resolved by the General Assembly of the State of Ohio, That the Congress of the United States be, and is hereby, requested to amend the Federal radio law so as to distribute broadcasting facilities equitably in accordance with the population of the States; and be it further

Resolved, That a copy of this resolution be forwarded to both of the United States Senators and each Member of Congress from Ohio.

Mr. WARREN presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Agriculture and Forestry:

Enrolled Joint Memorial 1, Senate, Twentieth Legislature of the State of Wyoming, petitioning the Department of Agriculture of the Government of the United States to open certain lands in the Teton National Forest, in Teton County, Wyo., for the purpose of sheep grazing

Whereas considerably more than 75 per cent of the area of Teton County, Wyo., is embraced within the boundaries of the Teton National Forest and is, therefore, under the administration of the Government of the United States;

Whereas by far the most and better part of the grazing lands of said county are within the boundaries of said national forest, and sheep belonging to the citizens and residents of said county are now by departmental regulation excluded from said forest;

Whereas the citizens and residents of Teton County are thus deprived of the advantages which were enjoyed by the pioneers and settlers of other counties and States to whom the public domain was and is open for the grazing of livestock, and, since they are dependent for their livelihood upon the livestock industry, said citizens and residents of Teton County are consequently suffering a great hardship by reason of the said exclusion of sheep from the said forest;

Whereas the county of Teton and the State of Wyoming are deprived by the said policy of exclusion of a considerable income that would normally be derived from the taxation of largely increased bands of sheep if grazing were permitted in said forest;

Whereas the tract of land hereinafter described offers abundant forage suitable for sheep but not suitable for cattle owing to the presence of larkspur which is poisonous to cattle but nutritious for sheep;

Whereas the opening of said tract would provide a profitable use, in wintering sheep, for the large annual hay crop, grown on said lands, for which there is no present market; and

Whereas the said tract is not now used by elk or game, nor in any manner by tourists, visitors, or campers, being suitable only for sheep: Therefore be it

Resolved by the Senate of the Twentieth Wyoming Legislature (the House of Representatives concurring), That the Department of Agriculture of the United States Government be, and it is hereby, most earnestly requested to open the following described tract of land for the grazing of sheep under the rules and regulations of the United States Bureau of Forestry:

All of that portion of the Teton National Forest lying within the boundaries of Teton County, Wyo., south of the south line of Range 42, Wyoming, or its projection westward, and west of the Snake River; Be it further

Resolved, That certified copies of this memorial be forwarded to the President of the United States, the Secretary of Agriculture, the Chief Forester of the United States, to each member of the Wyoming delegation in the Congress of the United States, and to the Honorable Vincent Carter, Representative elect.

FRANK O. HORTON,
President of the Senate.
MARVIN L. BISHOP, Jr.,
Speaker of the House.

Approved at 10.54 p. m., February 11, 1929.

FRANK C. EMERSON,
Governor.

Mr. BURTON presented the petition of sundry calf-leather workers of Girard, Ohio, and vicinity, praying for the imposition of a fair tariff duty on imports of finished leather, which was referred to the Committee on Finance.

Mr. ROBINSON of Arkansas presented petitions of sundry members of the parent-teachers' associations of Jonesboro and Arkadelphia, in the State of Arkansas, praying for the passage of the bill (S. 1584) to create a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from W. G. Bate, of Stevens Point, Wis., praying that a route for a new Isthmian canal be selected about 30 miles east of the Panama Canal, from the Gulf of San Blas on the Atlantic side to the Bayana River on the Pacific side, etc., which was referred to the Committee on Interoceanic Canals.

PROPOSED TARIFF REVISION

Mr. WALSH of Montana. Mr. President, I clipped from the Washington Post this morning an editorial from the Philadelphia Public Ledger, presumably of yesterday, stating that the revision of the tariff to take place at the ensuing special session will not be confined to the agricultural schedule, but will be general, and that there will be a general revision upward notwithstanding the views supposed to be entertained by the President elect, Mr. Hoover. The dictatorial character of the edi-

torial is interesting, to say the least. Verily, Mr. President, the hand is the hand of the Public Ledger, but the voice is the voice of Grundy. I ask that the editorial may be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, leave is granted. The editorial is as follows:

[From the Washington Post, Saturday, February 16, 1929]

REAL TARIFF REVISION DEMANDED

There was in Washington a few days ago much talk that there would be no general tariff revision at the coming special session of Congress. It was said textiles might be given a little help. Possibly steel would be aided. Here and there a schedule would be touched up a bit. The farm schedules would be rewritten. The farmers would be given any and every thing they wanted, as they were in the emergency tariff of 1921 and the tariff act of 1922.

But—in the main there was to be no general revision. The theory was that all sweeping changes would wait until the next regular session. There were emphatic intimations that Mr. Hoover wanted to wait. These were strengthened when Senator SMOOT came back from Miami Beach declaring he was opposed to any complete revision.

There is not so much of that talk now. The House Ways and Means Committee is settling the question of whether revision shall be partial or general. It has been in session for weeks. Hundreds of manufacturers have appeared at its hearings. They have shown it is a condition and not a theory that confronts American industry. They have told their story, and the burden thereof is that of insufficient protection against a reviving and vigorous Europe and an ambitious and pushing Orient.

These hearings covered the tariff schedule by schedule. Any doubts that did exist about the necessity of a genuine revision have been swept away.

On or about March 10 the House committee will begin writing the new tariff. This will be ready about May 1. The trend of that measure may now be forecast in a general way.

Changes will not be confined to farm and textile schedules. Not all rates will be lifted, but most of them will be raised. Where an industry is suffering from the pressure of foreign competition it will get further protection.

It is probable that a few articles will vanish from the free list. When revisions are made they will be upward. Practically every schedule will be opened for the changes that the last six years have shown as necessary or imperative.

The revisions proposed are described as "conservative," except in the farm schedules. They may be too "conservative" for the Senate, which is more likely to raise than it is to lower them.

Instead of merely tinkering with the tariff the House committee will offer a new tariff law. Its hearings have shown the stark necessity of action.

Mr. Hoover may wish to wait a while, but the country is not willing. Genuine revision is expected as soon as this can be made. The Republican Party is pledged to it. Protection was its leading issue in 1928. The incoming administration is bound by the pledges made last year, and the Seventieth Congress was chosen upon the question of genuine protection.

This is understood by Congress, and particularly by the House Ways and Means Committee. Its duty is to revise the tariff wherever, in its judgment, changes are necessary. That it is preparing to do. If the special session meets on or about April 15, the committee will have a measure ready within two weeks after it convenes.

And if and when the schedules are opened, revision will be general rather than piecemeal. That is what the country expected as soon as the results of the election of last November were known. It is what both industry and the country assumed would be done. In preparing a bill revising rates generally upward the House committee is carrying out the mandate so clearly expressed in November, 1928. (Philadelphia Public Ledger.)

REPORTS OF COMMITTEES

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the bill (S. 3623) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, reported it with an amendment and submitted a report (No. 1780) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5743) authorizing an appropriation of $50,000 for the purchase of seed, feed, and fertilizer to be supplied to farmers in the flooded sections of Orange County, N. Y., and for other purposes, reported it with amendments and submitted a report (No. 1781) thereon.

Mr. SHIPSTEAD, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3913) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, reported it with amendments and submitted a report (No. 1782) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 5598) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes, reported it with an amendment and submitted a report (No. 1783) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases, reported it with amendments and submitted a report (No. 1784) thereon.

Mr. McMASTER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1896) authorizing the Secretary of the Treasury to amend the contract executed by the Treasury Department for the construction of the Edward Hines, jr., Hospital at Broad View, Ill., reported it with an amendment and submitted a report (No. 1785) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, reported it with amendments and submitted a report (No. 1786) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 5583) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa (Rept. No. 1788);

A bill (S. 5735) granting the consent of Congress to the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the east channel of the Ohio River (Rept. No. 1790); and

A bill (S. 5758) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans. (Rept. No. 1789).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5045) authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from the town of Alburgh, Vt., to the town of Swanton, Vt., the said right and privilege to extend across Lake Champlain along the shore line 1 mile each way, northerly and southerly from the Central Vermont Railway Co.'s bridge on the Swanton shore and 1 mile northerly from said bridge and southerly from said bridge to the south end of McGregors Point, so called, on the Alburgh shore at a point at or near East Alburgh (Rept. No. 1791); and

A bill (S. 5764) granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind. (Rept. No. 1792).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5706) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y. (Rept. No. 1793);

A bill (S. 5720) authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La. (Rept. No. 1794); and

A bill (S. 5774) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo. (Rept. No. 1795).

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 303) increasing the limit of expenditure for a survey of Indian conditions in the United States, reported it with an amendment.

He also, from the same committee, to which were referred the following resolutions, reported them each without amendment:

Resolution (S. Res. 308) continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution 79, authorizing a general survey of Indian conditions; and

Resolution (S. Res. 311) continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution 193, to investigate the choice of postmasters in presidential offices.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On February 15, 1929:

S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska.

On February 16, 1929:

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; and

S. J. Res. 110. Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHALL:

A bill (S. 5811) for the relief of Adelaide (Ada) J. Walker Robbins; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 5812) to authorize the Secretary of War to lease the United States naval destroyer and submarine base, Squantum, Mass.; to the Committee on Military Affairs.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 5813) for the relief of Charles W. Martin; and

A bill (S. 5814) for the relief of Dr. J. B. Potts; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 5815) authorizing the use of tribal moneys belonging to the Wichita and affiliated bands of Indians of Oklahoma for certain purposes; and

A bill (S. 5816) to authorize the establishment of an employment agency for the Indian Service; to the Committee on Indian Affairs.

By Mr. FESS:

A bill (S. 5817) to authorize the unification of carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HALE:

A bill (S. 5818) granting an increase of pension to Emma A. Gannett; to the Committee on Pensions.

By Mr. BLACK:

A bill (S. 5819) to authorize the erection of a United States veterans' hospital in the State of Alabama and to authorize an appropriation therefor; to the Committee on Finance.

By Mr. FESS:

A bill (S. 5820) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

A bill (S. 5821) to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; to the Committee on Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 5822) granting an increase of pension to Lilla V. Granville; to the Committee on Pensions.

By Mr. CAPPER:

A joint resolution (S. J. Res. 219) to provide for the quartering in certain public buildings in the District of Columbia of troops participating in the inaugural ceremonies; to the Committee on Public Buildings and Grounds.

By Mr. KEYES:

A joint resolution (S. J. Res. 220) to provide for the quartering in certain public buildings in the District of Columbia of troops participating in the inaugural ceremonies; to the Committee on Public Buildings and Grounds.

By Mr. BLAINE:

A joint resolution (S. J. Res. 221) to amend the joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory, approved March 2, 1906; to the Committee on Indian Affairs.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 16926. An act granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science; and

H. R. 16927. An act to clarify the law relating to the temporary admission of aliens to the United States; to the Committee on Immigration.

H. J. Res. 379. A joint resolution extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War; to the Committee on Military Affairs.

REIMBURSEMENT OF NEVADA—AMENDMENT TO DEFICIENCY BILL

Mr. ODDIE submitted an amendment proposing to appropriate $595,076.53 to reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States, etc., intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

THE AMERICAN FLAG

Mr. HEFLIN. Mr. President, I have received quite a number of letters recently supporting my position on the flag amendment which I offered to the cruiser bill. I send four of them to the clerk's desk and ask that they may be read in my time.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

STATE COLLEGE, PA., *February 7, 1929.*

Senator HEFLIN, OF ALABAMA.

MY DEAR SENATOR HEFLIN: In to-day's Philadelphia Inquirer, on the front page, is a news story of the achievement of recognition as a temporal state by the Vatican.

On the back page of the financial section of the same paper is the story of your speech advocating its proper place on our ships for our flag.

You will probably receive thousands of letters commending you upon, and thanking you for, that speech; nevertheless, I wish to add my word of most sincere gratitude and appreciation for your fearlessness and watchfulness.

As a very humble student of our history, I have a feeling that the two news items are the harbingers—even though long ahead in time—of a deadly struggle over the principle of independence of church and state. Protestantism has fought its way free once, and, given a few people like yourself to keep attention focused on threatening dangers, we should be able to keep free.

Again I wish to thank you for your fine, sound American stand on all matters of national policy.

Cordially and respectfully yours,

(Miss) GERTRUDE MASON ADAMS.

READING, PA., *February 10, 1929.*

Hon. J. THOS. HEFLIN.

DEAR BROTHER AMERICAN: I want to express my appreciation to you for the good work you are doing, and have been doing for years, in behalf of our beloved America.

I hope that every word you speak may sink into the hearts of all who hear you and those who read them, and that your work will bear fruit to the protection and preservation and honor of our country and its principles, the things our earliest forefathers wove into the fiber of this land by much labor and sacrifice and prayer.

To my mind our country has never been in greater danger than it is now. Our past troubles have largely been of temporal and material things, but the present danger threatens the very deepest and most essential attribute that has helped to make America the most honorable of all lands.

The fact that the foes are so insidious makes them extremely dangerous. They use the press and the stage at every opportunity to glorify the priest and humiliate the Protestant minister.

If only our people can be aroused in time. It is disgusting to those of us whose ancestors have been American born for centuries and who have been pioneers in making our country what it is to be asked to step aside now that the hard work is done and let aliens of a few years' residence dominate us.

We live in the Keystone State and are of a different political faith than yours, but at heart you and we are Americans, with the same hopes and fears and allegiance. The last election has made us very proud of the South. She saved the day, God bless her.

Let us ever honor the admonition of Washington to put none but Americans on guard, and heed the words of his Farewell Address, "Beware of foreign influence, one of the most baneful foes of our Government." Let us all stand on Jeffersonian principles. One of Roosevelt's last sayings was, "Carry on." May true Americans of every class and clan carry on; and may God in His mercy and power bless our efforts and grant us victory and deliverance from every foe.

Yours for America,

Mr. and Mrs. HARRY T. MILLER,
335 North Front Street, Reading, Pa.

BANGOR, ME., *February 8, 1929.*

Senator THOMAS J. HEFLIN,
Washington, D. C.

DEAR SIR: Have read the press accounts of your efforts to have the practice suppressed of flying the Roman Catholic Church flag above the Stars and Stripes.

I went over to France for that dear old flag, and though I be but an humble individual, your efforts have my entire approval and moral support.

I only hope you will carry the fight to the country at large.

Yours truly,

WALTER A. PALMER,
Box 1, R. F. D. 3, Bangor, Me.

FEBRUARY 9, 1929.

MY DEAR SENATOR: Just wish to commend you for your recent speech in the Senate concerning the United States flag. We are proud of "our Tom" and are with you and Alabama is for you. Clipping is from the Montgomery Advertiser—the dirtiest sheet in the United States.

Best wishes to you.

Yours truly,

G. W. LAWRENCE,
493 Martha Street, Montgomery, Ala.

Mr. HEFLIN. There is one more letter which I wish to have read in my time, which came to me from a retired naval officer.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *February 9, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

MY DEAR SENATOR HEFLIN: Confirming our conversation, I have to say that I entered the Naval Academy in 1887. As late as that and a few years thereafter I do not believe it was the universal and traditional practice or requirement on board vessels of the Navy, during divine service, to partially lower the national flag and display the Navy church pennant above the national flag. The above may have been the custom on some vessels, but, also, it is my recollection that on some vessels this was not done, and during divine service on board the national flag remained at the peak or flagstaff and the church pennant was also conspicuously displayed. I think the present specific requirement was placed in the signal instructions in the nineties.

In my opinion, reverence for Almighty God does not require the partial lowering of the national colors and the placing of the church pennant above. Honor and respect on national anniversaries and other occasions of honor, respect, or reverence, require the national flag when displayed to be displayed with no other flag above it, and such display of the national flag is in itself a mark of honor and respect in such observance. It does not appear to me that any other display of the national flag would be an equal mark of honor or respect for the occasion or for the national flag.

By decision of the Supreme Court, the United States is a Christian Nation. I do not believe any nation—and I have visited many of them—worships God more truly or more devoutly than does the United States of America, but in order that we may know just what is required of us in order to show proper respect and reverence when we acknowledge God our Supreme Being in the Senate and House of Representatives—that is, during the invocation there—I might ask that an amendment be offered to some bill, and such an amendment should be germane to any bill, that the national flags flown above the Senate and House Chambers be partially lowered and that the church pennant be displayed above the national flags above referred to during such invocations.

The national colors on a man-of-war or anywhere else is an emblem of the state. Let church—the church, any church, and all churches—remain separate.

Very sincerely,

B. B. BIERER,
Captain, United States Navy, Retired.

Mr. HEFLIN. I ask unanimous consent to print in the RECORD, following the letters just read, other letters which I have on my desk. This batch contains a sample of a vast number of letters received from Alabama and other States. I will just print a few of them now.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The letters referred to are as follows:

528 EAST MAIN STREET,
Schuylkill Haven, Pa.

DEAR SIR: Kindly mail me a copy of your speech delivered in the Senate on February 6, 1929, on to prevent the flying of a chaplain's flag above the American emblem on battleships during church services at sea. Keep the good work going. We 100 per cent Americans like you at Washington. If you have a copy of the CONGRESSIONAL RECORD left for February 6, 1929, mail me one.

Yours truly,

RAYMOND C. ROEDER.

ATHENS, ALA., *February 9, 1929.*

Hon. THOMAS HEFLIN,
Washington, D. C.

MY DEAR SIR: Have read with pleasure in CONGRESSIONAL RECORD what you had to say in regard to the flag on our ships.

Mighty proud to know we have one man in the Senate who is not afraid of Rome. Keep the fight up. You have thousands of admirers.

I just wonder since the Pope has been restored to temporal power what will be the stand of those Senators who opposed you in regard to a foreign ruler's flag floating above the Stars and Stripes. In fact, how can that flag be there at all now since he is a civil ruler?

Very truly,

JOHN HAYES.

JOHNSON COUNTY KLAN NO. 82, REALM OF INDIANA,
Franklin, Ind., February 11, 1929.

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Johnson County Klan No. 82, and the Woman's Klan No. 7, voted unanimously to send letters of indorsement and congratulations to you and the 10 men of the Senate for the stand to uphold our flag regulations, that no banner or emblem be placed above it.

We are wondering how our Indiana Senators happened to be off duty at that time and place.

Very respectfully,

COMMITTEE,
J. V. DEER, *Chairman.*

PORTLAND, OREG., *February 7, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senator from Alabama.

DEAR MR. HEFLIN: I have noticed your wonderful efforts upon the floor of the United States Senate to have the papal rag placed below the American flag. God bless you; stay with this idea until you accomplish your undertaking.

Continue to take the hide off the "Pope's tools" and stretch it over the peninsula of Maryland where the gulls can roost on it.

I have my ear close to the ground in my own little environment and everything you say is O. K'd by all true Americans. Some sleepy "Protestants" haven't awoke as yet. * * * They are a hindrance to the great American cause.

Please hold to your great courage, stay right at the helm, and steer the old ship of state where she belongs. I am confident you are swamped with letters and telegrams of encouragement for your wonderful work. May I have a copy of your speech of the last two days on the floor of the Senate referring to the papal rag above the American flag on our Navy? Thanking you and wishing the best there is on this earth for good men like you, I beg to remain,

Very truly yours,

E. A. EASLEY,
295 Montgomery Street, Corner Fifth.

WAYCROSS, GA., *February 9, 1929.*

Hon. THOMAS J. HEFLIN,
United States Senator, Washington, D. C.

DEAR SIR: The members of Waycross (Ga.) Klan No. 78, in konklave assembled Thursday evening, February 7, 1929, extend to you a rising vote of thanks and appreciation for the fight you are making, and especially the speech you made Wednesday, February 7, before the Senate.

We have so few public men who are willing to fight Rome, and we want you to know that while you are making your fight we are with you and that we feel that it is going to take men of your courage and convictions to stay the hand of the Harlot of the Tiber in these United States of America.

May the God of Justice give you strength to "carry on" and help you to be prepared every time the monster raises its head to give such

argument as will convince and awaken our people from their slumber is our prayer for you and for those who are standing by your side.

WAYCROSS KLAN No. 78,
REALM OF THE INVISIBLE EMPIRE,
KNIGHTS OF THE KU-KLUX KLAN,
WAYCROSS, GA.

By C. M. PITTMAN, E. C.
W. O. LEA, *Kaligraph.*

WASHINGTON, D. C., *February 11, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: It was John C. Calhoun, I believe, who said:

"I know but one road to political success, my duty, and where that path leads me I shall follow though I go alone." He, in my humble opinion, was exactly right in this, as well as other things.

* * * I am, indeed, delighted to say a word in commendation of the stand you are now taking.

Do what you believe to be right, even though you "go alone."

With kindest regards, I remain

Yours fraternally,

HOWARD LLOYD, *Chevy Chase, D. C.*

MIDDLETOWN, DEL., *February 7, 1929.*

Senator THOMAS J. HEFLIN.

HONORABLE SIR: Thanks for your efforts to keep the papal flag where it belongs. A Protestant flag would put God at the head of our Nation, too. Neither should be above our national emblem, if we would keep church and state separate.

We will fight the fight to the bitter end.

Yours in unfailing bond,

G. HARRY DAVIDSON.

NEW YORK CITY, *February 7, 1929.*

Hon. THOMAS J. HEFLIN,
United States Senate.

DEAR SIR: I have read with much interest your speeches on the flag incident and trust that you will keep up your fight against the Senators who failed to support your amendment to the cruiser bill.

The news from Rome this morning should furnish you with material for further action on your part in defense of the flag.

Is the world coming back to a medieval status? I should not be surprised to see the inquisition revived in Italy during the "reign" of the dictator—Mussolini.

Yours sincerely,

EDWARD BARNES,
61 West Eighty-seventh Street.

NEW YORK, N. Y., *February 7, 1929.*

Senator HEFLIN,
Washington, D. C.

DEAR SENATOR HEFLIN: The truth was never so well, truthfully, and fearlessly spoken. May God bless you, and may you live forever in the hearts of true Americans.

Very truly yours,

W. D. RUSE,
115 Washington Place.

PROTESTANT LEGION OF AMERICA,
North Attleboro, Mass., February 9, 1929.

Mr. J. T. HEFLIN,
United States Senator.

DEAR SIR AND FOREMOST AMERICAN: I have followed your words of wisdom for a long time. * * * You have taken the right stand on the flag question, the Stars and Stripes above all others. I congratulate you on your noble stand for Americanism.

May God bless and keep you.

Truly yours, JOHN M. SCHRICKER.

FAIRFIELD, ALA., *February 8, 1929.*

Hon. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: We Americans who want America for Americans are proud of you and Senator BLACK.

Keep a bold front and work for your country and its people.

The foreign element has grown so strong in this country while its people have been tolerant until it has gotten to where they attack you whenever you try to pass any law that will benefit Americans.

It is getting to where an American can't get work around the big shops for the foreign element, and they are not all Catholics that are working against us.

Best wishes to you and all our true-blue American Senators.

Yours truly,

HARRY H. PHILLIPS,
649 Maple Street.

P. S.—You can always count on me for support.

FEBRUARY 9, 1929.

Senator THOMAS J. HEFLIN,
Congress Hall, Washington, D. C.

MY DEAR SENATOR: I thank God for a man like you in the Senate.

What is the trouble when Protestant Senators, elected by the Protestant votes, quake at the rustle of priestly robes and hasten to do their bidding? I sincerely hope that your prediction to the effect that they will be replaced in the Senate by loyal Protestant men will come true.

Those Protestant Senators who voted "nay" on your American flag amendment on Tuesday deserve the everlasting scorn of their constituents, who have every right to expect that their best interests will be protected within that august body.

Senator ———'s remarks on the subject were particularly obnoxious to me, and in view of which I wrote him a letter expressing my opinion of his stand in no uncertain terms, a copy of which I inclose herewith.

I am happy to take sides with you and can say "amen" to every statement you have made in your fight for the absolute supremacy of the American flag within our own domain.

Very respectfully,

ALLEN F. TITUS,
Quartermaster Sergeant, United States Marine Corps,
1100 South Broad Street, Philadelphia, Pa.

BENTON, ARK., *February 8, 1929.*

Hon. J. TOM HEFLIN,
Washington, D. C.

DEAR SIR: If not asking too much please send me copy of your bill to prohibit raising Italian flag above the Stars and Stripes in the Navy.

Wishing you much success in your noble fight for American principles, I am,

Very truly,

R. REID ADAMS.

JUNIOR ORDER UNITED AMERICAN MECHANICS,
PORTSMOUTH COUNCIL, No. 38,
Portsmouth, Ohio, February 7, 1929.

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SIR AND BROTHER: Portsmouth Council, No. 38, of the Junior Order United American Mechanics, wishes to extend to you their most hearty congratulations and appreciation on your stand in behalf of the American flag. We feel that we have at least one 100 per cent American in the Senate that is not afraid to defend our flag when abused.

* * * * * * *

Wishing you the best of success, I beg to remain,

Yours fraternally,

G. W. CASEY,
Box 144, Portsmouth, Ohio.

ROX, PA., *February 7, 1929.*

Hon. J. THOMAS HEFLIN,

DEAR SIR: I am writing you these few lines to congratulate you on the way you spoke on the flag question in the Senate.

There need be no flag flying over the Stars and Stripes.

We know God is over all the Nation, for He made it, and we need no emblem to show it, and there are millions of others who think the same way.

God bless and keep you.

Yours very truly,

ARNOLD VAN FOSSEN,
227 Lemonte Street, Rox, Philadelphia, Pa.

WILKES-BARRE, PA., *February 7, 1929.*

To the Hon. SENATOR HEFLIN,
Washington, D. C.

MY DEAR SENATOR: I am one of thousands of ordinary citizens watching your fight regarding Old Glory and the Roman flag.

May God give you health and strength to finish the glorious task you have begun to a successful conclusion.

Thank God for real men like you, I remain,

Most respectfully yours,

J. G. SCHLOSSER, *Audubon, N. J.*

AUBURN, N. Y., *February 7, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Reading in the daily papers of your bill to prevent the hoisting of the chaplain's flag with the "Roman cross" above the Stars and Stripes, I wish to say the boys in Auburn are with you to a man.

Yours for America first,

E. M. FRIES,
282 North Street.

PITTSBURGH, PA., *February 6, 1929.*

Hon. J. THOMAS HEFLIN,
Senate Building, Washington, D. C.

DEAR SIR: I wish to congratulate you upon the introduction of your amendment to the cruiser bill, in reference to the papal flag being flown above Old Glory on our ships.

I think our American flag is sufficient to be flown during religious services as it stands for God, home, and native land.

I wish we had more such sturdy Protestant gentlemen as you in the United States Senate.

Yours,

MALVERN E. FUHS.

HOLDREGE, NEBR., *February 9, 1929.*

Hon. J. THOMAS HEFLIN,
Senate Office Building, Washington, D. C.

DEAR SENATOR: I have followed you on your flag amendment of last Tuesday and Wednesday, and wish to say that I am surprised at the number of Senators that voted against it. But I think you stated the facts to that body Wednesday in your speech.

There are a great many people out here in Nebraska that are for you and your flag amendment.

* * * * * * *

Again I want to congratulate you on the fight you are putting up against political Romanism.

Very sincerely yours,

M. L. HAUSNER.

CLAREMONT, N. H., *February 12, 1929.*

Hon. J. THOMAS HEFLIN,
Senate Office Building, Washington, D. C.

DEAR SIR: Would it be possible for you to send me one or two copies of your addresses given before the Senate last week?

I have read with interest what the newspapers say you said and would like to know just what you did say. I have found that they don't always tell the whole story.

Thanking you, I remain, yours truly,

LEON E. NEVERS,
40 West Terrace Street.

SOMERVILLE, IND., *February 11, 1929.*

DEAR SENATOR: I just had to send you a few words of congratulations on your brave stand for America and the Protestant cause.

I was just reading a Catholic-owned newspaper's account of your amendment to the cruiser bill. These accounts, as you know, were just ridicule.

I don't think the good people of Indiana will soon forget how our own Senators stood on this.

I would like to have the names of the Senators who voted with you, as I have failed to find it in any paper.

If it is possible, I would be glad to get the CONGRESSIONAL RECORD for the time your amendment was in discussion. Just keep up the good work. You are the only one who has the nerve.

Yours for great success,

ROY GREEN, *Somerville, Ind.*

DETROIT, *February 6, 1929.*

Senator THOMAS HEFLIN, *of Alabama.*

DEAR SIR: I have noted your most recent encounter with Senator BRUCE, as reported in our papers, and I must say I greatly admire your stand. I would like to see many more Senators like yourself, and want you to know that I wish you the best of luck always.

Sincerely,

G. MONGOLD,
8738 Crocuslawn Avenue.

[Telegram]

ENSLEY, ALA., *February 8, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.:

Ensley Council 27, Junior Order of United American Mechanics, congratulates you on your stand concerning our flag. Keep up the good work.

G. L. BARTON, *Secretary.*

COURTLAND, VA., *February 10, 1929.*

Senator HEFLIN, *of Alabama,*
United States Senate, Washington, D. C.

MY DEAR SENATOR: I can not refrain from sending you a few lines of congratulation on your stand in connection with the flag of the Catholic Church floating above the American flag.

Do not give up your fight. Millions of American citizens are with you, even though they may not be members of the Ku-Klux Klan.

I am well acquainted with the aims and purposes of the Roman Church, having spent my life in social and religious work among people coming from foreign lands to this country, bringing with them a bigoted adherence to a religion and civilization which is anything but American. I am of foreign extraction and have known intimately the workings of the Papal Church and what it has accomplished in Catholic countries.

We must fight that church in this country, and you are a man who dares to do it. Your followers will back you up in your effort.

Yours very truly,

B. K. BASHO.

[Telegram]

UPLAND, IND., *February 7, 1929.*

Senator HEFLIN:

Your speech all right. No flag should go above American flag.

Rev. S. E. POLOVINA.

MASONVILLE, N. J., *February 6, 1929.*

Hon. J. THOMAS HEFLIN,
Senator from Alabama, Senate Building, Washington, D. C.

DEAR SIR: Permit me, as a humble American citizen, the son of an American citizen, and the grandson of an American citizen, the latter having served the Stars and Stripes as a marine in the sixties, I having served my country to the best of my ability in the World War, to offer you a humble but sincere word of appreciation and encouragement in your endeavors to guard our great, united Nation from the influences of a foreign politico-religious organization.

Your great work, while bringing down upon your head the wrath of Rome, has been of undeterminable influence upon those Americans who through indifference and carelessness have not been as watchful as were our forefathers, who guarded closely the institutions which they founded by their sweat and blood.

We in New Jersey who are not aligned with the forces of alienism are in a hopeless minority, but we can applaud the representative of the great Commonwealth of Alabama for his courageous convictions and heroic actions while deploring and condemning the actions of the representatives of our own Commonwealth.

Therefore the grandson of a "Yankee" who bore arms in the sixties, and who himself bore arms in 1917 in common with the grandsons of Lee, extends to you, sir, the appreciation of an American who admires real courage, such as it takes to espouse the cause of real Americanism against the wiles and intrigues of such a master organization as the Romanist movement.

May you live long to continue such service, and may your voice ever be raised in opposition to anything not strictly 100 per cent American, and when the time shall have arrived whereby you will no longer be able to do so, may the sovereign State of Alabama raise up another of similar caliber, and may you find that peace, contentment, and happiness which always comes to him who has done his duty faithfully and well, and who is conscious of that fact.

It has been my pleasure to listen to addresses which you have made—once in the Senate and once or twice at gatherings of patriotic citizens—and I have been convinced that a man who fears not the wrath of either Rome or Tammany is the kind of man worthy of the confidence and esteem of all good citizens, and therefore we, the honest citizenry of New Jersey, feel that our sister Commonwealth of Alabama made no mistake in its choice of Senator, and wish we could say as much for our own State.

With the constant prayer that the Almighty will continue to be with you and that your efforts to free our Nation from Romanist intrigues will be unceasing, I am,

Sincerely and respectfully yours,

R. C. BOUGHER,
P. O. Box 215, Maine Highway.

INDIANAPOLIS, IND., *February 7, 1929.*

Hon. Senator HEFLIN,
Washington, D. C.:

I am writing you to let you know that I have appreciated beyond words the brave and gallant fight you made for the flag, Protestantism, and America; and while you were laughed at by some in the United States Senate, millions of patriots throughout the Nation lisped your name in prayer that same night. You will have their scalps hanging at your belt in less than one year from now. The American public is with you.

* * * * * * *

Rev. WILLIAM H. BRIGHTMIRE,
Room 11, No. 7 North Alabama Street.

PHILADELPHIA, PA., *February 7, 1929.*

Hon. Senator HEFLIN,

MY DEAR SIR: I read with interest your speech in the Senate protesting against the flying of a papal flag above the Stars and Stripes, and I want to write you these few lines expressing my appreciation and my admiration for your stand in this matter and for the 10 other gentlemen who stood with you. And should you put this issue up to the country through the States, I pledge you my support. I am only a hotel

worker, but would gladly do what I could to support such a cause that I consider of such vital interest to our country. I regret that there are not a great many more such men as yourself. * * *

Very sincerely yours,

JOSEPH M. HOPKINS,
3727 Haverford Avenue.

BENTON HARBOR, MICH., *January 11, 1929.*

Hon. Senator HEFLIN,
Washington, D. C.

MY DEAR MR. HEFLIN: I wish to thank you very kindly for your brave and noble work you are doing. I deeply regret and feel sorry for you when you are attacked so unjustly on the Senate floor.

Mr. HEFLIN, I certainly admire you for your brave stand and also the way you are able to defend yourself against men that ought to have more brains and character than they have shown. You show that you are capable of handling any situation that may arise on the Senate floor.

Remember, Mr. HEFLIN, all great leaders, especially men that have exposed Rome's plot, have always been fiercely attacked throughout the world's history, so naturally a great man like you makes no exceptions. Pay no attention and don't lose any sleep over what some tools of Rome may say. * * * I for one will follow your advice and start early enough before the next election of Senators and Representatives and do my part in throwing some of them out of office.

* * * Although thousands upon thousands of people are thankful for your noble work, I don't imagine there are many that think letting you know how thankful they are.

May good health and happiness be yours in years to come, and may you some day be richly rewarded for your Christian work in defending this Protestant Nation from the evil forces. May God be with you.

Very sincerely yours,

ONE OF THE MANY ADMIRERS YOU HAVE,
Benton, Harbor.

COL. THEODORE HYATT COUNCIL, NO. 573 O. OF I. A.,
Chester, Pa., February 12, 1929.

Senator J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: At a regular meeting of the above council held February 11, 1929, an article under date of February 7, pertaining to an address you made in the United States Senate, concerning the flying of flags above the American flag during religious services on board Navy vessels, was read and I, as secretary, was instructed to write you commending your stand and reminding you of your promise to introduce a bill forbidding the flying of "any flag" above the "American flag."

Again commending you on your stand, we, the brothers of above council, remain,

Yours sincerely,

JAY W. HONNOR, *727 Maple Terrace.*

BIRMINGHAM, ALA., *February 12, 1929.*

DEAR TOM: I attach hereto an editorial from the News dated February 11; also from Age-Herald dated February 12.

The News admits that you are right, so does the Age-Herald, although reluctantly.

May you never weaken.

W. T. AVERY,
3408 North Thirteenth Avenue.

OIL WELL SUPPLY CO.,
Bradford, Pa., February 8, 1929.

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Your recent fight for the American flag to be flown over all flags is to be commended.

In this country, where the state and church are separate, the flag of the state should always be at the top.

If the Catholics insist on flying a flag during their service, why not the following argument: Have a flag adopted by the Navy to be called a church flag, if there is none, and then when church is being held aboard ship have the flags flown, with the Stars and Stripes at the top; below that the church flag and below that the Catholic flag. That would indicate to anybody that it was an American ship holding church and that the services were Catholic. If there is a Protestant flag let that be put in the place of the Catholic flag when the service changes; and a Hebrew flag, if there be one, to be used in the same way if they hold Hebrew services aboard ship.

Hoping that you are successful in carrying this point some day, I am

Very sincerely yours,

R. A. SMITH,
62 Pleasant Street, Bradford, Pa.

FEBRUARY 7, 1929.

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: With great interest we have read excerpts in the press from your wonderful, courageous talk of yesterday. "More power to you."

Desiring to read the speech in full, I ask that you kindly have mailed to me the RECORD containing same.

Thanking you in advance,

Yours truly,

W. A. SCHMIDT,
New Jersey State Hospital, Greystone Park, N. J.

GREEN BAY, WIS., *February 6, 1929.*

Hon. Senator THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: I am pleased to advise that myself and family have been following very closely your mighty efforts to curb the Roman Catholic Church in their efforts to gain control of our Federal Government. I am writing this letter to extend to you our sincere appreciation of your good work and hope you continue the fight. Wishing you success, I am,

Very respectfully yours,

C. D. BARBER.

DETROIT, MICH., *February 7, 1929.*

DEAR SIR: I just read in this morning's paper your brilliant speech of yesterday in the Senate, and I couldn't help writing to you and complimenting that masterpiece of oratory. It is a pleasure to know that at least one Senator has nerve enough to get up and speak what he thinks, one who can not be scared into saying one thing and wishing he could say another.

Now, Senator, is it true that that church is seeking to control the United States? * * * I know you are fighting an up-hill battle and standing almost alone. We admire a man who will battle to the last ditch for his convictions. Thanking you again, I remain,

Yours truly,

THOMAS J. VANDERVEN,
1596 Hillger Avenue.

Senator J. THOMAS HEFLIN,
United States Senate Chamber, Washington, D. C.

DEAR SENATOR: Smoke them out. Why should it be necessary to raise the flag question at all? What other church or organization prefers to force recognition by any such tactics? You seem to be equal to the whole Rome-controlled Senate. You and the people more than matched them in the November election, and so far I hear of no retreats and believe there will not be any. They are, of course, chafing with that overwhelming majority piled up on them, or against them. The Pope can issue his own currency and print his own stamps in Rome, but he can't put it over us without a fight. We lost one Tom who defied them, but, thanks, we have another and we are with him. I congratulate you.

Truly,

J. J. BRIDGES, *East Atlanta, Ga.*

DUBUQUE, IOWA, *February 11, 1929.*

Senator HEFLIN,
Washington, D. C.

DEAR SIR: I read with much interest recently your remarks in the Senate in which you objected to the flying of the church emblem above the United States flag during services at sea. You are reported to have attacked the Roman Catholic Church. I can understand the flying of a plain white flag representing God or religion in general over the American flag, but to fly the emblem of any particular church in that position is to place church above state.

May I express my admiration of your fighting qualities?

Respectfully,

H. A. BAUMHOVER,
Ninth and Main, Dubuque, Iowa.

NEWPORT NEWS, VA., *February 8, 1929.*

Mr. J. THOMAS HEFLIN.

DEAR FRIEND TOM: I owe you thanks of my life for the good stand you are making for the United States of America, and I am praying God will reward you in the sweet heaven by and by. I can not explain the good feeling I have for you, unless love for you.

* * * * * * *

Yours truly,

ALEX KEMP,
114 Eighteenth Street, Newport News, Va.

SORENTO, ILL., *February 7, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

HONORABLE SIR: We, the undersigned members of Kessinger Post, No. 713, American Legion, and ex-service men of past wars in which the United States has taken part * * * commend you for your stand in regard to the floating of other emblems over the Stars and Stripes as mentioned in your address before the Senate.

With all respect to and without prejudice toward any form of religion, and realizing that God is all supreme and should be placed above all else, let us not forget that His kingdom is spiritual while any country of the earth is earthly, and wherein the placing of an emblem, not of the Roman cross but of Christ, above the flag would be proper provided all works of the Army, Navy, and the entire United States were spiritual. However, since the United States is earthly then our flag, the Stars and Stripes, should ever wave above all else as the beloved emblem of our country.

We who have fought and those who have died that our country may stand supreme, have given of our lives the best we had that our flag may not ever suffer defeat; those of us making up the populace of the country who though not having served carry in our hearts that loyalty born in us for our country join hands with them.

Our country and its flag are the greatest of all earthly things, and so let us not desecrate our beloved flag or country by placing over it any emblem of any country, creed, religion, or faction; let us keep her clean, fearless, and true—the greatest of all countries and the most beloved flag of the universe.

We urge that your stand may be upheld and a bill passed that will forever keep the American flag floating above all emblems on all our ships, forts, buildings, and flagpoles of every description in use in this country. * * *

Yours sincerely,

R. E. Pierce, post commander, G. H. Sorthoff, L. V. Livesey, Charles F. Griffiths, Homer Garland, W. Earle Davis, James File, H. H. Harper, N. Cowen, Julia Pierce, Cora Grigg, Albert A. Reed, Edward A. Plappert, George J. Whiteworth, Aaron R. Steele, Irene Griffiths, Ruth Soalhoff, Mabel Johnson, Mary Kirchner, Elton Redding, N. Cowen, jr., E. W. Halford, D. E. McReaken, Stacy Neal, Theodore Pope, W. W. Duncan, and J. D. Lindly, all of Sorento, Ill.

FEBRUARY 6, 1929.

Hon. J. THOMAS HEFLIN:

Senator, I congratulate you on your stand for introducing amendment to haul down the Pope's emblems from our ships. I would refuse to go to war in defense of our country flying anything above the Stars and Stripes.

* * * * * * *

Respectfully,

W. N. PEARS,
1123 East Forty-third Street, Chicago, Ill.

MARSHALL, ILL., *February 7, 1929.*

United States Senator HEFLIN.

DEAR SIR: I have been reading your speeches since last spring and I congratulate you on the fight you are making for the Stars and Stripes. If all the Protestant Senators and Congressmen had the nerve that you have we would have a better country. * * *

Sincerely yours,

H. K. LANDRELK.

EVERGREEN, ALA., *February 6, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: We thank you for your earnest effort to preserve the honor and dignity of our glorious flag. Your noble work is not in vain, although the measure received a small vote it did a wonderful work in smoking out the weak kneed. It will give the voters a better conception of their duty in the next election.

* * * * * * *

Yours faithfully,

F. M. WRIGHT.

HUTCHINSON, KANS., *February 6, 1929.*

Senator HEFLIN (Alabama),
Washington, D. C.

DEAR SENATOR: You are right. Stay with it. * * *

* * * * * * *

I am a Republican. But it makes no difference to me whether a man is Republican or Democrat, so as he "stands by" the traditions of the best country on earth, the first good government the world has ever seen. * * * I watch the careers of public men very carefully, and I want you to know how fully I indorse you as a man who stands up fearlessly for his country.

Very truly yours,

W. B. WAITS.

LIBERTYVILLE, ILL., *February 7, 1929.*

Hon. Senator J. THOMAS HEFLIN,
Washington, D. C.

HONORABLE SIR: I noticed with interest your proposal before the Senate of February 5 to forbid the flying of any flag or pennant above the Stars and Stripes, for which I commend you most highly.

If we had fewer weak-kneed Senators, this measure should and would prevail.

I am with you, and millions of true Americans feel just as I do. Keep up the good work.

Most truly yours,

THOMAS H. KERN.

NEW YORK, N. Y., *February 8, 1929.*

Senator HEFLIN,
Washington, D. C.

MY DEAR SENATOR: I want to congratulate you on your defense of the American flag. I do hope your bill will pass.

In the face of the making of history in the Italian Government, with its background of Catholicism and Fascism, we must be ever active and alert to the future in keeping America safe for Americans.

* * * * * * * *

I am, very sincerely,

(Mrs.) CLARA T. HILLMAN,
175 Claremont Avenue.

NEW YORK, *February 6, 1929.*

Hon. J. THOMAS HEFLIN.

DEAR SENATOR: As an American citizen, a man of five generations or more, 67 years of age, a Republican most of the time, but voted for Wilson the first time he ran. And when you say no flag should be hoisted above the American flag on an American battleship, I say you are absolutely right. God was the instigator of our American flag and of this country. I look upon the American flag as God's flag, even when they hold religious service on a battleship.

You have done a wonderful work. A Christian work for the good of this great country.

Yours most respectfully,

EDWARD MARTIN.

P. S.—May God bless and take care of you. If I am classed as a "bigot" because I believe in our Constitution, I want to be classed that way. In the name of our Lord and Savior Jesus Christ, amen and amen.

EDWARD MARTIN,
50 West Forty-seventh Street.

NATIONAL MILITARY HOME, KANS.,
February 7, 1929.

To the Hon. TOM HEFLIN:

I congratulate you on the speech you made in the Senate the other day. Several of us old soldiers that are 100 per cent Americans were very much pleased, and we said we wished there were more Senators in the Senate who would come out and say what they think as you do.

* * * * * * * *

We don't want the Pope to put his flag above Betsy Ross's United States flag on our ships.

Hoping that you will dig into the weak-kneed Senators, I remain, as ever,

Yours very truly,

JOSEPH F. SMITH,
Box 874.

WILSON, N. C., *February 7, 1929.*

Senator HEFLIN,
United States Senator, Washington, D. C.

DEAR SENATOR: I want to tell you that all of us down here are right with you in your fight against the Pope of Rome.

Carry on. Keep up the fight; you are right, and in the end right will prevail.

I don't know what would become of us if it wasn't for you and our own beloved Senator SIMMONS.

Very respectfully,

O. C. DAVIS,
200 Court Street, Edenton, N. C.

INDIANAPOLIS, *February 5, 1929.*

Hon. THOMAS HEFLIN,
United States Senator, Washington, D. C.

DEAR SENATOR: I see they have been giving you h—— again. Well, every knock is a boost. The red-blooded Americans who don't care a "rap" for the Pope are for you.

Perhaps you will not be appreciated rightly until after you are dead; such is life and history. This country needs a leader that will stand foursquare against this damnable Romanized propaganda that is con-

stantly being foisted on it, and the real fools are the weak-kneed Protestants who go about with their eyes shut.

Christ was a lot more unpopular than you, and his name lives, while most of his traducers are long since "dead, rotten, and forgotten." * * * The thinking patriots are back of you.

* * * * * * *

Fraternally,

OMER S. WHITEMAN,
110 West Thirtieth Street.

CLINTON, S. C., *February 6, 1929.*

Hon. THOS. J. HEFLIN,
Washington, D. C.

DEAR SIR: I must congratulate you on the fine stand you have taken as a good American citizen. May God in his wisdom lead and guide you for the good of mankind. Fight on—there are multitudes of patriots behind you.

I wish every Senator had the guts that you have to stand for what is right regardless of cost or consequences.

I have not nor will I swallow anything that has to do with that gang that has ruined the great old Democrat Party. * * *

Yours for God and country,

P. S. JEANES.

MISSOULA, MONT., *February 7, 1929.*

Senator TOM HEFLIN,
United States Senate, Washington, D. C.

DEAR Mr. HEFLIN: I glory in your valor and in your battle against the dominance of Rome. We will battle on. * * *

The Pope's flag (Roman cross) has no right near Old Glory, either above or below.

Cordially yours,

FRED D. WHISLER,
Suite 27, Higgins Block.

BOYD COUNTY COMMISSIONERS,
Ashland, Ky., February 7, 1929.

Hon. Senator J. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: Just read in this morning Huntington, W. Va., paper, the Herald Despatch, your stand in regards to the flying of the so-called religious flag, the cross of Rome, over the beloved flag of our country. Let me congratulate you on your noble and patriotic stand. May you be kept in good health to keep up the good fight for our own United States. Nothing should be above the Stars and Stripes, except the blue canopy of heaven. I trust that you will be able to arouse the American people to the dangers that threaten us from Rome.

Respectfully yours,

WILLIAM H. CARP,
Commissioner Second District, Ashland, Boyd County, Ky.

WORMHOUDT LUMBER CO.,
Ottumwa, Iowa, February 7, 1929.

Senator HEFLIN, *Washington, D. C.*

DEAR MR. HEFLIN: I want to congratulate you for the fight you put up to keep the Roman Catholic flag from flying above our own beloved American flag. There are millions of red-blooded Americans that will back you to the limit. Keep up the fight and may God help you to keep our country free. How did the Senators from Iowa vote on your amendment?

One person said this morning that if Al Smith had been elected President he would have tried to lower the immigration bars and then he would want a person who had been in this country only six months to have the vote. I think a foreigner should live in the United States at least 15 years before he can become a citizen. Our own boys have to be 21.

I have been a member of the county Republican central committee for the past eight years, and while the Catholics howl about the Anti-Saloon League and Ku-Klux Klan, etc., I know that the Knights of Columbus are organized from township precinct up, and we need men like yourself with the courage to stand for what is right, and keep them from putting their schemes over at Washington.

Congratulating and thanking you for your gallant fight for our country, I remain

Yours for a free America,

W. A. PARSONS,
1005 Chester Avenue.

LOGAN, W. VA., *February 7, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: Having followed with great interest your fight in the Senate against the using of the religious flag above the Stars and Stripes on our battleships, as it is reported in the press, I wish to offer at this time my sincere approval of your position in the matter and congratulate you and thank you for the courage and faithfulness you have shown.

* * * * * * *

I am sure that all real Democrats join with you in spirit in demanding that Raskob's alien influences must be divorced from the Democratic Party before we can expect the people of this Nation to ever support us again.

Again thanking you for your good work, and wishing you success in your war against alienism, and health and prosperity for years and years, I am,

Sincerely yours,

C. F. HALL,
Post-Office Box 1024.

BUFFALO, N. Y., *February 7, 1929.*

Hon. Senator J. THOMAS HEFLIN,
Senator from Alabama.

DEAR SIR: I have followed your work and speeches while you have been a Senator at Washington, and have come to the conclusion that you are one of the greatest Senators that has ever been in the Senate, and Alabama ought to be proud of you. And I guess they are because they have put you into office until 1931; and it gives me pleasure to write to you.

I am interested in the Senate and I am very much interested in the Government of these United States. This is the home of Americans, and I pray to God it will aways be so.

I am 16 years old, Mr. HEFLIN, and am a loyal supporter of you. * * * I hope you continue to have success and happiness for the rest of your life.

An American, and a believer in American rights.

I remain,

FREDERICK G. ROOK,
125 Chenango Street, Buffalo, N. Y.

PHILADELPHIA, PA., *February 6, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: I wish to congratulate you on the introduction of the amendment to the cruiser bill which you offered on the floor of the Senate yesterday.

Thank God, we have some one in Washington that will stand by our flag and will fight for our American principles. Keep up the fight and you will find many thousands of real Americans backing you to the very last.

Cordially yours,

E. B. CLEMSON,
1227 North Allison Street.

FOUNTAIN INN, S. C., *February 7, 1929.*

Senator J. THOMAS HEFLIN,
Washington, D. C.:

DEAR MR. HEFLIN: As I took up the morning's paper I was attracted by your stand on the American flag. It is not every man who will stand up for his convictions. We have some who will stand for our American rights, and I feel that you are one of them. * * * Keep up the good fight. There are many who are backing you and will continue to back you. In my humble way I will do what I can in backing a man who has such ideals as yours.

Truly yours,

R. FURMAN CHILDRESS.

CORYDON, IND., *February 9, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR TOM: As an ex-service man, as a veteran of the World War, as a disabled soldier of the World War, I salute you. I have just read an article in the Birmingham (Ala.) Post that stirs me up.

If there is any man in this Nation who has a perfect right to express himself, then it is a veteran of the World War. You carry the great fight that you have alone started on the floor. I firmly believe HUGO BLACK and many others are with you to a fighting finish.

* * * * * * *

With kindest personal regards, I am sincerely yours,

CHARLIE C. CROWE,
Kintner Building.

P. S.—TOM, don't slack up. Just let us boys back you up. Keep up the good fight.

BOSTON, MASS., *February 7, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Am glad to see you on the "job" at Washington. There is no doubt but that some of those Senators who voted against your flag

amendment will receive the same dose that BRUCE, of Maryland, got last fall. * * *

Millions of Americans are with you in this battle for Americanism and will go the limit with you.

With regards to you and family, I am sincerely yours,

EDWIN L. MARSHALL.

ST. PAUL, IND., *February 11, 1929.*

Hon. J. THOMAS HEFLIN,

Washington, D. C.

DEAR SIR: Referring to your amendment relative to a certain class carrying a chaplain's flag above "Old Glory." Those Senators who turned you down knew they were wrong. * * * They are afraid of the Roman boycott and don't realize that Americans are waking up and are going to demand, as George Washington said, "that only Americans be put on guard." If good old Alabama will only keep "Fighting Tom" in the Senate it won't be many years until all Senators will follow your American policy or some of them will be forgotten and real Americans will fill their seats. May God speed the day.

* * * * * * *

With best wishes,

BURLEY EVANS.

CRAFTON, PA., *February 7, 1929.*

Hon. THOMAS HEFLIN,

United States Senator, Washington, D. C.

MY DEAR SIR: Let the newspapers and young TYDINGS say what they please, there are thousands of people in these United States of America who will applaud your sentiment that no flag should ever float above the Stars and Stripes. I have been much among patriotic societies in the last 25 years, and I know whereof I speak. What occasion is there for any kind of an emblem over a prayer meeting, except to flaunt a certain type of religion in the faces of other people. I was raised entirely among Protestants, but I am entirely willing that any man may practice this, that, or any other creed as he pleases. The Catholics are the only ones who wear their creed on their hat band, so as to be seen of men. After the hard slap they got last November one would think they would be a little more modest. But from the Catholic press I see that instead of reading the handwriting on the wall they attribute their defeat to "bigotry." Well, those of us who read history now and then may prefer to be bigoted rather than blind. Isn't Papa fighting just now to save a little of his prestige in Italy? Haven't the priests and nuns been scattered like sheep in Mexico? Isn't Spain seething with revolution? Wasn't England obliged to bar Roman Catholics from the succession? Have we forgotten Tetzel and Torquemada, Bruno and Galileo, the thumb-screw and the inquisition, the Huguenots and the Albigenses? TYDINGS talks of placing "God above our country." Our Constitution recognizes God, and the Stars and Stripes are its appropriate emblem. The Virgin Mary is not God and the flag they run up should be red and black, not white. This would be more truly emblematic of Pope, priest, religion, and more in accord with history. Let the Presbyterians, Methodists, or Baptist adopt some distinguishing emblem and float it above our own flag and every Catholic editor, priest, and bishop in the country would yell their lungs out.

More power to you and the nine who voted with you. You have the same stuff in you as the seven bishops who risked their lives rather than surrender their rights.

Very truly yours,

M. H. STEVENSON,
40 Maplewood Avenue.

[From the Pittsburgh Press, February 6, 1929]

HEFLIN TAKES WORST LASHING OF LONG CAREER—BITTERLY FLAYED AS "FOOL," FINDS SELF SHOUTED DOWN AND OPPOSED, 68 TO 9

By Ray Tucker, Scripps-Howard staff writer

WASHINGTON, February 6.—Senator HEFLIN was smarting to-day under the worst tongue lashing and legislative licking he has suffered in all his 22 years in House and Senate.

During the stormy war years he was knocked over a House bench by raw-boned ex-Representative Pat Norton, of Minnesota. He was formally castigated in a committee report for insinuations that certain Senators were attending a gambling house where German bribe money was being slipped into their palms.

But not until young Senator TYDINGS, of Maryland, arose to defend Senator BRUCE, of the same State, against the Alabama Member and denounce his activities as designed to foment religious prejudices had HEFLIN ever heard himself called a "damn fool." Both HEFLIN and the Senate gasped at the Marylander's audacity, but there was no word of protest against the language as unparliamentary.

REPLY DROWNED OUT

When HEFLIN arose to reply to TYDINGS cries of "vote" drowned him out, and the ballot was taken so hurriedly as to silence him. Previously there had been an insistent demand that a roll call be taken on HEFLIN'S proposal, apparently in order to dispose of it and him once and for all. The Heflin proposition consisted of an amendment barring any flag or emblem from the same staff with the Stars and Stripes. HEFLIN has often characterized the emblem flown with the flag on naval vessels as "a Roman cardinal's colors."

With obvious anger in their voices 68 Senators—Republicans, Democrats, and Progressives—voted against HEFLIN. Only nine supported him. They were BLACK of Alabama, BROOKHART of Iowa, HALE of Maine, HARRIS of Georgia, MAYFIELD and SHEPPARD of Texas, SWANSON of Virginia, THOMAS of Oklahoma, and TRAMMELL of Florida.

REED of Pennsylvania interrupted TYDINGS to suggest that the people of every State agreed with those of Maryland in condemning the spirit alleged to be behind HEFLIN'S amendment. BORAH of Idaho was another who demanded the opportunity to vote directly on the Heflin proposal.

BITTERLY FLAYED

But it was TYDINGS, a comparative newcomer, who administered the rebuke before crowded galleries.

"I am tired," he said, "of the so-called Christian element that would crucify their fellow men. It is the product of an ignorant mind, of a brain that has been hidden from the sunlight during all the years when mankind has been struggling upward. It is the same thing that was brought here a year ago by a Member of this body. It is the klansman's klan against God's klan.

"I recognize that under the rules and the Constitution every man has a right to make a damn fool of himself. For my part I hope we will always place our God before our country, and if that be unpatriotic let them make the most of it."

HEFLIN gripped the sides of his chair with both hands, but made no protest.

Mr. HEFLIN. Now I ask that the clerk may read in my time an article, which is not very long, from the New Leader entitled "The American Appeal." It is headed "Mussolini's American Intrigues—Fascist Terrorization Extends Its Sway to Citizens of the United States."

The PRESIDING OFFICER. Without objection, the clerk will read.

Mr. HEFLIN. I trust that all Senators will give close attention to the reading of this article in order that they may learn what foreign influences are at work in the United States that perhaps they did not know about.

The Chief Clerk read as follows:

[From the New Leader (the American Appeal), Saturday, February 16, 1929]

MUSSOLINI'S AMERICAN INTRIGUES—FASCIST TERRORIZATION EXTENDS ITS SWAY TO CITIZENS OF THE UNITED STATES

Italian Fascism extends to the United States and American citizens of Italian birth are regarded as the subjects of Mussolini. Fascist bands operate on American soil and terrorize Italians and Italian-Americans who fail to swear allegiance to Mussolini. Fascist dictatorship is taught and attempts to enforce it are made through the boycott, intimidation, and the use of physical force. Italian business houses, Italian banks, and Italian professional men are compelled to support Fascism or face ruin. The official organizer of Italian Fascism has traveled freely in the United States, instructing his Fascist bands in the technique of dictatorship.

Why this strange toleration of Fascism by Government officials? If Moscow were to openly send an organizer of the Communist International to this country he would not be admitted. Piero Parini, secretary-general of Mussolini's Fascist Organizations in Foreign Lands, has been in the United States for several weeks. A protest was filed with the Labor Department against his admission, but Parini continued his work without molestation. Having looked after his force squads, he sailed for Italy on February 8. Fascist dictatorship was strengthened by the toleration shown Parini by the officials at Washington.

While Parini was at work in this country his bands in New York City were doing an important job. There is one anti-Fascist daily in the world, Il Nuovo Mondo, published in this city. Mussolini has ordered its destruction. It has been raided by Fascist bands a number of times. On February 5 it was again raided, its machines damaged, and the plant crippled. Since its establishment several years ago this paper which has refused to bow to the brute who rules Italy has been the victim of raids, intimidation, boycott, and terror. Did Parini order this latest raid on Il Nuovo Mondo four days before he returned to his master? Who knows?

LINCOLN VERSUS MUSSOLINI

We have just been celebrating the birthday of Abraham Lincoln. Compare the Emancipator with Mussolini. * * * Compare Lincoln with Mussolini, organizer of massacres, director of the murder of Matteotti, assassin of Italian liberty, the paranoiac who sneers at democracy, who has destroyed popular elections, and who has transformed Italy into a slave state. One man the liberator and the other an enslaver. While we pay our tribute of affection to Lincoln, Mussolini's force squads do the work of Parini in the heart of New York City.

Nor is this all. Italian Fascism openly demands the allegiance of Italian-Americans to the dictator of Italy. Italians in this country,

whether American citizens or not, are regarded as colonies of the Fascist Government. They must swear allegiance to Mussolini and to Fascism. An Italian in the United States may be enrolled as a Republican, a Democrat, or a Socialist, but this does not have any significance for Mussolini. The Italian-American is enrolled as a subject of the Fascist Government. Terror dogs his heels if he does not agree.

Here is an example of this amazing insolence. Mr. Santo Modica is secretary of the Italian hospital at 617 East Eighty-third Street, New York City. He is an American citizen and enrolled as a member of the Republican Party. He is the head of the New York section of the Sons of Italy and as such he refused to send a telegram of allegiance to Mussolini. For that act of "disloyalty" to the Italian dictators Fascists have threatened him with injury and have tried to drive him out of office.

FASCISTS THREATEN VIOLENCE

Il Grido della Stirpe is a Fascist organ published in this city. It supports the whole creed of Fascist dictatorship. It has waged war against Modica and its columns have been devoted to inciting violence against him. "Fascism has been too lenient and generous," declared this organ with reference to Modica. "We hoped that things would change without resorting to extreme measures."

Evidently the force squads of Mussolini regard themselves as an extension of the police department of Rome. Modica and other Italian-American citizens must obey this force agency of Mussolini or be prepared to accept "extreme measures." In all our history we have never had such brazen insolence. The next step of the force bands will be to insist that Italian-American citizens pay dues to the Fascists to show their allegiance to Mussolini.

No claim has been made that Modica is not an efficient official. His sole offense is "disloyalty" to the Italian dictator. All groups of Italians in this country, whether they have become citizens or not, are called "colonies." The Italian may be an American voter, he may be a good citizen and comply with every requirement of American citizenship and yet he lives in fear of his life if he does not agree with the castor-oil bandit who rules Italy. If this is to continue the State Department at Washington should at least make this extension of Fascist power to this country legal by treaty with Mussolini. Having done that the next thing in order is to prohibit celebration of Lincoln's birthday and make the castor-oil bandit our ideal of democracy.

LABOR OPPOSES FASCISM

Labor organizations in this country without any exception whatever are recorded against extension of this police, spy, and terror activities of Italian Fascism. The American Federation of Labor news service of February 9 points out that the "property of any Italian living abroad is seized in the event that he opposes the Fascist in his adopted country." Relatives of Italian-Americans who live in Italy are also victims of the terror if Fascism is opposed here. Such relatives in Italy are practically hostages who may be struck down or be imprisoned because of any "disloyalty" here.

The American Federation of Labor news service goes on to say:

"The Fascists use honeyed words in this country to conceal their philosophy. They assure Americans that their party is no different than the Democratic or Republican Party, when, in fact, the Fascist control Italy. They have seized the Italian Government, abolished free press, speech, and popular assemblage, made Parliament a puppet, and supplanted trade unions by Fascist labor organizations controlled by the state. No Italian can be a candidate for Parliament without the approval of the Fascist grand council."

Labor, the weekly publication of the railroad labor organizations, carries a story of the astonishing indifference of the Federal Government to the activities of Parini in the United States, and an Italian trade unionist, makes the following observations in its columns:

"Our Government must know what Mussolini's agents are doing in this country. The dictator takes the position that the Italian who becomes an American citizen still owes allegiance to Italy, or rather to Mussolini himself. He even insists that American-born children of Italian parents are Italians and not Americans.

"Fascist organizations in this country have only one object—to spread a propaganda which is hostile to our scheme of government.

"Secretary of State Kellogg would get terribly excited if the chief propaganda agent of Bolshevism were to attempt to get in, but he will not raise a finger to bar Parini, whose work seriously menaces the peace and happiness of Italians who are citizens of this country and love its institutions."

It is time that Congress made a thorough investigation of the activities of the Fascist bands in the United States. They have become a scandal and a disgrace. If Italian-Americans are to be terrorized for support of the democracy of Lincoln against the dictatorship of Mussolini it is time that we should have some official confirmation of this policy. We are inclined to think that an investigation will show that the trail of Fascist activities leads directly to the door of the Italian Ambassador. It is certain that no representative to a foreign government will be appointed by Mussolini who is not in full accord with the despotic creed of Fascism.

Fascism is reversion back to the sad days of absolutism. It prostitutes the whole intellectual life of a people to the will of murderous fanatics. It is a crime in Italy for the human mind to function. Italian journalism has become a brothel. Administration of justice simply legalizes Fascist lynching. Political parties have been destroyed by force. The club and castor-oil bottle have become the symbols of sovereignty. Labor organizations and cooperatives have been conscripted to the service of fanatics. Italian Fascism has become a monstrous Caliban that must be quarantined as we quarantine healthy communities against leprosy.

Congress owes a duty to the American people to investigate this hateful and unspeakable thing or admit that Italian-American citizens have no rights that are higher than the will of the bandit who rules Italy.

Mr. HEFLIN. Mr. President, to follow the article which has just been read, I ask to have read a short editorial from the Washington Post of Friday, February 15, 1929, entitled "Italy's Novel Experiment."

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

ITALY'S NOVEL EXPERIMENT

Interest in the pact between the Italian Government and the Vatican, which at first centered on the fact that the 60-year-old controversy had ended in establishment of an independent state for headquarters of the Roman Catholic Church, has now swung to the possible moral effect of the agreement on the Italian people.

* * * * * * *

Strict censorship of motion pictures will be enforced; literature which is looked upon with disfavor from the Vatican will be suppressed, and the newspapers will have to be even more circumspect in the publication of sensational stories than they have been under Mussolini's censorship.

Dispatches indicate that Protestant, Greek Orthodox, and Jewish sects will be tolerated in Italy, but will no longer be able to carry on religious propaganda. This appears to be a renunciation of the principle of religious freedom which has gained a strong foothold throughout the civilized world. All nations will be interested in the experiment and its results. It remains to be seen whether a people can be forced into righteousness through legislation and curtailment of religious liberties under a dictatorial form of government.

Mr. HEFLIN. Mr. President, I have had these two important articles read for the purpose of giving some Senators who do not appear to be apprised of the insiduous efforts that are being made by certain dangerous influences in America to overthrow this Government. I have had those two articles read for the purpose of getting them in the RECORD, so that they may go out into every State in the Union, where the people back home may be informed as to what is being done to the hurt and injury of this great Republic. I do that for the purpose that they may begin to write to their Senators who seem to be either asleep or deaf and dumb on this subject.

I saw some of them a few days ago vote against their flag being first and uppermost on its own staff. I saw them vote deliberately to lower it every time some one wants to fly the Roman cross above it. By a vote of 68 to 10 in the greatest deliberative body in the world certain Senators went on record to do that, while Catholic priests in the gallery smiled their hearty approval.

Mr. President, that was a sad day to me, for a great many of these Senators are good men, and I believe, in the main, are good Americans; but it is a fact that we have got a lot of men in public life who are afraid of the political influence of the Catholic machine in the United States, and we have got to meet that question; and the sooner we do it openly and determinedly the better it will be for all who really love our country.

Every Catholic reporter in the press gallery has attacked me most viciously since my speech the other day in behalf of the American flag. I showed here on a former occasion testimony to the effect that Catholic newspaper reporters had been instructed to "go after HEFLIN," and they are still carrying out their Catholic instructions.

They and other Catholic agencies are still carrying on their false and vicious propaganda against me. They have marked me for political slaughter, and they have threatened to murder me. I receive insulting and threatening letters from them now, written by unprincipled persons who are too cowardly to sign their names to them. They have resolved and they have baldly boasted that they are going to pick out a candidate to oppose me for the Senate in Alabama in 1930. I welcome the opportunity to discuss before the people of Alabama the issues that threaten free Government in America. I am willing to go to the mat with whoever they select and fight it out with him.

Mr. President, I feel that it is the duty of every Senator to tell the Senate and the country of anything and everything that concerns the welfare of this country. I repeat what I said here the other day: I do not object to the Catholic having the religion of his choice. But I do object to the secret and insidious activities of the Roman Catholic political machine. That political machine is the vehicle used by Roman Catholic leaders to carry forward into governmental affairs the Roman Catholic purpose to bring this Government under Catholic control. That that church has its program already laid out to capture America, no discerning man doubts, and that their plan is to control at an early day the United States, no informed citizen can doubt for a moment.

But you have a situation in the United States, and right here at this Capitol, that is alarming and dangerous. When a measure comes up affecting the Catholic political program Senators and Members of the House are besieged. And somehow or other they always have somebody in this body to speak for them.

A few days ago, when I raised the question here of permitting the United States flag to remain on its own hoist, majestically alone, proudly flying at the top of the staff, when I said there was no excuse for lowering it to fly anybody's pennant or banner above it, the Senator from Maryland [Mr. BRUCE] rose in this body and asked me what flag is now permitted to fly above it? "Oh," I said, "I am not discussing any particular flag. I do not want any flag or banner to fly above it." The Senator said, "Is it not a fact that the Catholic flag is the only one that flies above it?" I said, "That is the only one that I have seen fly above it." I exhibited a picture here of the battleship *Florida* that showed that to be the case, and, following that disclosure, you voted to continue that practice.

The issue is plain and you can not dodge it, Senators. I respect you all and am fond of many of you, personally, but this American issue must be met. We can not afford to be asleep any longer. The American people must be aroused to a full sense of the danger that threatens.

It is now admitted that the cross that flies above our flag is the cross of St. George, and he was a Roman Catholic. It is admitted even by some of these Catholic pen pushers in the press gallery that it is a Latin cross. The churches of the United States have never agreed upon any particular pennant to fly above the United States flag on our battleships during religious services, and yet when Protestants and Jews aboard our ships have service now, under your vote the other day, they have to pull down the American flag and fly the Roman cross.

Senators, the day is not far distant when you are not going to be afraid to look a Roman Catholic in the face and tell him that you are against his plan and purpose to Catholicize America and place this Government under Catholic rule.

I told you a year ago what was going to happen in Italy. Perhaps some of you do not remember it. I will remind you of what I said then. I told you that Mussolini was a crook. I told you that he was an unscrupulous scoundrel, and that he was playing into the Roman Catholic Pope's hands, and that he would deliver that Government to him before he was through; and now he has done it. I told you that the Rome newspaper reports to the effect that Mussolini and the Pope were not on good terms was all a hoax. I told you that that was the impression they wanted to make until the day of delivery should come; and now, since Italy has been beaten to her knees and all her independent, fighting, patriotic forces are prone upon the ground and her free speech and free press and right of public assembly have been destroyed, and Masons have been butchered like hogs in the market place, and the grand master of that order put in prison, Mussolini, like a thief in the night, slips over and delivers the Government of Dante and Garibaldi into the control of the Roman Catholic Pope, who is now a king, a Roman Catholic king, extending his canon law all over the Government of Italy; and now the Roman press over there tells us that Mussolini and the Pope have been good friends ever since Mussolini took control of Italy.

It is plain and simple now; everybody can understand it. Now, what have we right here in the United States? We have this dangerous, tyrannical dictator of the Italian Government, with his agents in the United States operating and terrorizing the people in various places, and particularly in Chicago; his Fascist bands are holding up the people there; and I bid Godspeed to the able Senator from Illinois [Mr. DENEEN], who is leading the fight against the bandits and the outlaws in Chicago.

Senators, did you know that the Fascist organization in the United States had their national convention a few months ago at Philadelphia and wired their compliments and congratulations to Mussolini and expressed to him their allegiance—citizens of the United States? Did you get the full meaning of that article read from the desk about an Italian-American—a Republican, too, if you please—who refused to send a telegram of allegiance to Mussolini, and Mussolini had ordered his newspaper plant in New York destroyed; that Fascists, Mussolini's followers in the United States, had gone there and attacked him in person two or three times; they had injured his printing press, and they have sworn that he shall be driven out of business?

Senators, wake up—you Senators who are sitting around here sound asleep on this question. You may not be willing to consider it here; but, thank God, you are soon going into an open forum where you will have to consider it. The people out yonder are coming to know about these dangerous, un-American activities and they are going to demand that you wake up.

I have received probably 2,000 letters—maybe 3,000—from men and women all over this country since this flag issue was up in the Senate a few days ago.

I have eliminated the references to Senators in letters from their States; but you may get an idea how the people back home feel about this from the parts of the letters that I have printed this morning, just a few out of the thousands of letters I have received from 26 or 27 States of this Union. I will print some of the letters from the other States later. I am not attacking the individual Catholic. Let the Catholic have his religion. God knows I would not deprive him of it. I want him to be permitted to approach the throne of grace as he pleases to do it. If it suits him to confess to a priest, let him do it; but, Mr. President, I want to tell you that the history of Roman Catholic rule all over this world is the history of intolerance, persecution, bloodshed, and murder.

Look what happened the other day in Mexico! Obregon—one of the strongest men Mexico has ever produced; upstanding, brave, fearless—he and his friend Calles gave stability to that country, brought it out of darkness and chaos and put it upon its feet, and delivered Mexican peons out of the bondage of Roman Catholic slavery. Four hundred years of Catholic rule had benighted and enslaved them. They were groping ignorantly and helplessly in the dark gloom of Catholic rule, and Calles and Obregon stretched forth the healing rod and gave that land deliverance. Still the country is cursed with Catholic intrigue and murder. The Catholic Church leaders, the priests, and nuns are seeking to overthrow the present constitutional Government in Mexico; and how are they going about it? When Obregon was elected President recently they sent a cowardly cur, a Mexican Roman Catholic, to the dining room where Obregon was taking his meal, and they had the Catholic assassin feign as an artist who was pleading for an opportunity to exhibit pictures to President Obregon; and Obregon, the brave, big-hearted man that he was, wanting to encourage the boy in his work as an artist, said, "Yes; I will be glad to look at his pictures and help him along."

He comes around with his pictures and with that deadly weapon hid away, draws it, and shoots Obregon to death at the table where he was eating his meal. While he was shooting him Catholic band players were playing the band so loud that some of the people in the dining room never heard the shots. When that cowardly and miserable wretch, scum of the earth and vagabond, was cornered by Mexican officers of the law, he confessed that a Catholic nun and a Catholic priest inspired that dastardly deed; and finally, when they got him ready to march him out and shoot him, as they should have shot him, against the wall, the Catholics paraded him in the newspaper columns as a martyr, and the Catholic-controlled press of Mexico City deliberately tried to use the incident as propaganda to stir up opposition to the Mexican Government. Why, they described him as marching forth calmly, when the fact is that he was scared to death when he heard the noise of the mob outside. They had him saying to the barber, "Come, go over my face again; it is still a little rough," just like he was some great spirit; that is what they would have us think he was. He did not care. They would have us believe he was calm and serene—drunk on the whisky they had given him, perhaps! Why, even that part of the report said he drank half a pint of cognac brandy. He could not tell whether there were any whiskers left on his face or not after that. But, Mr. President, after he was shot, sent down to death for murdering the President of the Mexican Republic, the Catholic press played up a Roman Catholic priest going in to the dead assassin with his handkerchief and dipping it into his blood to preserve it as a sacred relic, a memento of a martyred Catholic! Think of it! It is all shocking and sickening.

Senators, this Nation is in for trouble with that same unscrupulous and ambitious power; and the United States, this

young giant of the western world, is the world's hope to preserve religious liberty. America, in her determination to preserve civil and religious liberty, fears no foreign pope or potentate. America is not afraid of the Catholic assassin, although three of them have killed three American Presidents.

If ever such a thing occurs again in our country there must be a house cleaning in the high places of those who bring it about.

Just recently, when President-elect Hoover was visiting in this God-loving and God-fearing country, down in the sunny land of Florida, amongst as fine people as live, represented by two as fine Senators as ever sat in this body, Senator FLETCHER and Senator TRAMMELL, two Italian Catholics saw him, and one of them said, "I don't like the looks of that guy; let's throw a bomb under him," and talked about assassinating a President as they would talk about killing a housefly. Is it not time that we were taking stock of the un-American groups in our country? In the name of Washington and Jefferson and Lincoln and Lee, what are we coming to in the United States? Let us say to the Catholic, "You will not be disturbed in your religious worship. Nobody has any desire to disturb you in that regard. But we are not going to permit you to teach to Catholic children in the United States the union of church and state and we are not going to permit you to strike down religious freedom and set up the Catholic state in the United States."

The Roman Catholic political machine can not deceive true Americans by displaying a religious banner and harping on religious intolerance, while underneath its cloak it has a deadly dirk for religious freedom for all American denominations that do not accept a Roman Catholic Italian Pope as God's exclusive representative on earth. Go read the History of Civilization, by Buckle, and you will find he tells that when Spain reached the climax and crowning glory of her civilization she was pulled down and destroyed by Roman Catholic priests. Go read Gibbons' Decline and Fall of Rome and you will find that the fall of Rome was helped and hastened by the doings and the teachings of Roman Catholic priests. Yet some of you seem to be sound asleep. When this question was broached the other day two or three veteran Senators rose up and trembling said they would have to vote against the flag because somebody had injected the Catholic religious issue.

Senators, how long, how long will it take us who are here to defend and safeguard the rights and interests of this Republic to wake up to the dangers that threaten it? Roger Williams, the heroic leader of religious freedom in the early days in the United States, a Baptist, was set aside the other day to give place to some Catholic in Baltimore, and the Senator from Rhode Island, Mr. GERRY, permitted it to be done. He did not defend him.

I want to know if you are going to follow the voice of the dead or the voice of the living. The main ones of those who championed that movement the other day to continue to fly the Roman cross—the Pope's cross—above the American flag were two Senators who had been defeated. They are going out. And you who sit here supposed to represent your people, misrepresented them on that day, as my letters indicate. It would open your eyes to read some of my letters, and some of them are so strong regarding some of you that I will not publish them, but the people are talking about what they are going to do regarding you when they get you before the electorate again.

Mr. President, the Senator from Maryland injected the religious question when my flag amendment was before the Senate. Many Senators have said to me since, "You did not inject the religious question; Senator BRUCE did it." I said, "Of course he did." But, as I said the other day, that was the signal. Word had already been passed around. These priests had not been sitting around here so thick for nothing, poking out their necks and peeking about in this body. My amendment had been printed for a week; they knew it was going to be offered at the proper time at the end of the bill. When that time came I was utterly surprised; I have never been so astounded in my life that an American Senate would stand up and order, by their vote, that our flag be pulled down to fly above it the Roman cross—the Catholic king's cross.

After I finished my speech here you went on record in a way that you will wish to God you never had gone; I am telling you now, and you see if I am not right; the people will not permit that kind of subserviency to the Roman Catholic political power in the United States; and that is what it is. It is not religious power; it is political power. It is a double-headed thing. One part calls itself religion and the other is a bold and brazen political serpent; and some of you are as afraid of it as you are of death.

I have had Senators talk to me, and Members, too, at times—and this has been going on some time—about having Catholics in their districts at home; and that they would punish a fellow and vote against him if he did or did not do certain things. That is all true; they will. But I want the Americans who read my speech and who get what I am saying here to-day to learn—I pray to God they may—and whenever the Catholics threaten a Protestant Senator and tell him they will beat him if he does not do the bidding of the Roman Catholics, I want them to rise up and say, "We American Protestants and Jews, American Italians and other Americans, will punish you for raising that question and trying to control this country." That is what is going to happen, and you are going to hear from it. My letters indicate that very strongly every day.

I ask that the clerk read the letter which I send to the desk. I have stricken the name and the address of the person writing it from the letter.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Without objection, the clerk will read.

The Chief Clerk read as follows:

FEBRUARY 11, 1929.

Senator THOMAS HEFLIN,

United States Senate, Washington, D. C.

DEAR SENATOR: I am now in business and no longer in newspaper work, so that I can speak frankly, * * * and I wish to say that I am sure you express in the Senate what a great many Protestants think. There are more men behind you than you dream of * * * and yours is the voice thousands—millions—welcome.

There is one point I wish to present. Do you realize that the tremendous demonstrations at the execution of Obregon's murderer in Mexico was fostered by the Catholics? Did you read the Associated Press account of where the priest dipped his handkerchief in the murderer's blood? This is propaganda pure and simple, and it follows naturally that the Catholics promoted and (or) incited the attempt on President Gil's life in the bombing of his train.

Isn't it strange, too, that the treaty giving the Pope temporal power and including the church "canons" in the civil law of Italy should come after our own presidential campaign? No! This merely is part of the Catholic set-up. You can see this and I can see this. You are in touch, doubtless, with influential Protestants. Please, for the cause you so admirably represent and which affects millions of true Protestants in this country, do something to counteract this Roman propaganda. Millions are looking to you to speak their minds. Don't fail in this immediate emergency.

Yours sincerely,

——— ———.

Mr. HEFLIN. Mr. President, I omitted publishing the name of that splendid former newspaper man because of what I feared would happen to him. He is a northern man.

Mr. President, a year ago I received a letter from a man in Massachusetts commending my course, and it was printed in the RECORD. As soon as the CONGRESSIONAL RECORD could reach that place a newspaper man came to my office and wanted to see the original of that letter. My secretary told me about it, and I told him not to let him see it. I said, "The Roman Catholics are after making trouble for that man." This man was in business, and the Catholics were threatening to boycott him, and the man signed a statement to them that he had not written me a letter, but that somebody had written it and signed his name to it.

Senators, in the name of God, what are we coming to in these United States? A Protestant or Jew can not write a Senator who is seeking to have the Constitution of the United States observed and the flag upheld without having Roman Catholics pouncing on him and seeking to punish him for doing what he has a right to do as an American citizen. That man was in business, and they were going to punish him because he wrote me that letter; and when he signed a statement saying he had not written it, they sent that newspaper man back to my office to see the other letter and compare the signatures, and I would not let him see it. They wanted to punish him and make an example of him in the community and intimidate other Americans into silence.

Think of it! And, as I have said before, this is the land where Washington led his Continental Army—barefooted, half clad, and half fed—over the frozen ground at Valley Forge, fighting for American liberty. This is the land where southern men and northern men died on the battle fields in order to fix and determine for all time the status of constitutional government in the United States. And some of their sons, a pampered race of men, seem to have dwindled down until half the men in public life to-day at the Capitol act as if they have no American courage at all. Many of them stand in fear and trembling before a Roman Catholic priest, and they shudder in their shoes when threatened with the opposition of the Roman Catholic political machine.

Senators, did you get the point made in the letter just read? Why did they not crown the Pope King last fall when Alfred

Smith, the Pope's annointed, was running for President of the United States? They said, "Oh, no; if you pull that thing off now, you will help defeat Smith." God knows they did not need any help to defeat him. Six and a half million majority, with six million and a half Democrats, voting against him. He polled but 3,000,000 Democratic votes in the South and West, North and East.

Those six or seven million Catholic votes he got are not real Democrats and will not be cast for the Democratic ticket if anything is said by anybody on the ticket which the Catholic leaders do not like. That is plain talk, but you know it is the plain truth, and the time has come to talk the plain truth.

What did we say here in the debate last year, or, rather, what did I say? You did not take any part. I am going to relate to you again a startling thing in the life of our Nation, and not one of you over there commented on it. I presented a case where three hundred and odd Catholics, American citizens, in the State of Rhode Island, who had been robbed by a Catholic bishop and a Catholic priest; that is what they said had happened to them. They had collected hundreds of thousands of dollars from Roman Catholics generally up there, and 300 of them had the courage to march into open court in Rhode Island and demand that that bishop and priest be brought in for an accounting. They were brought in. The case was started, the trial commenced, and then there was a postponement, a court adjournment; and what has happened in the meantime? While that case was pending, under the Stars and Stripes, in a sovereign State of the United States of America, that Catholic bishop and that Catholic priest took those 300 names and went to Rome with them and tried those men in their absence before a college of cardinals, a Catholic Church court, condemned them, repudiated them, and excommunicated them, and, so far as they could, consigned their souls to hell.

What happened? One of them was the editor of a paper in Rhode Island, Degnault, and in that decree rendered by a foreign potentate, while the case was pending in the United States, where American citizens had a right to have the case tried and settled, they said that that American citizen's paper must not be published another day, and ordered Catholics not to support it. All this in the face of our constitutional provision which says that no citizen can be deprived of his property without due process of law. I brought that to your attention, and not one of you commented on it.

Again, I say, what are we coming to in the capital of this Republic? Here were American citizens induced by a bishop and priest of their church to bow down and give them money, and then when it was not spent for the purposes they said they wanted it for, these men wanted to go into an American court of justice, and the Catholic bishop and priest took the case out of court, as it were, and carried it over to Rome and tried it in a foreign country, condemned those citizens, insulted our flag, challenged our sovereignty, and you have not discussed it yet in this body.

What is it that causes that situation to exist here? Put none but Americans on guard! will again become a slogan in the United States. You are going to hear more of that from now on until this question is settled.

I know what they think they can do. They think they can fool many of you and continue to deceive you and deceive the folks at home until they get strong enough to do to you what Mussolini did to Italy the other day. What did that Post editorial say? It said that in Italy Protestants will not be allowed to carry on their religious propaganda. Do you know what that means?

Religious liberty in Italy lies dead at the feet of Mussolini, the cowardly dictator. The Greek Orthodox Church can not carry on as of yore. The Jewish people can not do it. And yet all of those non-Catholic religious groups are taxed to pay the salaries of the Roman Catholic priests of Italy.

The concordat itself provides that non-Catholic churches can not carry on their religious propaganda. Do Senators know what that means? It means that they can not invite a man or woman to join their church. They can not praise their church and what it stands for and the good it has done and is doing. They can creep in and crouch in their churches—that is, those who are already members—under leave or permit of the Catholic Pope, and they can whisper their petitions to God; but they can not tell anybody about it and try to get them to join their church or they will be lashed with the whip of Catholic persecution in the hands of the tyrant Mussolini.

Senators, last year I read to you from a book printed recently in the United States by Doctor Ryan. He is an appointee of the Catholic Pope and king right now. He is the Catholic king's dean of the Catholic University here in Washington. He wrote this book called "State and Church," and in it he said that when the Catholic Church is strong enough here to do it they are going to proscribe other denominations. Some of the language used is just like the language used in the Pope's recent concordat. He said, "We will proscribe other denominations. We will not permit them to carry on the general propaganda. We will set up the Catholic state." Then he asks, "What chance would they have against the Catholic state?"

Mr. President, what chance have the Protestants and the Greek Orthodox people and the Jews against the Catholic state with Mussolini standing over their prone bodies with a tyrant's dirk in his hand? We are told by an appointee of the Pope—Doctor Ryan, a Catholic priest—that that is what they will do here when they get strong enough. Now you can begin to understand why they did not pull off this tyranny last fall.

It would have hurt Mr. Alfred Smith's chances. The American people would have been brought face to face with the truth, and they would have been frightened. They would have said: "Look what happened in Italy. They are going to do that to us when they get strong enough to do it." And I feel it my duty to tell you that when they are strong enough they will do it; but they are not going to be strong enough to do such a thing in the United States. The Congress has got to legislate on certain questions, and I am in favor of a law that will expel from the Government of the United States every Fascist who is shown to have expressed his allegiance to Mussolini and his régime in Italy.

Mr. President, America has got to be kept safe for Americans. Mr. Hoover is going to have a great opportunity to serve and preserve American ideals and institutions, and he is going to meet some trying and difficult problems. If he deals frankly, wisely, and courageously with this threatening and dangerous Roman Catholic political question, he will in all probability be reelected in 1932. But if he dallies and plays with it, the issue in 1932 will not be a political question submitted by two political parties, but it will be the question of Roman Catholic control of the Government of the United States. Mr. President, I am hoping that Mr. Hoover will not be deceived, misled, or controlled by that insidious and dangerous influence in the United States.

Mr. President, that is all I care to say to-day.

Mr. BROOKHART and Mr. BINGHAM addressed the Chair.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Iowa.

Mr. BINGHAM. Will the Senator from Iowa yield to me for about five minutes?

Mr. BROOKHART. It will take me just about five minutes, when I myself will be through.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

FEDERAL OFFICES IN GEORGIA

Mr. BROOKHART. Mr. President, I desire especially to call the attention of the Senator from Georgia [Mr. GEORGE] to the investigation of post-office patronage in some of the Southern States. He was the author of the resolution under which the subcommittee of which I am chairman have been acting. We have found some things that fully warranted the investigation in several of the States. As we have proceeded with the investigation from time to time, incidentally we have touched upon Federal patronage generally. There seems to be quite as bad a condition there as with reference to post offices. This morning, from the State of Texas, a strong suggestion came to the committee to investigate Federal patronage generally. Of course the committee has no authority to do so, as the resolution was passed, but the Senator from Georgia had an original resolution that would have been broad enough before it was amended. I wanted to ask him if there would be any move made to enlarge the authority in that regard?

Mr. GEORGE. Mr. President, if the Senator will yield to me——

Mr. BROOKHART. Certainly.

Mr. GEORGE. The resolution to which the Senator has referred was introduced in the name of my colleague and myself jointly. At the time of the introduction of the resolution it directed inquiry into the distribution of Federal patronage generally and the use of money to influence appointment to Federal office generally. The resolution was confined to the State of Georgia; that is, it directed the inquiry to be made in that State. The suggestion was made that if the investigation were confined to an inquiry into the appointment of postmasters and carriers there would be no opposition offered. I accepted the suggestion and agreed to the resolution as reported out by the Committee on Post Offices and Post Roads for the reason that postal appointments in the State of Georgia were the ones in which we were primarily interested, and contented myself

with an investigation of postal appointments about which I had reliable information. On the floor of the Senate the resolution was amended so as to extend the inquiry into all States; that is to say, it was so amended as not to confine or limit the investigation to the State of Georgia.

I have kept as closely in touch with the committee's investigation as possible. The Senator from Iowa has now stated to the Senate that in the investigation thus far made the committee is constantly developing the use of money or at least developing evidence which would tend to show that the same practices have gone on with reference to Federal patronage generally as I originally said was the case and as my colleague and I knew to be the case in Georgia in postal appointments.

I have no information outside of the evidence the committee has developed touching other offices, but I shall be glad to amend the resolution and ask that the investigation be extended to the use of money and exactions made of appointees to Federal office generally.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. BROOKHART. I yield.

Mr. WALSH of Massachusetts. I think the Committee to Audit and Control the Contingent Expenses of the Senate reported this morning a resolution extending the time of the present committee to make the investigation to which the Senator refers.

Mr. GEORGE. I understand so, but the committee is confined under the resolution to inquiries into postal appointments.

Mr. WALSH of Massachusetts. So I understand.

Mr. GEORGE. The chairman of the subcommittee [Mr. BROOKHART] has called the attention to the fact that in their investigation they have discovered evidence tending to show that the same practices and condition exist in other instances outside the scope of the committee's authority. I shall be pleased to reintroduce the resolution making it broad enough to cover the whole field, but I must say that the resolution as originally introduced was based upon facts or what we believed to be the facts in postal matters particularly. The splendid service of the committee thus far rendered justifies the grant of the additional power suggested.

THE AMERICAN FLAG

Mr. BINGHAM. Mr. President, when the Senator from Iowa [Mr. BROOKHART] declined to yield to me a few moments ago I felt a little annoyance that there was no opportunity to reply immediately to the long address of my very good friend, the distinguished Senator from Alabama [Mr. HEFLIN]. But in view of the colloquy which has just ensued between the Senator from Iowa [Mr. BROOKHART], the Senator from Georgia [Mr. GEORGE], and the Senator from Massachusetts [Mr. WALSH], I do not know but that it was a very fortunate thing that the Senator from Iowa did not yield to me. Now, those who read the RECORD may see that the effect of this long tirade against those who believe in a religion different from that of my friend from Alabama was not to arouse the Senate to anything more than a consideration of post-office matters and was not taken seriously.

Mr. President, the people of the United States who read the RECORD are sometimes at a loss to know why, when a long argument has been presented with great vehemence on a certain matter, there is no reply to it. Many of them are led to believe that it is because there is no reply, and they are confirmed in their belief that what has been said is unanswerable.

Mr. President, I rose to say that in the first place I have the very kindliest feeling personally for the Senator from Alabama. As a citizen and as a Member of the Senate I am very fond of him. But I regret extremely to see him led astray, as he was this morning, by a misinterpretation of a simple act that has been performed in the Navy out of respect to Almighty God for a great many years and without the slightest regard for any particular branch of the Christian religion or any denomination.

The Senator from Alabama by continually repeating it has come to believe sincerely that the church pennant used for nearly 100 years in the Navy is the Roman Catholic flag. That is not the case any more than that any other pennant in the Navy, which may resemble a foreign flag in its color or its arrangement, is a foreign flag. The church pennant is a pennant raised by the Navy to show that there is on board that ship a service of divine worship, which may be Protestant or Catholic. It is a Navy flag and not a church flag.

It is not a Roman Catholic flag. It is for that reason that so large a majority of the Senators the other day voted against the wishes of the Senator from Alabama as an indication of their belief that he was mistaken. No one in the Senate would vote to put the pennant or flag of any particular denomination above the American flag. The Senate expressed its belief at that time that there was nothing derogatory in the slightest degree to our love of our country by doing as we have done for a great many years and acknowledging, by placing the church pennant above the flag, that we were at that moment engaged in worshiping the Supreme Being.

Mr. President, the Senator from Alabama has accused some of us of cowardice because we have not hitherto spoken on this matter and I am not sure but what personally, so far as I myself am concerned, he is right. Repeatedly, when listening to his arguments, which are intended to stir up religious bigotry in this country——

Mr. HEFLIN. I deny that.

Mr. BINGHAM. I am glad to hear the Senator say that.

Mr. HEFLIN. I denounce it as incorrect, inaccurate, and untrue.

Mr. BINGHAM. Very well, Mr. President, I withdraw it. Instead of saying "intended to stir up religious bigotry," I will say arguments which do stir up religious bigotry. I did not intend to use the phrase which I did use in the sense in which he took it, and I apologize to the Senator for implying that he intended to do that. I ask his pardon.

The fact remains, Mr. President, however, that speeches of that kind do stir up the feeling of people who are not familiar with all the circumstances; they arouse those passions in the human breast which from time immemorial have led to bloody conflicts, produced the most disgraceful pages in human history, and led to a misunderstanding of the nature of man and of his religion.

Mr. President, I am a Protestant; I come of a long line of Protestants; so far as I know, none of my ancestors since the Reformation has been anything but a Protestant. There are no members of my family who are not Protestants. Furthermore, I am a Mason. The Senator from Alabama has frequently referred to the Masonic order. I believe in that order, and I believe that it has accomplished a great deal of good. As a Protestant, as a Mason, Mr. President, and as a Senator of the United States, I wish to protest against the use of this forum for the stirring up of religious hatred in this country; and I wish to adjure those not within the sound of my voice but who read the pages of the CONGRESSIONAL RECORD, and who have been influenced by the speeches of the Senator from Alabama, to believe that the great majority on the floor of this Senate, as I know from personal conversation, are not in accord with the sentiments expressed by the Senator from Alabama, and do not believe that he should use this floor for the purposes for which he has just used it.

Mr. HEFLIN. Mr. President, I challenge the Senator from Connecticut to meet me in joint debate in the auditorium in this city sometime during the month of March. We will then discuss the question of the propriety of the discussions of the kind that I have made here—the matter of calling to the attention of the Senate and the country the dangers that threaten American liberty, the dangers that threaten religious freedom in the United States, and the question of denying to any State through its Senators the right to bring to this forum any question that affects the welfare, the highest and best interests of the American people. I challenge the Senator from Connecticut to meet me in debate on that subject. We will control the matter of seating the audience, and at the conclusion of our speeches we well let the audience decide whether or not an American Senator is still permitted to discuss anything in the Senate of the United States that is offensive to the Roman Catholic hierarchy, the political machine of the Roman Catholic Church.

I challenge the Senator from Connecticut to answer my speech here. He has not answered my speech; he has not even started to answer it. He has proved what I said throughout my speech, that there is always somebody to get up and defend that side. When they have not got a Roman Catholic to do it, they get some Protestant to do it. There are some mighty weak-kneed Protestants around this country, and there are some mighty weak-kneed Masons.

We have another evil under the sun. I told Senators a moment ago about how they treated American citizens in Rhode Island. They took them out of an American courthouse and carried them to Rome and tried them in their absence. They did not take them, but they took their names in their absence and tried them before a foreign potentate. They punished them, they took them away from an American court, and came right back here during Al Smith's campaign when people were circulating what purported to be the oath of the Knights of Columbus, submitted in a contested election in the House of Representatives. I was a Member of that body in 1913 when it was printed in the CONGRESSIONAL RECORD. People were circulating it and stating where it came from; but busy Catholic politicians prosecuted them and took them before Catholic judges in the

United States who inflicted punishment on them for circulating that oath. So they are playing both ends against the middle; they are taking our citizens over to Rome to try them when the church wants it done, and when they have got a case that the church can not reach, they bring it into the American courts and make our courts carry out the edict of the political machine of the Catholic Church. What is that done for? That is done to scare anybody to death when Al Smith runs again and keep them from circulating that oath.

An American judge—think of it—convicting a man on the statement of three Masons—and I myself am a thirty-second degree Mason and a Shriner—convicting a man on a statement of three Masons—poor, pitiful fellows—who said they had examined the books of the Knights of Columbus and that oath was not their oath. Think of that! On that evidence American citizens who are Protestants are convicted and put in the penitentiary or lodged in jail because they circulated something they got out of the CONGRESSIONAL RECORD, and which was submitted in an election contest in the State of Pennsylvania.

Mr. President, what the Senator from Connecticut has stated is a forerunner of what will happen when more men whom the Catholics can control get into this body. He has voiced the sentiments of a few who, somehow, consciously or unconsciously, are under that influence. The Senator may not know it, but his Masonry does not shine very clearly here to-day. I am not invoking it. It is a lofty order. George Washington was a Master Mason. The members of his staff were Masons. Many of those who followed him in the Continental Army were Masons. He laid the corner stone of this Capitol as a Mason. I have had the trowel in my hand which he used; I have sat in the chair that he occupied as worshipful master; I have seen his Masonic jewel, God bless it, and I have reveled in all the things they stood for who were Masons. The thing I talked about to you to-day was the killing of Masons in Italy, and the Senator from Connecticut comes to the rescue. One hundred and thirty-seven Masons were murdered in one night by Mussolini's Fascisti mob. The grand master of the Italian Masons is in prison now. Masonry is dead in Italy; that is, they will not permit them to assemble and have their meetings. Think of that, Senators of the United States!

The Senator from Connecticut suggests that he is tired of my using this forum to give our people warning of what is to come here. What has happened in Italy? What has happened in Mexico? What is now happening in Spain? They are persecuting Masons in Spain to-day; they have some of the most prominent Masons in Spain behind prison bars, and, before God, with their hands lifted up, they say they do not know why they are in prison. And the Senator from Connecticut invokes his Masonry to deliver a lecture to me. I spurn that kind of Masonry. That sort of Masonry——

Mr. BINGHAM. Mr. President, I think I have sat still about long enough listening to the Senator charging me with invoking Masonry against him and accusing me of not defending this, that, and the other. I have listened to the Senator very patiently now for a long time. I did not accuse him of doing anything except using this floor for the purpose of making a speech that would inspire religious hatreds.

Mr. HEFLIN. The Senator said he was getting tired of what I was doing in my right as a Senator from my State, and I resent it. I have a right to say what I want to say, if I do not transgress the rules and am responsible to my people, and I am. I thought the Senator would be sorry that he went as far as he did.

Mr. BINGHAM. Mr. President, I am not sorry at all; but I regret that the Senator insists on making misstatements, let me say while the Senator is so kind as to suffer an interruption in his speech.

Mr. HEFLIN. I suffer it.

Mr. BINGHAM. Mr. President, we all have suffered this morning.

Mr. HEFLIN. We are going to suffer more—some of us.

Mr. BINGHAM. The Senator has implied, in the first place, that somebody asked me to do this. In that he is incorrect, because I have stood it as long as I could stand it and spoke of my own volition. I speak as an American whose family have lived here since the beginning of the settlement of America, since the earliest days of the arrival of the Pilgrims. My people have believed in religious liberty and in freedom to other religions and to worship God unhampered and unashamed in public. I trust the Senator will desist from his effort to stir up further bad feeling among those who do not understand this situation, but who may think because the Senator is not answered more often by other Senators that they agree with what he has to say.

Mr. HEFLIN. The Senator says that nobody has spoken to him, and I accept his statement; but that makes his case worse, because if nobody has spoken to him he has done this of his own accord, and I am disappointed in him.

Mr. BINGHAM. Mr. President, it does not take four or five thousand letters to induce me to make a speech. If I believe there is anything going on that is wrong, I stand it as long as I can, and then, at the risk of bringing down the wrath of my friend the Senator from Alabama on my head I say what I have to say in a few words. I say again that I feel it is wrong to use this forum to stir up religious hatred.

Mr. HEFLIN. Mr. President, I am not doing that; if I know my own heart such a thing is foreign to my purpose. I have no desire to do that. I am calling attention to a question that vitally affects all loyal Americans, a question which the Senator from Connecticut will have to meet in his own State, and every Senator in this body will have to meet in the future, and the best interest of the country demands that they should meet it. I am responsible for what I am saying. I am doing my duty as I see it, and I have no apology to make to anybody.

The Senator's lecture amounts to this: That hereafter when I want to make a speech I must submit it to him or to some of those who influence him, so that they may tell me whether or not it is appropriate or permissible to say it. We know that is the parliamentary system and practice in vogue in Italy. A man can not even run for office in Italy without getting Mussolini's O. K.

No member of Parliament there can rise and speak against Mussolini and his beastly and inhuman program. If he antagonizes Mussolini, he loses his head.

Now, here comes an effort to destroy free speech in the United States Senate. I challenge the Senator from Connecticut to put it to an issue in the Senate as to whether it is improper to discuss the political activities of the Roman Catholic hierarchy or church in the United States Senate when they do things detrimental to religious liberty—the liberty of the citizen and the welfare of the American Republic. I am willing for the Senator to put it to a test, and I will have a roll call and let every Senator who wants to vote to kill free speech in this body at the behest of the Roman Catholics go on record.

I challenge the Senator from Connecticut to answer that article which I had read from the New Leader of New York about Fascist activities in the United States.

I challenge him to answer that editorial from the Washington Post which says that in Italy now the Protestants can not carry on general religious propaganda, nor can the Jews and the Orthodox Greeks. I challenge him to answer my statement about what occurred in a sister State to his State, namely, Rhode Island, where 300 American citizens, Catholics, if you please, are lashed by the political power of the Roman Catholic Church, and in doing it they assaulted and repudiated the American flag. Have I got to desist and refrain from telling these truths here? You can not get a big national newspaper to publish them. Mr. President, did you not hear that letter read from that former newspaper reporter? He said, "I am no longer in the newspaper business, and I can speak frankly."

My God! What a pitiful thing is the hampering of an able and courageous newspaper man! Some of them are fearless and honest and clean and will not be controlled. Many of them are absolutely controlled. They shape their creed to their cravings and swallow their American convictions for Roman dollars. This man said, "I am now free, and I can speak my mind"; and he is appealing to me to bring this matter to the attention of patriotic Protestants in America, and I am doing it, and bringing it to the attention of patriotic Jews and Italians. And now the Senator from Connecticut rises and says he is getting weary of these discussions that involve the political activities of Roman Catholics, which activities, I think, are harmful to the United States.

Mr. President, I brought to the attention of the Senate last year a periodical mailed to every Senator here. It was written by a Catholic priest, in which he told these Senators how the Roman Catholics suppressed a free press right here in this Capital City.

When a white girl in a Catholic Good Shepherd Home was killed and a local newspaper demanded an investigation, this priest boasted in that article that they organized the Catholics of Washington to destroy the paper; that they sent a message to every news stand in the city that if they handled that paper any more they would boycott everything they sold. They boasted that they sent their Catholic agents to merchants in Washington—Protestants and Jews and everybody—and told them that if they advertised in that paper they would punish them by not trading with them. Finally they wound up by saying, "In three weeks' time we had reduced the subscribers 40 per cent, and the newspaper's representative came to us and told us if we would let up they would never publish anything else that was ob-

jectionable to the Catholics." Think of that, if you please. There is your free press killed in the capital that George Washington founded, where Thomas Jefferson lived and announced his philosophy of political and religious freedom that will live until time shall fold his weary wings and lay his scepter down—that is, if we have men who are not afraid to speak, who can be permitted to speak without being censured and lectured as the Senator from Connecticut has undertaken to do with me here to-day.

How will that read in the CONGRESSIONAL RECORD? Why, the people back home will say, "Instead of trying to scold and lecture Senator HEFLIN you should take his speech up line by line, subject by subject, and answer him if you can"; and that is what I challenge him to do. I challenge any other Senator here who takes issue with me to do it. You accomplish nothing by trying to lecture me, and in telling me that I am stirring up religious prejudice. That does not get you anywhere.

Why, this forum is about the only place now left where we can discuss this and all other questions. You have not heard a speech made on this subject in the House. You have not seen a vigorous attack made on these efforts to destroy America in a single daily newspaper except the Fellowship Forum and the New Age, the Protestant, the Menace, the Rail-splitter, and such papers as those, that are not afraid. You do not see it.

I told you about that priest's article, where he boasted how they had practically destroyed that paper in Washington, when the manager of the paper apologized. So they frighten the papers to death; and now, if you fix it so that a Senator can not bring these things to the attention of the Senate, it will be only a little while until they can do with this Government what Mussolini did the other day with the Italian Government when he betrayed it into the hands of the political machine that has wrecked every government where it has had controlling power.

Mr. President, I invite the Senator from Connecticut to read the pages of history. Read the brief history of the Popes of all time. Read how they have intrigued to overthrow one king and put in another king, how they have become the political masters, how the people have risen up and overthrown them, how bloodshed and murder have followed, how the people's rule has been destroyed, how governments have gone down under their blighting, deadening touch; and here in this great, free western world, America—the greatest Government of all the tide of time, a Government that ought to stand for all time as a light upon the mountain, that other governments might see its good works and be constrained to follow in its footsteps—some are getting up and daring to suggest in this Chamber that free speech be suppressed; that a ban be put upon the speech of a Senator who makes a suggestion that is not approved by the Roman Catholic priests who sit in yonder gallery.

Mr. President, I welcome that challenge from this Republican Senator from New England [Mr. BINGHAM]. If he wants to put that question to the test, let him do it; and we will take it to the country next year in the election of every Republican and Democratic Senator who goes out before the people and asks to have his commission renewed. Free speech throttled in the Senate? Nobody but puny political weaklings suggest such things. They are people who can not stand up against the truth; who can not stand up in the fierce light of history. They must flee and run to cover. Some are like the lightning bug that flashes its little lantern in the night time, and, when the sun rises in the morning folds its wings and crawls into a dark place under a piece of bark on a dark and decaying log. Come out in the open and discuss this question with me! I will discuss this question with the Senator in the Auditorium here in Washington in the month of March, and we will let the people here decide whether we will suppress free speech in this body on this subject.

O, Mr. President, if the suggestion to suppress free speech here is not enough to arouse every American patriot, what would it take to do it—when they can not even answer the ponderous facts that are set out in that New York paper, the New Leader, and the statement in the Washington Post, and the facts revealed in those letters, one of them from a retired naval officer, and get up and say, "Mr. President, I am getting tired of having these matters discussed here. They are liable to stir up religious feeling." You ought to put an apron and a bonnet on such a fellow and make him queen of the festival. [Laughter.]

Why, you would not even hear such a feeble suggestion like that coming from a women's sewing circle. The women are with me in this fight. Thank God, they are doing good service. Men and women throughout the country may suffer for a time the affliction of having men here who are afraid to speak for them, but it is not long until they can change that situation.

Mr. President, the Senator suggests that this is not the Roman cross. I assert that it is. Why, even this little pudding-headed, mush-mouth Japan representative, Frederic William Willensky, known now as Frederick William Wile, admits that it is the Latin cross. I do not know who told that muttonhead about it, but he admits that it is the Latin cross; and others writing to me say that it is the cross of St. George, and he was a Catholic, of course. I said that all of our churches had never agreed on any particular pennant; but that was not the question. The question was whether you would even fly that pennant somewhere else instead of over the American flag, and you chose to fly it over the flag, instead of letting the same pennant be flown at another place when religious services were being held. You can not get away from this issue; and I challenge you to meet me in debate on it. Come out in the open, and bare your breast, and fight like a man! If I am wrong, answer me at the judgment bar of this body, and at the judgment bar of the American people. Do not stand up and whine like a child and say, "I wish he would quit and let this question alone. I have been here a long time." Yes; some of you have been here too long and much longer than you are going to be here. [Laughter.]

Mr. President, I had a conversation with a retired naval officer. I said, "How did this custom start anyhow?" He said, "They used to fly a pennant alongside the flag; sometimes they flew it under the flag," and his recollection was that three Roman Catholic chaplains suggested flying it above the flag, and there it is, and there is where you voted the other day to keep it.

No wonder you are getting tired of it! You are like the negro in my State who was being tried before old Judge Carmichael. The judge was winding up the docket on Friday afternoon, so that he could go home on the late afternoon train. He thought he had sentenced all of those that had been convicted. Turning the docket leaves, he looked down there and saw a little negro humped up, and he said, "Yes, yes, yes"—the old judge talked in a rather positive but peculiar way—he said, "Yes, yes, yes; stand up there! What have you got to say why the sentence of the law should not be pronounced on you?" He said, "Nothing, jedge, except I ain't been convicted of nothing yit." "Oh, yes; that's right," the judge said; "the jury is out on your case now." He said, "Well, Sam, you and I might dispose of this thing while we are here all alone. What would you like to do?" Sam said, "Jest betwixt us, Judge, I would like to drap it right where it is." [Laughter.]

And that is what the Senator from Connecticut would like to do. Drop it where it is, when Mussolini's agents are working like bees through the United States to-day; while his Fascist leaders here are wiring him allegiance and congratulations on his betrayal of the Italian Government. But I am told we must not discuss these things in the Senate, because somebody—that means some Roman Catholic—will be offended. Away with that talk! Let us talk about anything and everything here that concerns the safety and well-being of this Republic. If anything is said here that is not true, if any argument is made here that is not sound, let somebody, for truth's sake, have the courage to stand up and try to answer it, and not dodge and evade by trying to deliver a lecture to the man who made the speech. Let the American people who read this RECORD pass judgment on the question. We are their servants, and this is their Government.

Mr. WALSH of Massachusetts subsequently said: Mr. President, I request, without comment but for the purpose of having the truth known on the subject, to have printed in the RECORD following the debate of this morning an interview given to Mrs. George F. Richards, one of the most reliable members of the Senate press gallery, by Chief Chaplain Dickins, of the Navy, explaining the use and custom of displaying the chaplain's flag during religious service.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAVY WORSHIP FLAG DEFINED—CHIEF CHAPLAIN, DENYING PENNANT IS SYMBOL OF SECT, POINTS OUT PRACTICAL PURPOSE SERVED—GIVES INFORMATION TO OTHER VESSELS

(Special dispatch to the Gazette)

WASHINGTON, February 8.—The Navy Department made clear the status of the church flag used on United States ships during the holding of a religious service on board. Chief Chaplain Dickins, of the Navy, said:

"The church pennant of the Navy is not the pennant of any church or denomination. It is absolutely nonsectarian and undenominational. It flies only during divine service and indicates to near-by ships and other vessels that religious worship is being conducted on board and

that all persons should conduct themselves accordingly, to the end that the service may not be interrupted.

"Thus it serves a practical purpose. It flies on a separate halyard from the American flag, which is lowered about 2 feet from the top of the staff. At the end of the service the church pennant is drawn down.

"The same church pennant of white with a blue Latin cross is flown during all religious services, whether the clergyman conducting the service is a priest of the Roman Catholic Church, a Presbyterian minister, or a rabbi. That it is entirely nonsectarian is proved by the fact that the Corps of Army Chaplains is composed of members of every one of the recognized major religious denominations. At present the corps comprises 80 members, of whom 11 are Roman Catholics, 18 Presbyterians, 15 Methodists, 10 Episcopalians, 2 Congregationalists, 2 Lutheran, 4 Disciples of Christ, 2 Christians, 1 Reform, and 3 rabbis. All conduct services under the same flag according to their own church customs.

"All first-class battleships and some cruisers carry chaplains, and they are also stationed at all foreign stations, where they use the same flag and carry out the forms of worship of their own church.

"The claim that the Navy church pennant is the symbol of any specific denomination is absolutely without foundation."

RICHARDS.

Mr. HAWES subsequently said: Mr. President, we have had some more discussion this morning of the flag. For my own information, and to secure the proper historical background of the pennant which has been used in the Navy for so many years, I communicated with the chief of chaplains of the Navy, Capt. C. H. Dickins, who has served the Navy in that capacity for over 20 years. I ask that his letter to me be inserted in the body of the RECORD,

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., February 11, 1929.

MY DEAR SENATOR: In response to your telephone message asking for as specific information as possible relative to the church pennant used in the United States Navy, I am herein sending you all the definite information I have been able to secure after two years of research.

The United States Navy church pennant, the meaning of which, and origin, and its use, which seems to have been the subject of so much discussion for and against, is a white triangular field charged with a blue Latin cross (this is not a Roman cross). Its length is three times that of its perpendicular height. The blue cross in length is one-third the length of the pennant, and the total width of the cross one-half of this length. The ordinary pennant is 6 feet in length and 2 feet in width; therefore, the blue cross would be 2 feet in length and 1 foot in width.

According to the Navy Code and Signal Book, this pennant "is to be hoisted at the peak or flagstaff at the time of commencing, and kept hoisted during the continuance of divine service on board vessels of the Navy." This cross is not, nor has it ever been, the distinct copyrighted property of any denomination, but has been used for many centuries by the great Christian family throughout the world. The oriental or Greek cross used by the Eastern Orthodox Church differs from the Latin cross in that the arms and staff are of equal length, and is known to us in America in this form as the Red Cross, which, of course, was copied from the cross used by Switzerland.

After careful research, I am of the opinion that the church pennant used in the United States Navy was copied somewhat from the church flag in the British Navy. The British church pennant in use to-day differs from the American church pennant in the following particulars: It is triangular in shape, similar to ours. In the first third of the pennant is placed the cross of St. George, and the other two-thirds of the pennant is broken up into three horizontal bars of red, white, and blue. During divine service on board a British man-of-war this church pennant is run up alongside the Union Jack at the stern of the ship or is flown from the peak, in practice somewhat similar to our own, with the exception that the Union Jack of the British Navy is not lowered.

The tradition regarding the use of the church pennant carries us back to the organization of the Navy. I have been unable to discover any instructions, regulations, or references relative to the church pennant prior to 1836. In 1836 the church pennant is mentioned as one of the articles making up a ship's allowance list, and this is again mentioned in 1844. From that time on there is practically no reference to the church pennant up till 1868, when in the Code and Signal Manual of the Navy it definitely states what evidently had been the practice of the Navy for many years prior to that, i. e., that "the church pennant shall be flown above the national ensign during divine service."

One of the earliest definite references in regard to the display of the church pennant is that found in an order issued by Admiral Farragut, as follows:

UNITED STATES FLAGSHIP HARTFORD,
Off the City of New Orleans, April 26, 1862.

Eleven o'clock this morning is the hour appointed for all officers and crews of the fleet to return thanks to Almighty God for His great goodness and mercy in permitting us to pass through the events of the last two days with so little loss of life and blood.

At that hour the church pennant will be hoisted on every vessel of the fleet and their crews assembled will, in humiliation and prayer, make their final acknowledgment therefor to the Great Dispenser of all human events.

D. G. FARRAGUT,
Flag Officer, Western Gulf Blockading Squadron.

This certainly establishes the use of the church pennant without any question back to that date, but the fact that the pennant was a part of the ship's allowance of every vessel in the fleet and that its use was so commonly known, indicates that the custom is not a new one. In a French book of flags, published in 1850, we find among the cuts of flags of the United States the church pennant exactly as we have it to-day.

Desirable as it might be, were we to attempt to trace the origin of the many customs which color our life of to-day, that attempt would end in mystery. So general have they been—even though far-reaching in their effect—no one has thought it necessary in the past to carefully set down the reason or origin of these customs. So it is with the use of the church pennant in the Navy. In the pioneer days of our Navy, much as we probably disliked and distrusted our mother country, we did incorporate many of her naval customs in our naval service, too numerous to mention in this communication, but one of them undoubtedly was the use of the church pennant, and its use has been so much a matter of common knowledge as not to need statement of origin.

Before 1836, when we find the first mention of the church pennant, I doubt if there were many regulations of any kind in the service; consequently it should not be considered strange that explicit instructions have not been written in our naval logs relative to the church pennant and its use, for the same point might be raised regarding many other happenings or customs in the Navy. It should be considered sufficient to establish the fact that the use of the church pennant in the Navy is of very early origin in our service, due to the fact that it was well known as far back as 1836, and again was spoken of by Admiral Farragut, showing its position of importance in connection with divine service in the Navy.

When a United States naval vessel is at sea, in company with other vessels of the fleet, or at anchor in port, on Sunday morning, church call is usually sounded at 10 o'clock, and immediately the Stars and Stripes are lowered just sufficiently to permit the church pennant to be run to the peak over it, and there it remains until the completion of divine service when it is run down and the Stars and Stripes are again run to the peak of the flagstaff as before. This is the only service in connection with which the church pennant is hoisted. When a funeral occurs on board the church pennant is not used. The Stars and Stripes are half-masted and remain so during the service and until the body has left the ship or has been buried at sea, when the colors are then run to the peak. If a United States vessel is operating alone at sea and not in sight of other vessels, neither the United States colors or the church pennant are hoisted. The service is simply carried on without these outward evidences.

To quiet the misunderstandings and misconstructions being placed upon this church pennant by overzealous, though perhaps seriously minded, members of Protestant Christianity, it may be interesting to note that this pennant had long been in use in the United States Navy by Protestant chaplains prior to the appointment of the first Roman Catholic chaplain in 1888. This chaplain was the Rev. Charles H. Parks. He was the first Roman Catholic chaplain to be appointed in the United States Navy, and it is my belief that for over 80 years prior to this appointment our treasured church pennant had been in use in the Navy. It may also be interesting to note in connection with this that the first chaplain regularly commissioned in the United States Navy was the Rev. William Balch, a Congregationalist. He received his commission, No. 1 in the Chaplains' Corps, in 1799, and I have no doubt the church pennant was flung to the breeze during the time of his holding divine service.

As Chief of Chaplains attached to the Bureau of Navigation, Navy Department, Washington, D. C., a clergyman of the Episcopal Church who has seen service in the Navy for over 30 years, I feel a deep sense of gratitude to the gentlemen of the Senate who, during this past week, definitely indicated their stand in regard to the perpetuity of this simple Christian acknowledgment—the display of the church pennant—of our dependence upon Almighty God, through His Son Jesus Christ. To-day its use may be somewhat governed by old naval custom, but it is my earnest hope that the day be not far distant when—if it be thought necessary to allay all feeling of misunderstanding—definite action shall be taken by the Congress to perpetually provide for the use of this simple acknowledgment of our dependence upon the great Architect of the Universe in both branches of our military service, and to assure our millions of Christian people that this cross-emblazoned

flag is not the flag of any foreign potentate or any creed or race, but simply an evidence that we all are believers in and followers of the Man of Galilee.

Long may it wave and point us to the way of a better and holier living in His name!

Sincerely yours,

C. H. DICKINS,
Captain, Chaplain Corps, United States Navy.

Hon. H. B. HAWES,
United States Senate, Washington, D. C.

WAR MINERALS RELIEF ACT (S. DOC. NO. 224)

Mr. ODDIE. Mr. President, at the first session of the present Congress the junior Senator from Georgia [Mr. GEORGE] submitted a resolution, Senate Resolution 263, calling on the Department of the Interior for copies of the rules, regulations, and promulgations followed by the Department of the Interior in the administration of "An act to provide relief in cases of contracts connected with the prosecution of the war and for other purposes," which I had the honor of introducing and which was approved as amended on March 2, 1919. I now ask that the rules, regulations, and promulgations which have been furnished by the Department of the Interior in response to said resolution be printed as a Senate document.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, this looks like quite an extensive document. Has the Senator any estimate as to what the cost will be? As I understand, there is some limit as to the cost of printing.

Mr. ODDIE. It is not extensive. It is just as it came from the Department of the Interior. It will be of great benefit in the presentation of these claims to the district court.

Mr. JONES. I have no objection to it, except that I know there is a limit of about $200 on the cost of these matters. If it will cost more than that, it will have to go to the Joint Committee on Printing, I understand.

Mr. ODDIE. If that is found to be the case, I will bring the matter before the committee. I hope that the order can be given now to have the matter printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

GILLIAM GRISSOM

Mr. SIMMONS. I ask unanimous consent, out of order, to report back favorably, without amendment, from the Committee on Finance, Senate bill 2695, for the relief of Gilliam Grissom. I send the bill to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, the report will be received. Is there objection to the present consideration of the bill?

Mr. JONES. If it will not lead to debate I have no objection.

Mr. SIMMONS. It will lead to no debate. It is just a small matter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Collector of Internal Revenue Gilliam Grissom, North Carolina district, in the sum of $567.63 to cover disallowance due to overpayment of subsistence to Deputy Collector A. S. Mitchell, which was incurred in the months of March, April, May, June, and July, 1926.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF STORM SUFFERERS

Mr. SIMMONS. Mr. President, I wish to advert to a notice I gave a few days ago of a motion to reconsider the vote by which the Senate agreed to certain House amendments to Senate Joint Resolution 182, providing for certain farm relief in the Southern Atlantic States.

I have not changed my opinion with reference to those amendments, which I think were inadvertently agreed to by the Senate. I think they so emasculate the resolution as it passed the Senate as will make it practically of no benefit to the sufferers whom it is intended to relieve.

The more I have considered the matter the worse I have found it to be. For instance, one of the amendments provides for a limitation of the amount which may be loaned for fertilizer and seeds for cotton and tobacco to the meager sum of $8 per acre. That will not pay one-half or one-third of the expense of seeds and fertilizers for tobacco. It might possibly pay the expense of fertilizer for cotton in that section of the country where the land is of such character as to require but very small fertilization.

There is another limitation which is of material importance to the people concerned. It applies to all crops except tobacco and cotton, and as to all other crops of whatsoever character only $3 an acre can be loaned under the amendment of the House to the joint resolution.

Florida, probably of all the States involved, was the greatest sufferer. Florida probably suffered more from the storms of last year than did any State in the Mississippi from the terrible flood that swept over the lower reaches of that great stream. In one section of Florida not only were the crops utterly destroyed but I think in that particular section over a hundred people were drowned. I will ask the Senator from Florida if I am correct about that.

Mr. FLETCHER. Mr. President, over 2,000 people were drowned.

Mr. SIMMONS. In the State.

Mr. FLETCHER. In that section.

Mr. SIMMONS. Over 2,000. It was worse than I thought it was.

Mr. FLETCHER. If the Senator will allow me, under the provisions of this measure I can not see how any possible benefit can come to the people of Florida. Certainly, when it comes to providing nursery stock for groves that were devastated, and fertilizer and seed for potatoes, and other crops $3 an acre will not be worth anything, because it does not provide anything near enough.

Mr. SIMMONS. Three dollars per acre for potatoes would hardly be more than one-tenth of the cost of the seed.

Mr. FLETCHER. Precisely. If the Senator will allow me further, I want to say that I can not see, to be perfectly frank about it, that this joint resolution is worth three cents to the people of Florida. I do not believe it is worth anything. I do not think a single loan will be made in the State under it. I think we are in the attitude of asking Federal aid and getting nothing absolutely, and we are in the attitude of having received Federal aid or some consideration from Congress, because of the great disaster that visited our section, and getting nothing absolutely. I would rather not have taken any step whatever looking to any Federal relief than to have had this sort of performance.

Mr. SIMMONS. I spoke in reference to Florida because the whole country knows that Florida was the greatest sufferer among all the States mentioned in the joint resolution, and it was the conditions existing in Florida, I think, more than anything else that led us almost unanimously in the Senate to agree to an authorization of an appropriation of $15,000,000 for the relief of Florida and two or three other States near by. The House has cut the amount down to $6,000,000.

Florida is a State in which very little tobacco and very little cotton is raised. The people there can not get the benefit of the $8 per acre. They raise vegetables and fruit, and $3 an acre, as I have said, would probably not amount to more than one-tenth of the cost of the fertilizer and seeds. So, as the Senator from Florida has said, I am quite sure that that State will get no benefit from the joint resolution.

So far as my State is concerned, it is chiefly the tobacco growers who are interested, and they can get no benefit from the joint resolution, because the cost of the fertilizer and seeds for tobacco would reach probably not less than $35 an acre. That is a crop that has to be highly fertilized. They can get only $8, just about one-fourth of the actual cost of the seed and the fertilizer.

In order to get that amount they have to give the Government a first lien upon their crops, making it difficult, certainly very much more difficult, for them to make additional advances for the other three-fourths of the cost of seeds and fertilizer, and making it difficult for them to get advances to supply their families while they are making the crop.

The people who are to be benefited by this are supposed to have lost their crops last year. They are mostly poor people and they must have help, not only in the matter of fertilizers and seeds but they must have help in order to secure the necessary means of living during the year.

In my State I am quite sure there will be but few, if any, applications for aid under the measure. But I am told that in South Carolina, and probably in Georgia and Alabama, where they plant cotton extensively, where they do not have to fertilize very heavily, the resolution may be of benefit, and that appeals to me, because I know they suffered there greatly. But more than that, I am told, Mr. President, and am convinced after pretty thorough investigation that if the joint resolution should be reconsidered and recommitted to the conference com-

mittee, the House would refuse to recede from its position, and there would be no legislation of any kind upon this subject.

Responding to the appeals of some Senators who represent cotton States, where, they say, the people may get some benefit, I am constrained to withdraw my motion for a reconsideration of the vote of the Senate agreeing to the House amendments to the joint resolution which passed through this body for the relief of the sufferers in the South Atlantic section.

The PRESIDING OFFICER. The motion will be withdrawn.

MIGRATORY BIRD REFUGES

Mr. DILL. Mr. President, a few days ago there appeared in the Washington Star a news item to the effect that Dr. E. Gilbert Pearson, of New York, president of the National Association of Audubon Societies, had gone to the White House with the Senator from South Dakota [Mr. NORBECK] and Representative ANDRESEN in the interest of the migratory bird bill, and the article went on to set out the great interest the Audubon Societies had in that legislation, and it would give the impression that these societies had been supporting this kind of legislation all the time.

The truth of the matter is that the bill which the Audubon societies and the affiliated organizations tried to cause Congress to pass was a bill which would have made out of the bird refuges parks to be used for the slaughter of the birds that had gathered in the refuges.

The bill which came to the Senate provided for a license on every hunter in America who wanted to shoot migratory birds, and also provided that a part of the grounds which were set aside for the birds to have as refuges could be used as places for slaughter. It was only through the efforts of some of us in the Senate who held up the bill and fought those provisions of the bill until they were finally eliminated, much to the discomfort and to the displeasure of our colleagues, that it was made possible to have a real migratory bird law enacted.

I wanted to say this because I did not wish anyone to get the impression that the real migratory-bird legislation that has passed Congress was due to the efforts of the Audubon societies or those affiliated with them, particularly the gun manufacturers and the ammunition makers of this country, who had primarily in mind the amount of guns and ammunition they would sell as a result of it.

The bill which has finally passed the Congress is a real conservation measure, a measure which I am proud to have had some part in having passed; but had the other bill passed that was supported by those societies, particularly the Audubon societies, I should have been ashamed that the Government would spend money or would use its offices in that way.

I ask unanimous consent to have printed in the RECORD at this point an editorial from the Washington Post, under date of February 14, 1929, on this subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIRD PROTECTION

Delay in getting legislation through Congress is generally conceded to be one of the necessary evils of representative government. But the tendency to prolong debate and to hold up measures with amendments and reconsideration is not always to the disadvantage of the public. The bill for the protection of migratory birds which has finally been approved by the Senate offers an example of delay justified by what was accomplished.

For years Congress has been considering this subject without being able to agree upon any measure. In the controversy the objectionable features of the bill have been eliminated, and it will become a law for the preservation of wild-bird life rather than a regulatory measure for shooting grounds. Manufacturers of guns and munitions have been trying to drive through Congress a bill in the interest of hunters, and not for the protection of birds. Congress has done well to substitute a plan for establishment of sanctuaries in place of a scheme to regulate slaughter of wild life.

The bill authorizes the Secretary of Agriculture to acquire inviolable sanctuaries for migratory birds and to develop these areas with the cooperation of local authorities. Birds will not only be protected from hunters in these refuges but precaution will be taken against pollution of water about breeding places, and dikes will be constructed to provide suitable environment for aquatic birds. The Department of Agriculture plans to establish at least 125 sanctuaries, with at least 1 in every State. Expenses of this program will be met with appropriations amounting to $200,000 for 1931, $600,000 for 1932, and $1,000,000 for each of the seven succeeding years. Present plans call for completion of the preserves within 10 years.

Such protection is much needed in this country. Several important species of birds which once inhabited America are now extinct, and others are seriously threatened. The movement has been supported chiefly by the lovers of birds, but its economic value to the country at large should not be overlooked. As it stands the measure justifies all delay in its enactment.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I wish to call the attention of the Senate very briefly to two extremely interesting editorials in support of Senate bill 4518, to create a national institute of health. One of them appears in the New York Herald-Tribune of yesterday, and the other appears in the Boston Transcript of yesterday. They are brief, and I wish to read the extracts from both of them. The first is as follows:

FOR FEDERAL HEALTH RESEARCH

The only obstacle to passing the Ransdell bill for the creation of a national institute of health seems to be senatorial inertia. It is possible that Senators are bored with the voluminous indorsements of the measure by distinguished men of science and by medical and other organizations. Few bills of any description have had such a wealth of expert backing. The institute proposal might have come to a vote before this if there had been anything in it to excite serious opposition.

The plan is to enlarge the present Hygienic Laboratory in Washington to a national health institute, under the control of the Surgeon General, "which shall be devoted to scientific research in the problems of the diseases of man and matters pertaining to health." Such expenditure as may be necessary for this purpose is authorized. Also the Treasury Department is authorized to accept gifts unconditionally for study, investigation, and research by the institute. Another provision is for a system of fellowships in scientific research by which the institute may encourage men and women of marked proficiency in research relating to disease.

Scarcely a dissenting voice has been raised against this program to enable the Government to promote human health as sedulously as it does that of animals and plants.

I call that sentence particularly to the attention of all Senators:

To promote human health as sedulously as it does that of animals and plants. The scheme calls for no new bureau; it is to use existing Government machinery more fruitfully than heretofore. One or two Senators have pricked up their ears with quite valid curiosity at the indefinite cost of the institute, supposing that private donors do not come forward. Secretary Mellon, however, who finds the principles of the Ransdell bill wholly meritorious, has heard from the Bureau of the Budget that "the proposed legislation is not in conflict with the financial program of the President." The Senate has a heap of business on hand, but it would take only a few minutes to pass this much-commended bill for the Federal advancement of health research.

Senators, that editorial is from the Herald-Tribune of New York City, one of the greatest newspapers in the country.

Now I wish to read briefly from an editorial which appeared in the Boston Transcript of yesterday afternoon. It is entitled "Why Should Congress Delay?" and reads as follows:

Surgeon General Hugh S. Cumming, of the United States Public Health Service, has warned the country that, although the influenza epidemic appears to have abated, its return may be expected, and it may prove more virulent than before. Deaths from cancer show no signs of diminution, pneumonia is taking its toll about as usual, and many other deadly scourges are cutting off men and women in their prime because science has not yet uncovered the secret of their source. Yet the Ransdell bill for the establishment of a national institute of health, which encounters no opposition whatever, except from one western senator, noted as an objector on general principles, hangs fire in the United States Senate, and, in fact, has not yet found a place on the calendar.

Of course that is a slight error. It is on the calendar, but we have not yet been able to get it up for consideration.

It is unanimously reported from the Committee on Commerce, and it is indorsed by the Secretary of the Treasury, within whose jurisdiction the administration of the institution would fall.

This measure aims to prevent disease by authorizing, without creating any new bureaus or commissions, a great cooperative scientific organization, under the direction of the Surgeon General, which will bring together leading experts in every branch of science, for the study of disease and the application of preventive measures in advance of its outbreak.

Senators, think how important that is—the study of disease and the application of preventive measures in advance of the outbreak.

Its three main provisions would utilize the Public Health Service for much broader researches than are now possible and enlarge the Hygienic Laboratory, authorize acceptance by the Treasury Department of private gifts for the furtherance of the study of disease, and institute a system of fellowships in scientific research, for the purpose of securing the most

efficient personnel. It contemplates a national drive against disease and for health, along the broadest possible lines and with the most efficient equipment.

It seems strange, with the country continually visited with costly epidemics, that Congress should hesitate to enact, or even to consider, this subject, when a measure so admirably framed and so unanimously favored should lie under its hand. Especially is this true when it is recalled that the Democratic party is formally committed to support of this project, through a plank in its platform adopted at Houston last June, and is in duty bound to see that the measure is brought up for action. An attempt to place the bill on the calendar will be made next Monday, we understand, and it would seem to be assured backing enough to find a place there.

And this is the concluding sentence:

Congress can hardly afford to assume the responsibility of trifling with the public health.

Mr. President and Senators, if we do not pass the bill at the present session, in my judgment we will be trifling with the public health.

Mr. NEELY. Mr. President, I ask unanimous consent that there may be printed in the RECORD an editorial from the Charleston Gazette, entitled "National Health Institute," and I call particular attention to the paragraph in the editorial in which a former Member of this body, Hon. William E. Chilton, expresses his appreciation of the great work the senior Senator from Louisiana [Mr. RANSDELL] is doing in behalf of the health of the people, reading as follows:

Senator RANSDELL'S work in building a national institution which has mastered leprosy is enough monument to achievement for any one life. It gives him the right to a place among the great who have made the world better by having lived.

He is now pleading with Congress to pass Senate bill 4518, the purpose of which is to create a national institute of health. Every citizen ought to read the bill and Senator RANSDELL'S clear, forcible speech in the RECORD of February 6. The purpose of this bill is to put the brains and money of the Government behind a national organization to preserve the health of the people. This is a work beyond the means of local governments and private hospitals.

I ask that the entire editorial may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the editorial will be printed in the RECORD, as requested.

The editorial is as follows:

[From the Charleston (W. Va.) Gazette February 15, 1929]

NATIONAL HEALTH INSTITUTE

We have in mind a public servant whose name is not as much on the front page as others, though he has the ability to put it there when so disposed.

It is Senator JOSEPH E. RANSDELL, of Louisiana, who has been continuously in public life for many years. Modestly he has performed his duties, caring little for the limelight. But few things of great importance get through to the President's signature to which he has not contributed something useful in the way of investigation and thought. When he speaks in the Senate his colleagues know that his words come from an honest heart and a trained mind ever seeking the truth, and that he is truly devoted to the cause of justice and to the public good.

The other day he read to the Senate a letter from Dr. C. P. Munday, of the Carville Leprosarium. Do you know what and where that is? Unfortunately few do. It is in Louisiana. It was hard to find a place to locate a sanitarium for the dreaded leper that, 1,900 years ago, all feared to touch save Jesus.

But through the work of Senator RANSDELL his State turned over the leper refuge, which the State of Louisiana, in the breadth of its Christian spirit, has provided, to the Federal Government. There the Government proceeded to study this disease which has baffled the medical profession through the centuries of civilization. By the slow, tedious processes of experiment a cure has been found in chaulmoogra oil. The results have been as astounding as they are gratifying. Forty-two victims have been discharged as cured and but one had to be returned for further treatment.

The letter of Doctor Munday is really a report on the work of this leprosarium. There is deep human interest in the following selection from that letter:

"One bright Sunday morning late last summer eight of the patients at Carville, the largest number paroled at one time in the 34 years of the colony's history, packed their simple belongings, made their religious devotion, bade their gallant colony friends farewell, and began a joyous little procession of departure. One who had come as a young girl 33 years before, who had been away but one short week in those long, near-hopeless years, turned aside to say farewell words to the medical officer in charge. She bore scars of a brave fight against relentless disease, but her face held a light of joy no actress could hope to simulate as she tried vainly to make mere words express her gratitude. In the lines of Father Ryan, poet-priest of the Southland, many times she had 'shrouded her griefs in a smile,' but now at the moment of victory she 'wept when her heart was the gladdest.' Then she rejoined the others as they went around the little chapel, over the lawn, under the drooping moss-fringed live oaks to the waiting friends of the outside world."

Senator RANSDELL'S work in building a national institution which has mastered leprosy is enough monument to achievement for any one life. It gives him the right to a place among the great who have made the world better by having lived.

He is now pleading with Congress to pass Senate bill No. 4518, the purpose of which is to create a national institute of health. Every citizen ought to read the bill and Senator RANSDELL'S clear, forcible speech in the RECORD of February 6. The purpose of this bill is to put the brains and money of the Government behind a national organization to preserve the health of the people. This is a work beyond the means of local governments and private hospitals.

It is more important than tariff, prohibition, primaries, cruisers, farm relief, flood control, Boulder Dam, or the oil scandal. When science can master smallpox, tuberculosis, and leprosy, what is not possible with brains, organization, and money? The governments of the earth 20 years ago would have gladly given billions for what the world now knows of tuberculosis, leprosy, diphtheria, and hookworm.

Rockefeller's contribution to mankind is an outstanding service which shows not only a good heart but a comprehending mind. Experiments with disease must follow causes and effects, even to the ends of the earth. Such work requires life work, consecrated devotion and purpose, and a purse that has no bottom. Rockefeller has contributed to humanity in his efforts to master disease sums beyond the ability of cities, counties, and States, and many times more than any other one person who has ever lived. Yet his greatest contribution is the lesson how to go about health work to get results. But what he has done will be at the disposal of the national institute of health. All sanitariums, hospitals, and public and private institutions to cure and prevent disease can be in touch with this institute. It will become the object of the interest and affection of the people. The United States has conquered leprosy, tuberculosis, and other dread diseases largely through the philanthropy of private citizens, chief among whom is Rockefeller. What an instrument of peace! How much more so when the smaller nations, and the larger ones in the East, who suffer so much from diseases which they can not master will point to the United States as the merciful benefactor of mankind, which has created a health institute which defies the word "incurable." To have the United States occupy such a position, to have it within the scope of its constitutional powers the benevolent friend and protector, the intelligent investigator and powerful quarantine guard against disease, is a noble ambition.

Private capital and private institutions may not be enduring. The work of preserving health and preventing disease is never ending, and a nation whose wealth is four hundred billions has even the selfish interest in doing this work in the only effective way possible.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act as amended and supplemented, the pending question being on the first amendment of the Committee on the Judiciary, on page 1, line 3, after the word "prescribed," to insert "in a criminal prosecution," so as to read:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

Mr. BLEASE. Mr. President, on yesterday I made a few remarks with reference to the bill now pending before the Senate. I did not want to encroach at that time upon the time of the Senator from Connecticut [Mr. BINGHAM], but I wish now to repeat what I said at that time in reference to the extraordinarily severe penalties provided in the bill. I want to cite an instance that may possibly give some information to those who are pressing the prohibition proposition to the extent they are now doing.

In the State of South Carolina there was established in the nineties what was known as the State dispensary system for the handling of intoxicating liquors. In my opinion that is the best solution that has ever been offered to man upon this question. I shall not say why at this time, nor shall I discuss the reason for its destruction further than to say that at the time it was adopted it was very bitterly opposed by a certain element of people in my State.

There was a riot in one of the counties because of the manner in which the law was enforced. The governor of the State at that time, who was afterwards United States Senator Tillman, ordered out the State militia to protect the men who were sent to enforce the law. Several of the militia companies declined to go and gave up their commissions. The farmers of the State

voluntarily went to Columbia, formed themselves into organizations and announced themselves ready and prepared to defend the law.

As I said, between the militia, the enforcement officers, and certain people in the State, there was a riot at Darlington, S. C., in which several people were injured and several killed. But that law became so popular in South Carolina that any man who ran for office and did not say that he was in favor of the State dispensary system was easily defeated. Men in favor of the law were elected governor, others were elected to other State offices, and others were sent to the United States Senate and to the body at the other end of the Capitol. It was the most popular law the State had.

When the prohibition-enforcement officers started to go into private homes they would search private homes; they would go into a lady's bedroom, go through her trunk, go through the wardrobes and bureaus, throw everything around. They kept up that kind of enforcement until a revulsion of feeling resulted. The penalties provided for violation of the law were similar to those provided in this bill. That fact, with one or two other things, one of which I wish frankly to admit was that some of those in charge of the office became corrupt and resulted in that law being absolutely abolished long before the advent of national prohibition. Instead of being the most popular law in the State, instead of people being ready to fight to enforce it, it actually became a stench in the nostrils of the decent people of my State.

I say this simply to throw out a warning to those who are attempting to go too far. You may drive people after a while to resentment. I firmly believe that two-thirds of the crime in the United States to-day may be charged to resentment on the part of the people because of the action of Congress and State legislatures in depriving them of their privileges and their rights. Lawlessness is bred by oppression not only by State legislatures but by the National Congress. I repeat that I believe two-thirds of the crime in this country at present is the result of resentment against the oppression which has been put on them by the passage of sumptuary laws and the punishment provided for their violation.

Another thing, Mr. President. Some Senator has stated that the judges will not take advantage of certain conditions. Well, they do take advantage of them. Judges are human; they have the same desires, the same passions, the same hates, and the same prejudices that other men have. They can not help it. I will repeat what I said yesterday afternoon as to what may happen in the case of two boys who are taken into court and convicted of the same crime.

One of them has some influential friends; possibly he comes from a good family; somebody is sorry for his good old mother. Judges will permit men of influence, they will permit the friends of prisoners to come into their private chambers, into their rooms at the hotels, and will listen to pleas of mercy. Those friends may say, "You should impose a light fine; you should let this man off with a small fine, or," they may say, "you should let him off with a short sentence of imprisonment." The judge is influenced by those statements. I know it, and I have practiced in the criminal courts. If I shall live until next June it will be 40 years since in the practice of law I first defended a man for the commission of a crime. I have practiced almost entirely in the criminal court and the damage-suit court. I have defended men for every crime known to the decalogue.

Mr. WHEELER. Were they all guilty?

Mr. BLEASE. They might have all been guilty, but most of them were acquitted.

On the other hand, as to the other boy, who has nobody to speak for him, who has not anybody to go to the judge and put up a private appeal, the judge, while he will be light on the boy who has influence behind him, will give a severe sentence to the little fellow who has no influence behind him. He will give him a terrible raking over about having violated the law and what an example he is going to make of him and how he is going to show people that the law must not be violated. That boy goes off to the penitentiary possibly, while the other boy pays a very small fine.

The same thing applies to the colored race in very many instances. Colored people are given severe sentences for committing the very same crime for the commission of which a white man is let off with a fine or a mild punishment, while, on the contrary, the white man should receive the heavier fine or imprisonment because of the fact that, with his opportunities and advantages, he should know better than to commit the offense that has been committed by the colored man.

We can drive this law through, but, mark my prediction, that when 12 men in a jury room—12 ordinary human beings that are picked up off the street and brought in from their occupations—are told, as the lawyer has a right to tell them in his argument, "If you convict this man for carrying a half pint of liquor or for buying a quart of liquor, this judge will sentence him to the penitentiary for five years or can fine him $10,000," we are going to find men sitting on juries in this country who are going to refuse to convict. So, instead of having the law regarded and upheld, as Senators think this bill will accomplish, it is going to result in turning loose men who are guilty of violating the law.

As I said yesterday, we have instances of that every day. In this city and all over the country juries go out, especially in States where the judge passes the sentence and the jury has not anything to do with it, and return with verdicts of acquittal when they know from the evidence the man is guilty.

I have actually known of cases where juries sent the foreman out to ask the judge if they should convict a certain person what would his punishment be. Of course, the judge properly sent the foreman back and said, "This is my prerogative and I decline to say"; but I have known of a jury in such a case coming back with a verdict of not guilty after they had agreed that the man was guilty, because they did not propose to put a man who had committed merely some slight offense in the hands of a judge who would give him a very severe punishment.

I believe, Mr. President, that judges should have some discretion; I am not saying anything against that; but I repeat that if we go too far and make the penalties too severe we are going to find guilty men deliberately turned loose by juries because those juries do not propose to see the infliction of such heavy punishment.

Mr. President, I am in favor of the prohibition law; it is all right with me; and, to tell the truth, I do not see why anybody makes a fuss about it, as conditions are at present. The man who does not want liquor does not have to have it, and the man who wants it does not have any trouble in getting it. So I do not see what either side keeps on raising the devil about. It seems to me that both sides ought to be satisfied. If anyone wants whisky, it is the easiest thing in the world I know of to get.

Mr. TYDINGS. Where can you get it?

Mr. BLEASE. It is all around. The newspapers advertise every day where it is. They provide advertisements for the places where liquor may be obtained, the best advertisement of which I know. I do not know of any better way to help the liquor traffic than to advertise in the newspapers that a drink can be bought in a certain place.

Mr. TYDINGS. Mr. President, will the Senator permit me to interrupt him?

Mr. BLEASE. With pleasure.

Mr. TYDINGS. I want to say that if the names and addresses of the particular places where liquor can be obtained should be sufficiently advertised, it would be one way to enforce prohibition, because the supply would soon be depleted.

Mr. BLEASE. I wish to say to the Senator that, so far as I am personally concerned, I would not report one of them if I saw a man selling it, delivering it, and taking the money. If I go to a man's home or his store and he should give me a drink, I would sever my right hand before I would be a low enough dog to go out and tell it.

I think the lowest dog in the world is the man who will go into another man's home and enjoy his hospitality—I do not care whether he is an officer or not—he is a low dog if he will eat a man's bread and then bite him. That is my individual opinion, and I do not propose to report anybody for selling liquor. As I have said, if I should see anyone selling it, I would not report him. That is not my job. I was sent up here to represent or try to represent the people of my State in the United States Senate. I was not sent up here to be a spy. If I were down home, and saw anybody hauling liquor or selling it, I would not tell on him, for that is none of my business, and I hope that a lot of Senators here would not take advantage of that kind of a situation, for if they should I am sure some of the blind tigers would be in bad shape. [Laughter.]

Mr. President, as I have said, I am in favor of the prohibition law, and I am in favor of the strictest enforcement of it. I think if it were really strictly enforced as affecting white people, black people, rich, and poor alike it would be only a few years until we would see it repealed. That is the truth about it. If the proper officials will enforce it against the foreign embassies, we will stop some people drinking who are afraid to drink any liquor unless they get it from such places. They are afraid to drink it unless it comes from there because they are afraid that the kind made in bathtubs is not very good. There is another element who should not be permitted to have it, and that is the class who drink it and then get up and preach and holler prohibition, all the time drinking in secret. It would stop some other people who sit up in the amen corner of the churches and take a drink before they go to church and one or two after

they get back from church, so that they may be able to stand the sermon. [Laughter.] Take theirs away from them, and by the time all these classes become hitched together they would repeal the law. But, of course, Mr. President, you know and I know that the law is not fairly enforced. You know and I know that the big man has liquor whenever he wants it; the rich man has his whenever he wants it, and it is only the poor little fellow, the working man and the poor man, against whom the law is enforced. If they get a rich man in court charged with violating the law, they just let him pay a sufficient fine as a license and permit him to go on selling it. That is going on all over this country. The judge will fine him just about what the license would be.

In some of our towns and cities, where the "blind tigers" are running, the police go and raid them perhaps once or twice in a month and take those charged with the offense before the city court or some other court, where they are allowed to pay just about a sufficient fine to amount to a license and then are turned loose to go on with their business. What is the use of deceiving ourselves about it?

I say if we do not watch this bill, instead of providing what we think we are providing we will be simply making matters worse. I do not believe that because a man commits a little crime he should be put in jail for the remainder of his life. I do not believe in the doctrine that because a man commits any crime, with the exception of two or three, he ought to be put in the penitentiary and kept there all his life.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLEASE. I yield.

Mr. TYDINGS. I should like to observe that sometimes we get a little out of balance in connection with the penalties which the law provides. There have been some frauds committed against the Government where millions of dollars have been stolen. In some cases the culprit has been convicted, and in a certain case was sentenced to two years in the penitentiary, although he had been a highly respected official of the United States Government. It seems to me that in formulating penalties for breach of the prohibition law we should take into consideration the fact that the man who violates the prohibition law does not deprive someone else of his property, but usually it is a question between two individuals. Yet it seems to be the tendency in this hour of turmoil to hang the man who violates the prohibition law, while one who robs the United States Government, who violates the obligations of high office in the country, may only get a couple of years, and public opinion does not seem to care. It will be a big mistake if we are going to be influenced by the propaganda of a small group of people who really want to hang and shoot down and kill off those who violate the prohibition law.

For my part, while I shall vote for adequate law enforcement, I shall not vote for any law that is so uncivilized and so barbaric as to make a mere breach of a moral law, and not a legal wrong, punishable by an extreme penalty. It is a serious reflection on the civilization of our country to have such laws as that on the statute books. I do not think we ought to listen to different groups who are blinded in their fanaticism for the enforcement of a single law, but should take into consideration the enforcement of all the laws and not provide this penalty outside of the general penalties we provide.

Mr. BLEASE. Mr. President, I do not expect to be tried for either murder or selling whisky, but if I had to be tried for either I should prefer to be tried for murder. If you go into court and are tried for murder, you have some chance of being acquitted. If, however, you go into court and are indicted on a liquor charge, it does not make any difference whether you are guilty or not, the very fact that that charge is brought against you makes you guilty in the eyes of some people, and there is an influence and a prejudice around the courthouse trying to convict you whether you are guilty or not, driving you to the wall every minute, trying to intimidate your attorney by telling him, "Oh, yes; you are defending blind tigers"; trying to influence the judge to charge the jury in the most extreme language he could use for the purpose of convicting the defendant. On the other hand, if you go into court charged with murder, nine-tenths of the world sympathizes with you, and the longer the dead man is dead the fewer friends he has and the easier it is for you to get out. That is why lawyers plead for delay.

Everybody in this country knows that that is true, Mr. President. As I said and repeat, I do not believe in putting men in jail and treating them cruelly and being mean to them, even if they are guilty of a crime. If they are guilty, I do not believe in giving them any extreme, harsh punishment. Every man in this country is made in the image of his God, and as long as there is any part of that image of his God left there is something good in him. Instead of taking a man by the hand and trying to help him to be a better man, possibly putting him in prison for a while to teach him a lesson and then giving him another chance in life, some so-called Christians and some so-called ministers of the gospel—God save the mark!—are just as deeply in the mire of these cruel practices as anybody else.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. BLEASE. I do.

Mr. COPELAND. Is not the Senator concerned about the present situation among the young of our country? I am very much disturbed about this bill, because it leaves wholly in the hands of the Federal judge the question of what he will do with the prisoner. If we may depend upon the testimony of reliable persons, there are many school children in this city who are now indulging in the evils of strong drink.

Mr. BLEASE. That is true.

Mr. COPELAND. If one of these little girls or little boys should be arrested for unlawful possession of whisky under this law which is proposed, if the Federal judge were so inclined he could send that child to prison for five years, or impose a fine of $10,000, which, of course, could not be paid. I can not believe that the ardent friends of prohibition can quite see the possible cruelties and inequalities and outrages that might be perpetrated by this law.

I join with the Senator; I would impose the greatest penalty that could be written into law upon the vile bootleggers who distribute poison to the people of the United States; but when I think about boys and girls in high school and boys and girls in colleges and doctors who might have possession of whisky for the lawful practice of medicine, but yet not acquired under the technicalities of the law, it is distressing to me to realize that one of these children, one of these college students, or a physician could be sent to jail for five years if the judge were so inclined. I think we have lost our sense of perspective, if I may say so to the Senator, in that we are imposing penalties which reach persons who ought not to be brought under the operations of criminal law, and are failing in our legislation to reach those evil persons who are bootlegging, and making fortunes out of the business, and killing persons by the hundred in our country.

That is the view I take of the matter.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. BLEASE. In just a minute.

I thank the Senator from New York very much for his suggestions. I had thought along the lines on which he has spoken; but I think probably I am a little bit old-timy, and I do not care to discuss some of the things I see boys and girls doing in this day and time.

When I was a boy, if I had seen a young lady take a drink of whisky, I would have been astonished. If I had seen a young lady light a cigarette and smoke it, I certainly never would have associated with her any more. But times have changed. I see a good many young ladies drinking whisky now. I was very much astonished recently in a certain hotel. A gentleman invited me to go up to his room with him. I did not know exactly what he wanted, but I had a pretty good idea, and I went up to his room with him. His wife was in there, one of his daughters was in there, and there were two other young ladies attending college with his daughter who were in there. To my utter astonishment and surprise, knowing the man as I did, he set out a bottle of fine whisky, and his wife, his daughter, those two young ladies, and he all took a drink. I was surprised, but it only proved to me what the Senator from New York has just said.

I know another case recently where there was a dance in a hotel. Four girls from as good families as there are in America before 1 o'clock in the morning were removed from that ballroom because they were too drunk to dance. I can call names, but, of course, as I say, I am not going to do it; but I see that going on. Those girls, for instance, under this bill could have been dragged into court, and if some judge did not like their father, or possibly if he was prejudiced against young ladies taking a drink, he could have sent them to the penitentiary for five years, which would have been an outrage not only upon the law but upon decency and humanity.

Mr. President, I did not rise for the purpose of discussing the merits or demerits of the prohibition law. If I wanted to see guilty men acquitted, I would vote for this bill, because I believe, I repeat, that it is going to do more harm to the prohibition law than good, and that the result is going to be as I have stated, that men are going to be turned loose who otherwise would be convicted.

Mr. President, I have talked longer than I had intended to. It has been with great pleasure, however, that I have been able to yield to other Senators to have business in which they were interested transacted.

I was known in my State as a friend of the prisoner, and I am proud that I was. I issued pardons and paroles to about 1,755 prisoners in the four years I was Governor of South Carolina, and if I could go back I would not change one act along that line. I repeat, they deserve fair treatment, they deserve proper consideration; they should be reasonably punished, not only to reform them, but as a lesson to others.

I ask to have inserted as a part of my remarks three letters of transmittal of paroles and pardons to the Legislature of South Carolina during the years 1911, 1912, and 1913.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LETTER OF TRANSMITTAL

STATE OF SOUTH CAROLINA,
EXECUTIVE DEPARTMENT.

To the Honorable the Members of the State Senate of South Carolina.

GENTLEMEN: It being, by some constructions of the constitution, my duty to make a report to you of the number of pardons, paroles, and commutations given by me during the year, I take pleasure in accepting the construction of the constitution, which is, that I should make such report, and I take the greatest delight in saying that I have pardoned, paroled, and commuted 317 people during the time that I have been Governor of South Carolina. Nothing has given me more genuine pleasure than the privilege of exercising the power of forgiveness and of saying to down-trodden humanity, "Arise, cast off your shackles, look up, remember that there is a God, and that there is a future; remember that you are made in the image of that God; remember that you have a soul to save which was given to you by that God; I propose to give you another chance in life; I propose to give you another opportunity to make a man of yourself, to make a good citizen for your State, and, above all, the opportunity to save the soul which your God has given you." I did this because I have been taught from my childhood, and I have learned more thoroughly among mankind, to be merciful, and I believe from the depth of my soul that some time I, myself, must ask for pardon, and I want it said to me, "For, inasmuch as you did it unto the least of these, you did it also even unto me." Had the doctrine of forgiveness not been followed, how would many of the vilest of sinners in Bible character have been forgiven and given the opportunity to rise and become such grand and glorious characters? Shall I for one act in a young man's life condemn him to an everlasting prison cell—the fittest type of an earthly hell? No, gentlemen, I believe firmly and strongly in the plan of salvation, and I believe that that plan is based upon the forgiveness of God; and, some who are condemning to-day the use of the parole and pardon, if it were not for the pardoning power of God would themselves be in hell. Some men go to their churches and are invited by their ministers in the words, "Ye, who do truly repent of your sins and are in love and charity with your neighbor, come forward." They go, and accept the communion of the Lord Jesus Christ and pray at that altar, "Forgive us as we forgive those who trespass against us," and, right then, if they had the power, would place their enemies in prison cells, or possibly would drive a dagger into the breast of the man who is next to him, if they knew that they would never be discovered.

I love all men (but the ways of some I despise); although one may have fallen low, yet I love him, because he is one of God's children, and we all should gladly stoop to raise him and endeavor to make him better, show him the error of his way, and give him the opportunity to go forth and do honor to God, for however low he may have fallen he is made in the image of his God and there is something good in him. We go into our churches to-day and we hear the command—it is continually drummed into our ears—"Do unto others as you would have them do unto you." We hear it thundered from the pulpits, "Love the Lord thy God with all thy heart and thy neighbor as thyself." We are taught these doctrines and others of the Christian churches, and yet some are so low after confessing these doctrines as to stand upon the street corners and other places and abuse that man who shows mercy and who looks his God in the face and says, "Not that mercy I would to others show, that mercy show to me; but that mercy I have to others shown, that mercy show to me."

In my opinion there will be more souls in hell for hypocrisy than all the other crimes in the Decalogue, and I firmly believe that there are men in prison cells to-day who will enjoy the highest blessings of heaven, while some living high and honorable, so called, here will be in hades for their treatment of their fellow beings in this world.

You hear from your pulpits and from your platforms the cry, "Help the heathens; save the cannibals"; and yet when one helps a fellow countryman and attempts to give him another trial and bring out the good that is in him and give him another chance in life the same platform or pulpit shouter will yell, "Pardoning too many people"; but if you will give $100 to foreign missions, to be carried into lands to those who know not, you will hear them shout, "Good! glory hallelujah, God loveth a cheerful giver." We know the man here, our closest neighbor, and to which should we first lend help, our own people or the heathens? But you say our man has committed a crime. Yes; and the very one you are sending your money to perhaps committed or helped murder and possibly helped eat one of our own countrymen. It is easy to criticize; it is easy to talk; but if you will look into your prisons, into your penitentiary, and into your chain gangs, and make personal inspection, as I have done, surely you will reach the conclusion that these are the people that were spoken of in the expression "the least of these." They can sing, and rightly:

"A charge to keep I have;
A God to glorify;
A never-dying soul to save
And fit it for the sky."

If all men who are guilty of crime or of violating the statute laws of our State were brought into court and tried, ah, gentlemen, men in high places might be removed to prison cells. If God in His all-wise providence, some dark night at the hour of 12, should let the broad sunlight burst out with all its beauty upon the earth, what stumbling and hustling there would be from dens of vice in order to keep the eyes of man from seeing. Yet they are not deceiving God, and you know it. But, we are taught, and wisely taught, to be as "wise as serpents and as harmless as doves."

I have been told—and it has been said by some little sniffling editors—that the governor should not pay any attention to petitions. The Constitution of our State, and of the United States, gives the people the right to petition, and no man, or set of men, have a right to deprive them of or oppose that privilege, and I am one that believes that the governor is the servant of and not the boss of the people and that it is my duty to obey petitions, to obey the will of the people, and I expect to do so as long as I am governor, and I present to you here, in a short and concise form, my reasons for granting the pardons, paroles, and commutations I have. The original papers are all on file in my office. I most respectfully ask of you and each of you that if there is any case in which you are interested or in which you would like information, that you come to the office and it will be our pleasure to furnish you with all of the original documents. Possibly I have erred; but if so, it has been on the side of mercy. When you say to a man that he is paroled, you do not turn him loose upon the world, but you throw around him the very strongest of safeguards, because he knows that if he is not of good behavior, that if he commits another crime, he does not run the risk of acquittal by jury; he knows that if he violates his parole he must go back into prison and serve the remainder of the sentence. Therefore, in my opinion, it is better in many cases to have a man under a parole than to let him serve his full sentence, because if he is a bad man and serves his sentence he goes out into the world to do as he pleases, runs the risk of being caught again, has the opportunity to employ counsel and go to the jury, and make a fight through the courts for his freedom; but, if he is under a parole, no such bright opportunities are before him. He must go at once and be reimprisoned, and this makes him better and holds his evil passions in check.

Gentlemen, my record along this line has been made; I am going to go before the people of my State, face to face, man to man, and give an account of my stewardship, and if the people of this State are the Christians that they profess to be, I have no fear of the results; and, if they are not Christians, I am very much mistaken in my knowledge of my people. I fear no harm from the fact that I have shown mercy to my fellow men, but I do expect a reward, not only here but hereafter, because I believe that there is a God; I believe that he is my God; I believe that but for His help I would have never been Governor of South Carolina. I will answer to Him for all my acts; to my people for my acts as governor, and I have no apologies to make to any man or set of men for a single parole, pardon, or commutation that I have granted, for I place myself firmly upon the foundation that "Self-love is the enemy of benevolence. It is far more noble to pardon than to be avenged. It is a part of the animal man to retaliate an injury. It is only God and the sons of God that have the magnanimity to forgive."

And the constitution of my State, section 12, Article IV, which reads, "He shall take care that the laws be faithfully executed in mercy."

"Some one committed a murder last night,
But hundreds of thousands were kind,
For the wrong that is done is forever in sight,
To the good we are fearfully blind;
Some one deserted his children to-day,
But millions of fathers are true;
The bad deeds are not such a fearful array
Compared to the good that men do.

"Somebody stole from his brother last night,
But millions of honest men live;
Some one was killed in a murderous fight,
But thousands are glad to forgive
Their brothers the wrongs that were fancied or real;
The crimes that we hear of each day
Compared to the good deeds that we could reveal
Make not such a fearful array.

"I would answer the men who stand up and declare
That the world is much given to vice,
That the sum of man's crimes every day everywhere
Can't compare with man's sweet sacrifice,
That for every black soul there are thousands pure white,
The sum of the sinners is few.
And I know in my heart that the world is all right
When I think of the good that men do."

Very respectfully,

COLE L. BLEASE, *Governor.*

COLUMBIA, S. C., *January, 1912.*

LETTER OF TRANSMITTAL

STATE OF SOUTH CAROLINA,
EXECUTIVE DEPARTMENT.

To the Honorable the Members of the State Senate of South Carolina:

GENTLEMEN: Twelve months ago, when I stated in my message to you conveying the list of pardons, paroles, and commutations which I had granted, "I take pleasure in accepting the construction of the constitution, which is that I should make such report * * *," some people criticized me by saying that I had to make such report to the general assembly, and that that language in my message was useless.

I beg leave to call your attention, however, to section 11, Article IV, of the constitution, which reads: "It shall be his duty to report to the general assembly, at the next regular session thereafter, all pardons granted by him," and does not require of me to present any reasons for the paroling, reprieving, or commuting any prisoner by me; but I set forth then, as I am doing now, my reasons not only of the pardons, as required by the constitution, but of the paroles, commutations, and reprieves, because I want all of my acts as Governor of South Carolina to be known to the public; and, as I said then, I repeat now, I am not afraid of them, for the indorsement which I received from 72,243 of my white fellow citizens is pretty strong proof of the fact that my administration was indorsed, and if the machine had given me all the votes that were cast for me, and my opponents had not used money, whisky, and intimidation, instead of being 72,243 it would have been at least 90,000, as I predicted at the beginning of the campaign, and as a very large number of my fellow citizens now believe, fully feeling that I was not given all of the votes which were cast for me besides the ones which were taken from me for the reasons just above mentioned.

I furthermore said in my said letter of transmittal: "I fear no harm from the fact that I have shown mercy to my fellow men, but I do expect a reward not only here but hereafter, because I believe that there is a God; I believe that He is my God; I believe that but for His help I would have never been Governor of South Carolina." I was not disappointed, for my people gave me my reward—a second term as governor of my State—and I believe that my reward hereafter will come in due season, for I still believe that only by the help of God Almighty could I have won my first race, and I know positively that only by His help could I have defeated the unholy organization that was formed against me last summer by men of two different factions, which hated each other then and who hate each other now, but were willing to lie down and swap odors in order to defeat BLEASE.

Think of it—many preachers, nearly all the newspapers of the State, the corporations; that is, the leading officials thereof; the lawyers, almost in a body; a large majority of the legislature; nearly all the State officials; a large majority of the delegates to the State convention in May; all the moneyed interests; a large majority of the commercial travelers, commonly called "drummers"; some of the women, praying; some of the old-line so-called reformers; some of the old-line so-called conservatives; many of the Haskellites; the Cubans; the Spaniards and the mixed breeds; a majority of the State executive committee; a large majority of the county executive committee; and all of the election machinery—what a combination, and yet I beat it. Therefore I know that God heard the prayers of myself and my friends; and I repeat that had it not been for Him I could not have won such a victory; and once again I sing "Praise God, from whom all blessings flow." And, as I said and repeat now, "I will answer to Him for all my acts; to my people for my acts as governor; and I have no apologies to make to any man or set of men for a single parole, pardon, or commutation that I have granted," or for a single act that I have done since I have been Governor of South Carolina, or for a single word I have spoken, whether in the State or outside of it, firmly believing that my pardon record for the past two years had more to do with causing my reelection than any other one thing, because my Heavenly Father has said that He would show mercy to those who themselves showed mercy, and my people, my friends, all over the State, when I would give my reasons for pardoning, would holler "Well done," and when I would say, "I am not done yet," in defiance of the Cuban mixed breeds and others of a like stripe, my friends would holler back, "Turn them out," "Go on, boy, you are right," and on the 27th day of August, 1912, they proceeded to turn out of your body and out of the house of representatives many of those who had been loud-mouthed hollerers, "pardoning too many people," some had to change front or profess to have done so to keep also from going out.

I said on the stump, "If you don't want people pardoned, don't sign petitions; for if proper petitions are presented, I am going to turn more out, and you can't help it."

I am still doing business at room No. 1, Statehouse, Columbia, S. C., and though it hurts some folks mighty bad, they can't help it.

Make some one else happy; why be grouchy, mean, stingy, selfish? Wake up, man, and do something yourself and quit complaining about somebody else who is busy and moving forward in good deeds.

"Jest do your best and praise or blame that follers that counts just the same.
I've allus noticed grate success is mixed with trouble more or less.
An' it's the man that does the best that gets more blame than all the rest."

Your constitution says, in speaking of the governor: "He shall take care that the laws be faithfully executed in mercy," and I see and know of no grander way to apply this than to follow the rule, "That mercy I would to others show, that mercy show to me," but I reverse it somewhat, because I expect to say, when I appeal for mercy, "That mercy I have to others shown, that mercy show to me."

Your Code of Laws, Volume II, section 988, reads: "In any case that may be deemed proper by the governor, he may suspend sentence or parole any prisoner upon such terms or conditions that he may deem just in the exercise of executive clemency." Now, with that section of the statutes and the section just quoted from the constitution, it is a matter within the discretion of the governor as to how this mercy shall be extended, and as to when he thinks it just and proper and upon what conditions the parole of a prisoner should be granted, consequently, before any fair man or any gentleman will criticize the governor of his State for exercising this discretion, he will first make himself acquainted with the facts and conditions upon which the parole was granted, and not simply, from political prejudice, write an editorial or preach a sermon, or stand on the street corner and criticize, when he knows nothing of the reasons governing the governor in performing the duties laid out for him so plainly under the constitution and the statute law of his State. But those who are blinded by prejudice, or those who have a wicked and mean heart, for political purposes, proceed to condemn without knowing one thing of the conditions or one thing of the petitions, or one thing of the reasons governing the governor in his acts. Hence, when the matter was presented to the people as a body, being a Christian people, they slapped the faces of those who from a malicious heart or political prejudices had maligned the governor and said to him, "Well done, thou good and faithful servant, thou shall be our ruler for two more years," and the other crowd sneaked into their holes and hollered "fraud," "fraud," and appointed a little committee to investigate. And it—the little committee—although very brazen at first, laid down their arms, quietly sneaked off to their homes and said, "Nothing doing," and the whole crowd feel cheaper and meaner than if they had abided, as good Democrats should do, by the majority and not made a laughing stock of themselves, not only in their own State but outside of it.

Some people may say this is harsh language, that I ought not to use it; yet, the newspapers, notwithstanding the fact that after the primary election I sat quietly, said nothing, and took all that was heaped upon me, continued their abuse, their vituperation, and their slanders, and published with great headlines and great glee the misrepresentations of a speech that I made in Richmond, Va. Day after day they carried articles copied from Yankee hoodlums and little newspaper pimps, and then when they were furnished with numbers of papers and offered hundreds of telegrams and letters commending the course of the Governor of South Carolina, they absolutely failed and refused to publish them; and, when other papers speak of the governor in disrespectful terms, without either saying "mister" or "governor" but headline "BLEASE"—for which I care nothing, because the people of the State have shown the newspapers that they make asses of themselves when they bray and reelect to office those whom they fight—yet even the News and Courier goes further; not content in striking me, they headline to the world "The Bleases," including even my wife; and yet people say that I should be quiet, should say nothing, be easy, let it pass. Yes, gentlemen, I have let it pass, lo these many days, but how long before patience will cease to be a virtue is a matter that rests in the hands of my God.

Herewith I hand you a full statement of all the paroles, commutations, reprieves, and pardons granted by me since my last message to the general assembly in January, 1912. If you are pleased with these commutations, etc., I am pleased. If my friends are pleased, I am overjoyed with delight. If my enemies are not pleased, they can not help it, as I told them on the stump, and their sweating and fuming will avail them naught. So it is; so let be.

I exercised my power in paroling, for I consider the parole system the best system ever devised for the handling of convicts. Now, for instance, you parole a man during good behavior who possibly has

served more than half of the sentence imposed upon him—sometimes they have been paroled when they only had three or four more months to serve—you do not turn him loose, but say to him, go forth, make a man of yourself, for if you do not, and you are ever convicted again, you have to go back and serve the remainder of the sentence imposed. Now, if these men had gone ahead and served out their sentences, they would be foot-loose to do as they please, and no restraint placed upon their actions. Even a life prisoner may be paroled; it is simply giving him another chance in life; and how many men who profess to be great Christians would be living and enjoying the blessings of this life had not God forgiven them and given them another chance?

The parole during good behavior means what? Good behavior means that he shall not violate any of the criminal laws of this State, because men are bound over to keep the peace or good behavior. If they violate any of the criminal laws of their State, they are not of good behavior, and they can be recommitted to the penitentiary without trial to serve the remainder of their sentences. The system I have now established in South Carolina will be followed hereafter by other governors; possibly not so many will be paroled, but the system itself will be kept in vogue. The same system is being tried in other States; some going even further and allowing a man to work himself out by his good behavior in the penitentiary. Take one case particularly; a negro had been in the penitentiary for 18 years for killing another negro, which I consider a most unusual and severe punishment for his crime; he is paroled during good behavior; he is given another opportunity to live. If he disturbs the peace or violates any of the criminal statutes of this State, he goes back to the penitentiary for life; that condition hangs over him, and he knows that if he is not of good behavior he goes back to serve the remainder of his sentence. Another instance, a white man sentenced to the penitentiary for a long term for a crime committed while under the influence of liquor; parole him on the condition that he take not another drop of liquor. If he does, and thereby violates this parole, he goes back to serve the balance of his sentence.

Therefore how any man who professes to be a Christian can object to this system is something beyond my comprehension; and when one does do it I am forced to the conclusion inevitably that he is a deep-dyed hypocrite; that he is not what he professes; and when he stands before his God on the final judgment day that he will be condemned and will hear the words, "Depart from me, ye accursed"; and he will be confined to the everlasting fires of hell for his hypocrisy and will then be reminded that, "For inasmuch as he did it not unto the least of these, he did it not unto his God"; and I beg to quote you right here, from an article published in the Columbia State, dated December 1, 1912, written by that great Christian man—oh, that South Carolina had thousands more like him—the Rev. J. S. Moffatt, D. D., president of Erskine College, in which he says:

"It would follow also that in the prison life there should be brought to bear all possible forces for the restoration of the unfortunate ones. Let their surroundings be such, and the agencies that influence them be such, and the methods of dealing with them be such as will influence them to higher personal and social ideals. The indeterminate sentence and a system of parole are to be considered as inspiring the condemned to higher ideals and larger hopes. Above all, let the gospel of Jesus Christ, that greatest of all agencies for the transformation of human life and character, come into the lonely cell with its love and light, brought by loving and yearning hearts. The prison house may become to some a Bethel."

I am proud that I have been able to extend this mercy to my fellow man, because it was right that it should have been done; it was my duty to do it, and for these two reasons alone I did it, regardless of consequences or results, remembering that:

"That man may last, but never lives
Who much receives and nothing gives;
Whom none can love; whom none can thank;
Creation's blot; creation's blank.

"But he who marks from day to day,
In generous acts his radiant way,
Treads the same path the Savior trod,
The path to glory and to God."

Very respectfully,

COLE L. BLEASE, *Governor.*

COLUMBIA, S. C., *January, 1913.*

LETTER OF TRANSMITTAL

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER.

GENTLEMEN OF THE SENATE: I herewith transmit to you reasons for the pardons, paroles, and commutations granted since your session of 1913.

I am glad to have had the opportunity to help these unfortunates. Some of them may fall by the wayside, but if I have made one good citizen and saved one soul, I will have done a good work.

"We are sitting in the shadow
Of a long and lonely night,
Waiting till some gentle angel
Comes to lead us to the light.
For we know there is a magic
That can give eyes to the blind.
O well-filled hands be generous!
O pitying hearts be kind!

"Help stumbling feet that wander
To find the upward way;
Teach hands that now lie idle
The joys of work and play.
Let pity, love, and patience
Our tender teachers be,
That, though the eyes be blinded,
The little souls may see.

"Your world is large and beautiful,
Our prison dim and small;
We stand and wait, imploring:
'Is there not room for all?
Give us our children's garden,
Where we may safely bloom,
Forgetting in God's sunshine
Our lot of grief and gloom.'

"A little voice comes singing,
O listen to its song!
A little child is pleading
For those who suffer wrong.
Grant them the patient magic
That gives eyes to the blind!
O well-filled hands be generous!
O pitying hearts be kind."

Very respectfully,

COLE L. BLEASE, *Governor.*

COLA, S. C., *February 5, 1924.*

Read over several of these this day, at dinner hour, and confirm each of them, and am glad that I did it.

COLE L. BLEASE.

Mr. TYDINGS. Mr. President, to show you to what extent many people who are in favor of rigid enforcement will go, I should like to recite to the Senate two instances that happened in the State of Maryland.

Lawrence Wenger, who lived in Harford County, was a farmer about 20 years of age, a very honest and highly respected young man. He went out to drive in his cows one day, and it happened that some prohibition agents were searching through the woods in the vicinity of his farm. They had discovered a still, and those who were operating the still had run away. These agents saw Wenger and thought he was one of the men who had been operating the still; whereupon, without any words whatsoever, they raised their shotguns and shot him nearly to death. Then, realizing that they had made a mistake, they let 15 or 20 minutes go by, while he was dying, while they held a consultation. Then they put him in an automobile and drove 14 miles to a doctor, although there were many doctors that could have been obtained in the immediate vicinity. He died a few moments after they reached the doctor's office.

The people of my county who have some vestiges of civilization were very much incensed at the treatment by these prohibition officers of this young man after he was shot. They authorized our State's attorney to institute proceedings against these four prohibition officers. They were indicted for murder, but they could not be tried in our court because the United States Government stepped into the scene, and the case was transferred to the United States district court in Baltimore City, where the United States district attorney, Mr. Woodcock—a fine gentleman—became the counsel for these men, and defended them at the trial. They were acquitted, though not without some remarks from those in charge of the trial as to their overzealousness, and sympathy for the grave mistake that had been made.

That is one case.

John Bongori was an ex-service man of Italian extraction. He had a creditable record in the World War. Two prohibition agents came to Harford County on another occasion, got in touch with Bongori and asked him if he could obtain some liquor for them. He told them that he had none, and did not know where he could get any. They said they needed it very much, and they would appreciate it so much if he would do this. After considerable persuasion Bongori secured somewhere a pint of gin, which he took to these two prohibition agents and turned over to them, receiving in payment therefor, at

least as far as we know, the exact amount of money which he had paid to some one else to obtain the liquor.

They then attempted to put him under arrest. He was a young man about 26 or 27 years of age, and he started to run from these men. It was Saturday, at 12 o'clock in the day. He ran down into the business section of Havre de Grace, where there were any number of scores of people on the street doing their Christmas shopping; and as he ran they called to him to halt, and as he did not halt they drew their revolvers and shot at him; and it was only an act of Providence that several women who were down there doing their Christmas shopping were not killed. Finally a bullet did hit Bongori, and killed him instantly.

Bear in mind, all that this man had done under the Federal prohibition act was to commit a misdemeanor. He had not committed a felony, but a mere misdemeanor. Now, I take it that if an individual happened to be riding down the streets of Washington exceeding the speed limit, and a traffic officer should come up and ask the individual to halt, and the individual did not halt, and finally the traffic officer should shoot at the individual and kill him, the Senate and the country and the citizens of Washington would be very much incensed at the man who would take a life for the mere commission of a misdemeanor.

Strange to say, the good people who in many other ways have some kindness and charity in their souls were not greatly stirred at the killing of Bongori. Those prohibition agents were indicted for murder in my home county, and again the Federal Government came in and transferred the cases to the United States District Court in Baltimore. There the United States district attorney became the defendant's counsel, and our own county officers had to do the prosecuting.

I cite those two instances to show that it hardly made a ripple of excitement in the minds of the people. I believe that when the history of prohibition enforcement, as we know it in many cases is written, fifty or a hundred years from now, those who are studying in the public schools will wonder what in the name of common sense was the state of civilization in the United States of America at the outset of prohibition enforcement.

Senators, the mere buying of a pint of gin or the selling of a pint of gin is a violation of the law, and, of course, it should be punished, if the evidence shows that the law has been violated, but what Senator would be in favor of putting a person in the penitentiary for life whose only crime had been that on four separate occasions a certain person had been detected committing four separate misdemeanors? The proposed punishment is out of proportion to that for burglary, arson, murder, manslaughter, mayhem, and what not.

We have simply gone mad on this question. We certainly have a little bit of the philosophy of Jesus Christ left in us, or is it absolutely extinct? Have we no hearts at all for the errant brother, as the good Methodist ministers are prone to say? Do we want to crucify him, to crush him, to exterminate him? Shall our penitentiaries and our penal code be operated to make scrap heaps of mankind, or shall we keep in mind that we can perhaps be to some extent the repair shop for erring humanity?

We certainly are not going to run wild on this question, are we, and have no regard at all for the trivialty of simply buying or selling a pint of alcohol by an individual? No one is wronged in the legal sense of the word. The matter is purely voluntary. No one is held up and made to buy it or made to sell it. It is not like robbery, it is not like murder, it is not like embezzlement, it is not like larceny, because in those cases the crime is one of force and coercion, and some one's liberty or property is taken from him; but in this transaction it must be solely voluntary between two individuals.

It seems to me that that being the case, the penalty should not be any greater than in the case of arson, and there is practically not a State in the Union that has a more severe penalty for arson than that proposed in the bill now pending before this body. There are very few States in the Union that have a more severe penalty for embezzlement or larceny, breach of trust, or the taking of property illegally.

I want to vote, and will vote, for any rational, well-balanced, humane enforcement of the prohibition act, and am ready to subscribe to proper penalties, but I do not believe that it is either right, nor is it in the interest of common sense, nor will it help the future of the country or contribute to its civilization for us to provide such inhumane penalties as seem to be in the minds of certain people who are very much interested in passing this particular bill.

May I say just one more thing before I conclude, to clear up a misunderstanding? It is frequently said that the State of Maryland has not come in line on national prohibition. Senators, in 23 counties out of 23 counties in the State of Maryland, there are upon the statute books to-day laws comparable to the national Volstead Act, making it a crime to sell liquor, and prescribing penalties for violation of the law.

The fact is that there is only a very small area in the entire State of Maryland that now has no enforcement law. Practically every county in the State was dry before national prohibition, and the laws in those counties are still on the statute books. So that those people who say that we have not enforced the legislation in Maryland perhaps are well meaning, perhaps they mean to state the facts, but they are not stating them, and I would be glad to read here, if time permitted, the enforcement act for one county after another, drawn along the lines of the general philosophy of the Volstead Act.

CONSTRUCTION AT MILITARY POSTS

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter to be inserted by the Senate amendment insert the following:

"That there is hereby authorized to be appropriated not to exceed $17,185,610, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Albrook Field, Canal Zone: Dispensary, $30,000.

"Corundu, Canal Zone: Barracks, $357,500.

"France Field, Canal Zone: Barracks, $360,000; noncommissioned officers' quarters, $324,000; officers' quarters, $427,200; dispensary, $30,000.

"Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $100,000; officers' quarters, $300,000.

"Wheeler Field, Hawaiian Department: Noncommissioned officers' quarters, $111,600; officers' quarters, $150,000; dispensary, $40,000.

"Porto Rico: Barracks, $144,000; noncommissioned officers' quarters, $119,000; officers' quarters, $396,250; nurses' quarters, $36,000; headquarters building, $20,000; chapel, $20,000; recreation hall, $10,000; storehouse, $15,000; garage and repair shop, $40,000; stables, $40,000; hay and forage shed, $3,000; wagon shed, $6,000; incinerator, $5,000; flagstaff, $500; hospital, $10,000.

"Henry Barracks, P. R.: Barracks, $352,000; noncommissioned officers' quarters, $39,600; officers' quarters, $192,500; hospital, $35,000; stables, $24,000; hay and forage shed, $3,000; wagon shed, $4,000; guardhouse, $10,000; post exchange, $10,000; chapel, $20,000; headquarters building, $15,000; recreation hall, $10,000; storehouse, $15,000; maintenance building, $7,500; fire house, $7,500; bakery, $12,000.

Philippine Department: Signal depot warehouse, $49,000.

Camp Devens, Mass.: Noncommissioned officers' quarters, $36,000; officers' quarters, $164,000.

"*Provided*, That so much of the act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved February 25, 1927 (44 Stat. 1235), as authorizes an appropriation of $300,000 for hospital, Camp Devens, Mass., be, and the same is hereby, amended so as to authorize at Camp Devens, Mass., the construction and installation of buildings and utilities and appurtenances thereto as follows:

"'Hospital, toward completion, $35,000; for officers' quarters, $180,600; for noncommissioned officers' quarters, $14,400; for bakery, $15,000; for fire house, $10,000; and for stables, $45,000; in all, $300,000: *Provided*, That there is hereby authorized to be made available for the purposes of this act $300,000 of the amount contained in the first deficiency act, fiscal year 1928, approved December 22, 1927, for military posts.'

"Fort Jay, N. Y.: Hospital, $400,000: *Provided*, That no new construction shall be built on that part of Governors Island west of a line running in a northwest and southeasterly direction across the island and paralleling the eastern face of the regimental barracks building at a distance of 300 feet.

"Mitchel Field, N. Y.: Noncommissioned officers' quarters, $216,000; officers' quarters, $660,000; hospital, $150,000.

"Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $250,000.

"Plattsburg barracks, N. Y.: Barracks, $45,000; addition to hospital, $55,000.

"Raritan Arsenal, N. J.: Noncommissioned officers' quarters, $42,000; hospital, $50,000.

"Fort Slocum, N. Y.: Barracks, $180,000.

"Fort Wadsworth, N. Y.: Barracks, $50,000; noncommissioned officers' quarters, $30,000.

"Aberdeen Proving Ground, Md.: Hospital, $60,000.

"Carlisle Barracks, Pa.: Mess hall and kitchen, $110,000.

"Fort Humphreys, Va.: Noncommissioned officers' quarters, $274,000.

"Langley Field, Va.: Barracks, $764,160; noncommissioned officers' quarters, $216,000; officers' quarters, $480,000; hospital, $175,000; construction of a sea wall and for necessary fill, $200,000.

"Fort Leonard Wood, which shall hereafter be known as Fort George G. Meade, Md.: Noncommissioned officers' quarters, $50,000; nurses' quarters, $40,000; officers' quarters, $210,000.

"Fort Monroe, Va.: Officers' quarters, $200,000.

"Fort Benning, Ga.: Noncommissioned officers' quarters, $526,000; officers' quarters, $114,000; dispensary, $60,000.

"Fort Bragg, N. C.: Noncommissioned officers' quarters, $144,000; nurses' quarters, $60,000; officers' quarters, $496,000; hospital, $100,000.

"Maxwell Field, Ala.: Officers' quarters, $300,000; barracks, $178,000; noncommissioned officers' quarters, $188,150; quartermaster warehouse, $45,000; quartermaster maintenance building, $15,000; garage, $40,000; fire station, $15,000; guardhouse, $20,000; post exchange, $25,000; ordnance magazine, $15,000; hospital, $75,000; stables, $20,000; railroad spur, $5,000; telephone and telegraph system, $31,250.

"Camp McClellan, Ala.: Hospital, $100,000.

"Fort Benjamin Harrison, Ind.: Noncommissioned officers' quarters, $54,000; service club, $50,000.

"Erie ordnance depot, Ohio: Hospital, $75,000.

"Selfridge Field, Mich.: Officers' quarters, $465,000; construction of a sea wall, and for necessary fill, $230,400.

"Fort Leavenworth, Kans.: Hospital ward, $75,000.

"Marshall Field, Kans.: Barracks, $125,000; noncommissioned officers' quarters, $144,000; officers' quarters, $300,000.

"Fort Riley, Kans.: Noncommissioned officers' quarters, $150,000; nurses' quarters, $50,000.

"Fort Snelling, Minn.: Officers' quarters, $54,500.

"Camp Normoyle, Tex.: Barracks, $180,000.

"Fort Sam Houston, Tex.: Noncommissioned officers' quarters, $150,000; officers' quarters, $250,000.

"Randolph Field, San Antonio, Tex.: Noncommissioned officers' quarters, $61,200; officers' quarters, $600,000; completion of hospital, $50,000.

"Fort D. A. Russell, Wyo.: Officers' quarters, $56,000; noncommissioned officers' quarters, $56,000; barracks, $40,000.

"Letterman General Hospital, California: Hospital ward, $150,000.

"Camp Lewis, Wash.: Noncommissioned officers' quarters, $93,000; officers' quarters, $215,000.

"March Field, Calif.: Noncommissioned officers' quarters, $100,800; hospital, $150,000.

"Rockwell Field, Calif.: Noncommissioned officers' quarters, $108,000; officers' quarters, $150,000.

"Army medical center, District of Columbia: Completion of Army Medical School, $840,000; addition to power plant, $50,000.

"Walter Reed General Hospital, District of Columbia: Nurses' quarters, $300,000; chapel, $12,000, to be erected as supplementary to or in connection with the nonsectarian chapel, the erection of which was authorized by the act approved February 2, 1928; observation, tuberculosis, and infectious disease wards and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000.

"Bolling Field, D. C., or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War: Radio and communication center, $30,000.

"SEC. 2. That the Secretary of War is hereby authorized and empowered to acquire by purchase or condemnation real estate adjacent to Bolling Field, Washington, D. C., for extension and development of said flying field; and there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, a sum not to exceed $666,000 for that purpose.

"SEC. 3. That there is hereby authorized to be appropriated not to exceed $5,552,842, to be expended for the construction and installation at military posts and at airports and landing fields of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Panama Canal Department, Albrook Field: Paved runways, $51,000.

"France Field: Gas and oil storage system, $10,000; paint, oil, and dope warehouse and appurtenances to hangar, $13,016; paved runway from hangars, $52,000; 6-inch gasoline pipe line from Coco Solo, $20,000; bombing range, $3,555.

"Hawaiian Department, new site: Improvement to landing field, $623,000.

"Hawaiian Department, air bases, $22,000.

"Wheeler Field: Hangars and field shop, $79,000.

"Boston Airport, East Boston, Mass., moving and reerecting technical buildings, $15,000.

"Mitchel Field, Long Island, N. Y.: Hangars, field shops, field warehouse, $141,000; armament and parachute buildings, $5,000; central heating plants, $75,000.

"Middletown Air Depot, Pa.: Replacing roofs upon warehouses, $6,600; tiling walls and replacing floors and platforms in warehouses, $16,015; hard-surfaced apron in front of hangars, $17,376; supply office and stock room, $5,607; ceiling four bays in engineering shop building, $4,402: *Provided*, That the $38,500 heretofore appropriated for concrete floors in warehouse at Middletown Air Depot (Public, No. 181, 70th Cong.) is hereby canceled.

"Bolling Field, D. C.: Hangars, $90,000; field shop, $60,000; central heating plants, $50,000; parachute and armament building $15,000; photographic building, $36,000; radio building, $10,000; paved runways and aprons, $53,700.

"Langley Field, Va.: Hangars, $524,590; field warehouse, $100,000; headquarters and operations building, $80,000; photo, radio, parachute, and armament buildings, $76,000; central heating plants, $100,000; gas and oil storage system, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $85,000; paved runways, $122,098.

"Air Corps Tactical School, Maxwell Field, Montgomery, Ala.: Hangars, $210,500; field shop, $19,000; field warehouse, $60,000; armament and parachute building, $5,000; paved runways, $50,000; gas and oil storage system, $5,000; school building, $100,000.

"Shreveport, La. (attack wing): Hangars, $200,000; field shop, $50,000; field warehouse, $45,000; headquarters and operations buildings, $85,000; radio, parachute, and armament buildings, $25,000; gas and oil storage system, $10,000; improvement to landing field, $135,000: *Provided*, That the Secretary of War is hereby authorized, when directed by the President, to accept in behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to such land as he may deem necessary or desirable, in the vicinity of Shreveport, La., approximately 25,000 acres, more or less, as a site for an aviation field.

"Bowman Field, Louisville, Ky.: Hangar, $50,000; radio, photographic, and shops, $20,000; operations and administration building, $20,000; gas and oil storage system, $5,000; paved runways, $13,000.

"Fairfield Air Depot, Fairfield, Ohio: Hangars, $120,000; headquarters building $40,000; central heating plant, $20,000; paint, oil, and dope warehouses, $20,000.

"Chicago Municipal Airport, Chicago, Ill.: Completion of Army Air Corps hangar, $20,986.

"Selfridge Field, Mich.: Hangars and field shop, $122,000; central heating plants, $60,000; paved runways, $51,000; improvement of landing field, $125,000.

"Fort Leavenworth, Kans.: Completion of hangar, field shop, headquarters building, $35,000; central heating plants, $20,000.

"Marshall Field, Fort Riley, Kans.: Completion of hangars, shops, and technical buildings, $55,000; central heating plant, $30,000.

"Fort Crockett, Tex.: Night-flying lighting system, $3,775; runways, $10,775: *Provided*, That the $10,775 heretofore appropriated for dope and paint house and lean-to for boiler room at Fort Crockett (Public, No. 181, 70th Cong.) is hereby canceled.

"Dryden, Tex.: Gasoline and oil storage system, $2,821; operations building, $5,000.

"Duncan Field, San Antonio, Tex.: Hangars and depot shop building, $220,000; oil-reclamation house, $13,000: *Provided*, That the $5,497 heretofore appropriated for instrument, engine repair, and cleaning building at the San Antonio air depot (Public, No. 181, 70th Cong.) is hereby canceled.

"Lordsburg, N. Mex.: Operations building, $5,000; gas and oil storage system, $2,821.

"Randolph Field, Tex.: Hangars, $220,000; field shops, $38,000; paved runways, $232,500.

"Tucson, Ariz.: Operations building, $5,000; paved floor in hangar, $1,705.

"Yuma, Ariz.: Operations building, $5,000.

"March Field, Riverside, Calif.: Hangars, field shops, field warehouse, $75,000; gasoline and oil storage system, $10,000; paved runways, $104,000: *Provided*, That the $50,000 heretofore

appropriated for radio and school building at March Field (Public, No. 181, 70th Cong.) is hereby canceled.

"Rockwell Field, Calif.: Hangars and field warehouse, $45,000; field shop, $100,000; construction of paved runways, $50,000.

"SEC. 4. That the Secretary of War be, and he is hereby, authorized to transfer to the Petersburg National Military Park such portion of the Camp Lee Military Reservation, Va., as in his discretion may be required in connection with the establishment of the Petersburg National Military Park, as authorized by the act of Congress approved July 3, 1926.

"SEC. 5. That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Fishers Island Corporation, or its nominee, a tract of land containing one and one-fifth acres, more or less, said tract now forming the extreme northeasterly corner of the Fort H. G. Wright Military Reservation, situate on Fishers Island, in the State of New York, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said the Fishers Island Corporation, or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale, the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military-post construction fund: *Provided*, That the Secretary of War shall have the said tract surveyed and appraised at the expense of the Fishers Island Corporation: *And provided further*, That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to.

"SEC. 6. That the Secretary of War is hereby authorized to acquire, by purchase or otherwise, two tracts of land on the Atlantic seaboard with necessary rights of way as may, in his discretion, be necessary in the proper defense of the Atlantic coast, and the sum of $20,000 is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

"SEC. 7. That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of $125,000 for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J., to replace the one destroyed by fire on July 31, 1928."

And the Senate agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Mr. President, does this represent a complete agreement?

Mr. REED of Pennsylvania. A complete agreement, without dissent from any conferee.

Mr. ROBINSON of Arkansas. The adoption of the conference report will result in the passage of the bill?

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. ROBINSON of Arkansas. What is the effect of the House amendment agreed to?

Mr. REED of Pennsylvania. The Senate took the bill of the House and made its amendments, consolidating a number of separate bills which the House had sent to the Senate. In effect, the entire program approved by the Senate is acquiesced in by the House, with the single exception that there was inserted in the Senate an amendment providing for a joint inquiry into coast defense by airplanes, providing for a joint commission of the House and Senate. Inasmuch as that is now pending in the Rules Committee of the House, the House conferees represented that they were utterly unable to get the House to agree to the amendment, and on that the Senate conferees have been forced to yield.

Mr. ROBINSON of Arkansas. The conference report is signed by all the conferees?

Mr. REED of Pennsylvania. It is signed by all the conferees.

The report was agreed to.

EQUALIZING RANK OF CERTAIN OFFICERS IN THE ARMY AND NAVY

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Instead of the language of the amendment of the Senate insert the following: "appointment as such and shall both take rank above all other officers on the active list of the Army and Navy: *Provided*, That nothing in this act shall have the effect of changing the relative rank of the present Chief of Staff and the present Chief of Naval Operations"; and agrees to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House of Representatives.

Mr. ROBINSON of Arkansas. Will the Senator from Pennsylvania explain the effect of this agreement?

Mr. REED of Pennsylvania. The effect of the agreement is that the Chief of Staff of the Army and the Chief of Naval Operations will take rank between themselves in accordance with the dates of their respective appointments, excepting that, with the concurrence of General Summerall and Admiral Hughes, this act shall not affect the relative rank of the two present incumbents during the balance of their service.

Mr. ROBINSON of Arkansas. It will end the war of precedence?

Mr. REED of Pennsylvania. It ends the war of precedence and gives these two officers rank above all other officers of the Army and Navy. It does not seem very important to Members of the Senate, including myself, but apparently it seems very important to the officers of the two services. I move the adoption of the report.

The report was agreed to.

OUACHITA NATIONAL PARK, ARK.

Mr. BRATTON. From the Committee on Public Lands and Surveys I report back favorably with amendments the bill (S. 675) to establish the Mena National Park in the State of Arkansas, and I submit a report (No. 1787) thereon. I call the attention of the senior Senator from Arkansas [Mr. ROBINSON], the author of the bill, to this report.

Mr. ROBINSON of Arkansas. Mr. President, the bill provides for the creation of a national park in the western part of the State of Arkansas. It is in a beautiful scenic region, and will serve the purposes and desires of the people of some six or seven States. The subject matter has been under consideration for a prolonged period in both this body and in the body at the other end of the Capitol.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments.

The amendments were, on page 1, line 7, before the words "National Park," to strike out "Mena" and insert "Ouachita"; to strike out section 2 in the following words:

SEC. 2. All lands included within the exterior boundaries of that part of the Arkansas National Forest being in townships 2, 3, 4, and 5 south; in ranges 25, 26, 27, 28, 29, 30, and 31; all west of the fifth principal meridian in the State of Arkansas.

And to insert:

All lands included within the exterior boundaries of that part of the Ouachita National Forest being in the following land divisions and subdivisions: Sections 35 and 36, township 2 south, range 31 west; east half township 3 south, range 31 west; sections 1, 2, 12, 13, and 24, township 4 south, range 31 west; township 3 south, range 30 west; north half of township 4 south, range 30 west; sections 19, 20, 21, 22, 23, 24, 27, and 28, township 4 south, range 30 west; south half of township 3 south, range 29 west; sections 17 and 18, township 3 south, range 29 west; north half of township 4 south, range 29 west; sections 19, 20, 21, 22, 23, 24, 25, and 26, township 4 south, range 29 west; south half of township 3 south, range 28 west; township 4 south, range 28 west; sections 1, 2, 3, 4, and 5, township 5 south, range 28 west; south half of township 3 south, range 27 west; township 4 south, range 27 west; sections 1, 2, 3, 4, 5, and 6, township 5 south, range 27 west; sections 31 and 32, township 3 south, range 26 west; sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, and 33, township 4 south, range 26 west; sections 4, 5, and 6, township 5 south, range 26 west; sections 7, 18,

and 19, township 4 south, range 25 west; all of said lands being in the State of Arkansas and west of the fifth principal meridian in said State.

On page 2, line 4, to change the section number from 3 to 2; in line 5, before the words "National Park," to strike out "Mena" and insert "Ouachita"; in line 10, to change the section number from 4 to 3; and in line 15, after the word "land," to strike out the period and insert a colon and the following proviso:

Provided, That this act shall become effective to create the area herein described as a national park only when the title to all of the lands within such area and now privately owned shall have been vested in the United States, and the Secretary of the Interior is hereby authorized to pass upon and accept title to said privately owned lands on behalf of the United States: *Provided further*, That the United States shall not purchase, by appropriation of public moneys or otherwise, any land within the aforesaid area, but that such land shall be secured by the United States only by public or private donation.

So as to make the bill read:

Be it enacted, etc., That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated, set apart, and established as a public park for the benefit and enjoyment of the people, under the name of the Ouachita National Park, the tract of land in the State of Arkansas particularly described by and included within metes and bounds as follows, to wit:

All lands included within the exterior boundaries of that part of the Ouachita National Forest being in the following land divisions and subdivisions: Sections 35 and 36, township 2, south, range 31 west; east half township 3 south, range 31 west; sections 1, 2, 12, 13, and 24, township 4 south, range 31 west; township 3 south, range 30 west; north half of township 4 south, range 30 west; sections 19, 20, 21, 22, 23, 24, 27, and 28, township 4 south, range 30 west; south half of township 3 south, range 29 west; sections 17 and 18, township 3 south, range 29 west; north half of township 4 south, range 29 west; sections 19, 20, 21, 22, 23, 24, 25, and 26, township 4 south, range 29 west; south half of township 3 south, range 28 west; township 4 south, range 28 west; sections 1, 2, 3, 4, and 5, township 5 south, range 28 west; south half of township 3 south, range 27 west; township 4 south, range 27 west; sections 1, 2, 3, 4, 5, and 6, township 5 south, range 27 west; sections 31 and 32, township 3 south, range 26 west; sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, and 33, township 4 south, range 26 west; sections 4, 5, and 6, township 5 south, range 26 west; sections 7, 18, and 19, township 4 south, range 25 west; all of said lands being in the State of Arkansas and west of the fifth principal meridian in said State.

SEC. 2. That the administration, protection, and promotion of said Ouachita National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes."

SEC. 3. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That this act shall become effective to create the area herein described as a national park only when the title to all of the lands within such area and now privately owned shall have been vested in the United States, and the Secretary of the Interior is hereby authorized to pass upon and accept title to said privately owned lands on behalf of the United States: *Provided further*, That the United States shall not purchase, by appropriation of public moneys or otherwise, any land within the aforesaid area, but that such land shall be secured by the United States only by public or private donation.

Mr. JONES. Does the bill authorize any appropriation?

Mr. ROBINSON of Arkansas. No; it does not; and as I understand it, an amendment also requires that the title to the private lands within the area shall be procured without expense to the Government of the United States.

Mr. OVERMAN. Does the bill provide for the setting aside of public lands for a park?

Mr. ROBINSON of Arkansas. It sets aside public lands for the purpose of a national park and provides that the privately owned lands within the park district shall be procured without expense to the Government of the United States.

Mr. JONES. What can the Senator tell as about the area of the proposed park?

Mr. ROBINSON of Arkansas. It will contain about 163,000 acres, 35,000 of which are privately owned land.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish the Ouachita National Park in the State of Arkansas."

Mr. ROBINSON of Arkansas subsequently said: Mr. President, in connection with my remarks on the bill creating the Ouachita National Park, I ask leave to have printed in the RECORD the report of the Senator from New Mexico [Mr. BRATTON].

There being no objection, the report was ordered to be printed in the RECORD as follows:

[S. Rept. No. 1787, 70th Cong. 2d sess.]

MENA NATIONAL PARK, ARK.

FEBRUARY 15 (calendar day February 16), 1929.

Mr. BRATTON, from the Committee on Public Lands and Surveys, submitted the following report, to accompany S. 675 (by Mr. ROBINSON of Arkansas):

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 675) to establish the Mena National Park in the State of Arkansas, having considered the same, report thereon with recommendation that it pass with the following amendments.

AMENDMENTS

No. 1. On page 1, line 7, strike out the word "Mena" and insert in lieu thereof the word "Ouachita."

No. 2. Strike out all following the colon after the word "to wit," on page 1, line 9, down to and including line 3 on page 2, and insert in lieu thereof the following:

"All lands included within the exterior boundaries of that part of the Ouachita National Forest being in the following land divisions and subdivisions: Sections 35 and 36 of township 2 south, range 31 west; the east half of township 3 south, range 31 west; sections 1, 2, 12, 13, and 24 of township 4 south, range 31 west; township 3 south, range 30 west; north half of township 4 south, range 30 west; sections 19, 20, 21, 22, 23, 24, 27, and 28 of township 4 south, range 30 west; south half of township 3 south, range 29 west; north half of township 4 south, range 29 west; sections 19, 20, 21, 22, 23, 24, 25, and 26 of township 4 south, range 29 west; south half of township 3 south, range 28 west; township 4 south, range 28 west; sections 1, 2, 3, 4, and 5 of township 5 south, range 28 west; south half of township 3 south, range 27 west; township 4 south, range 27 west; sections 1, 2, 3, 4, 5, and 6 of township 5 south, range 27 west; sections 31 and 32 of township 3 south, range 26 west; sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, and 33 of township 4 south, range 26 west; sections 4, 5, and 6 of township 5 south, range 26 west; sections 7, 18, and 19 of township 4 south, range 25 west; all of said lands being in the State of Arkansas and west of the fifth principal meridian in said State."

No. 3. In line 5 of page 2 strike out the word "Mena" and insert in lieu thereof the word "Ouachita."

No. 4. On page 2, line 15, following the word "land," strike out the period, insert a colon, and add the following:

"*Provided*, That this act shall become effective to create the area herein described as a national park only when the title to all of the lands within such area and now privately owned shall have been vested in the United States, and the Secretary of the Interior is hereby authorized to pass upon and accept title to said privately owned lands on behalf of the United States.

"*Provided further*, That the United States shall not purchase by appropriation of public moneys, or otherwise, any land within the aforesaid area, but that such land shall be secured by the United States only by public or private donation."

No. 5. On page 2, line 4, after the word "Sec.," strike out the figure "3" and insert in lieu thereof the figure "2."

No. 6. On page 2, line 10, following the word "Sec.," strike out the figure "4" and insert in lieu thereof the figure "3."

No. 7. Amend the title to read: "A bill to establish the Ouachita National Park in the State of Arkansas."

RÉSUMÉ OF FACTS SUPPORTING PASSAGE OF THE BILL

The area to be included in the proposed park is about 35 miles in length by about 12 miles in width and contains approximately 163,000 acres, all of which is now the property of the United States, being a part of a forest reserve, except approximately 28,000 acres. Under the terms of the bill, as amended, the 28,000 acres now in private ownership must be acquired, without expense to the United States, before the act becomes operative, thus absolving the Government from any financial obligation incident to the establishment of the park.

The site is situated in the southwestern part of the State of Arkansas, the nearest point being about 15 miles from the city of Hot Springs, a famous health resort. It is believed that the proposed park will serve to an excellent advantage in connection with the health and recreational

facilities at Hot Springs. There are no other national parks in that region of the United States, except a small one, containing less than 1,000 acres, at the city of Hot Springs. The Ouachita Park, by reason of short distances and splendid highways, will be easily accessible to many people residing in Arkansas, Texas, Louisiana, and other adjoining States. Many of these people, on account of long distances and other factors, will be denied the advantage and enjoyment of park facilities if this park is not created. The region described in the bill is mountainous and rugged. Some of its peaks reach an altitude of approximately 2,600 feet, while the adjacent country is slightly above sea level, thus affording a cool and attractive climate in the park even during midsummer. The entire region is interspersed with streams and forests. Its scenic beauty is said to compare favorably with the Swiss Alps.

In view of the urgent need of an adequate national park in that part of the country and the peculiar fitness of this area for that purpose, it is the belief of the committee that the bill, with the proposed amendments, should pass.

The relevant departmental correspondence is attached hereto:

INTERIOR DEPARTMENT,
Washington, December 23, 1927.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR NYE: I have your request of December 15, 1927, asking for an opinion as to the merits of S. 675, a bill to establish the Mena National Park in the State of Arkansas.

It is shown by the records of this department that the area described in this bill was inspected by representatives of the Forest Service of the Department of Agriculture and the National Park Service of this department on May 7, 1926. From a joint report rendered by the representatives of these bureaus it would appear that this area should not be made a national park for the reason that there are no distinctive scenic or other features comparable with the standard set for the establishment of national parks, and that the area contains nothing of outstanding or national significance which would warrant placing it in a national-park category. Of the entire area of 163,000 acres contemplated in the bill, 128,000 acres are under Government ownership and 35,000 acres in private ownership; the existence of such a large area in private holdings within a proposed park, even though the area measured up scenically to national-park standards, would also be unsatisfactory from an administrative standpoint.

For these reasons I can not recommend the approval of the bill.

Very truly yours,

E. B. FINNEY, *Acting Secretary.*

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act as amended and modified.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, the Chair reminds the Senate that, under the unanimous-consent agreement previously entered into, the order for the limitation of debate is now in effect.

Mr. BRUCE. Mr. President, I was very glad to enter into an agreement to limit the time for the discussion of the pending bill, because, so far as most of the thoughts that are suggested to me by it are concerned, I have so frequently given expression to those thoughts that it would be a waste of time for me to give expression to them again.

There is obviously very strong opposition in this Chamber to the passage of the bill, and yet I entertain but little doubt—though I hope I may be mistaken—that it will pass. I feel this way because I have never known, since I have been a Member of the Senate, the Anti-Saloon League to ask for the enactment of any legislative measure by the Senate that the measure was not enacted. In other words, I have never known the Anti-Saloon League to crack its lash that the Senate did not jump through the hoop. Indeed, so true is this that on the occasion when it was requested by the Anti-Saloon League to apply the Federal merit system of appointment to the selection of the field force of the prohibition system, it promptly applied it, though never on any other occasion since I have been a Member of this body has it ever, so far as I can remember, been induced to extend the Federal merit system of appointment to any branch of the Federal service.

Of course, this bill is but another link in the chain of galling, imbecile tryanny that prohibition has been forging for the people of the United States ever since the adoption of the eighteenth amendment.

To-day we are asked to pass a bill crowded with drastic, excessive penalties, utterly devoid of any true perspective or sense of proportion. To-morrow the Senate will be asked to pass a bill making any violation of the Volstead Act a felony. That will be the next step. Then later on perhaps it will be asked to adopt the cruel, almost incredible example of the State of Michigan, and to provide that for the fourth felonious violation of the Volstead law the offender shall be imprisoned for life. Of course, in my humble judgment, prohibition would be no nearer enforcement after the enactment of all that extreme legislation than it is now.

Then, consequently, would come the last step that prohibition tyranny could take, and that is upon the strength of information furnished by faithless servants, or by estranged relations, or by malicious neighbors, to enter the private home. Already the way for this has been paved by the Goff bill introduced some time ago into this body, which provides an opportunity for the prohibition agent, under the guise of entering a private residence for the purpose of seeing whether any commercial still is contained in it, to enter it for the purpose of finding what is fermenting in the wine cask or the wine barrel in the owner's cellar. That, as I have previously pointed out, is the stage of desperation to which prohibition has already been driven in Finland, one of the four countries in the world that has not yet revoked its prohibitory legislation.

So, first of all, before the Senate gives its assent to this bill, I ask it to bear clearly in mind the place that it, if enacted into law, will occupy in the vast, elaborate, and highly organized system of prohibition tyranny of which it is intended to be a part.

Passing now to a particular examination of the bill, I say that it could not have been possibly drafted except by the hand of indiscriminate fanaticism. All colors are the same to a man in the dark. All degrees of crime, so far as the Volstead Act is concerned, are the same to a prohibition fanatic. Put this bill into effect as a law and it would be in the power of a Federal judge—and just as likely a judge who had been visaed by the Anti-Saloon League, because a large part of the judges that have been appointed in recent years have been so visaed—to impose a term of five years or a maximum fine of $10,000 not only upon the bootlegger but upon some innocent youth or maid, say, guilty of the offense of transporting a flask to a youthful party.

I ask the Members of the Senate to pause and to ponder well this bill. There are some of them who have young sons who might well in their heedless youth commit some comparatively petty violation of its provisions, with the result that he might be incarcerated in the penitentiary for five years or fined $10,000.

Mr. BROUSSARD. Or both.

Mr. TYDINGS. It might be both.

Mr. BRUCE. Yes; it might be both. No matter who drafted the report accompanying this bill, I am bound to say that I can not understand how he could possibly expect us seriously to accept some of the statements that he makes about the bill in it. The report says:

> It will be observed that the maximum punishment for a first offense for the manufacture or sale of liquor is a fine of $1,000 or imprisonment not exceeding six months. In the other cases, aside from manufacture and sale, as prescribed by this section, the penalty for a first offense is a fine not to exceed $500. These penalties are adequate where the commercial element is not present, but they are absolutely inadequate when applied to professional bootleggers and other large-scale operators. This fact makes advisable an amendment to the prohibition act. Such amendment should not operate harshly upon the casual violator. Its object is to reach the professional commercial operators who profit financially by their criminal defiance of the law.

What right has the author of that report to use such language? He knows that the wording of the pending bill, without any discrimination whatsoever as respects classes of offenses, applies to the manufacture, possession, importation, or exportation of intoxicating liquor. In other words, it would apply not only to such a malefactor as the conspicuous bootlegger Remus, who was sentenced to the Atlanta Penitentiary from Ohio some years ago, but it would apply also to any man who happens to be discovered with a flask of whisky or a bottle of wine in his possession when in transit, for instance, between Washington and Baltimore or between Washington and Alexandria.

To use another illustration, it would apply not only to the bootlegger, big or small, engaged in illicit commercial operations, but it would apply to any householder who might set a small amount of wine to fermenting to the intoxicating point in his cellar. It would apply, too, I should say, to any purchaser who had bought a drop of liquor under circumstances involving the process of transportation. It would apply to any man who went to Bermuda or over our northern boundary into Canada and came back with a bottle of whisky in his bag.

I recollect that some years ago a friend of mine returned from Bermuda and passed out as rapidly as he could from his ship to an automobile with a bottle or so of liquor under a heavy overcoat. He thought that he was entirely safe, but, to his surprise, he found that his footsteps had been dogged by a

Federal officeholder, who approached him, and, to his intense relief, exclaimed only, "You have some bottles of whisky in that overcoat of yours. You will have to give me one of them." [Laughter.] The possessor of those bottles could under this bill have been fined $10,000 or been sent to the penitentiary for five years, or been both so fined and imprisoned.

I was told of another individual who about the same time returned from Canada with several bottles of whisky in his bag. When the time came for the inspection of the bag at the border, he left his bag open, after putting a bottle of whisky on top of its contents with a card on it saying: "This is for the inspector." He then turned his back on his bag and when he returned he found that the inspector had inspected its contents and had gone, after turning the card over and writing on the reverse side, "You are a perfect gentleman." [Laughter.]

The PRESIDING OFFICER. The time of the Senator on the bill has expired. The Senator from Maryland now has 10 minutes to speak on the amendment.

Mr. BRUCE. And the owner of that bag, too, might have been fined $10,000 or been sentenced to the penitentiary for five years, or been both fined and imprisoned.

Mr. JONES. Mr. President, if the Senator from Maryland will pardon me, I desire to inquire is there an amendment pending?

The PRESIDING OFFICER. There is.

Mr. JONES. That is one of the committee amendments?

The PRESIDING OFFICER. Yes. The Senator from Maryland has 10 minutes on the amendment.

Mr. BRUCE. So it is absolutely untrue that this bill applies only to individuals engaged in the commercial manufacture and sale of liquor. It is, as I read it, wholly undiscriminating in its application to all classes of offenders under the Volstead Act and to all offenses under that act—the pettiest as well as the most heinous. Never did I hear of such a law—one so utterly disregardful of all the fundamental distinctions based on relative degrees of guilt that have been heretofore supposed to underlie punitive justice. All I have to say to the Members of the Senate is, if the Senate shall pass such a measure as this, look out not only for your own safety but for the safety of your children. As to the latter—such have been the ghastly consequences of prohibition in this country—that I have been told of at least two fathers who are in the habit when their daughters are leaving their homes for youthful parties to supply them with a small amount of spirits that they know to be pure rather than have them go to such parties and run the deadly risk of drinking some lethal distillate.

Equally as anomalous, so far as sound principles of criminal justice are concerned, are the provisions of the pending bill which at one single stroke wipe out all the ordinary distinctions between first offenses and second offenses—distinctions that have been recognized by the criminal law ever since there was a criminal law—and place the offender who has yielded to the first access of temptation, and may never yield to another after a single punishment, on exactly the same footing as some hardened miscreant who has over and over again defied the majesty of the law. What sort of a law is that? The present Volstead law at least has the good sense in every line of its penalty clauses to recognize the difference between the gravity of a first offense and the gravity of a second offense.

These fanatics, I repeat—such fanatics as the world has rarely known in any hour of extreme madness in its history—come along and set a net with meshes designed to take in indistinguishably the vilest and most hardened violators of the Volstead Act, the beardless youth, the immature girl, and, generally speaking, everyone whom the author of the report relating to this bill is at least discerning enough to term "casual violators," as distinguished from habitual bootleggers.

If this bill shall be properly amended, I am prepared to vote for it. I have never failed to vote for any reasonable legislation looking to the enforcement of prohibition, and if I were to remain here I should continue to vote for every such measure of legislation until I felt that this country had had conclusive reason to believe, as the result of prolonged and exhaustive experimentation, that prohibition is so at war with human nature and the human reason as to be an unenforceable thing under any and under all circumstances, no matter what Constitution or statute may vainly declare.

The Senator from Washington [Mr. JONES] has stated that it is impossible to discriminate in this bill between the commercial bootlegger and the casual offender. Well I know it is impossible for him to do it because of his intensely sincere convictions in favor of prohibition, which I have no desire to impugn. With great respect to him, I say that he is incapable of doing it. And perhaps it is only fair for me to say that my opposing convictions are so intense that I too would hardly be fit to undertake the task. But some one else could readily take this bill and by proper amendments draw the proper distinctions between bootleggers and other graver violators of the Volstead Act and much milder classes of offenders. In other words, this bill puts on the same footing precisely a member of such an infamous gang, bred by prohibition, as that which in Chicago a day or so ago stood up seven or eight human beings against a wall and shot their lives out——

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I believe I still have some time on the amendment, have I not?

The PRESIDING OFFICER. No; the time of the Senator on the amendment has expired.

Mr. BRUCE. Very well.

Mr. BROUSSARD. Mr. President, I had not expected to say anything about this bill, but I have just read the report of the committee which has suggested to me a thought which I desire to express on this subject.

When the Volstead law was first put into effect a great many people throughout the country, and I think most of the periodicals, protested against the practice of the United States Government in the prosecution of prohibition cases of assessing what was tantamount to a license for conducting the business for which offenders were arrested and prosecuted. Of course, everyone knew that if those who were engaged in selling liquor applied for a license, no license would be issued for, under the Constitution, none could be issued by any constitutional grant of the Congress. However, in order to add to the punishment which might be inflicted, even from the first day the act was put into effect and before the cry arose that the punishment was inadequate, I recall that offenders haled before the courts were not only fined for violating the Volstead law, but they were accused in three or four counts of transportation and possession, and then they were haled before a State court and again tried there, and in some cases they were tried for a third time in a municipal court.

Then the United States Government, through its internal-revenue officials, would send to the offender a bill for a license for conducting the liquor business, and then assess damages against him for having failed to obtain such a license. They insisted upon collecting such assessments, and wherever they could make good by levying against the property of the offender they did so. It occurred to me, as well as to a great many others, that this was purely tyrannical, and was unwarranted under the Constitution, and not intended by the Volstead law.

Another practice which has grown up is not to make charges against offenders under the terms of the prohibition law, but to charge conspiracy under section 37 of the Criminal Code. That is done for the purpose of avoiding a trial by jury and so that heavier fines and penalties may be imposed.

Mr. President, we are told that under this proposed amendment to the Volstead Act we need not fear an increase of the minimum penalty imposed, and we are asked to put our trust in the Federal judges. Let me read to you, Mr. President, the reason why I fear to trust the Federal judges in this matter. In the report of the committee, accompanying the bill, there is incorporated the testimony of Mrs. Willebrandt. Commenting upon this bill, she says:

> I have become convinced, not only by my own experience but by the recommendations of scores of Federal judges and hundreds of Department of Justice law-enforcement officials, such as United States attorneys, marshal, and the like, that the maximum penalties of the Volstead Act for the violation of things which violate the Constitution as well as substantive law are entirely inadequate.

So, Mr. President, we have the information, presented to us by a committee of the Senate through Mrs. Willebrandt, that the Federal judges themselves would like to impose upon violators of the Volstead law such a penalty as $10,000 and five years' imprisonment. Therefore, if they are asking for this amendment in order to increase these penalties and fines and imprisonments, we ought to be very careful in granting them the power that they are asking beforehand in order that they may be permitted to exercise it.

Mr. President, we have claimed, as I stated a while ago, that these fines or penalties were being imposed for selling liquor without a license, and forcing people to pay for a license; that the authorities were circumventing the law by not prosecuting under the Volstead law, but prosecuting under section 37 of the penal statutes; and Mrs. Willebrandt comes here and admits all of that. I should like to have Senators pay attention to this. It shows how those charged with the enforcement of the prohibition law believe that the only law on the statute books is the eighteenth amendment and the Volstead law.

Mrs. Willebrandt describes what the enforcement officials, from the judges down, have been doing, including the prohibi-

tion enforcement officers, the United States district attorneys, and the marshals. She says:

They have resorted to the old internal revenue laws relating to the violation or evasion of various kinds of liquor taxes, and the Supreme Court of the United States—

And this is a surprising thing—

has upheld the use of those old internal revenue laws. However, it is only the occasional case that has evidence so prepared that in honesty a prosecution can be grounded under the internal revenue laws rather than the Volstead Act.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

Mr. BROUSSARD. I yield.

Mr. BRUCE. Notwithstanding what Mrs. Willebrandt says about her desire to get away from this indirection of resorting to the old internal revenue laws and to the conspiracy statute for the purpose of securing penalties adequate to prohibition enforcement, if this bill were passed it would still be entirely possible to resort to this conspiracy statute for the purpose of punishing the possession of liquor to which the incident of transportation was attached.

Mr. BROUSSARD. And it would still be possible for them to add it to the greater fine and imprisonment, as they do now to the existing fine and imprisonment.

Mr. BRUCE. That is true; so it is just a hollow pretense.

Mr. BROUSSARD. Mrs. Willebrandt continues:

The other statute that they have popularly resorted to for grave, serious, widespread violations of the liquor laws, instead of grounding the offense under the national prohibition act, is the conspiracy statute, section 37 of the Penal Code.

Here is a confession on her part that our contention heretofore has been correct.

In my estimation, section 37 has been strained beyond all reach in grounding liquor law prosecutions under it.

So, Mr. President, realizing that the Federal judges, or many of them, are asking that this bill be passed, that the existing law be amended and the penalties increased, I have no doubt that they intend to inflict those punishments; and the assurance given us that we should rely upon those judges is not one which I am willing to trust. Therefore I shall oppose the bill.

Mr. BRUCE. Mr. President, may I interrupt the Senator just once more?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Louisiana yield to the Senator from Maryland?

Mr. BROUSSARD. I do.

Mr. BRUCE. In that connection, I am sure the Senator recalls the judge who was brought on from Texas a short time ago to the city of New York to sit there in the trial of Volstead Act cases as well as other cases, whose conduct and deportment was so outrageously partisan and extreme in a case involving a violation of the Volstead Act that one of the attorneys in the case addressed a formal protest to the Bar Association of the State of New York, or to the judicial authorities of New York, I forget which at this moment.

Mr. BROUSSARD. Yes.

Mr. BRUCE. I mention that just as an illustration of how dangerous it would be to lodge such a fearful discretion as this in the hands of judges, especially when the fact is borne in mind that these judges have been largely appointed after being—to use an expression I employed at an earlier stage of the debate—visaed by Wayne B. Wheeler or other representatives of the Anti-Saloon League.

Mr. BROUSSARD. That is very true.

Mr. JONES. Mr. President, just a moment on the amendment that is pending.

On yesterday reference was made to several statutes that imposed certain penalties, with the idea of trying to impress the Senate that the penalties imposed here are too extreme. I hold in my hand some criminal statutes of the United States that I want to call to the attention of Senators.

Section 44 of the crimes statutes, chapter 4: Whoever shall willfully trespass upon * * * any * * * harbor-defense system owned * * * by the United States shall be fined * * * $5,000, or imprisoned not more than five years, or both.

In other words, if a citizen of the United States should walk over on to a fortification where there was a trespass sign, or where there was not, he would be technically guilty of trespass on United States property; and a United States judge could give him a 5-year penitentiary sentence.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

Mr. JONES. In just a moment.

Mr. BRUCE. That might be a spy whose inspection would be fatal to the very life of the Nation.

Mr. JONES. Oh, it might be; and it might also be a good, honest, patriotic American citizen in Maryland.

Section 46: Whoever shall rob another of any kind or description of personal property belonging to the United States * * * shall be fined not more than $5,000, or imprisoned not more than 10 years, or both.

In other words, if an agent of the United States should be carrying a spike belonging to the United States Government, and the Senator from Maryland should take that spike away from him and carry it off, he would be liable to a fine of $5,000 and imprisonment of 10 years in the penitentiary.

Mr. JOHNSON. Mr. President, are the absurdities to which the Senator refers justification for a further absurdity?

Mr. JONES. I do not think these are absurdities.

Mr. JOHNSON. The Senator thinks those punishments would be perfectly legitimate under the circumstances he has detailed, does he?

Mr. JONES. I do not think they would ever be imposed by any Federal judge. That is what I think.

Mr. JOHNSON. I would not give him the power, even, to impose them.

Mr. JONES. But he has the power.

Mr. JOHNSON. I would not give it to him if I had the opportunity.

Mr. JONES. There are many other statutes here of the same kind. I cite these merely as illustrations. No one has ever heard of any Federal judge exercising such power as is given here. I am citing these statutes merely as a sort of answer to the suggestions made here that because a judge has the power to impose a 5-year penalty he will impose it on a man who may have a pint of liquor in his possession, or in his home, or something of that sort. I do not fear anything of that kind myself upon the part of the Federal judges of the country.

Mr. REED of Missouri. Mr. President, does the Senator say that he does not know of any penalties of this atrocious character that have been inflicted upon people by Federal judges?

Mr. JONES. No; I did not say that I did not know of any such penalties. I do not know of judges inflicting such penalties for trivial offenses.

Mr. REED of Missouri. But, of course, according to the Senator's theory and the theory of many gentlemen, the possession of liquor is not a trivial offense. That is an offense against God and reason and nature.

Mr. JONES. No; the Senator has absolutely no reason to think that the Senator from Washington suggests anything of that kind.

Mr. REED of Missouri. I am going by what the Senator suggests in his bill.

Mr. JONES. The Senator has not heard very much of this discussion, or very much that has been presented here with respect to it.

Mr. REED of Missouri. I do not need to.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

The PRESIDING OFFICER. The Senator from Washington has used all his time.

Mr. REED of Missouri. Mr. President, I had intended to address myself to this bill and to the general subject of prohibition.

Mr. BLAINE. Mr. President, will the Senator yield? I desire to present an amendment. I do not like to present the amendment in the absence of most of the Senators; and, if the Senator does not object, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	Hayden	Reed, Mo.
Barkley	Dill	Heflin	Reed, Pa.
Bayard	Edge	Johnson	Robinson, Ark.
Bingham	Fess	Jones	Robinson, Ind.
Black	Fletcher	Kendrick	Sackett
Blaine	Frazier	Keyes	Schall
Blease	George	King	Sheppard
Borah	Gerry	McNary	Shipstead
Bratton	Gillett	Moses	Shortridge
Brookhart	Glass	Neely	Simmons
Broussard	Glenn	Norbeck	Smith
Bruce	Goff	Norris	Smoot
Burton	Gould	Nye	Steck
Capper	Greene	Oddie	Steiwer
Caraway	Hale	Overman	Stephens
Copeland	Harris	Phipps	Swanson
Couzens	Harrison	Pine	Thomas, Idaho
Curtis	Hastings	Pittman	Thomas, Okla.
Dale	Hawes	Ransdell	Trammell

Tydings	Wagner	Warren	Wheeler
Tyson	Walsh, Mass.	Waterman	
Vandenberg	Walsh, Mont.	Watson	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate by illness.

Mr. JONES. I wish to state that the Senator from South Dakota [Mr. MCMASTER] is detained in committee.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, there is a quorum present.

Mr. CURTIS. Mr. President, will the Senator from Missouri yield while I submit a unanimous-consent agreement?

Mr. REED of Missouri. I will yield with the understanding that it does not come out of my little allotment of time.

Mr. CURTIS. It will not be taken out of the Senator's time.

THE RADIO COMMISSION

The PRESIDING OFFICER. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on Tuesday, February 19, 1929, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of the bill (S. 4937) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. VANDENBERG. Mr. President, I would like to inquire whether that bill has the sanction at this point of the steering committee of the Senate, which, I learned on Thursday, is of very high authority in this body?

Mr. CURTIS. The evening session arranged for is for a special purpose. The radio bill is not on the list, but ought to be disposed of by the 21st, I think, and the steering committee would put it on the list, I dare say, at the next meeting; but we would like to have a night session to consider it. All sides have agreed to the proposal.

Mr. VANDENBERG. I wonder if I might inquire of the Senator whether we might not hope for some night sessions to do some of the other things we ought to do?

Mr. CURTIS. I really hoped for some night sessions beginning next week, but I wanted to get this bill out of the way first.

Mr. VANDENBERG. There may be an anticipation of other night sessions?

Mr. CURTIS. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and modified.

Mr. REED of Missouri addressed the Senate. After having spoken in all for 25 minutes—

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. BRUCE. Mr. President, I move that the Senator be allowed to proceed. Soon the Senate will hear that entrancing voice no more.

Mr. REED of Missouri. The Senator can not do that.

Mr. JONES. Mr. President, I shall have to make the point of order against the motion. It is contrary to the unanimous-consent agreement.

Mr. REED of Pennsylvania. Mr. President, has the Chair ruled on the point of order?

The PRESIDING OFFICER. It is sustained.

Mr. HARRISON. Mr. President, I ask unanimous consent that the Senator from Missouri may proceed for 20 minutes.

Mr. JONES. Mr. President, I am sorry that the request is made. The Senate has entered into a solemn agreement with reference to this measure. If we extend the time for one, we must do it for others, so I shall have to object.

The PRESIDING OFFICER. Objection is made.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield to the Senator for a question.

Mr. BLAINE. I want to repeat the unanimous-consent request proposed by the Senator from Mississippi [Mr. HARRISON] and to say that the larger portion of the time to-day was taken up by others upon a question which was not before the Senate. If Senators are going to insist upon depriving a Senator of the right to debate under these circumstances, I want to serve notice now that as long as I am in the Senate there will never again be unanimous consent granted to such an agreement proposed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. REED of Pennsylvania. First, I want to say that I have not the slightest objection to the request for unanimous consent, and would be glad to yield the floor for that purpose. I do want, however, before this bill is voted on to speak for about five minutes. Now, I yield to the Senator from Idaho.

Mr. BORAH. I merely want to make a suggestion. The debate upon this matter has opened up in a way now that has become interesting. I do not wish to interfere with the program, but at the same time I should like to ask unanimous consent that the unanimous-consent agreement be vacated and that we have an opportunity on Monday to go into this question and discuss it as it ought to be discussed.

The PRESIDING OFFICER. Is there objection to vacating the unanimous-consent agreement?

Mr. JONES. Mr. President, there was the opportunity all of yesterday afternoon to discuss this amendment; there was the opportunity to do so for three hours to-day. There is much other legislation that is pressing and on which it is very desirable to secure action before the session shall close. I dislike very much to be in this position, but as the one in charge of the bill I feel that I shall have to object.

The PRESIDING OFFICER. Objection is made.

Mr. HARRISON. Mr. President, will the Senator from Pennsylvania yield so that I may ask the Senator from Washington a question.

Mr. REED of Pennsylvania. I very gladly yield.

Mr. HARRISON. The unanimous-consent agreement only limits the time of speeches. Would not the Senator agree to modify the unanimous-consent agreement provided consent could be obtained to vote at a fixed time on Monday?

Mr. BORAH. I would not like to agree to that. If the bill is going to be debated, let us have a full debate, what they call in England a "dress-suit" debate.

The PRESIDING OFFICER. Objection is made.

Mr. REED of Missouri. Mr. President, I desire to say this, if the Senator from Pennsylvania will yield.

Mr. REED of Pennsylvania. I gladly yield.

Mr. REED of Missouri. Yesterday afternoon I had an important committee meeting, and I inquired of the Senator from Washington [Mr. JONES] whether he expected to get a vote yesterday afternoon. He said he did not. I then said that I wanted to make some remarks on the bill, but at that time I was obliged to attend to my committee work. I was utterly surprised to find that, without any roll call or without any notice, this unanimous-consent agreement had been made, although I was in the building in company with the other members of the committee. I do not want, however, to present any petition, only I should like at some time to finish what I have to say.

Mr. JOHNSON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state his parliamentary inquiry.

Mr. REED of Pennsylvania. Certainly.

Mr. JOHNSON. I should like to ask how the Chair construes the unanimous-consent agreement? It provides, apparently, that each Senator may speak for 15 minutes upon the pending bill, and not more than once nor longer than 10 minutes upon any amendment proposed thereto. Does that mean 10 minutes upon each amendment?

Mr. JONES. Yes.

Mr. JOHNSON. Necessarily it does. If that be true, how long a time did the Senator from Missouri occupy?

The PRESIDING OFFICER. The Senator from Missouri has occupied 15 minutes on the bill, and 10 minutes on the pending amendment. He has more time on any other amendment which may come before the Senate.

Mr. JOHNSON. Then, Mr. President, as there is no other amendment before the Senate, I am going to offer such an amendment.

Mr. JONES. There can be but one amendment pending at a time.

The PRESIDING OFFICER. There is a pending amendment before the Senate not as yet disposed of.

Mr. JOHNSON. The Senator from Missouri does not need to confine himself in his 10 minutes to one single amendment. I can move to amend the pending amendment, and in that fashion the Senator from Missouri will have the right to speak 10 minutes longer. Then some other Senator can repeat the process until the Senator from Missouri gets an opportunity to conclude his speech. It does not make any difference whether

we agree with the Senator from Missouri or not, he ought to have the opportunity to present his views and to debate the question, and I think that we in this body ought not to be guilty of shutting the Senator off from adequately presenting his views upon the question.

Mr. BRUCE. Mr. President——

Mr. REED of Pennsylvania. Mr. President, before I yield further, I desire to ask may I not yield the floor? I have not said a word upon the pending bill. May I not yield the floor, with the understanding that it will not prejudice my right to be heard later? I have not made a speech, and I do not want to inject a speech into the middle of somebody's else speech, but I do want to speak for five minutes before the final vote.

Mr. BRUCE. I rise to a point of order. Are there not two committee amendments pending or is but one amendment pending?

The PRESIDING OFFICER. Only one amendment is pending at this time.

Mr. JOHNSON. If there were two amendments pending, may I inquire would the Senator from Missouri then have a right to proceed 10 minutes longer upon the pending amendment?

The PRESIDING OFFICER. There can be only one amendment pending at a time.

Mr. JOHNSON. Very well. If a substitute were offered for the amendment, or an amendment to it, upon that substitute or amendment, would the Senator from Missouri have the right to proceed?

The PRESIDING OFFICER. He would.

Mr. JOHNSON. Very well. What is the pending amendment, please?

The PRESIDING OFFICER. The pending amendment is on page 1, line 3, to insert the words "in a criminal prosecution."

Mr. JOHNSON. That is, the italicized words "in a criminal prosecution"?

The PRESIDING OFFICER. That is the pending amendment.

Mr. JOHNSON. I move to amend that by adding after the word "prosecution" the words "after the first offense."

The PRESIDING OFFICER. The Senator from Missouri may speak on that amendment.

Mr. GLASS. Mr. President, it does seem to me that the Senator ought not to be put to such subterfuges as have been suggested. The Senator from Washington will recall that I apprehended there might arise just such a situation as this when he proposed his unanimous-consent agreement yesterday. I asked for a roll call, but the response was that there was no necessity under the usage for a roll call, because no time was fixed for a final vote. The whole matter may be simplified if the Senator from Washington will not persist in his objection, for it is not going to accomplish anything, as can readily be seen from the proposition of the Senator from California [Mr. JOHNSON], and there will be other substitutes, doubtless, and other amendments, and so we will go on under that process of subterfuge.

Mr. JONES. Mr. President, there is no one that I enjoy hearing speak more than I do the Senator from Missouri. I would have made the same objection to anyone else whether on this side of the Chamber or the other, whether for prohibition or against it. If the Senate, knowing the situation that confronts us, desires to abrogate the unanimous-consent agreement which we made in the usual and customary way, I do not feel that I should set myself up against the judgment of the Senate. If, therefore, we can now reach a unanimous-consent agreement that will be observed in the future and that will give us more time and will be satisfactory, I shall not object to it.

Mr. FESS. Mr. President——

Mr. JONES. I yield to the Senator from Ohio.

Mr. FESS. Mr. President, I shall object to vacating the unanimous-consent agreement, but, in view of the fact that the Senator from Missouri did raise the question—and I was in the chair when it was raised—as to what the purpose was and whether a vote would be had, and he left the Chamber and was out while the suggestion was made to limit debate, I think that we ought to make a modification to the extent of permitting the Senator from Missouri to conclude his speech.

Mr. BORAH. Mr. President, there is no reason why, if we are going to have debate, that the debate should not be had under such circumstances as that every Senator will feel free. The Senator from Missouri, if he is going to discuss the matter, ought not to be interrupted every few minutes to be told that his time has expired, and neither should other Senators. I think that there has been raised a question which will justify debate, and perhaps it is as important as some other measures which might be postponed by reason of such debate. I suggest, therefore, that we vacate the unanimous-consent agreement, and take a recess until 12 o'clock on Monday.

Mr. HEFLIN. Mr. President, may I suggest to the Senator from Washington that, rather than pursue that course, we allow the Senator from Missouri to have 20 minutes additional—certainly I have no objection to that—and then allow any Senator who wishes to reply to him to have an opportunity to do so. If the Senator from Idaho should like to speak, let him have 20 minutes additional. He would have 15 minutes on the bill under the agreement as it stands and 10 minutes on the amendment.

Mr. GLASS. But other Senators might want an additional 20 minutes.

Mr. HEFLIN. Other Senators could speak 15 minutes on the bill and 10 minutes on the amendment. I think that would settle the wrangle we are in, without abandoning the unanimous-consent agreement.

Mr. BLEASE. Mr. President, will the Senator yield?

Mr. JONES. Just a moment. Mr. President, I have certainly not thought of taking snap judgment against anybody. I conferred with the Senator from Maryland [Mr. BRUCE] and the Senator from Wisconsin [Mr. BLAINE] on yesterday before submitting the request, and they were the only two so far as I knew who expected to speak on the bill. The Senator from Missouri did speak to me, as he said, but I did not gather from the conversation whether he intended to speak on the bill.

I myself do not propose to take advantage of anybody. If we can reach some agreement as to a time when we might proceed under the 10-minute rule again, I am perfectly willing, if the Senate so desires, to vacate the unanimous-consent agreement we have made, if that can be conditioned on taking a recess to-night until Monday.

Mr. BLEASE. I merely wish to make a suggestion, if the Senator will permit me.

Mr. JONES. I yield.

Mr. BLEASE. The unanimous-consent agreement went into effect at 3 o'clock this afternoon. The Senate met at 12 o'clock, and I presume every Senator thought that the debate was going to be continued on the pending bill; but the distinguished Senator from Alabama delivered an address, which was very entertaining, for possibly an hour and a half; after that the Senator from Connecticut made some remarks. The result was that nearly the entire time up to 3 o'clock was taken up with foreign matter, and Senators who desired to discuss the pending measure were deprived of an opportunity of doing so. When the hour of 3 o'clock arrived, the unanimous-consent agreement went into effect. It seems to me that at least the two hours and a half which were consumed in the discussion of other subjects should be added to the time when the limitation of debate went into effect.

I say now that if the Senator from Missouri shall not be permitted to go on, so far as I am concerned, if I am here—and I hope to be—there will be no other unanimous-consent agreements entered into at this session up to 12 o'clock on the 4th day of March.

Mr. HEFLIN. Mr. President, I should like to say a word further.

Mr. JONES. Mr. President, I wish to submit a request for unanimous consent. I ask that the existing unanimous-consent agreement may be vacated; that when the Senate concludes its business to-night it shall take a recess until 12 o'clock on Monday; and that after 4 o'clock p. m. on Monday next debate on the bill and any amendment thereto shall be limited to 10 minutes to each Senator.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Missouri. Mr. President, I inquire of the Senator from Washington if it is his desire now to take a recess?

Mr. JONES. Oh, no. I should like to have the Senator from Missouri proceed.

Mr. WATSON. The understanding is that the Senator from Missouri will proceed now.

Mr. REED of Missouri resumed his speech. After having spoken for some time he said:

Mr. President, I do not want to conclude my remarks to-night if the Senator from Washington [Mr. JONES] is willing to take a recess at this time.

Mr. REED of Pennsylvania. Mr. President, without meaning to take the Senator from the floor, and with his permission, I should like to make a report on a privileged matter from the Committee on Military Affairs.

Mr. REED of Missouri. May I just make one statement before I conclude for to-day? I shall ask the privilege of the floor when the Senate reconvenes on Monday to continue my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The speech of Mr. REED of Missouri is published entire beginning on page 3637.]

Mr. VANDENBERG. Mr. President, in connection with this particular day's debate I ask unanimous consent to have printed in the RECORD an editorial from to-day's Baltimore Sun; and I desire to read just two sentences from it:

The Senate is trifling with a matter of grave importance when it sidetracks reapportionment for a bill to increase penalties for violation of the Volstead law. Complaint over the disrespect shown for dry laws comes with ill grace from a legislative body which has refused session after session to obey a plain mandate of the Constitution.

I ask to have the entire editorial printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

REAPPORTIONMENT

The refusal of the Senate thus far to take up the reapportionment bill bodes ill for that measure. Once before a bill designed to obey the Constitution in the matter of reapportionment was killed in the upper body after passage by the House.

This present danger is more regrettable because of the great opposition in the House to decrease of representation in that body from several States lagging in population. It was only under the demand of determined voices from States which now suffer gross discrimination in representation in Congress that the House was induced to pass the bill. To have overcome that unwillingness to obey the Constitution and do justice, and then find the Senate indifferent to its duty, is one of the most unfortunate developments of this session. Whenever the subject has arisen in the Senate that body has assumed an apologetic attitude for its previous refusal to agree to reapportionment, and has given every indication that it would not make the same mistake again. But the indifference now shown in the matter is more significant than all the words that have been uttered.

The Senate is trifling with a matter of grave importance when it sidetracks reapportionment for a bill to increase penalties for violation of the Volstead law. Complaint over the disrespect shown for dry laws comes with ill grace from a legislative body which has refused session after session to obey a plain mandate of the Constitution. Continued opposition to passage of the bill by the Senate would be a gross betrayal of its sworn duty.

ARMY PROMOTIONS

Mr. REED of Pennsylvania. Mr. President, for the past two years the Senate has heard rumbles of a disagreement in the Committee on Military Affairs over what is known as the promotion situation growing out of the hump in the promotion list created at the close of the World War because 6,000 officers were all taken in at once with substantially the same amount of commissioned experience. The Senator from Alabama [Mr. BLACK] represented a school of thought which was quite contrary to that which seems to me and some other members of the committee to be the proper way of dealing with the matter. There have been for more than a year on the calendar of the Senate two bills, one representing his thought and reported out by a scant majority of the Military Affairs Committee, and one representing what the rest of us thought was right, also reported out by a scant majority.

It was perfectly evident that our opposition to one another's ideas was going to prevent relief to that great throng of officers who, when they came into the Army, were rightfully encouraged to look for reasonable promotion during their service. Matters reached such an impasse that finally the Secretary of War came before us to appeal to us to drop all of our smaller differences and try to agree upon some proper measure of promotion based upon length of service, and not upon waiting for one's predecessor on the promotion list to die or resign or retire.

I want to say on behalf of the Senator from Alabama [Mr. BLACK] and those Senators who agreed with him that they have met us most fairly, and I am happy now to be able to report unanimously to the Senate from the Committee on Military Affairs amendments to the amendments of the House to the bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired.

The amendments reported by the Committee on Military Affairs to the amendment of the House of Representatives to Senate bill 3269 were read, as follows:

That the aggregate number of commissioned officers of the Regular Army and Philippine Scouts on the active list shall not exceed the number now or hereafter expressly authorized by law, and all such officers, except officers of the Medical Department, chaplains, and professors, shall be designated as promotion-list officers. The number of promotion-list officers in each of the grades below brigadier general shall be such as results from the operation of the promotion system prescribed in this act, and shall not be otherwise limited: *Provided*, That except as otherwise in this act prescribed, the aggregate number of promotion-list colonels and lieutenant colonels shall not exceed 15 per cent, and the number of promotion-list field officers shall not be less than 26 per cent, of the maximum aggregate number of promotion-list officers authorized by law.

SEC. 2. That all promotions under this act shall be subject to such examination as shall have been required by authority of law. Promotion-list officers in the grades of second lieutenant, first lieutenant, captain, major, and lieutenant colonel shall, except as otherwise prescribed in this act, be promoted to the respective next higher grade when their names appear first in their grade upon the promotion list, and when, under provisions of this act, they are credited with 3, 10, 15, 20, and 26 years of service, respectively. The promotion of majors credited with 20 years of service shall be deferred so long as necessary to prevent the limitation of 15 per cent hereinbefore prescribed for the combined grades of colonel and lieutenant colonel being exceeded, and no officer shall be promoted to the grade of colonel until he shall have served at least two years in the grade of lieutenant colonel: *Provided*, That promotion-list officers not promoted from the grade of major under the foregoing provisions shall be promoted to the grade of lieutenant colonel when, under provisions of this act, they are credited for promotion purposes with not less than 20 years of service and are also not less than 52 years of age, and officers so promoted under this proviso shall be promoted to the grade of colonel when credited with 26 years of service, or as soon thereafter as they shall have served not less than two years in the grade of lieutenant colonel and shall be additional numbers in the grades of lieutenant colonel and colonel and shall not be counted in computing the maximum percentage hereinbefore prescribed for such grades: *Provided further*, That in the application of the foregoing proviso each United States Military Academy class shall be treated as a unit as of the average age of the members of the class. In so far as necessary to maintain the prescribed minimum of field officers, captains credited with less than 15 years of service shall be promoted in the order of their standing upon the promotion list.

SEC. 3. That flying officers commissioned in the Air Corps in the grades of first lieutenant and captain shall be promoted to the respective next higher grades when credited for promotion under provisions of this act with 7 and 12 years of service, respectively. When promotion as hereinbefore prescribed in this and preceding sections of this act fails to provide the Air Corps with the per cent of colonels, lieutenant colonels, and majors hereinafter specified flying officers commissioned in the Air Corps shall be promoted in the order of their relative standing on the promotion list so that the number of Air Corps officers in the grade of colonel shall be 3 per cent, in the grade of lieutenant colonel 4 per cent, and in the grade of major 18 per cent, respectively, of the total number of officers commissioned in the Air Corps, fractions being disregarded in computing said numbers. Flying officers of the Air Corps promoted to the grades of lieutenant colonel and colonel under provisions of this section shall be additional numbers therein and shall not be counted in computing the maximum percentage for such grades hereinbefore prescribed in this act. Any flying officer of the Air Corps promoted under provisions of this section who may become surplus in the grade of major, lieutenant colonel, or colonel by reason of a subsequent decrease in the total number of officers commissioned in the Air Corps shall be an additional number in his grade in the Air Corps until absorbed. The term "flying officer" as used in this act shall be construed to mean a flying officer as defined by section 13a of the national defense act as amended.

SEC. 4. Length of service for promotion under this act shall be computed as follows:

First, each promotion-list officer originally commissioned in the Regular Army prior to July 2, 1920, without prior Federal commissioned service, whose active commissioned service shall have been continuous since acceptance of original commission, shall be credited with the full period from the date of such original commission;

Second, each promotion-list officer commissioned in the Regular Army or Philippine Scouts prior to July 2, 1920, who is not included in the category defined in the preceding subparagraph shall be credited with a length of service equal to that accredited to the officer of said category whose name appears nearest above his on the promotion list;

Third, each promotion-list officer originally commissioned in the grade of second lieutenant in the Regular Army or Philippine Scouts after July 1, 1920, shall be credited only with the period of service from the date of such original commission: *Provided*, That each promotion-list officer not included in any of the foregoing categories and each officer of said categories whose original relative position on the promotion list shall have been changed or affected by sentence of court-martial, by special enactment, by discontinuity of his active service, or by suspension from promotion, shall be credited with such length of service for promotion as the Secretary of War shall determine to be appropriate to his relative position on the promotion list.

SEC. 5. That all prior statutory provisions governing the termination of active service of officers shall, except as otherwise specifically prescribed in this act, continue in full force and effect and be administered as now provided by law: *Provided*, That, excepting section 190, Revised Statutes of the United States, all laws or parts of laws restricting the freedom of persons on the retired lists of the Regular Army, who are otherwise eligible to accept any civil office or employment, or affecting

their retired status or retired pay on account of holding any civil office or employment and receiving the compensation thereof, are hereby repealed in so far as they apply to said persons; and any such person who may be employed in any civil office or position under authority of the United States shall be entitled to receive the full compensation allotted to such office or position without regard to such person's retired pay: *Provided further*, That when any officer of the Regular Army or Philippine Scouts shall have served 35 years or more, including all service counted toward eligibility for voluntary retirement under existing laws, including this act, he shall, if he makes application therefor to the President, be retired from active service and placed upon the unlimited retired list: *Provided further*, That when any officer of the Regular Army or Philippine Scouts shall have served 40 years as a commissioned officer in active service in the Army of the United States, or is 60 years old, he may, without action of a retiring board, be retired from active service at the discretion of the President, and placed upon the unlimited retired list: *Provided further*, That in computing eligibility for voluntary retirement of officers of the Army each officer shall, in addition to all service now credited under existing laws, be credited with additional constructive credit equal to one-half the time, if any, that he shall have been actually detailed to duty involving flying, except in time of war: *Provided further*, That flying officers of the Air Corps who become physically disqualified for all flying duty shall be eligible for retirement for physical disability.

SEC. 6. That during each fiscal year promotion-list officers who were originally appointed in the Regular Army or Philippine Scouts prior to July 1, 1920, or as of that date, may file applications to be transferred from the active list in the manner hereinafter provided and the President is hereby authorized, on or before June 30 of each fiscal year, to designate for transfer from the active list from among such applicants who shall have been recommended for such transfer by a board of general officers such number as shall not exceed 1 per cent of the maximum authorized number of promotion-list officers of all grades.

Officers designated for transfer from the active list under provisions of this section shall be ordered to their homes as soon as practicable after such designation and, upon expiration of such leave of absence with full pay as may be granted under existing law, shall be transferred to the unlimited retired list with retired pay at the rate of 2½ per cent of active pay, multiplied by the number of complete years of service, but not exceeding 30 years, with which credited for pay purposes, excepting non-Federal service: *Provided*, That each computation of service and pay of an officer designated for transfer from the active list under this section shall be as of the date of such designation: *Provided further*, That any officer originally appointed in the Regular Army as of July 1, 1920, at an age greater than 45 years, may if he so elects, in lieu of retired pay at the rate hereinbefore provided, receive retired pay at the rate of 4 per cent of active pay for each complete year of commissioned service in the United States Army, not exceeding 75 per cent of active pay.

Officers designated in any fiscal year for transfer from the active list shall, for purposes of computations under provisions of this act, be deemed to have been transferred from the active list during the fiscal year in which designated, notwithstanding the deferment of separation as herein authorized.

SEC. 7. That on and after the date of the passage of this act, Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army, and shall receive pay and allowances determined as provided by law for other officers on the retired list, and based upon the active pay and allowances provided for lieutenant generals during the World War. Said Hunter Liggett shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from March 21, 1921, to the date of the passage of this act. Said Robert L. Bullard shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from January 15, 1925, to the date of the passage of this act.

SEC. 8. That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, a rank on the retired list at the highest rank held by him during the World War, but, except as otherwise specified in section 7 of this act, not above the rank of major general: *Provided*, That no increase of retired pay and allowances shall result from the provisions of this section.

SEC. 9. That except as specifically provided in this act, nothing therein shall be held or construed to discharge any officer from the Regular Army or to deprive him of the commission which he holds therein, or to reduce the rank or pay, active or retired, of any officer therein. All laws and parts of laws, in so far as the same are inconsistent herewith or are in conflict with any of the provisions hereof, are hereby repealed.

Amend the title so as to read: "An act to regulate promotion in the Army, and for other purposes."

Mr. REED of Pennsylvania. While it is a unanimous report that is submitted to the Senate, the Senator from Connecticut [Mr. BINGHAM] has a further amendment which he asks to offer to add to the bill, and upon which further amendment I shall speak very briefly when he offers it.

In reporting this as a privileged matter—because it is an amendment to an amendment of the House and would not in any way displace the unfinished business—I move that the Senate agree to the amendment of the House with the amendment reported by the Senate Committee on Military Affairs.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Pennsylvania if the amendment is a lengthy one?

Mr. REED of Pennsylvania. It is about eight pages long.

Mr. ROBINSON of Arkansas. Will the Senator make a brief analysis of it, so that those of us who are interested in the bill may understand what is effected by its terms? As the Senator will recall, I was formerly a member of the Committee on Military Affairs of the Senate and was greatly interested in the subject and had prepared a bill relating to it.

Mr. REED of Pennsylvania. It was a matter of great regret to all of us when the Senator from Arkansas withdrew from that committee.

Mr. ROBINSON of Arkansas. I thank the Senator.

Mr. REED of Pennsylvania. Mr. President, to begin with, this bill does not propose to increase the aggregate of officers of the Army. That aggregate is now fixed at 12,000 officers. This bill does not propose to increase it. The bill does not increase the pay of the several ranks; it leaves the pay act of 1922 unchanged. It provides a system of promotion by length of commissioned service, including in that commissioned service the period between the armistice and the going into effect of the national defense law of 1920, because we did not want to discriminate among officers in accordance with the rapidity of demobilization.

The bill provides that a second lieutenant whose service is otherwise creditable shall be promoted to first lieutenant after 3 years of commissioned service; to captain after a total of 10 years of commissioned service; to major after 15 years of commissioned service; to lieutenant colonel after 20 years of commissioned service; and to colonel after 26 years of commissioned service. There is no throttle in that system of promotion except after the grade of major. It is obviously necessary, in order to prevent the whole Army from being colonels, to put a throttle on somewhere.

Mr. NORRIS. It is necessary to have a few privates.

Mr. REED of Pennsylvania. We have got to have privates; ours is not the kind of an Army where all can be generals.

So with the recommendation of the War Department—and I might say this bill meets the full approval of the War Department—the throttle is put on between major and lieutenant colonel. It is provided that the total number of promotion-list colonels and lieutenant colonels shall not in the aggregate exceed 15 per cent of the total commissioned strength of the Army. The junior Senator from Alabama [Mr. BLACK] very properly called attention to the unfairness that that would work upon the older captains who were taken in from the World War Army and who were commissioned in 1920. He pointed that that throttling provision would operate to prevent their ever getting their colonelcy, and probably their lieutenant colonelcy, before they were retired at 64 years of age. So, in collaboration with him, a proviso was worked out that majors who had the requisite 20 years' service should, if they had reached the age of 52, be promoted to lieutenant colonel and carried as extra numbers; that they should not dislodge any officer ahead of them on the promotion list, but would get permanent appointments as extra numbers; and, similarly, after 26 years of service and after a minimum of 2 years as lieutenant colonels, they should get their colonelcy and be carried as extra colonels.

Mr. ROBINSON of Arkansas. Will that affect a large number of officers?

Mr. REED of Pennsylvania. It will affect, I think, approximately 800. The Senator from Alabama will correct me if I am wrong. That took care of the officers in the general branches of the Army, but still left unsolved a serious problem in the Air Corps, because the Air Corps, according to its tables of organization, needs a considerable number of colonels and lieutenant colonels, and yet almost all of Air Corps officers are youngsters who came into the Army in the war time and in the natural course of events would not get to be field officers for a good many years.

In the first place, it was somewhat of an injustice to the Air Corps officers, although they are young, and, in the next place, it was a very serious injustice to the Air Corps as a unit because it deprived it of the higher commands that were necessary, and we should see such spectacles as majors in the Air Corps exercising commands that were appropriate for colonels,

and in charge of millions of dollars of Government property, and very large bodies of men. It was right that some method be devised to take care of them. So we did it in two ways:

First, by accelerating their promotion from captain to major, and allowing that to occur at the end of 12 years' service instead of 15 years; and next allowing promotion from first lieutenant to captain at the end of 7 years instead of 10 years, as for the remainder of the Army.

Then, further, we provided that for the Air Corps there should be 3 per cent of its officers in the grade of colonel, and if they did not reach that grade naturally, as a part of the whole promotion list, then they should be promoted to it and be carried as extra numbers, but their appointment would be permanent and not temporary; and, similarly, that 4 per cent of the Air Corps officers should be lieutenant colonels and 18 per cent should be majors.

Then, having reached that point, we allowed in the computation of service for retirement, and other purposes in the field, time and a half for such time as flying officers were actually engaged in flying duty. That was an effort by the committee to recognize the increased hazard of flying in peace times over the hazard that confronts the other branches of the service.

Furthermore, in order to avoid injustices in retirement, we have provided that any officer of the Army may retire at any time during his commissioned service, but, instead of getting full 75 per cent retired pay, he will receive 2½ per cent of his base pay for each year of his commissioned service with a maximum of 75 per cent.

We have also provided that officers with 35 years' experience may voluntarily retire on their own application, receiving the full 75 per cent retired pay.

We have also provided that after an officer reaches the age of 60 he may be retired on the order of the President for unfitness or general disability. The present limit is 62 years. We have dropped that limit two years and given the President the power to order retirement, with the idea of increasing the attrition in the promotion list, speeding up the flow of promotions and helping the junior officers.

Then, Mr. President, we have carried in the bill the provision that was in the original bill as it passed the Senate giving Gen. Hunter Liggett and Gen. Robert L. Bullard, the only two commanders of American field armies in battle, the permanent grade of lieutenant general, which they held during the time they actually commanded those battle armies. It is worth while, I think, to call attention to the fact that both General Liggett and General Bullard had under their command in the World War more men than the American Nation ever had under any command at any time in any previous war of its history.

Finally, we have embodied as an additional section the essential provisions of a bill introduced by the Senator from Tennessee [Mr. TYSON], which was passed by the Senate some time ago, allowing a brevet title, without any increase in pay to those officers who have been retired or may in the future retire, the brevet title to be the same as the highest rank they held during the World War. The Senate can scarcely understand—I myself can scarcely understand—the importance attached to that by these officers. It is a mere title; it is a mere reminder of the command they exercised during the war; it does not bring them one penny in pay or allowances, but to them it is more important than a considerable increase in the money reward which they receive from their Government.

Mr. BLACK. Mr. President, will the Senator yield at that point?

Mr. REED of Pennsylvania. I am glad to yield to the Senator from Alabama.

Mr. BLACK. A question has been asked me as to whether or not the carrying of extra numbers would increase the expense. I think probably it would be wise for the Senator to explain as to that.

Mr. REED of Pennsylvania. I am glad to do so. Under the pay act of 1922 the compensation of a lieutenant colonel and a colonel and, indeed, a major is substantially the same for those who have had the periods of service specified here for promotion. I had a particular application of it in the case of a lieutenant colonel of my acquaintance, who told me while this subject was under consideration that he would be benefited by the bill and would get his promotion immediately to colonel. I asked him, "Just what difference will that make to you in a money way?" He replied, "It will make a difference of exactly $1.95 a month." That resulted from some detail in connection with the matter of allowances; but the essential base pay of the officer is just the same whether he gets the promotion or does not. So, on behalf of the committee, I want to assure the Senate that the cost of this amendment which we report will be practically nothing; it will be so slight that it is not worth paying attention to.

Mr. President, I move that the Senate agree to the amendment reported by the committee to the amendment of the House. If that motion shall be agreed to I will then move that the House amendment be agreed to.

The PRESIDING OFFICER (Mr. SMITH in the chair). The question is on the motion of the Senator from Pennsylvania.

Mr. BINGHAM. Mr. President, I desire to offer an amendment. As was stated by the Senator from Pennsylvania——

The PRESIDING OFFICER. Let the Chair inquire of the Senator if the amendment which he proposes to offer will not be in order after the vote shall be taken on the amendment proposed by the Senator from Pennsylvania on behalf of the committee?

Mr. BINGHAM. The amendment I desire to offer is an amendment to the committee amendment, and I think should be voted on first.

Mr. REED of Pennsylvania. I think the Senator is right in that, Mr. President.

Mr. BINGHAM. Mr. President, my amendment is that section 1 of the House amendment shall be included in the bill at the proper place. I will state briefly just what that does. Section 1 of the House amendment provides a separate promotion list for the Air Corps. That is virtually all that it does.

For many years the Air Corps has been earnestly striving to secure a separate promotion list. Casualties in the Air Corps from accident are ten times greater than those in any other branch of the Army. It is true that the other portion of the amendment as reported by the committee will correct the situation in regard to the securing of promotion after a certain length of years and without regard to the number of senior officers ahead of a particular officer, and it also provides a certain amount of benefit for the Air Corps; but it does not recognize the fact that the Air Corps in peace time labors under an entirely different kind of hazard from that under which the other branches of the Army labor. To grant them a separate promotion list would have this advantage, I believe, so far as the general psychology of the whole Army is concerned: Under the amendment as recommended by the committee, where the Air Corps is left in with the rest of the service, a captain in the Air Corps would continue alongside of a captain in the Regular Army for a period of 12 years, and then the captain in the Regular Army would continue as a captain for three years more until he became a major, whereas the man who had been alongside of him on the promotion list all these years would be suddenly promoted to the grade of major.

In other words, every time an Air Corps officer gets the advantage of this bill in the shortened length of service and the counting of flying time, it disrupts the promotion list, it makes hard feelings, it shows the rest of the Army that this man is being promoted over their heads, because the man who is interested in his own promotion studies the list and sees upon it the fact that he, Mr. C, is between Mr. B and Mr. D; and that goes on for a certain numbers of years until suddenly the man below him disappears and goes up to a higher grade.

I believe that that will have a bad effect on the Army and will cause hard feeling between the branches, whereas if we make a separate promotion list, retaining the other features of the bill, then Mr. C will not know that Mr. D has been promoted ahead of him unless he happens to be familiar with that particular case, because the lists will be separate, and when he looks for his own place in the list he will find as he goes up with the other officers that he retains exactly that place during all the years. For that reason, Mr. President, it seems to me that it is for the benefit of the entire Army, and it is also in line with what the Air Service has been seeking for a great many years, and which I believe it is entitled to.

I may say, for the benefit of the Senate, that this section of the bill has been approved repeatedly by the meetings of the National Aeronautic Association and by the convention of the American Legion.

Mr. REED of Pennsylvania. Mr. President, I am sorry to have to oppose this amendment, but I believe that it is very wrong in principle.

Down to the Spanish War, and for a short time afterwards, we had separate promotion lists for every regiment, and it worked out most unjustly. Classmates at West Point found themselves two grades apart simply because there had been more resignations or deaths in one regiment than in another. They were equally meritorious; and so, back about 1900, a system of promotion by branch, with separate promotion lists in each

branch, was instituted. Then it was found that as the types of war changed one branch came to be very greatly increased, like the Field Artillery, and another one did not increase, like the Cavalry, and classmates at West Point found themselves with just as much disparity as before, through no fault of one or merit of the other; and when the national defense act was passed it was decided to consolidate into one promotion list all the officers of the Army in combatant or staff service—that is, all except chaplains and doctors and dentists and veterinarians.

It was pointed out, of course, that the officer on duty with mounted troops was in greater danger, and probably had more accidents, and died more often, than the officer who was a quartermaster officer, sitting in the War Department; and yet, after a great deal of thought, Congress followed the advice of the War Department not to take that into account, but to prevent the greater injustices by consolidating all the officers into one branch.

This, I think—and the majority of the Military Affairs Committee agrees with me—would be a distinct step backward. It is dangerous, of course, to fly an airplane in peace time, but it is not exactly safe to go on with a battery of Field Artillery at a gallop. I have done both, and I think I felt in greater danger with the galloping battery than with the smoothly flying airplane. I think I was more scared at one time than the other, although I was properly scared at both times, and always will be. But you can not make separate lists just because of some differences in degree of danger; and, furthermore, they do not need it in the Air Corps in view of the provisions we have put in this bill that allow them this promotion as extra numbers.

That was the recommendation of the Secretary of War, so as to provide that within their own branch they should always have a supply of officers going forward to keep up their full percentage of field grades.

In substance, it is nothing more than a sentimental gesture to give them this separate promotion list. The practical benefits of it are all included in the committee amendment intentionally, purposely, so that they should have those practical benefits, but whatever we might do sentimentally to please the Air Corps by creating a separate list would do far greater damage to the rest of the Army by giving the impression that the Air Corps had been picked out for favoritism.

Therefore I hope the amendment will be rejected.

Mr. BINGHAM. Mr. President, I should just like to call attention to the fact that the rest of the bill certainly does pick out the Air Corps for favoritism, in that it permits promotion to go faster in the Air Corps than in the rest of the Army; and the argument which the Senator has used about two classmates at West Point will apply in his amendment more bitterly than it will apply in the amendment which I have proposed, because those two classmates will be in separate lists, and will not know it when they get separated.

Mr. REED of Pennsylvania. That is true, Mr. President; but it will be cured as time goes on.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. BINGHAM] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment reported by the committee to the House amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the House amendment, as amended, is agreed to.

The title was amended so as to read: "An act to regulate promotion in the Army, and for other purposes."

Mr. REED of Pennsylvania. I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

MISSOURI RIVER BRIDGE, IOWA-NEBRASKA

Mr. NORRIS. Mr. President, on behalf of my colleague [Mr. HOWELL], who is ill, I desire to ask the Senate to take up and pass a bill which has been unanimously reported, which simply extends the time for building a bridge that has been heretofore authorized. The bill has received the unanimous approval of the committee and of the department. It is Senate bill 5664.

Mr. ROBINSON of Arkansas. I know of no objection to the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5664) to extend the times for the commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr., which had been reported from the Committee on Commerce with an amendment, on page 2, line 1, after the word "from," to strike out "the date of the approval hereof" and insert "May 24, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, between Council Bluffs, Iowa, and Omaha, Nebr., authorized to be built by the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, by the act of Congress approved May 24, 1928, are hereby extended one and three years, respectively, from May 24, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. JONES. Mr. President, pursuant to the unanimous-consent agreement, I move that the Senate take a recess, the recess being until 12 o'clock on Monday.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, February 18, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 16, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father everlasting, Thou who makest the mornings and the evenings to rejoice together, open for us the deeper and the broader meanings of life. We ask for the very essence of that blessing that cometh through faith and for the fullness that cometh through knowledge. Thou art not an absentee God, far, far away, but an imminent Father of love and wisdom, still at work in the hearts of Thy children. Quicken our understanding, touch our weakness, and let us even dare to chant the songs of lives which transcend their mortal years. Do Thou let the ebbing tides of the week leave us better men, more thoroughly devoted to the needs of our country and with purer passions of the human heart. May we have a restful to-morrow. Through Christ our blessed Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2695. An act for the relief of Gilliam Grissom;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez; and

S. J. Res. 216. Joint resolution to establish a joint commission on airports.

The message also announced that the Senate agrees to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy; and

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes.

MONTANA STATE COLLEGE

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 11510) for the relief of Montana State College and agree to the Senate amendment.

The SPEAKER. The Clerk will report the bill and Senate amendment.

The Clerk read the title of the bill, as follows:

An act (H. R. 11510) for the relief of Montana State College.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

F. STANLEY MILLICHAMP

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11064, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 11064, with a Senate amendment, and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

COLLECTION OF FEES FROM ROYALTIES ON PRODUCTION OF MINERALS FROM LEASED INDIAN LANDS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands, disagree to the Senate amendment, and ask for a conference.

The Clerk read the title to the bill and the Senate amendment.

Mr. HASTINGS. Mr. Speaker, the gentleman has asked unanimous consent to send it to conference, and I am obliged to object.

Mr. SNELL. Mr. Speaker, is it not proper to have the Senate amendment reported?

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The gentleman asks unanimous consent to disagree to the Senate amendment and ask for a conference.

Mr. HASTINGS. Mr. Speaker, I renew my objection.

QUARTERING OF TROOPS IN CERTAIN PUBLIC BUILDINGS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 418, to provide for the quartering in certain public buildings in the District of Columbia of troops participating in the inaugural ceremonies.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House Joint Resolution 418

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized to allocate such space in any public building under his care and supervision as he deems necessary for the purpose of quartering troops participating in the inaugural ceremonies to be held on March 4, 1929, but such use shall not continue after March 6, 1929. Authority granted by this resolution may be exercised notwithstanding the provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, approved April 28, 1902, prohibiting the use of public buildings in connection with inaugural ceremonies.

The SPEAKER. Does the gentleman from Indiana regard this as an emergency matter?

Mr. ELLIOTT. I do.

Mr. SNELL. This is the usual resolution passed under such circumstances?

Mr. ELLIOTT. It is.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, and I do not think I shall object, I understand the sole purpose of this is to care for troops that will be here during inauguration?

Mr. ELLIOTT. Yes; National Guard troops from the different States.

Mr. GARRETT of Tennessee. It is not expected that any part of the public buildings will be set aside for any other purpose?

Mr. ELLIOTT. No.

Mr. LOZIER. Reserving the right to object, Mr. Speaker, I want to call the attention of the House to some regulations by the District of Columbia Commissioners which in effect prohibit owners of homes allowing guests to view the procession from their windows and premises. I call attention to it in order to indicate the reckless disregard of public and private rights the District Commissioners are attempting to exercise in connection with the inauguration, evidently for the benefit of persons who have concessions for places from which the parade may be viewed.

The SPEAKER. Is there objection?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

HOSPITAL FOR DISABLED MINERS, UTAH

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 15732, making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes, with a Senate amendment thereto, and agree to the Senate amendment.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table the bill H. R. 15732, with a Senate amendment thereto, and agree to the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk reported the bill and the Senate amendment.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I do not intend to do so—I objected before when the matter came up principally because I do not like this method of legislation, which is the insertion of an amendment in the Senate that is not germane. I am not disposed to press that further, but I was desirous of knowing that the acceptance of this amendment would not be ground for a precedent for similar appropriation of public lands in a number of States. I am advised now that the conditions in Arizona, as well as in Utah, are exceptional, and that this bill does not establish a precedent for all public-land States. I do not object.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. How are the conditions in Arizona exceptional to those that prevail in other States?

Mr. CRAMTON. Under the terms of the enabling act, when the Territory became a State.

Mr. BLACK of Texas. In what particular were they different?

Mr. COLTON. Mr. Speaker, all of the other institutions in Arizona, as well as in Utah, were granted at least 100,000 acres of land when the States were admitted to the Union. In this particular instance, for some unexplainable reason, only 50,000 acres of land were granted, and it is not sufficient to carry out the purposes of the grant. Mining is one of the leading industries in both States.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, may I make a suggestion with reference to these unanimous-consent requests, and the question put by the Speaker? I did this once or twice before but it seems that we have gotten back to the old habit again. I think it would be much better for the membership of the House, speaking for their individual records, if in instances of this kind they would ask unanimous consent to take the bill from the Speaker's table and consider the amendment, and that the Speaker then should put the amendment, and the RECORD then would show that it was taken up by unanimous consent, and considered and agreed to. Instead of that the Journal will show that the Member asked unanimous consent to take the bill from the Speaker's table and agree to the amendment, and the RECORD will show that the amendment was agreed to by unanimous consent. It is just as easy for the RECORD to show that it was agreed to by the House, and that it was taken up by unanimous consent. I think that would be a much better procedure in the House than the one that we are following.

Mr. SNELL. That is practically the same request that the gentleman from Utah made.

Mr. GARNER of Texas. Oh, no; it is not. He asked to take it up and agree to the amendment.

Mr. SNELL. Is not that practically the same thing that the gentleman stated?

Mr. GARNER of Texas. No; it is not. We may give unanimous consent to take it from the Speaker's table and consider it, but it is another question as to whether we will agree to it.

The SPEAKER. The Chair is inclined to think that the request involves two affirmative propositions, one to take it up, and the other to agree to the amendment.

Mr. GARNER of Texas. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Utah.

There was no objection.

The SPEAKER. Without objection, the Senate amendment will be considered as having been agreed to.

There was no objection.

EXPORTATION OF ARMS, ETC., IN VIOLATION OF PACT OF PARIS

Mr. KORELL. Mr. Speaker, I ask unanimous consent to have House Joint Resolution 381, to prohibit the exportation of arms, munitions, or implements of war to nations violating the pact of Paris, withdrawn from the House Committee on the Judiciary to which it has been referred, and have the same referred to the Committee on Foreign Affairs. The chairmen of both committees have consented to the withdrawal and the rereference.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. Was the resolution properly referred in the first place? I think that is the important thing to be considered on a rereference of these matters.

The SPEAKER. The Chair at the time this resolution was before him was in some doubt, because while this refers definitely to the question of the exportation of arms, and so forth, there is a section in it which imposes a very severe penalty upon anyone who violates it. It imposes a penalty of a fine of not exceeding $10,000 and imprisonment of not exceeding two years. The Chair thought that was so important that it ought to be considered by the Committee on the Judiciary rather than by the Committee on Foreign Affairs. It appears that a number of similar resolutions, however, have gone to the Committee on Foreign Affairs.

Mr. SNELL. Then, it is a "border-line" proposition.

The SPEAKER. The Chair thinks it is a very close question, but inasmuch as both chairmen have agreed to the suggestion of the gentleman from Oregon [Mr. KORELL] the Chair has recognized him to make this request.

Mr. SNELL. I think as a general proposition that bills and resolutions which have been properly referred in the first place, ought not to be rereferred, but with a "border-line" proposition like this, there may be exceptions.

The SPEAKER. Yes. It is a very close question.

Mr. GARRETT of Tennessee. Mr. Speaker, does the matter go any further than merely an agreement between the two chairmen, or is it done with a knowledge of some other members of the respective committees?

Mr. SNELL. I understand that the Foreign Affairs Committee has already taken it up and have had a hearing upon it with the Secretary of State.

The SPEAKER. The Foreign Affairs Committee has a similar bill before it on which they have had hearings, but not a bill which imposes such severe penalties as this resolution.

Mr. GARRETT of Tennessee. I am reluctant to object; but I think that with bills of this nature, of large public import, where it is desired to have a rereference, the minority members should have an opportunity at least of knowing that such a plan is in progress. I understand it is satisfactory to the Committee on Foreign Affairs, and I was wondering in regard to the Committee on the Judiciary. I do not know.

Mr. MONTAGUE. The gentleman mentioned the number of the resolution; I do not know the title.

Mr. GARRETT of Tennessee. It is a bill, I will say to the gentleman from Virginia, providing an embargo on the exportation of munitions of war under certain circumstances.

The SPEAKER. The title of the bill is "To prohibit the exportation of arms, munitions, or implements of war to nations violating the pact of Paris." Clearly that subject is within the jurisdiction of the Committee on Foreign Affairs. The only reason the Chair referred it to the Committee on the Judiciary was because there was such a heavy penalty for the violation of the statute.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall not object to the request; but may I make this public statement, that I hope in the future that gentlemen who are desirous of securing these transfers from one committee to another will give the minority some notice of it before making the request, at least. If gentlemen will be kind enough to give me notice, I will try to get in touch with the minority members so that it can be taken up with the minority members before the request is ever made. I shall not object to this.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that this bill be rereferred——

Mr. DYER. I will ask the gentleman if he will not withdraw the request temporarily, so the committee may have an opportunity to look at it on Monday?

Mr. KORELL. I will be glad to do so.

FEDERAL RADIO COMMISSION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report, which the Clerk will report.

The Clerk read as follows:

House Resolution 321

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 15430, a bill continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

LOAD LINES FOR AMERICAN VESSELS

Mr. SNELL. Mr. Speaker, I present another similar resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 322

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1781, an act to establish load lines for American vessels, and for other purposes. That after general debate, which shall be confined to the act and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the act, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

EXTENSION OF REMARKS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks with reference to the proposed $24,000,000 appropriation for prohibition enforcement, and in doing so I desire to include a letter to me from Bishop Cannon. As I referred in my remarks to the bishop, in accordance with his request, I desire to insert the letter in the RECORD, and also I desire to insert a statement from Dr. Clarence True Wilson on the same subject.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, are the gentlemen in favor of the $24,000,000?

Mr. CRAMTON. There is some slight difference of opinion between them.

Mr. UNDERHILL. Mr. Speaker, I think that comes within the class of requests to which I have consistently objected, and unless the gentleman can convince me to the contrary I shall be obliged to object.

Mr. CRAMTON. I will say to the gentleman I do not think this is within the class to which the gentleman has objected.

Mr. HOWARD of Oklahoma. But it comes within the class to which I object.

The SPEAKER. Objection is heard.

EXTENSION OF HATCH AND SMITH-LEVER ACTS TO ALASKA

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13882, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 13882, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 13882) to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, what is the parliamentary status of that bill?

The SPEAKER. It is a House bill with a Senate amendment. The request of the gentleman from Iowa is to take the bill from the Speaker's table and concur in the Senate amendment.

Mr. BEGG. What is the Senate amendment?

Mr. HAUGEN. It is to strike out the word "and."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

QUESTION OF PRIVILEGE

The SPEAKER. The Chair will recognize the gentleman from Tennessee [Mr. REECE] on a matter of very great importance to the House.

Mr. REECE. Mr. Speaker, the Committee on Military Affairs directed me to make a favorable report to the House on H. R. 8305. I made the report yesterday and I notice that no

mention of it appears in the RECORD this morning. If any parliamentary reason has presented itself to the Speaker as to why the report should not be accepted I should like opportunity to discuss the question.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. CRISP. Is it a matter of privilege?

The SPEAKER. It is a parliamentary inquiry as to why the Speaker has not referred the bill to the Union Calendar.

Mr. CRISP. Would not the best way to present the matter to the Speaker be for the gentleman from Tennessee to rise to a question of the privilege of the House?

The SPEAKER. That would not involve the privilege of the House.

Mr. CRISP. I understand this is a matter of privilege in the House itself. If he rises to a question of privilege in the House and presented the matter the Speaker ought to bring it before the House for consideration.

The SPEAKER. The Chair thinks that in presenting a question of personal privilege the Member is not required, in the first place, to make a motion, but must state the reason which would give him general privilege.

Mr. CRISP. Does not that apply to a case of personal privilege?

The SPEAKER. It is specifically held that it does not apply in the case of personal privilege, but it does apply to a privileged resolution. I read from section 734 of the Manual:

In presenting a question of personal privilege the Member is not required, in the first instance, to make a motion or offer a resolution, but such is not the rule in presenting a case involving the privilege of the House.

Mr. BEGG. Mr. Speaker, is it a parliamentary inquiry that is propounded to the Speaker as to why he did so?

The SPEAKER. The Chair thinks so. Of course, it is the duty of the Chair to refer bills to the appropriate calendar if they are regularly reported from the committee. In this case the Chair has some doubt and has not referred the bill to the Union Calendar. The Chair will be glad to hear a discussion of the matter, as the Chair regards it as of much importance, on which there are no precedents.

Mr. REECE. Mr. Speaker, the Committee on Military Affairs met in the regular committee room on Thursday, which was the regular meeting day of the committee.

The committee for a period of years has held out Tuesdays and Thursdays as regular meeting days of the committee, and by mutual understanding of the membership these are our regular days, and that information is carried in various publications.

The Congressional Directory lists a number of committees and states their regular meetings day, under the remark—

Committees other than those mentioned meet upon the call of the chairmen.

In this list occurs the Committee on Military Affairs, listing its regular meeting days as Tuesdays and Thursdays. The Committee on Military Affairs also publishes a little pamphlet which contains the names of the members of the committee and the various subcommittees, and on the front page of the pamphlet appears the following under the head, "Regular meetings":

Tuesdays and Thursdays at 10.30 a. m. and on the call of the chairman.

Accordingly, on Thursday, last, the committee assembled in its committee room. A quorum was present and the chairman was absent. The ranking member of the committee called the meeting to order. I think it may be well for me at this place to read for the information of the Speaker the minutes of the committee. I read:

The Committee on Military Affairs met in regular session Thursday, February 14, in the appointed committee room. The meeting was called to order by Mr. WURZBACH, the ranking majority member, presiding in the absence of the chairman. The roll was called, and the following members answered to their names:

Mr. Wurzbach, Mr. Reece, Mr. Speaks, Mr. Wainwright, Mr. Hoffman, Mr. Quin, Mr. Fisher, Mr. Wright, Mr. Boylan (proxy), Mr. Garrett, Mr. McSwain, Mr. Hill, and Mr. Chapman.

The chairman announced, 13 members having answered to their names, a quorum was present, and the meeting opened for the consideration of business.

Mr. REECE was designated as acting secretary to record the proceedings of the meeting, the regular clerk being absent. On motion, a committee of three members was appointed to notify the chairman that a quorum was present in the committee room, this being the regular meeting day of the committee; that there was business to be transacted by the committee; and that the chairman be requested to preside. This committee reported, after repairing to the office of the chairman, that he was not there, but that his secretary was advised of the object of the committee's visit, and the chairman's secretary stated she would endeavor to get in communication with him. She later advised she had done so and that he was on his way to the office. The chairman did not appear in the committee room during the meeting.

The following bills were favorably reported by unanimous vote:

H. R. 15703, H. R. 11105, H. R. 17095, H. R. 16408, H. R. 17034, H. R. 12960, H. R. 15562, H. R. 14449, H. R. 12333, S. 4461, H. R. 15209, H. R. 9238, H. R. 12674, H. R. 13052, H. R. 13872, H. R. 14021, H. R. 14137, H. R. 14723, H. R. 15405, H. R. 15655, H. R. 15656, H. R. 15686, H. R. 16364, H. J. Res. 339, H. J. Res. 362, H. R. 16258, H. R. 16291, H. R. 16685, H. R. 16732, H. R. 17017, H. R. 4824, and H. R. 9520.

Mr. WURZBACH then relinquished the chair to Mr. REECE, the next ranking majority member, and moved to reconsider the motion by Mr. HILL to report H. R. 8305, with the recently submitted recapture amendments, without recommendation, which had been adversely acted upon by the committee on February 7. The secretary called the roll. The following members voted "aye":

Ayes, 11: Mr. Wurzbach, Mr. Reece, Mr. Speaks, Mr. Wainwright, Mr. Hoffman, Mr. Fisher, Mr. Wright, Mr. Garrett, Mr. Hill, Mr. Chapman, and Mr. Boylan (proxy).

The following member voted "nay":

Nay, 1: Mr. Quin.

Whereupon the Chair declared the motion to reconsider had prevailed.

Mr. QUIN then made the point of order that two-thirds were required to reconsider the motion. The Chair overruled the point of order. Mr. WURZBACH resumed the chair.

Mr. REECE moved that the committee report H. R. 8305 with the amendments agreed upon by the Muscle Shoals subcommittee and the recently submitted recapture amendments, as amended, to the House with a favorable recommendation. The roll was called on Mr. REECE's motion, and the following members voted "aye":

Ayes 11: Mr. Wurzbach, Mr. Reece, Mr. Speaks, Mr. Hoffman, Mr. Fisher, Mr. Wright, Mr. Garrett, Mr. McSwain, Mr. Hill, Mr. Chapman, and Mr. Boylan (proxy).

The following Members voted "nay":

Nays 2: Mr. Wainwright and Mr. Quin.

The Chair declared the motion carried.

The committee directed Mr. REECE to submit the report on H. R. 8305 to the House.

The committee, upon motion of Mr. WAINWRIGHT, voted to have hearings on H. R. 14038 and the war history bill by Mr. ANDREWS at its next regular meeting, Tuesday, February 19, at 10.30 o'clock. Thereupon the committee adjourned.

B. CARROLL REECE,
Acting Secretary.

The above three pages is a correct report of the proceedings of the committee, and the original copy is signed by 11 of the 12 members present. The other member, I understand, agrees that the proceedings are correctly reported.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. REECE. Yes.

Mr. COOPER of Wisconsin. I notice in that report a statement that one or two members were present by proxy. Just what is meant by "proxy"? What do you mean by members voting by proxy in a committee meeting?

Mr. REECE. Only one member was present by proxy, and in accordance with the rules of the committee he had submitted a proxy in writing and handed it to one of the members, the proxy stating how his vote should be cast. The member holding the proxy submitted it to the acting chairman to have it properly recorded before the committee.

Mr. COOPER of Wisconsin. Was there a quorum present?

Mr. REECE. There was a quorum present without it; there were 12 present without the proxy, 11 being required to make a quorum.

Mr. GARRETT of Texas. If the gentleman from Tennessee will permit, the practice in the committee for at least 12 years has always been, when bills have been considered and hearings had, and a member desired to leave the city to go home or elsewhere, who had his mind made up on that particular legislation, that the committee has always granted him the right to leave his written proxy with the chairman of the committee, directing some member to cast his vote for or against, which was done in this case, some having voted for and some against the former action taken in the consideration of this bill.

Mr. DYER. That can only be done by the unanimous consent of the committee, under the rules of the House.

Mr. REECE. There was no objection raised to the proxy, I might add incidentally.

Mr. COOPER of Wisconsin. Suppose a proxy were given to a man to vote in his discretion. Would that be proper under your rule?

Mr. REECE. It would, under our form of procedure.

Mr. COOPER of Wisconsin. In other words, if a member of the committee were not there at all but was in the city of New York, and he handed over to another member of the committee in writing authority to vote in his discretion, that would be legal under your rules?

Mr. REECE. That would be legal. Of course, as a matter of fact, there is always a direction as to how the vote shall be cast.

Mr. TILSON. Mr. Speaker, I do not wish to interpose a point of order, but it seems to me that the question of a proxy does not enter into this question at all, and it simply befogs the issue. Since the question of a proxy has nothing to do with the point to be decided it should not be discussed at this time.

Mr. LUCE. Will the gentleman yield?

Mr. REECE. Yes.

Mr. LUCE. Has this committee actually met on each Tuesday and Thursday during the session?

Mr. REECE. It has met on a majority of these days. I am not prepared to say that it has met on every one.

Mr. LUCE. The matter is of such vital consequence to other committees that I would ask the gentleman to correct us if we are wrong in supposing that there must be a call?

Mr. GARRETT of Texas. Let me say to the gentleman that the practice in the Committee on Military Affairs for the past 12 years has been to meet on Tuesdays and Thursdays unless by unanimous consent those days were passed over. If the committee met on Tuesday, and it were desired not to have a meeting on Thursday, by unanimous consent the Thursday meeting was passed over until the next Tuesday.

Mr. HUDSON. Will the gentleman yield?

Mr. REECE. I prefer to complete my statement, if the gentleman will permit me to do so.

Mr. HUDSON. I desire to ask a short question. During this session has the committee ever met on any of these days without a call by the chairman?

Mr. REECE. The custom has been for the clerk to send out notice of the meeting. I have one of the notices in my hand. The card which is sent out is captioned:

Notice of meeting of the Committee on Military Affairs. The Committee on Military Affairs will meet at a certain hour on a certain day. By direction of the chairman.

The card is signed by the clerk. That is not a call but merely a notice that the committee is going to meet on those days.

Mr. HOWARD of Nebraska and Mr. HUGHES rose.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. REECE. I should prefer to go ahead.

Mr. HUGHES. I would like to ask the gentleman a short question.

Mr. REECE. I would like to go on with my statement, and I will ask that I be permitted to do so. Strange to say there are few precedents on this question. There is one, however, of which doubtless the Speaker is aware, which is very nearly parallel to the situation presented here. This appears in Hinds' Precedents, Volume IV, paragraph 5488:

On June 7, 1906, Mr. James A. Tawney, of Minnesota, proposed to report from the Committee on Appropriations a bill to supply a certain deficiency in an appropriation.

Mr. John J. Fitzgerald, of New York, made the point of order that the report was not properly authorized.

It appeared in debate, by the undisputed statement of Mr. Tawney, that the committee was not formally called together, but that a majority of the committee were present at the time and authorized the report.

On this statement the Speaker overruled the point of order.

Mr. Speaker Cannon was in the chair.

Mr. Oscar W. Underwood, of Alabama, having appealed, the appeal was laid on the table.

There are other precedents dealing with a report being submitted when some question of irregularity was charged, but so far as I have been able to ascertain the questions involved in these precedents are not on all fours with the one involved here. There is a drift in all the rulings toward permitting the report to be filed when it was authorized by a majority of the members of a committee meeting in the committee room.

Mr. NEWTON. Will the gentleman yield there?

Mr. REECE. Yes.

Mr. NEWTON. In this particular case, however, Mr. Tawney was the chairman of the committee, was he not?

Mr. REECE. He was chairman of the committee, but I can not understand how the presence or the absence of the chairman would affect the validity of the meeting of the committee.

Mr. MAPES. Will the gentleman yield?

Mr. REECE. Yes.

Mr. MAPES. In the case of the meeting of the Military Affairs Committee were the absent members notified of the meeting?

Mr. REECE. They were not notified in writing, but, according to my understanding, it was generally known there was going to be a meeting on this day, it being the regular meeting day of the committee. The clerk, however, did not notify the committee members.

Mr. MAPES. As far as the gentleman knows did the absentee members have notice of the meeting and have a chance to exercise the privilege of attending or not as they saw fit?

Mr. REECE. They had constructive notice, this being the regular meeting day of the committee.

Mr. BACON. Will the gentleman yield?

Mr. REECE. Yes.

Mr. BACON. What is the usual time of meeting of the committee in the morning?

Mr. REECE. Ten thirty.

Mr. BACON. What time did the committee meet at this time?

Mr. REECE. We met at 10.30. We were called to order at 10.30 or approximately that time.

Mr. STOBBS. Will the gentleman yield?

Mr. REECE. Yes.

Mr. STOBBS. On all your other regular meeting days the card which the gentleman has referred to has gone out as a notice, and on this particular day this card did not go out?

Mr. REECE. No; I am not prepared to say it has gone out on all occasions, but ordinarily it has gone out.

Mr. STOBBS. In other words, the custom is to have that card go out to each member of the committee, even if it is a meeting on a regular meeting day; is that true?

Mr. REECE. Yes; that is the general custom.

Mr. LAGUARDIA and Mr. BEGG rose.

Mr. LAGUARDIA. Can the gentleman state on how many Tuesdays and Thursdays during the present session of this Congress no meeting was held and no notice sent out?

Mr. REECE. There have been but few, if any, Tuesdays and Thursdays when we have not had meetings, except very early in the sessions.

Mr. LAGUARDIA. As a matter of fact, would not the records of the committee show that you had meetings on 10 of the regular days where the notice was sent out, and nine of these days, no notice having been sent out, and on three of these days the rooms of the committee were occupied by subcommittees, thereby making 10 of these days regular meetings of the committee on proper notice and 12 of these days no meetings of the full committee and no notices sent out?

Mr. REECE. I am not prepared to verify that statement.

Mr. BEGG. Will the gentleman yield for a question right on that point?

Mr. REECE. I yield to the gentleman and then I shall yield the floor.

Mr. HOWARD of Nebraska. I do not want to be persistent, Mr. Speaker.

Mr. BEGG. I should like to ask the gentleman this question: What was the reaction on the minds of the members of the committee if they received no notice on this particular day of a committee meeting? What was the customary reaction if they received no notice?

Mr. REECE. Of course, I can not give the reaction on any Member's mind except the Member speaking, and I have always——

Mr. BEGG. I will make the question easier.

Mr. REECE. No; I will answer the gentleman.

Mr. BEGG. Did the committee member report at the meeting room if there was no notice to find out if there was going to be a meeting? What has been the custom?

Mr. REECE. I have gone on the assumption that there was going to be a meeting of the Committee on Military Affairs on Tuesdays and Thursdays. If I received no notice, I assumed the responsibility to check up and see if there was going to be a meeting. I think a majority of the Members have done likewise.

Mr. BEGG. Was that the common practice, that committee members if they failed to get a notice either by telephone or personal appearance at the committee room showed up just the same?

Mr. REECE. The assumption has been we would have a meeting on the designated days unless the committee had ordered otherwise.

Mr. BEGG. Then why the notice?

Mr. REECE. Merely to call the attention of the Members to the meeting of the committee, that they may not overlook it. It is on the same principle, in my judgment, as the ringing of

the bells 15 minutes before the House convenes. The bells are rung merely to call the attention of the Members of the House to the fact that the House is about to convene; but the House would convene in regular session even though the bells should not be rung.

Mr. HOWARD of Nebraska and Mr. LAGUARDIA rose.

Mr. LAGUARDIA. Will the gentleman yield further?

Mr. REECE. I yield first to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. I would like to ask the gentleman from Tennessee to state whether the committee report which he has been divulging was a report of an executive meeting of the committee.

Mr. REECE. I presume this was an executive session.

Mr. HOWARD of Nebraska. I am not raising the point of order.

Mr. REECE. I feel this action would meet with the approbation of the members of the committee, and that the Members of the House are entitled to the information.

Mr. HOWARD of Nebraska. I am not raising the point of order, but I may, however, if you do not give me a chance. I simply desire to call the attention of the gentleman and the Members of the House generally to the fact that once upon a time I stood here and inadvertently, perhaps, divulged a little bit of the secrecy of an executive meeting of my committee. I was called to order and the Speaker properly rebuked me and took me off the floor momentarily, but he let me back again pretty soon. I am not going to make the point of order, but I merely wanted to call attention to it.

Mr. BEGG. One more question, if the gentleman will yield. Did any member of the committee get notice by telephone or a request by telephone or otherwise to attend the meeting?

Mr. REECE. That I can not state.

Mr. LAGUARDIA. Can the gentleman tell us at what time this alleged meeting actually commenced doing business?

Mr. REECE. I can not state the exact time. It was between 10.30 and 11 o'clock; I think it was very shortly after 10.30.

Mr. LAGUARDIA. What time did it adjourn?

Mr. REECE. It adjourned before 12 o'clock.

Mr. LAGUARDIA. This was on Thursday—was there a meeting of the committee the Tuesday preceding?

Mr. REECE. A quorum was not present, and the chairman adjourned the meeting.

Mr. LAGUARDIA. Any business done?

Mr. REECE. Not officially, except some of the subcommittees held meetings.

Mr. LAGUARDIA. Any bills reported out on Tuesday?

Mr. REECE. A majority of the members assembled in the committee room after the committee was adjourned, and the subcommittees reached an agreement with reference to the bills that were before them.

Mr. LAGUARDIA. As a matter of fact, did the meeting of members who remained in the room after the adjournment of the regular meeting—did they report any bill?

Mr. REECE. None were reported to the House.

Mr. LAGUARDIA. Did that meeting of members which remained in the room after the regular meeting adjourned recess to meet on Thursday?

Mr. REECE. There is some doubt about the discussion that took place on that question, but members were generally agreed that the committee having been formally adjourned it would be best not to undertake to transact business on that day but wait until Thursday, the next regular meeting day, when the committee would reassemble.

Mr. LAGUARDIA. When I asked the question my colleague from Texas nodded his head.

Mr. WURZBACH. If the gentleman will yield, I think this is a fair statement. On Tuesday the chairman of the committee [Mr. MORIN] at 10.30 o'clock came into the committee room and announced that there was no quorum present and adjourned the meeting. Within five minutes thereafter, after the chairman announced that there was no quorum present, members came in; and my impression is that there was a quorum present within 15 or 20 minutes after the chairman had left the room. It is my recollection that at this meeting the secretary of the committee being present was directed to notify members to be present at the meeting to be held on Thursday.

Mr. LAGUARDIA. That was after the regular meeting had adjourned?

Mr. WURZBACH. After Mr. MORIN had left the hall.

Mr. LAGUARDIA. Could you tell me if the personnel of the committee who met on Thursday was the same as those who remained in the room on Tuesday.

Mr. REECE. Additional members were also present. Permit me to add that the committee on Thursday met as a new committee meeting and not as after a recess.

Mr. LAGUARDIA. Can the gentleman state how many bills besides the bill that this question was raised on were reported out during the Thursday meeting?

Mr. REECE. About 30 bills. I might say that these were mostly private bills which had been passed upon by the subcommittees.

Mr. MORIN. Mr. Speaker, when my colleague began his statement I thought that the point was raised on the legality of the alleged meeting that met in the committee room on Thursday, but by the questions propounded by the gentleman from New York [Mr. LAGUARDIA], referring to the meeting on Tuesday, I am compelled to make some explanation to the House as to what was done on that day.

I appeared at the committee room at 10.30 Tuesday morning, for the reason that on Monday afternoon members of the committee had asked me on the floor of the House if we were to have a meeting on Tuesday. I informed them that there was no business that I knew of to bring before the committee, and therefore I did not see the necessity of calling the committee together on Tuesday.

Mr. JOHNSON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MORIN. In just a minute. Later in the day, or in the evening, I heard that a member of the committee had called up other members by telephone and had told them that there would be a meeting on Tuesday. I decided then that while it was not called according to the established custom of 16 years, during which I have been a member of the committee, and notwithstanding that on the day previous Mr. GLYNN, chairman of one of the subcommittees, had made arrangements with the chairman of the Military Affairs Committee to use the committee room that day for a subcommittee meeting, I concluded that I would appear, and that if there were a quorum of members present I would telephone the remaining members, and if they desired a meeting I was willing to have it.

There was no one present when I appeared in the room at 10.30 o'clock. I walked across the room to my private office, looked at a letter; then I returned to the committee room. At 10.35 o'clock Mr. GLYNN came in. Mr. WURZBACH came in also. At a quarter of 11 I asked Mr. GLYNN if he had anything particular on his mind and he said that he would like to have the committee room for a meeting of his subcommittee. I then said, "Well, there is no quorum present, and it looks as though there will not be." I then called the committee to order and requested the clerk of the committee to make a note of those who were present. As there was not a quorum present I declared the committee adjourned, and turned the room over to Mr. GLYNN for a meeting of his subcommittee. I had an appointment with the chairman of the Senate Committee on Military Affairs, to make arrangements for conferences on seven bills we had in conference.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield right there?

Mr. MORIN. No; I will not yield now. I went to see Senator REED and remained at his office until about 10 minutes of 12 o'clock. I then came back to the House, and after transacting some business in the House returned to my office and was informed that after I had left that morning another subcommittee had come in and held hearings. At 20 minutes of 12 the subcommittees concluded their work, and those present decided to organize a meeting of the committee with Mr. WURZBACH acting as chairman. At 15 minutes of 12 o'clock Mr. GLYNN, chairman of the subcommittee that had a large number of bills before it, left the room.

I did not ask him whether there were any bills reported before he left or not. At 10 minutes of 12 Mr. CHAPMAN left the room. So the committee organized then in a few minutes, according to the minutes which the Speaker has in his hand, and reported out 21 bills. At 5 minutes of 12 there was a discussion as to whether or not they would take the Muscle Shoals bill up at the next meeting, and the minutes will show that on motion of a member present they agreed to recess. The motion was made by Mr. WRIGHT that the meeting recess until 10.30 o'clock Wednesday morning. After the discussion of that motion Mr. WRIGHT amended his motion to have the committee meet at 10.30 o'clock Thursday morning.

When I saw the minutes of the meeting I wrote to the Speaker making a formal protest against any of the bills reported by this meeting being placed on any calendar of the House. Now, as to the meeting on Thursday: No request was made to me by any member of the committee to have a meeting on Thursday, as has been the custom in the committee for the 16 years that I have been a member of that committee. I had knowledge of this meeting only as being a continuation of an illegal meeting by a group of committee members. I did not

get to my office until about a quarter to 12 o'clock, having important matters to attend to elsewhere. In the belief that the meeting in the committee room was a continuation of the illegal meeting of Tuesday, of course, I decided not to appear in the committee room and take part in what I fully believed to be an illegal meeting.

I have been a member of the Committee on Military Affairs for 16 years. There has never been a meeting of that committee except by the call of the chairman, regardless of what days are set for regular hearings. The gentleman stated it has been the custom to meet on regular meeting days, Tuesdays and Thursdays, for 10 or 12 years. I shall refer to the minutes of the meetings that run back for 10 or 12 years, having examined them carefully, and give this information to the House.

In the Sixty-seventh Congress the regular meeting days were set for Tuesdays and Thursdays, and were not observed. In the second session of the Sixty-seventh Congress, beginning December 6, 1921, the chairman stated the committee would meet regularly and only meet on call. On December 7, 1922, in the Sixty-eighth Congress, it was agreed that the chairman should call all meetings. No meeting days were set, but we met always on the call of the chairman. In the Sixty-ninth Congress, when we organized the committee, and I became chairman, I presented some rules that I wished the committee to adopt by means of which I thought we might expedite business and have the members become more interested in the committee hearings. I shall refer to those later. At the first committee session in the Seventieth Congress no mention is made in the committee minutes of any fixed regular meeting days. When I became chairman of the committee at the first session of the Sixty-ninth Congress in December, I outlined my policies to the committee and asked if they would not approve and adopt them, and I shall ask the Clerk to read the minutes of that meeting.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

FRIDAY, *December 18, 1925.*

The first meeting of the Committee on Military Affairs of the House of Representatives in the Sixty-ninth Congress was held this date in the committee room. The committee was called to order by the new chairman, Hon. JOHN M. MORIN, of Pennsylvania, at 10.40 with all the members present with the exception of Mr. Hill, of Maryland, Mr. Frothingham, and Mr. MCSWAIN. The chairman made a short statement outlining his policy as chairman, and asking the cooperation of every member. He also stated each subcommittee would be given an opportunity to consider the bills referred to each one, and would be expected to take care of any bill reported to the House when it came up for consideration.

H. F. Sedgwick was appointed clerk, William E. Murray, assistant clerk, and Raymond L. Franklin, janitor for the committee, on motion of Mr. Fisher and unanimous vote. The chairman of the various subcommittees were named as follows: Mr. MORIN, No. 1; Mr. JAMES, No. 2; Mr. RANSLEY, No. 3; Mr. Hill of Maryland, No. 4; Mr. Frothingham, No. 5; Mr. WURZBACH, No. 6; Mr. REECE, No. 7; Mr. SPEAKS, No. 8; and Mr. WAINWRIGHT, No. 9.

The chairman asked the members to notify the clerk of the committee ahead of time when it was expected to bring up any measure for consideration by the committee.

It was agreed the committee should meet on Tuesdays and Thursdays at 10.30 o'clock, on call of the chairman. The motion was made by Mr. JAMES and carried unanimously.

On motion of Mr. JAMES, agreed to by the committee, the following resolution regarding the reporting of private bills was adopted: "*Resolved*, That private bills which were reported favorably by the Committee on Military Affairs and placed on the calendar during the Sixty-eighth Congress and failed to become law, and which have been reintroduced at the present session of the Congress, be, and the same are hereby, again reported by the said committee, the new reports to be made by the members of the subcommittees having charge of private bills, and to be named by the chairman of the said subcommittee."

Mr. DYER. Will the gentleman yield for a question?

Mr. MORIN. Let me complete my statement.

Mr. DYER. Just one question coming out of the minutes.

Mr. MORIN. One question.

Mr. DYER. The minutes say the committee shall meet on a certain day of the week on the call of the chairman. Does the chairman of the Committee on Military Affairs claim that that committee could not meet on those days or any other day unless the chairman called the meeting?

Mr. MORIN. I do not know of any rule by which they could, and I have been a member of the committee for 15 years, and there have been no meetings of the Committee on Military Affairs, to my knowledge, either on regular or irregular days, without a call from the chairman.

Mr. REECE. Will the gentleman yield——

Mr. DYER. And if he never called it they never could meet.

Mr. REECE. Is it the gentleman's view that if the chairman, because of illness or some other reason, failed or refused to call a meeting of his committee that committee would be helpless to consider legislation during the Congress?

Mr. MORIN. I think the chairman would assign somebody else to call the meeting. I would under those circumstances.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. MORIN. Let me finish my statement.

Mr. SPEAKS. Will the gentleman yield for a brief question on that very point?

Mr. MORIN. I refuse to yield at this particular time. For information of Members of the House I read from minutes of the present Congress beginning in December the number of committee meetings held and the days on which they were held.

On the following regular meeting days of this session of Congress falling on a Tuesday or a Thursday no meetings were held by the Military Affairs Committee: December 4, December 6, December 13, December 18, January 3, January 5, January 15, and January 24—eight regular meeting days.

On the following days of this session of Congress falling on a Tuesday or a Thursday meetings were held by the full committee on the call of the chairman: December 11, December 20, January 8, January 17, January 22, January 29, January 31, February 5, and February 7—nine so-called regular meeting days.

On the following regular meeting days of this session of Congress falling on a Tuesday or a Thursday meetings were held by subcommittees of the Committee on Military Affairs: December 18, Subcommittees Nos. 3 and 5; January 15, Subcommittee No. 2; and January 24, Subcommittees Nos. 2 and 4.

On the following days of this session of Congress meetings were held by the Committee on Military Affairs on the call of the chairman on January 11, January 25, February 1, February 2, February 4, and February 7, these dates not falling on a Tuesday or a Thursday.

Now, the gentleman from Tennessee has referred to a call. The only evidence he seems to have that there are regular meeting days on this committee in the Seventieth Congress is the record of a previous Congress. Of course that can not be relied upon, because the Congressional Directory of the Sixty-eighth Congress——

Mr. WRIGHT. Mr. Speaker, will the gentleman yield there?

Mr. MORIN. I can not yield just now.

It is evident that it was just copied from some previous book. Before each issue of the directory is published the Joint Committee on Printing send a query to the clerk of each committee. So far as the Military Affairs Committee of the House is concerned, the clerk gives the meeting days as Tuesday and Thursday as a matter of form. As to the meeting days of the committee and the meeting days of the subcommittees in the Sixty-ninth Congress, the Congress in which we did designate Tuesdays and Thursdays on the call of the chairman, the regular meeting days are not stated except on the back: "Regular meeting days on Tuesdays and Thursdays."

Now, as to the meeting held on Thursday, I will say to the Members of the House that no request was made of me to call a meeting on that day, or to have a meeting.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. MORIN. Yes.

Mr. MICHENER. Was the regular committee clerk present at this so-called "rump" meeting?

Mr. MORIN. On Tuesday?

Mr. MICHENER. Yes. Were the records of that meeting reported in the regular minute book?

Mr. MORIN. They were noted by the clerk and a memorandum of the same was handed to the Speaker.

Mr. MICHENER. And did the chairman read those minutes before the meeting of the committee here complained of?

Mr. MORIN. I did.

Mr. MICHENER. Then, the chairman had knowledge that his committee was to meet on the regular committee meeting day in the regular room, at the regular meeting hour, and purposely absented himself from the meeting?

Mr. MORIN. No. The only knowledge I had of any meeting was that a recessed meeting of the meeting on Tuesday, which I considered was illegal, was to be held, and I declined to take any part in it. I did not absent myself intentionally.

Mr. MICHENER. The majority of the committee met and attempted to get a meeting of the whole committee. They served notice on the chairman on that date?

Mr. MORIN. No; they did not.

Mr. MICHENER. The chairman's clerk was present?

Mr. MORIN. The chairman's clerk was not present.

Mr. MICHENER. They reported the minutes to the chairman. The chairman read the minutes. He then had notice that the committee would meet on Thursday—the regular?

Mr. MORIN. The minutes of Tuesday?

Mr. MICHENER. Yes.

Mr. MORIN. Yes; that is right.

Mr. MICHENER. They decided that the majority of the committee had business and wanted a committee meeting. The chairman was then present in the city?

Mr. MORIN. I was at the adjourned meeting of the regular meeting at a quarter of 11.

Mr. MICHENER. The gentleman was in the city and was present and knew that the majority of the committee wanted to meet on the regular committee day?

Mr. MORIN. No.

Mr. MICHENER. And they determined to meet on the regular committee meeting day?

Mr. MORIN. No. I did not know that there was any person in the committee room except the subcommittee until I came back to my office at 1 o'clock that afternoon.

The SPEAKER. In order that there may be no dispute as to the facts, the gentleman from Tennessee said specifically that this meeting was not the result of a rump meeting, but it was a regular meeting on the regular day at the regular time.

Mr. MORIN. If we follow the rules of the committee during the Sixty-ninth Congress, Tuesdays and Thursdays were agreed upon as regular meeting days, but by the call of the chairman; no regular meeting days were designated for the Seventieth Congress. There have been no meetings held and no group of members has attempted to have a meeting on Tuesday or Thursday except by call of the chairman until last Tuesday.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield for a question?

Mr. MORIN. Yes.

Mr. HOWARD of Oklahoma. Does the gentleman maintain that there have not been any meetings of this committee during the Seventieth Congress except by his call? In what way did the gentleman issue his call?

Mr. MORIN. Notices were sent out by the chairman not later than the day before, notifying the members of the committee that there would be a meeting on a certain date and certain hour.

Mr. HOWARD of Oklahoma. Is not that the practice of all the committees of the House?

Mr. SPEAKS rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SPEAKS. For the purpose of making an observation, which I feel should appear in the RECORD. It is unfortunate that many facts and circumstances bearing upon the question at issue have not been clearly presented for the Speaker's consideration and for the information of Members of the House.

The gentleman from Pennsylvania [Mr. MORIN], chairman of the Military Committee, holds the view that the committee could not meet for the transaction of business without his authorization. If this position is correct, could not the chairman prevent consideration of any bills referred to his committee? This is practically the only question involved in the controversy.

Mr. GARRETT of Tennessee. Mr. Speaker, before the Chair rules, I would like to make this inquiry: The inquiry of the gentleman from Tennessee [Mr. REECE] was addressed wholly to the question of the proceedings on last Thursday, was it not?

The gentleman from Tennessee [Mr. REECE] made no inquiry as to the proceedings of the preceding Tuesday, but that matter was brought into the RECORD by inquiries made by other gentlemen upon the floor. I should like to inquire if under those circumstances the Chair would feel inclined to extend the parliamentary inquiry to both days and define the status of the proceedings on both days?

The SPEAKER. The Chair intends to refer to both days and the preceding Thursday as well.

The Chair has given a great deal of thought to this question, and he has had the advice and cooperation of a number of the leading parliamentarians of the House—the gentleman from Connecticut [Mr. TILSON], the gentleman from New York [Mr. SNELL], the gentleman from Tennessee [Mr. GARRETT], the gentleman from Georgia [Mr. CRISP], and others, and, of course, the advice and cooperation of our very competent parliamentarian, Mr. Deschler.

It seems rather extraordinary that we have been unable to find any precedent directly in point. Apparently, this situation has not occurred in the last 100 years. There are some conflicting decisions, but none of them touch precisely the same point raised here.

On Thursday of last week, at a meeting of the Military Affairs Committee, the legality of which is not in dispute, a motion was made to report the so-called Muscle Shoals bill to the House without recommendation; that motion failed. Now, it becomes significant, in view of the motion to reconsider made on Thursday of this week, as to whether that motion was legal or not. First, however, the Chair wants to lay down what he thinks is a sane and sensible rule—there being none in existence that the Chair knows of—as to the legal status of a meeting of a committee. The gentleman from Pennsylvania states that in his recollection there have been no meetings of the Committee on Military Affairs except those called by the chairman. The Chair would be very loth, though, to hold that it is necessary for any legal meeting of a committee that it should be called by the chairman. The Chair believes there must be some other method of securing legality. Therefore the Chair would not want to take the extreme position of holding that a meeting of a committee to be legal must have been held at the call of the chairman; on the other hand, he would not want to accept the other horn of the dilemma as laid down in section 26 of Jefferson's Manual, which provides:

> A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

The Chair would not want to hold that a committee might meet and transact business at any time or place.

In this case the Chair understands it to have been for many years, at least 20, the practice to carry this language in the Congressional Directory, under the heading:

> Meetings days of House committees: Committees other than those mentioned meet upon call of the chairman.

And there, among other committees, it is stated that the meeting days of the Committee on Military Affairs are Tuesdays and Thursdays. In the pamphlet containing the subcommittees of the Committee on Military Affairs it appears, on the first page:

> Regular meetings, Tuesdays and Thursdays, at 10.30 a. m., and on call of the chairman.

Query: If a majority of the committee assembled at 10.30, approximately, on Tuesday or Thursday morning and acted together as a committee—a quorum always being present—is their action legal or otherwise? There is no question in the Chair's mind about the illegality of the proceedings of the Committee on Military Affairs on last Tuesday. It appears that the chairman of the committee came to the committee room at approximately 10.30 a. m. He found only two other members present, and in about a quarter of an hour, having waited for a quorum, adjourned the meeting on the ground that there was no quorum present.

The rest of the proceedings taken from that point on, in the opinion of the Chair, are entirely illegal, whether a quorum was in fact present or not. The Chair would think from the facts that a quorum was not present until the time when action was taken by that committee, but whether that be true or not, in the opinion of the Chair there could be no legal meeting of that committee following the adjournment for lack of a quorum.

Now, we come to Thursday of this week. It seems to be undisputed that 12 members of that committee assembled in the regular committee room at 10.30, the time noted as being the regular time for a meeting on Thursday, and proceeded to do business. Query: Was their action legal or not? Now, another question comes in there, which is a little perplexing. Was the motion to reconsider the vote by which the Muscle Shoals bill failed to be approved in order on Thursday, a regular meeting day having occurred between? There is no rule the Chair can find governing the motion to reconsider in committees, and yet it can be conceived that it might be of very great importance. The Chair thinks that there being no rule the rule of the House should apply as to motions to reconsider in committees, and we all know that a motion in the House to reconsider must be entered either upon the day or the day following the legislation to which it refers. The Chair would think, applying by analogy to that a motion to reconsider must be made on the day of the committee meeting or the next committee meeting in order to be valid. Now, was Tuesday a day which should be counted in determining the days elapsing since the action by the committee?

The Chair is not absolutely certain whether a motion to reconsider in this case was necessary and does not feel it incumbent upon him to decide the point; but for the purposes of

the argument, the Chair proposes to assume that that motion was necessary in order to make in order the next proposition to report a bill favorably, as the committee did, a quorum being present in all legal form.

The Chair thinks that so far as a business meeting was concerned, that the meeting on Tuesday was on a dies non—that it meant nothing. Had anybody been present who desired to make a motion to reconsider, he could not have done it, because there was not a quorum present.

Therefore the Chair is of the opinion that Tuesday must not be counted as a day according to the rules in the House, but the motion to reconsider was valid on Thursday, although a meeting had been held between.

Now, that motion having been legal, was the action taken by the committee, under those circumstances in reporting the Muscle Shoals bill and other bills, legal? In the opinion of the Chair it was, as applied to last Thursday, of course.

The precedents are conflicting. The decision cited by the gentleman from Tennessee [Mr. REECE] was specifically overruled some years later by Chairman Campbell, who held, on July 18, 1921, RECORD, 4016, that the majority members of a standing committee having met informally, a quorum of the committee having been present and authorized certain committee amendments, that since the meeting had not been regularly called, the action taken by the informal meeting was invalid.

The Chair does not think that this is a sensible and sane way of solving the question of the legality of committee meetings of the House. The Chair does not think it is necessary that the meetings should be called by the chairman provided the custom of that committee has been for many years to fix a definite day or days for meeting and a time for meeting.

The Chair would prefer to follow in this case the decision of Speaker Cannon, who overruled a motion to outlaw proceedings taken under those circumstances. He would prefer to follow this decision rather than the decision of Mr. Campbell, and the Chair is not quite certain that that decision is in direct point, because it occurred during the consideration of a tariff bill where the Ways and Means Committee was in perpetual session practically and was offering something like 200 committee amendments to the bill.

So the Chair thinks that 12 members of the committee having assembled on a regular day at the regular time stated, were competent to act in this instance.

Under the circumstances the Chair will refer the bills reported on Thursday, the Muscle Shoals bill and the other bills, to the appropriate calendar, but the Chair will hold that all proceedings had on Tuesday were illegal and will not refer any of those bills to the calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, I venture to suggest, if I may, that it would be proper for them to go in the RECORD in connection with the ruling of the Speaker, because I apprehend this is going to be a very important precedent—the provisions of paragraph 3 of rule 10, which reads as follows:

> At the commencement of each Congress the House shall elect as chairman of each standing committee one of the members thereof; in the temporary absence of the chairman the member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

The SPEAKER. The gentleman suggests that the decision be put following this paragraph?

Mr. GARRETT of Tennessee. Yes; or that it be put somewhere in connection with the decision,

The SPEAKER. The Chair will state that the parliamentarian will in all probability include this decision in the new edition of the House rules and manual.

Mr. TILSON. Mr. Speaker, this is a decision of considerable importance. I therefore ask unanimous consent that the Speaker may have permission to elaborate his decision and buttress it by precedents as he may see fit in giving his ruling.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DENISON. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENISON. Is it proper practice in meetings of committees of this House for members who are not present in person to authorize others to vote for them in the transaction of the business of the committee?

The SPEAKER. Only by unanimous consent of the committee itself. When the Chair was a member of the Ways and Means Committee that was very often done, because it was rather necessary to have record votes on various matters that came up, but no member was permitted to cast his vote in the form of a proxy except by unanimous consent of the committee itself.

Mr. DENISON. And that should be made of record, of course.

The SPEAKER. Yes.

Mr. McSWAIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McSWAIN. Mr. Speaker, I have personal knowledge that on Thursday, about 12.30, I filed a report from this committee session that has been under discussion, with regard to a bill of which the gentleman from North Carolina [Mr. BULWINKLE] is the author. The author of the bill is very anxious that that bill should appear on the Consent Calendar on Monday, if possible. I rise to ask whether or not the bill having been filed within the time, it will have been on the Consent Calendar three days by the Monday session.

The SPEAKER. Was that a bill considered on Tuesday?

Mr. McSWAIN. It was considered on Thursday.

The SPEAKER. The bill was not considered on Tuesday at all?

Mr. McSWAIN. I do not think so. It had only one consideration.

The SPEAKER. Did the committee order the bill reported on Thursday?

Mr. McSWAIN. Yes.

The SPEAKER. At what time?

Mr. McSWAIN. I think about 11 o'clock. I am not sure exactly what time it was, but it was during the session—after we met and before we adjourned.

The SPEAKER. The Chair thinks that bill would be legally on the calendar, but no bill or resolution that was reported out at the alleged meeting on Tuesday has any standing whatever.

Mr. COOPER of Wisconsin. Mr. Speaker, owing to some confusion here I could not understand the reply of the Speaker to the question of the gentleman from Illinois [Mr. DENISON] as to proxies. Was it the Speaker's ruling that a member of a committee can give a general proxy to another member of the committee?

The SPEAKER. Not at all. The Chair is not called upon to rule upon that, but the Chair is of the opinion that a proxy on one particular vote must have the unanimous consent of the committee.

Mr. COOPER of Wisconsin. Can a member of that committee appoint a proxy orally, or is he required to make the appointment in writing and have it recorded?

The SPEAKER. The custom in the Ways and Means Committee was for some member of the committee to ask unanimous consent that another member who was absent might be permitted to vote by proxy.

Mr. COOPER of Wisconsin. Suppose the member whose vote has been recorded by proxy comes in afterwards and says that his position was misunderstood and a mistake made. Ought not the proxy to be in writing and copied into the minutes of the committee?

Mr. SNELL. Mr. Speaker, does the Chair mean to make this a ruling on proxies?

The SPEAKER. The Chair has made no ruling, it is merely a matter of opinion. It is entirely a question for the House.

Mr. CHINDBLOM. Mr. Speaker, when the Chair says "committee," it is assumed by the Speaker that a majority, or quorum, of that committee is present?

The SPEAKER. Of course, a proxy could not be counted in making up a quorum.

Mr. LUCE. Mr. Speaker, as a member of a committee during my service here, which has a stated meeting day, and said meeting day having been perfectly perfunctory, never having been observed, would it be possible for the Chair in elaborating his admirable ruling to qualify the responsibility of a member of such committee as to whether he is to be put on notice by the publication of a meeting without a call from the chairman?

The SPEAKER. The Chair has not gone to the full extent of that; he thinks that wherever the circumstances are such that members of the committee feel it necessary to procure legislation and they have a quorum present, that that meeting is legal if it occurs in the committee room on the regular day of the meeting.

Mr. LAGUARDIA. I hope the inquiry propounded by the gentleman from Massachusetts will not limit the liberal ruling of the Speaker.

PREVENTION OF INFLUENZA

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on one of the bills that I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. EDWARDS. Mr. Speaker, I appeared and was heard before the Appropriations Committee this morning on the following bill:

A bill (H. R. 15339) to combat and prevent influenza in the United States

Be it enacted, etc., That there is hereby appropriated the sum of $25,000,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended by the Surgeon General of the Public Health Service, in an effort to combat and prevent an epidemic of influenza in the United States, which now threatens our country, with full authority to the Surgeon General of the Public Health Service to add to his force as great a number of physicians and other personnel as in his judgment may be necessary and to work in conjunction with the various State, county, and municipal health authorities throughout the country in an effort to check the spread of this disease and in getting up, printing, and distributing bulletins to the people on how to prevent and treat influenza.

A hearing was requested by me on this bill at the time of its introduction. The committee to which it was referred is one of the hardest-worked committees of the House and has been quite busy in the short session, so this is the first time I have had an opportunity of being heard before the committee in question on my bill.

At the hearing I made a statement which in effect is the same as I am now making. I am anxious that my views on this matter be known to the Members of the House and for that reason I have sought this opportunity to get them in the RECORD.

My bill seeks an appropriation, as stated therein, with which to study the flu and with which to try to prevent flu epidemics and with which to try to find a cure.

You are all as familiar with this subject as I am. It is your cause, as it is mine. The epidemic came in 1918, and we will never know what an awful toll it took in life and cost of money. We were told then there would be a recurrence of it in about 10 years. The cycle ran true to form, and we had another epidemic of the flu in 1928–29. The last or present epidemic, while nothing like as bad as the one in 1918, was terrific and from newspaper articles and estimates from what seem to be good authorities there were approximately 30,000 deaths as a result of the flu. I have not seen an estimate as to what it has cost thus far in dollars and cents and in lowered vitality and loss of production. It will run into the hundreds of millions of dollars.

Despite the fact that we were told in 1918 there would be another epidemic in 10 years of the flu, we were not prepared for the epidemic that struck the country the latter part of last year. While the wave has reached its crest and it is on the wane, there is still considerable of it over the country yet. "What is everybody's business is nobody's business." The matter was left to the medical profession, without concert of action and without funds for the specific purpose with which to make research, tests, and experiments, and the result is there is not much more information on the subject than before.

I am in no sense criticizing the doctors. Many of them, no doubt, have found how to successfully treat it, while, perhaps, many more have not. The point is that the people ought to know something about it and how to prevent and treat it. When this last epidemic occurred the idea occurred to me that I would get ten or fifteen thousand copies of a bulletin on the "flu" and send them out to people in my district that they might learn something of it, but those bulletins could not be gotten from any bureau, folding room, document room, or department of the Government. There were plenty of books and bulletins on hog cholera, horse colic, the boll weevil, hollow horn, and other diseases of cattle, horse, and swine, but I was unable to get a single bulletin on the "flu." I did manage to get 25 or 50 copies on the common cold, or some such subject, from the Public Health Service. This is in no sense a criticism of the Public Health Service nor any of the other health services of the Government. If on any body, the criticism is on Congress itself for not providing money for this thing 10 years ago with which to make exhaustive studies and to make available data and literature that could be had by the people on the subject. No appropriation, as I understand it, has as yet been made by the Congress for this subject. What is of more importance, and what should be of more concern to a nation, than the health and happiness of its people?

From yesterday's Star I clipped an article which states that German scientists have discovered a plant in Mexico from which a cure for "flu" can be made. What is this plant? Can it be grown in this country? What efforts are being made by our country in that direction except by privately endowed institutions? Why not the Government establish the most modern laboratories in the world, attract the most able doctors and scientists that can be had and set them to work at the cost of the Government on efforts to discover the cause of "flu" and its cure? The same thing can be followed to great advantage with respect to all diseases of mankind, and the aid would be of great help to the doctors and scientists generally. No greater body of men can be found than the doctors, but what they need is money and an agency through which to work.

Visualize, if you can, what an army of 30,000 people is? Suppose it is found, as it possibly will be, that flu is a preventable disease. Suppose it is found that it is an easily curable disease. Then we will look back over the epidemics of 1918 and 1928 and wonder why it was we had not bestirred ourselves sooner, especially when we wake up to the fact that a great many of those who died in those epidemics could have been saved in the first place from having the flu and, in the second place, that many of those who developed and died of it could have been cured and saved to their loved ones and to society. But more important than looking back after the water has gone over the wheel is to look forward. We are told that within 8 or 10 years we will have another outbreak of the flu. We have occasional outbreaks of it in localities, but we have had only the two general epidemics. Let us look ahead and try to work out something that will solve not only this disease and prevent and stop it, but let us wake up the fact that the Government is not doing half enough to help the medical men in their noble work. Many doctors give up their lives fighting disease. It costs a great deal of money and time to become a doctor. Generally they are men of small means, many of them poor. They are often unable to dig into matters, make investigations and researches. The Government, through a central head, such as the Public Health Service, ought to have a corps of doctors, scientists, and chemists working all the while, with plenty of funds behind them, to ascertain and print more about diseases, their prevention, cure, and eradication. Much, with the limited means that have been allowed, has been done. Every once in a while we read of where some foundation or individual has offered a reward for a cancer cure. What is the Government doing? We have the examples of Walter Reed and others who have sacrificed and died that others might live, and, as I have said, great progress has been and is being made. The idea I have in mind is, why not speed up this important thing and make more certain discoveries and cures.

Some will say: "This is paternalism." I say it is no more paternal than to study plant diseases and to combat them at Government expense; nor is it any more paternal than to study and combat the diseases of cattle, sheep, hogs, and other animals. It is no more paternal than the study of chicken diseases, and to work out and disseminate cures for sorehead, mites, pip, and the like, with which the fowls are afflicted; and by far it is more important than bird refuges, and we just passed a bill a few days since to establish a bird and wild-life refuge in every State of the Union. It will cost $10,000,000 in about six or eight years, to save the quail, and the like, for the sportsman's pleasure. It was argued in that it would be well also for our people as it would give them "the great outdoors." It will all help; but we better realize before it is too late that such legislation for the preservation of "woodpeckers" and other birds, while called "wise conservation," is not the very highest conservation that we can effect. The conservation of human life, of health, and of happiness is the most important thing on that subject we can address our thoughts to.

Only recently, a doctor wrote me in an effort to secure a copy of a medical article printed in the Philippines on the treatment of malaria. I understand good results have been gotten by the treatment he wanted this article on. I tried to get a copy of that particular article, and the only one I was able to find in my search is in the library of the Surgeon General of the Army and, of course, he would not let that go out, and properly so. Now, if we had funds available whereby the Public Health Service could have such publications printed in bulletin form and available to be sent on request, great good would come from it. In fact, as I have said, there should be a recognized, established governmental health service, and it in turn should have the name and address of every doctor and medical student in the United States; and as a matter of interest, a new discovery, a new and successful treatment develops, a bulletin on the subject should be sent them. Then the bulletins on flu and other diseases, their prevention and treatment, should be available for distribution to the people. There are many sections in the rural parts of the country where there are no doctors. If the people knew there was a bureau or governmental service from which literature on such subjects could be gotten, they

would seek the information and I believe would profit by it. Those behind the book and magazine trusts will oppose this idea and, of course, call it paternalism. If it is paternalism to save thousands of lives from preventable diseases then paternalism of that kind is worth while.

This medical or health service I am trying to give you an idea about ought also to be able to get from other doctors many good ideas. Some of the very best doctors in the world are to be found in the country sections, practicing in rural parts of the country.

Useful information should be gotten regardless of where it comes from, and they ought to be able to draft the best talent that can be found and put it to work for the benefit of our population, in trying to stamp out disease, and in trying to find cures and treatments. To my mind, there is nothing more important than this very thing. If we depend upon some rich fellow to leave a foundation, just to perpetuate his name, we will go along like we have been going. Great good has been done in this way, but this is the business of the Government, and while bequest and foundations should be encouraged, we just as well be frank about it and admit we are not making the progress we should. We all know that more can be done and we likewise know it should be done.

The present epidemic, we are told, is about over, so it is probably too late for this particular epidemic, but let us prepare for the epidemic that is certainly ahead. Something should be done in advance of these epidemics. It is no use to lock the stable door after the horse has been stolen. An ounce of prevention is worth a pound of cure. Let us act and obtain all the information we can get on the flue as well as on other preventable diseases and get it in such shape that it can be disseminated to the people that they may in turn protect themselves and families as far as possible. It will save thousands of lives and millions upon millions of dollars in cost incident to illnesses and deaths. Let us try the use of a little prevention as well as try to work out some cures. It can and should be done.

APPROPRIATIONS FOR CONSTRUCTION AT THE MILITARY ACADEMY, WEST POINT

Mr. MORIN. Mr. Speaker, I call up the conference report on the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert in lieu of the language stricken out by the Senate the following: "*Provided*, That the new cadet barracks heretofore authorized to be constructed shall be erected on the site of the old cadet mess hall, the street face of the said barracks to be in prolongation of the street face of the west academic building, leaving an open area on the north side of said barracks so that the said barracks can be supervised from the present south cadet guardhouse: *And provided further*"; and the Senate agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
W. H. MCMASTER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

Amendments Nos. 1, 2, and 3, made by the Senate, have been agreed to by your conferees because a further investigation of this matter discloses the fact that the primary need at West Point is for quarters for the officers and noncommissioned officers who are now inadequately provided for, rather than for a veterinary hospital and the alterations to the west academic building. It is the opinion of your conferees that these latter projects can be postponed until some future date. The amendment to the Senate amendment numbered 4, which your conferees proposed and the Senate conferees agreed to, has for its purpose more clearly defining the original intention of Congress when, in the act approved February 18, 1928, it was provided for the razing of the old cadet mess hall and otherwise preparing the site for the new cadet barracks. Since the passage of the above-mentioned act, a difference of opinion has arisen as to the exact location intended by Congress in the act of February 18, 1928. In order to clear up this matter and make it definitely certain that the new cadet barracks shall be located in exact accordance with the intention of Congress as disclosed in the hearings before the Committee on Military Affairs, the amendment to the Senate amendment numbered 4 was agreed to by the conferees.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

The conference report was agreed to.

DEFINING THE TERMS "CHILD" AND "CHILDREN"

Mr. MORIN. Mr. Speaker, I call up the conference report on the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The amendments of the Senate to this measure are merely to clarify the meaning of the language and thereby make definite the intention of Congress as respects this legislation. Therefore your conferees agreed.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

The conference report was agreed to.

MORRIS FOX CHERRY

Mr. MORIN. Mr. Speaker, I call up the conference report (H. R. 12538) for the benefit of Morris Fox Cherry.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the amendment of the Senate insert the following: "That no back pay or allowances shall accrue by reason of the passage of this act"; and the Senate agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

This is a private bill passed by the House without the usual proviso providing that no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of the act. The Senate added the amendment, and because of the fact the bill is for the benefit of a World War veteran your conferees agreed to an amendment without the words "pension" or "bounty."

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.

The conference report was agreed to.

BATTLE FIELDS OF BRICES CROSS ROADS, MISS., AND TUPELO, MISS.

Mr. MORIN. Mr. Speaker, I call up the conference report upon the bill (H. R. 8736) to provide for the inspection of the battle fields of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., and move its adoption.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report upon the bill H. R. 8736, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

In the report of the Secretary of War of a study and investigation of battle fields in the United States for commemorative purposes, together with his recommendations for further operations, as provided for in section 2 of the act of Congress approved June 11, 1926, there is recommended for the battle fields placed in class 11B the following:

With respect to the battle fields in this classification, the area to be included need be only sufficient to suitably contain a marker tablet, or monument, and detailed surveys are not required until such time as the acquisition of the land is undertaken. If Congress determines that any battle in this classification should be commemorated, the proper method would be to erect a monument, tablet, or marker to indicate the location of the battle field, to fence the land required, and to build an approach thereto. Twenty-seven battles, engagements, and campaigns in this classification have been studied and investigated, and as a result the following information is furnished with respect to each. It will be noted that the estimated cost of commemoration varies widely. This variation is made because it is felt that distinctions in this class may be fittingly indicated by the type of memorial.

Brices Cross Roads, Miss. (reference, H. R. 8736 and 10866, 70th Cong.):	
Method of commemoration	Marker.
Land required	1 acre.
Cost of land required	Free of cost to the United States.
Estimated cost of commemoration	$5,000.
Estimated annual maintenance cost	$250.
Attitude of local community: The owner of the land in question states that he will be willing to cede to the United States free of cost the amount of land required.	
Tupelo, Miss. (reference, H. R. 8736 and H. R. 10868, 70th Cong.):	
Method of commemoration	Marker.
Land required	1 acre.
Cost of land required	Free of cost to the United States.
Estimated cost of commemoration	$5,000.
Estimated annual maintenance cost	$250.
Attitude of local community: The land is owned by the United Daughters of the Confederacy, at Tupelo, Miss., who will cede to the United States, free of cost, the required amount of land.	

The conferees, believing these recommendations should be followed, have agreed to the amendments of the Senate bringing the measure within the purview of the said recommendations.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The Chair will recognize the gentleman later. There is a special order for this morning.

ORDER OF BUSINESS

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. CONNERY] for 30 minutes under a special order of the House.

Mr. CONNERY. Mr. Speaker, in arising at this time to discuss a question of momentous importance to the industries of our country, a question of vital importance to the workers of our country especially, I trust the Members of the House will bear in mind that I am here representing a constituency made up almost exclusively of industrial workers, many of whom have been unable to find employment at their chosen trade or vocation for long periods of time. Their present plight is due almost entirely to our present tariff legislation.

I speak not as a Democrat nor as a Republican. During the last election both parties honored me with their nomination for Congress. Therefore I can truthfully appeal to the membership of both parties and ask that they bear in mind that my speech is not delivered for political effect or political advantage to either party.

The workers of my district—the shoe workers of Lynn, the textile workers of Lawrence, and the leather workers of Peabody—all have suffered the loss of an opportunity to earn a livelihood for, in some cases weeks and in many cases months, due entirely to the heavy importations of foreign-made goods which can and are being imported under our present tariff and landed in our country at costs which are in many cases less than one-half the actual labor costs of making the same commodities in America. We can and we should make these commodities in America.

During the recent national election both political parties promised that the present tariff law would be changed and that the workers of America would be protected in their opportunity of securing employment.

The Democratic platform dealing with the tariff, in part, read:

Actual difference between the cost of production at home and abroad, with adequate safeguards for the wage of the American laborer.

And the Republican platform, in part, read:

We realize fully that there are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and a lower living cost abroad, and we pledge the next Republican Congress to a revision of these schedules to the end that American labor in these industries may again command the home market, may maintain its standard of living, and may count upon steady employment in its accustomed field.

The Ways and Means Committee are now hearing those who are appealing for protection to American industries. Manufacturers and workers meet upon a common ground. The American manufacturer, with his capital invested, in many cases the accumulation of a lifetime, is asking for tariff legislation which will permit him to sell the products of American labor in competition with the cheaply produced goods of Europe and Asia. The representatives of the workers are appearing before the same committee asking that tariff legislation be enacted which will permit the members of their organizations to obtain and to retain much needed employment.

The workers fully realize that unless the manufacturer can sell the products of American labor that the American workers will be unable to find employment.

We hear considerable talk of our foreign trade. What does it consist of so far as manufactured goods go? Do you realize that we consume more than 90 per cent of our own products? We have a foreign trade in so far as manufactured goods go of less than 10 per cent of what we produce, and were much of what we are now importing shut out I do not believe that we would have any great trouble in consuming almost 100 per cent of the manufactured goods which we produce.

The other day one of my constituents, in writing me about the fact that neither he nor his two brothers had been able to

obtain employment—and they are all skilled tradesmen—inclosed in his letter a cartoon drawn by a former Member of this body, former Congressman John Baer, which tells the story in a very few words.

This cartoon shows that we in America consume 92 per cent of the goods we manufacture and we export only 8 per cent. If our workers had steady employment, they could consume a large part of this 8 per cent.

During the last decade the inventive genius of America has made available to America and to the world labor-saving devices which make possible the turning out by 2 or 3 men or women what years ago it took 20 or 30 and sometimes 50 men to turn out in the same length of time.

And, while I am referring to machine production, bear in mind that the latest and most up-to-date machinery is now in use by most of our European and Asiatic competitors.

Yet even with the handicap of machine production the American workers, differing somewhat from the attitude in past years of the workers of other countries, have hailed the new labor-saving machinery as a godsend, as in many cases it has made the work of the tradesmen a bit easier.

To-day, and for the past few years, we have in America an army of unemployed workers.

America, perhaps the richest country in the world, with some of our citizens rolling in wealth and with many of them able to spend fabulous sums of money to bring to America the art treasures of the world, yet we have in our country to-day millions of skilled American tradesmen who are unable to find employment, and therefore many millions of American families are to-day in want or the recipients of charity.

The American workers are not charity seekers. They believe that it is holier to give than to receive. Yet our people must live. The mouths of the little ones must be fed and our children must be sheltered.

The shoe workers of my home city of Lynn, skilled workers of which there are no better any place in the world, find that their American market is taken away from them, due to the fact that our present laws permit the importation of shoes from Czechoslovakia and France, and the sale of the product of the labor of those countries in distributing houses less than 10 miles from Lynn at prices which are less than the labor costs of producing the same shoes in my home city.

Does such a condition permit the statement that we in Congress are playing fair with our American workers? Does such a condition permit the statement by Members of this House, irrespective of what party we may belong to, that we are carrying out the pledges which we made to the workers of our country during the last national election?

During the year 1923, the first full year under the present tariff law, the total importation of women's shoes from all countries was about 115,000 pairs. Last year the importations of women's shoes from Czechoslovakia alone was more than 1,500,000 pairs. In addition to the women's shoes which we imported from Czechoslovakia, we imported also another million pairs of shoes from other European countries.

A sinister condition. Thousands of competent and highly skilled shoe workers of Lynn and other American cities out of employment, and we import 1,500,000 pairs of women's shoes from Czechoslovakia alone.

And why are these shoes imported instead of being made here?

They are imported because they can be delivered to the distributing houses of our country at prices which are much less than even the labor costs of similar shoes made in America.

Last year a shoe manufacturer, with a plant in Czechoslovakia employing more than 12,000 shoe workers, shipped into America more than 1,000,000 pairs of shoes. The head of this foreign shoe company holds membership in the Chamber of Commerce of Lynn and some years ago he, together with several of his associates, were employed in the shoe factories of my home city, where they learned how to make good shoes efficiently.

The workers in this Czechoslovakia shoe factory receive wages per week ranging from $13.50 down to less than $5. While these wages may be looked upon as low in America they will average with what skilled workers receive in Czechoslovakia.

On the other hand the shoe workers of Lynn, who are not paid any too much, receive in wages from four to six times the wages paid shoe workers in Czechoslovakia.

In addition to the more than 2,600,000 pairs of women's leather shoes, which last year were imported from European countries, we also imported more than 1,000,000 pairs of shoes, the chief value of which was in the uppers composed of materials other than leather.

These shoes are women's shoes and we all know that when we purchase women's shoes to-day that we pay prices which would permit the manufacturer to employ American workers in the production of the shoes. These shoes, because the uppers are composed of materials other than of leather, are taxed under our present tariff law at 35 per cent upon their foreign value. And what is the value the foreign manufacturers of these shoes place on these shoes? An average value, according to the Government's own figures, of less than 30 cents per pair. Is it any wonder that skilled American shoe workers are unable to find employment at their trade?

That which is true of women's shoes is also true of men's shoes. As an instance of what the makers of American men's shoes are up against, let me cite you the case of a prominent shoe manufacturer, formerly operating a shoe plant in Brooklyn, and who is now manufacturing shoes in England and selling these shoes to those who formerly purchased the shoes which he produced in Brooklyn.

This manufacturer was no novice. His family had been making shoes in America for three generations and his name was a byword with American shoe retailers as a producer of first-class men's shoes.

When he found that he could not compete against the product of foreign labor producing all-leather shoes, which under our present laws are admitted free of any duty, he closed down his factory, and without much thought eliminated from their jobs some three or four hundred highly skilled American shoe workers.

He leased a factory in the shoe-manufacturing center of northern England at a rental so small that it makes one laugh, and he then proceeded to employ English shoemakers to make shoes according to his specifications for the American market. He did not bother with the English market, even though the shoes were made in England.

After having some samples made he hied himself to America and proceeded to offer his shoes to the American retailers at prices which were less than he himself had been able to manufacture them for in his own factory in Brooklyn. To-day he is exporting to America thousands of pairs of first-class shoes at prices which are lower than our American shoe manufacturers can compete with. Of course, the shoe retailer gets the shoes cheap, but I have not yet been able to find that the saving through the lesser cost of the shoes is passed on to you and me when we make our purchases.

The English shoe workers have profited, but what about the American shoe workers who are unable to find employment as a result of many such cases as I have just referred to?

The city of Lawrence, which is in my district, is located on the banks of the Merrimack River only 26 miles from the city of Boston, and the cost of carting wool to Lawrence is almost as great as is the cost of transporting the finished textiles from foreign countries to Boston and New York.

There are about 25,000 textile-mill workers living in Lawrence, all of whom are dependent upon the mills of that city for employment. When fully employed, while a thrifty and a saving class of people, realizing the need of providing for the rainy day, they earn an average of something like $25 a week. Lawrence is one of the 100 largest cities in our country, and the living costs in a city, as you all know, are greater than the cost of living in a small town or mill village.

Not only are the mill workers dependent upon the operating of the mills for their employment, but many other industries in Lawrence are dependent upon the prosperity of the mill workers for their own prosperity.

Surely assistance is needed when you find a city with less than 100,000 residents which has more than 500 vacant stores and with some 2,500 tenements empty.

I do not need to call your attention to the fact that our relief department has had many calls upon it under the conditions which exist at this time.

The workers of Lawrence are not responsible for the conditions which prevail. They have only their labor to sell and they are entitled to an opportunity of disposing of their labor under conditions which will permit them to live properly.

Surely, if they have no employment and they have no income because the employment which they previously had, and through which they had a weekly income, has been transferred to workers in foreign countries it does not make for better feelings toward the Government or those officials of the Government who, through the passage of laws which deprived the workers of employment, brought about this pitiful condition.

The textile workers of Lawrence, where we have the finest mills and most up-to-date equipment the market affords, have suffered to such an extent that in the hearings before the Ways

and Means Committee it was testified that at least 4,500 mill operatives have left that city. The textile workers of Lawrence are conceded by manufacturers to be as competent and as proficient as any in the world; and yet these workers for the past four or five years have been unable to secure employment for more than two and three days per week.

While the textile workers of Lawrence receive an average of less than $25 per week when employed, the product of their labor comes in competition with the product of the labor of England, Germany, Czechoslovakia, and Italy, where the wages paid to the textile mill workers are from one-half to one-sixth what the workers of Lawrence receive.

Let me cite you as an illustration some of the wages paid to mill workers in England and Germany:

England: Wool spinners, men	$11.00
Germany:	
Wool spinners, men	10.00
Wool spinners, women	6.80
England: Wool weavers	9.00
Germany:	
Wool weavers, men	10.26
Wool weavers, women	9.14
England: Worsted spinners	7.71
Germany:	
Worsted spinners, men	11.26
Worsted spinners, women	6.28

Since the passage of the present tariff law, no less than three large cotton mills in Lawrence have closed their doors, and their workers have been forced to look for work in some other industries.

The wages paid to the cotton-mill workers of Lawrence will run from three to five times the wages paid to cotton-mill workers in those countries from which millions of yards of cotton cloth is being imported at the present time, due to the fact that these foreign-woven cotton cloths can be laid down in the storehouses of American merchants for less than the cost of producing comparable American-made cotton goods.

The mill workers of Lawrence realize that the present tariff law is not protective, and their knowledge comes from the fact that since the passage of the present tariff law the importations of fine woven woolens have each year exceeded by almost 50 per cent the importations of these fine woolens in those years immediately preceding the enactment of the present law.

Peabody, one of the centers of the tanning industry of our country, is also located in my district, and there is hardly a day passes that I do not receive at least 10 or 15 letters asking when will Congress pass a tariff bill which will protect American workers in their employment.

The wages of the tannery workers of Peabody will average better than 60 cents per hour, and the product of their labor competes in the markets of America with the product of European labor, where the wages paid will run from as low as 10 cents an hour in Czechoslovakia and Rumania to 15 and not more than 25 cents per hour in France, Germany, Holland, and Belgium.

For instance, the importations of calf and kip leather have increased from less than $3,000,000 in 1923 to more than $14,000,000 in 1928, an increase of more than 400 per cent.

The tannery workers of Peabody and other leather centers have been denied an opportunity to secure employment. Why? Simply because the users of these goods can secure them cheaper in foreign countries and place them in their factories in America for less than the same goods can be manufactured for in America.

Finished calf skin had some protection from 1846 up to the passage of the tariff act of 1913, and since then it has been on the free list. It may interest you to know that the total importations the year this commodity was first placed on the free list amounted to less than $130,000. Last year the importations amounted to more than $14,000,000. Is it any wonder that the workers of Peabody are praying for some action on the part of Congress?

What is the cure for this intolerable condition? The cure is for Congress to enact as speedily as possible a tariff law which will protect the employment opportunity of American workers.

Some may contend that the American people should purchase the product of American labor in preference to the products of foreign labor.

However, we are living in a world where selfishness prevails to an extent beyond any reasoning on the part of many. We find that the buyers seek to secure what they want at the lowest possible figure. Even our Government, under the false cry of economy, purchases what it needs, even for our Army and Navy, in foreign countries if the foreigners will quote a price lower than the American manufacturer.

And, yet, it is the American manufacturer and the American workers who pay the taxes which support this same Government.

It is only a few years ago since our Government in purchasing airplane cloth awarded a contract to an English manufacturer because of the fact that the price which he quoted for the same material was a few dollars less than the price quoted by a manufacturer operating a large textile plant in the city of Lawrence.

In my investigation of the imports of shoes and the value placed upon them by the foreign producers I came across something which startled me.

We, here in Congress, are charged with legislating in the interests of the American people. And yet I found that the shoes which are imported from foreign countries, and which, because of the fact that they are made wholly of leather, come in duty free, were valued by the foreign shoe manufacturers at an average value of more than $2 per pair. The shoes of which the uppers are composed of materials other than leather, and upon which there is a tariff protection of 35 per cent, were imported at an average value of less than 30 cents per pair.

Upon inquiry I found that while these shoes are imported into America for sale in America when the Government places the duty on these shoes the duty is placed on the foreign value of these shoes. Without hesitancy I can say that it is impossible for American shoe workers to compete with shoes, with cloth uppers, produced for anything like 30 cents per pair plus any duty which might be imagined if that duty is based upon a value of 30 cents per pair.

That which is true of shoes is also true of the textiles produced in Lawrence and the tanned leather of Peabody.

The result of this system of foreign valuation is, to my mind, that the Government is defrauded of the taxes which it should collect, the workers are deprived of their opportunity of securing work because they can not compete with the products of foreign labor on the basis of foreign value of the product, and the American manufacturer is denied an opportunity of operating his plant and employing American workers. In America we can not produce these commodities where labor costs form a large part of the total costs unless adequate and proper tariff protection is afforded the products of American labor.

In looking through the past actions of the House on tariff legislation I noticed that when the present tariff act was adopted the House, upon recommendation of the Ways and Means Committee, based the duties on the basis of the American valuation instead of the foreign value.

When the bill was finally adopted in the Senate the American valuation was eliminated and duties were continued on the basis of the foreign value—that is, all of those commodities which were imported into America were made dutiable on the basis of their value in the country where they were produced except in so far as the law applied to the products of the chemical dyestuff industry, and, in the importations of these commodities, the importers had to pay duty based upon the value of comparable American-made goods—American valuation.

As to whether or not the system recommended by the Ways and Means Committee and adopted by the House was a proper one, it will interest you to know that I had the pleasure while attending the hearings of the Ways and Means Committee recently to hear a representative of the cotton-fabric glove industry make the flat-footed statement to the committee that had the same phraseology been written into that section of the tariff which dealt with cotton-fabric gloves as had been inserted into the section covering chemical dyestuffs, that the American cotton-fabric glove industry would to-day be in a flourishing condition similar to that of the chemical-dyestuff industry instead of being almost eliminated.

I noticed that the representatives of every labor organization affiliated with the American Federation of Labor, when presenting their case before the Ways and Means Committee, demanded and have explained why, if the workers of America are to receive real protection, the duties must be based upon the American valuation system.

To my mind there is no logical reason why we should give special privilege to one industry, as has been done in the protection afforded to the chemical industry, and deny similar protection to our other industries.

The records furnished by the Government show that the chemical industry is one of the few industries which during the past years has had almost complete control of the American market and which, since the passage of the present tariff act, has been able to build up a real export trade.

We are Americans and we presumably are interested in American workers and American industries whether they be industrial or agricultural.

I trust that when the Ways and Means Committee make their recommendations to this House that we may have the privilege of adopting a tariff bill which will really protect the employ-

ment opportunities of American workers, and that the rates which they see fit to recommend will be based upon the value of the articles in America—American valuation.

Let us take care of America. Those in control of the destinies of our competitors seem to be able to take pretty good care of themselves. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. JOHNSON of Washington. The gentleman referred to employment conditions in his district. Does the gentleman know that with the very limited immigration that we are now getting from European countries, about 1,000 a month from England, Scotland, and Germany, settle in New England, there to find no employment? That is to say, with the limited immigration, New England factory cities can not take care of those who arrive and settle in those sections.

Mr. CONNERY. That is true at present. There is no work to be had for them in Lawrence, Lynn, or Peabody.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield to me there for a moment?

Mr. CONNERY. Yes; I am glad to yield to my distinguished colleague from Massachusetts, who delivered such a wonderful speech on the national-origins clause the day before yesterday.

Mr. McCORMACK. Might not that condition be caused by the fact that American capital is being sent over to Europe and is subsidizing European capital to compete with American capital?

Mr. CONNERY. My colleague's statement is absolutely correct. Mr. Speaker, I repeat again, on a pair of shoes on which there is no duty, the valuation that is put on is $2 a pair foreign valuation. On a pair of shoes on which there is a duty, shoes with uppers other than leather, the foreign valuation is 30 cents a pair. How can American manufacturers compete with labor costs and overhead on shoes which are brought in at the foreign valuation of 30 cents a pair? That is what we mean when we say that we are striving for an American valuation of goods so that the American manufacturers and American labor may be protected against this unfair foreign competition.

Mr. BUSBY. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. BUSBY. The gentleman spoke a moment ago about the unemployment of the textile workers in New England in his section of the country?

Mr. CONNERY. Yes.

Mr. BUSBY. Does the gentleman know that the average spindle hour for New England is about 5½ active hours per spindle per day, while in the South the average active spindle hour is about 12½ per spindle each day?

Mr. CONNERY. Yes; and in Massachusetts we have a 48-hour law, and if the southern mills would follow that we would not be so much troubled with foreign competition. We do not work women and children in Massachusetts over 48 hours a week.

Mr. BUSBY. We do not work women down there. Our men work and are not idle.

Mr. CONNERY. The gentleman knows they work far more than 48 hours in the southern mills.

Mr. BUSBY. They use three shifts.

Mr. CONNERY. I talked with a gentleman who just came back from the South, who made a tour of the mill sections, and he said that he saw them coming in and going out, and that they worked sometimes as long as 60 hours, without three shifts.

Mr. BUSBY. Let me explain to the gentleman that those special investigators who go South to find out a certain condition never report any condition when they go back except the condition that they went there to see, and the facts do not come out in those reports.

Mr. CONNERY. The gentleman to whom I referred merely went on a visit to the South, and is not in the wool business, cotton business, nor connected with them at all. He told me about living conditions in the South, and he said that the people in Lawrence and Lynn and Peabody could not live on the food that those mill workers in the South get as a result of the cheap wages and long hours they work.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. MORGAN. Is it not a fact that the destructive competition in the textile industry is due to the cloth that is imported from Italy, and that that is the main trouble with your woolen mills?

Mr. CONNERY. Yes; some from Italy and some from England, Germany, and other countries of Europe.

Mr. MORGAN. The gentleman is, therefore, in favor of protection?

Mr. CONNERY. Oh, yes. I am in favor of protecting the workers and industries of my district against destructive foreign competition.

Mr. BUSBY. Will the gentleman let me follow up the thought that he suggested?

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Ohio. I will be glad to yield later to my friend from Mississippi [Mr. BUSBY].

Mr. COOPER of Ohio. The gentleman from Massachusetts has made a fine speech, as he always does, a logical speech.

Mr. CONNERY. I thank the gentleman.

Mr. COOPER of Ohio. The gentleman comes from a great manufacturing district where they make a lot of shoes. I fully approve of everything that he has said. While I have no shoe manufacturers in my district we have some leather manufacturers. I am going to go along with the gentleman on shoes, but I am wondering if he will go along with us for a tariff on leather?

Mr. CONNERY. I certainly will. I read in my statement facts showing where at Peabody, in my district, one of the greatest leather centers in the country, the tanners were being practically driven out of the business by foreign competition in leather.

Mr. JONES. Will the gentleman yield?

Mr. CONNERY. I will.

Mr. JONES. Would the gentleman vote for a tariff on hides?

Mr. CONNERY. I will say to the gentleman—and I believe that I am voicing the sentiments of the shoe workers and manufacturers of my district—that we would prefer, if it were possible, free hides; but first of all we believe that a duty on hides inures to the benefit of the packers only and not the farmers. But if the Congress considers there should be a duty on hides for the benefit of the farmers every shoe manufacturer and the workers in my district are willing to have a duty placed upon hides if Congress will give us a compensatory tariff on shoes.

Mr. JONES. The gentleman does not think that the packers get all the benefit?

Mr. CONNERY. The gentleman knows the packers get the hides.

Mr. JONES. They, of course, buy the animal in many instances, but as one of the parts of the animal it affects the price paid the producers.

Mr. CONNERY. Bought on the hoof. The gentleman is not going to tell me the farmer gets the benefit of the tariff on hides.

Mr. JONES. There is no tariff on hides. In many instances the animal is skinned on the farm or ranch. Besides, in other instances the animal is slaughtered locally. But even when sold to the packer, a tariff would go into the price.

Mr. CONNERY. I think the gentleman realizes that it will inure to the benefit of the Chicago packers alone. What I want to say is that if the Congress wishes to put a tariff on hides, we are not going to find fault. We favor the farmer getting a tariff on the farm products which he sells. I am not standing here saying, Give me justice and nothing for the rest of the country. That is not our principle. My constituents are out of work, they are hungry, their children are hungry, and if Congress wants to put a protection on hides in the belief that it helps the farmer, I am not going to object.

Mr. JONES. Does not the gentleman think that if we are going to have a tariff law it should be a uniform tariff—one on articles which come through the customhouse——

Mr. CONNERY. Yes; I do.

Mr. JONES. On raw products as well as on the finished articles? It should not be a special-privilege tariff.

Mr. CONNERY. I think that we should have a tariff that will protect every manufacturer and every worker and every farmer in the country who needs protection.

Mr. JONES. On jute, hides, and all raw material?

Mr. CONNERY. On everything which really needs protection.

Mr. SEGER. We have mills in the district I have the honor to represent that are going South on account of cheaper taxation and lower wages. The gentleman comes from Brooklyn, does he not?

Mr. CONNERY. From Brookline? No; I come from Lynn.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. SABATH. The gentleman has given the House valuable information relative to the importation of shoes from Czechoslovakia and Yugoslavia and other countries of Europe. Can the gentleman give us the number of shoes exported to those countries from this country?

Mr. CONNERY. The number is almost negligible that we export. It is not worth putting in the text. There is no export of shoes to Czechslovakia and Yugoslavia that amounts to anything worth putting in the RECORD.

Mr. YON. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. YON. There is one question that I would like to ask of the gentleman. I have been a shoe man—not a manufacturer, but a dealer—and I am sympathetic with the shoe industry. While I was in Boston not long ago one of the big leather men outlined the situation relative to the supply of leather. He said that the supply had decreased from 1920 from 13,000,000 down to less than 2,000,000 of the available supply. The urgent requirement at that time was to use low-cut shoes. They were bringing in substitutes for leather, and at the same time they were asking protection on shoes, all the while knowing that when they asked protection on shoes the producers of hides and leather are entitled to protection on hides.

Mr. CONNERY. If the gentleman will examine the record, he will find that the 1,500,000 pairs of shoes that came in last year from Czechoslovakia paid no tariff at all. There was no duty on them at all.

Mr. YON. I understand that those shoes are made where a great deal of extra work is placed upon them, and those shoes so made carry duty; and the majority of the shoes manufactured are of that general character of manufacture. As I say, I want to do the fair thing and believe in doing the fair thing for the shoe manufacturer.

Mr. CONNERY. I will say to the gentleman that I believe firmly that if Congress does not put a tariff on boots and shoes the shoe industry in my city will be wiped out within the next five years. I am not saying that for effect. I know what I am talking about.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. SCHAFER. In the district that I have the honor to represent we have a great many shoe manufacturers and tanneries. I want to have a tariff which will protect these industries and labor employed therein from unfair competition of foreign products. I will, however, oppose a tariff on shoes if the shoe manufacturers keep up their propaganda for a tariff on shoes and opposition to a tariff on hides and finished leathers.

Mr. CONNERY. Every shoe manufacturer that I have talked with has hardly mentioned the question of hides. If you will ask them about it, you will find they will say to the Committee on Ways and Means when they appear before it next week, "If you see fit to put a duty on hides, all we ask is to have a compensatory tariff placed on shoes." I will say to the gentleman that the propaganda that he mentions certainly does not come from my district.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. MORGAN. If we destroy the shoe factories and the tanneries, will not the hide market be wiped out ultimately?

Mr. CONNERY. Yes; because there will be nobody to buy hides.

Mr. McCORMACK. Does the gentleman know where the capital comes from that is put into the manufacture of these shoes in Czechoslovakia?

Mr. CONNERY. I believe that the capital that is behind the Czechoslovakia shoe manufactures comes from the United States. The manufacturers here have put money into business over there, because they say they can not compete here, and with cheap labor costs over there they can, and thereby throw thousands out of employment in the United States. That is admitted by business men in New York.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. LOZIER. Is it not a fact that in the last few years millions of dollars of American money have been loaned to countries in Europe in order that European industry may come in competition with domestic products here?

Mr. CONNERY. I understand so.

Mr. MORGAN. Does the gentleman stand on the Democratic platform, where protection is demanded?

Mr. CONNERY. I certainly stand on the Democratic platform, which demands that our industries be protected.

But, of course, the Democratic platform says we should have protection. I have no argument with my distinguished friend from Texas on that point.

Mr. JONES. The occasion for my question was this: I received a printed letter—and I am sure all the Members received it—from the National Boot & Shoe Manufacturers' Association urging a tariff on boots and shoes and urging free hides. Now, it seems to me it is going pretty far to ask the ranchmen and farmers who produce hides to sell their products in a free market and at the same time compel them to buy their supplies in a protected market. Does the gentleman think that is fair?

Mr. CONNERY. No; I do not. And, I repeat, I believe a tariff on hides will only inure to the benefit of the packers, and I am not interested at all in the packers; I am interested in the farmers. I want to see the farmers protected.

Mr. JONES. I want to say in that connection that the farmer sells the whole animal to the packer. The packer in turn sells to others. The packer is an intermediate agent. If he can get more for the hides, he can pay more for the animal. That is elemental.

Mr. CONNERY. And when the packers get the animal they skin him and dispose of the hide.

Mr. JONES. I want to say to my friend that hides can be brought in free from other places. These packers have big plants in other countries—in South America and elsewhere—and they can bring hides in free of duty. The same is true of other concerns which use hides.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

DEPORTATION OF ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 5094, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, before we proceed with the reading of the bill, I ask unanimous consent that I may be permitted to address the committee for three minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, when the committee was about to rise last night an agreement was reached by which we agreed to proceed with Senate bill 5094 to-day in accordance with the rule under which we were operating. As we were about to rise, it was apparent that amendments would be offered to provide for a paragraph which would include violators of certain parts of the liquor laws. They would be alien violators, of course. One or more Members had sent to the Clerk's desk amendments to that effect, and your Committee on Immigration, after surveying the situation and feeling rather of the opinion that an amendment of some kind along that line would be voted, met this morning and perfected an amendment. I think, in fairness to the gentleman from Georgia [Mr. TARVER], who was claiming recognition at the time we made the agreement, that his proposed amendment might as well be read, after which the chairman of the committee will offer the committee amendment as a substitute.

Mr. EDWARDS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. EDWARDS. Is the proposition the committee has agreed on, in effect, the amendment as offered by the gentleman from Georgia?

Mr. JOHNSON of Washington. I think it is rather more embracing.

Mr. BRIGGS. It relates not only to violations of the prohibition laws but to other violations?

Mr. JOHNSON of Washington. In order to save time I will read the amendment. It will add one more classification, and it will be as follows:

(9) An alien who is convicted of manufacturing, selling, or transporting intoxicating liquor, for which he is sentenced to imprisonment for a term of one year or more, or who is convicted of manufacturing, selling, or transporting intoxicating liquor, for which he is sentenced to imprisonment for a term which, when added to the term or terms to which sentenced under one or more previous convictions of manufacturing, selling, or transporting intoxicating liquor, amounts to one year or more. This subsection shall apply only in the case of offenses committed after the enactment of this act.

Mr. LOZIER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. LOZIER. In other words, the language makes the terms cumulative; that is, adds one to the other?

Mr. JOHNSON of Washington. Yes; cumulative for liquor violations and separating them from general violations. With that explanation, I will ask that the Clerk read the bill.

Mr. TARVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TARVER: Amend by adding a new paragraph to be numbered "2–A" after line 7, on page 3, as follows:

"2–A. An alien who hereafter violates or conspires to violate any statute of the United States or of the several States by manufacturing or selling intoxicating liquors for beverage purposes, and is convicted of such offense in a court of record when such conviction is for a second offense of the same character."

Mr. TARVER. Mr. Chairman and gentlemen of the committee, the purpose of this amendment, of course, is to authorize the deportation of those who have manufactured or sold intoxicating liquors in violation of the laws of the United States. It does not affect any other class of violators of our prohibition laws. It provides that conviction must be had in a court of record and not only that but it must be a second conviction. It does not have anything to do with the length of the sentence that may be imposed, and I respectfully submit to you that an amendment such as was described by the chairman of the committee, the gentleman from Washington, will not have the effect of authorizing the deportation of a large majority of these alien violators of our prohibition laws, for the reason that in those sections of the country where such violations are most rampant and where there are the largest number of alien violators of the prohibition laws the judges who customarily pass upon such cases do not impose sentences of the length of one year for the offense of selling intoxicating liquors or for the offense of manufacturing intoxicating liquors, in the vast majority of cases.

The penalties imposed by the judges, range from a small fine to a few days in jail. The minimum punishment for a first offense under the law may be as small as one day in jail or a penny fine. For a second offense, it may be as small as 30 days in jail or a fine, I believe, of $200.

Now, I contend that an alien who has engaged in the business of manufacturing or selling intoxicating liquors to the extent that he has been twice caught and twice convicted in a court of record has no right to insist upon his being allowed to remain in this country.

The bill as it is at present, without the amendment of the gentleman from Washington [Mr. JOHNSON], would require not merely one year's sentence but two years, and the amendment changes that condition to some extent, if it should be adopted, but only to the extent of requiring that the aggregate sentences shall be one year; and I submit to you that in those sections of the country, the large cities, where these aliens ply their illegal trade, it would be a long, long time before you would find sentences in very many cases imposed by the judges in those jurisdictions aggregating 12 months.

The question is, Do you consider an alien who engages in the business of violating the Constitution of the United States and the laws enacted in pursuance of the Constitution of the United States, a desirable citizen of the United States? If you do not, then you ought to vote down the committee substitute and adopt this amendment.

Mr. SCHAFER. Will the gentleman yield?

Mr. TARVER. No; I have not time to yield, I am sorry to say to the gentleman. I only have five minutes.

The gentleman from Texas [Mr. Box] on yesterday made some statement to the effect that the reason for not including a provision of this kind was because it would result in placing in the deportable class such a large number, in addition to those already authorized to be deported, that they might not be properly handled under the appropriations which are now available. The same objection would apply to every other provision of this bill. It is admitted that there are at least several hundred thousand aliens in the United States subject to deportation under our laws who can not be deported for lack of sufficient appropriation. If the gentleman's argument is correct, then why should we add any number to that class?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TARVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. TARVER. This bill, gentlemen of the committee, provides that an alien who is guilty—not convicted in a court of record, but who is guilty of any sort of a violation of the laws of the United States against the handling of narcotics—shall be subject to immediate deportation upon order issued by the Commissioner General of Immigration.

Why should there be such a tremendous distinction between the violator, in a small way, of the narcotic laws, who may be deported even without trial or conviction, and the violators of the prohibition laws of the country?

My amendment, as I have said, provides it shall apply only to two classes of cases, those who manufacture and those who sell, and that it shall not apply to them unless there shall have been two convictions for the same offense.

I submit this presents to the committee the sole question of whether or not they believe aliens who have twice violated and been convicted of violating the prohibition laws of the country are desirable residents of the country and ought to be permitted to remain here.

Mr. SCHAFER. Will the gentleman now yield?

Mr. TARVER. I yield to the gentleman.

Mr. SCHAFER. Why not also include those who are found guilty of buying and transporting?

Mr. TARVER. So far as I am concerned, I believe that violators of the prohibition laws of the character indicated by the gentleman should be included, but I have sought to put this amendment in such form as that any man who even pretends to believe in prohibition and in the enforcement of prohibition could give it his support.

I want to say to the House, in explanation of my own position, that I am sincerely an advocate of prohibition. I am offering this amendment as a friend of prohibition. I believe that the eighteenth amendment to the Constitution of the United States is the best legislation enacted by this Congress in the last 50 years, and I do not believe that the wholesale violation of it in certain sections of this country any more calls for its modification or repeal than that the wholesale machine-gun murders which we have been reading about, occurring in the city of Chicago, require the repeal of the laws against murder, and I believe that if you pass this amendment and write it into law, it will go a long way toward effectively enforcing the prohibition statutes of this country, and it will rid the country of some of the foreigners who have been carrying on this illegal business in a wholesale way in certain sections of the country.

If you adopt the amendment of the committee, adopted by the committee since yesterday afternoon in order to prevent your adoption of a more vigorous amendment, you leave the matter almost where it is now, because there will be very few cases in which the aggregate penalties will be as much as 12 months in those sections of the country which stand most in need of legislation of this character. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I desire to be recognized in opposition to the amendment.

Gentlemen, this is quite a serious matter. The gentleman from Georgia has made a very earnest statement. We ought to analyze it. We are dealing with aliens, even though the words of his amendment have been reduced to two or three phases—transporting and manufacturing—the facts remain that if an alien should be fined once $5 for a violation in a court of record, and then again fined $5 you have provided that he must be deported provided the Secretary of Labor thinks him an undesirable citizen.

Mr. TARVER. If the gentleman will yield, the police courts are not courts of record.

Mr. JOHNSON of Washington. Is the gentleman sure? How about the State of California?

Mr. TARVER. I think there is no question but that police courts are not courts of record in any State.

Mr. JOHNSON of Washington. They have a different system in California.

Mr. EVANS of California. If the gentleman will yield, I want to say that the police court in California is not a court of record.

Mr. JOHNSON of Washington. Then I am mistaken. It is agreed, however, that many of these offenses are punished by imprisonment for 30 days or 60 days, and with fines in proportion. You must understand that we are creating one or two additional classes of aliens who commit crimes of a serious nature, and they must be proceeded against by the Secretary of Labor. This amendment which has been proposed would confer so much possibility of a burden in the name of deportation that the Department of Labor would be greatly interfered with and would have to have a third branch of the Government for this phase of prohibition enforcement.

Mr. CRAIL. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CRAIL. As I understand the amendment, the alien would first have to be determined to be an undesirable citizen——

Mr. JOHNSON of Washington. That would come after he was convicted.

Mr. CRAIL. If he is an undesirable citizen, would it not be better to deport him on a minor offense than to wait until he has committed a felony?

Mr. JOHNSON of Washington. If you carried it out in that detail, the Department of Labor would not be able to function at all. The work and burden on the department would be terrible. I will ask the House to vote down the amendment offered by the gentleman from Georgia and vote up the substitute which I shall offer as a committee amendment.

Mr. GIFFORD. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. GIFFORD. Considering the various paragraphs, when it comes to deportation to Russia, we not having recognized the Government in that country, what is the attitude of the department in that respect?

Mr. JOHNSON of Washington. We would be unable to deport.

Mr. SABATH. Mr. Chairman, the gentleman from Georgia is a prohibitionist and believes in the enforcement of the law, but, unfortunately, he is under the impression that all the violations of the law are committed by aliens. Now, I will say that many aliens are arrested; they have no one to intercede for them; they have no influence, and when they are arrested they are fined. On the other hand, the influential citizens, in the gentleman's State of Georgia, or any other State, do the same thing; they make it; they sell it; they consume it, to a much greater extent than many of the aliens, but they very seldom are convicted or even arrested.

What I want to bring home to you is that we have very stringent provisions in the present deportation act which provides for the deportation of aliens committing any kind of an offense, whether it is violation of the Volstead Act or whether it is larceny, robbery, or any other offense or crime. Now, why should we have a special provision in the act applicable to those who happen to violate the Volstead Act, a thing which has been made illegal only a few years and which up to the time before hysteria had taken possession of our legislative bodies, was recognized to be legal all over the United States. Lo and behold, to-day we must have a special law which must be much stronger than the law which applies to a man guilty of robbery, larceny, or any kind of a real crime against the laws of the States. It is to be regretted that people go or are carried away by blind prejudice to such an extent and can not see the situation as it really should be seen by sane and sensible men.

I feel that the present-day hysteria and intolerance on the part of certain organizations and individuals should cease, and that we should legislate sanely as men and not be overlorded by an organization simply because a few years ago it was powerful, but which now is fast disintegrating. It is to be regretted that its accredited officials still come down here or by a word influence Members of Congress who are elected by the people to believe that they must do as this organization tells them, regardless how vicious, otherwise the organization will bring about their defeat. We ought to be big enough to say to all such organizations and their agents that we are men who are sworn to uphold the Constitution of the United States, and who at the same time have the right and privilege to cast our votes according to the dictates of our conscience and not according to the dictates of these prohibition leaders or people who really do not know what it is all about, and are being misled and used by the professional prohibitionists on one hand, and, on the other, the restrictionists, who are about as narrow-minded and bigoted, and who are forcing the legislation now before us.

Unlike the gentlemen from Georgia, Florida, Washington, or Maine I am frank enough to admit that there are many violations of the prohibition law in my State and in my city.

I exceedingly regret to say that there are many bootleggers, and many killings among these bootleg gangs, something that was unheard of before prohibition, and for which the prohibition law is responsible. This, however, the professional prohibitionist, or the prohibitionists on the floor of this House, dislike to concede, notwithstanding that it is a fact, and is recognized by those who are not blinded with prejudice or who are not crazed on the question of prohibition.

In a measure, I do not blame certain gentlemen in trying to secure a special provision in this act, applicable to aliens guilty of violating the Volstead Act. I take it they want that lucrative business to be solely conducted by and be in the hands of native-born Americans.

In view of the tremendous importation of liquors, it does not affect the price of their native manufactured white mule and moonshine, because the greater importation of these liquors the lesser the price of white mule and moonshine, but surely they can not maintain that aliens are guilty of violating the prohibition law in their respective States, because there are no aliens there, and, notwithstanding that fact, the records will show, that there are as many stills confiscated as there are in any other section in the United States.

I grant that there are not as many arrests made, but we know, and it can not be denied, and, in fact, it has been demonstated and proven on the floor of this House, that the prohibition law is not being enforced in the South, and that the same southern hospitality of old still prevails.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I can understand the attitude of the gentleman from Georgia [Mr. TARVER] in presenting his amendment. After all, in these days of tariff revision and protection of American industry, it is natural and logical that America's greatest and most profitable industry should be reserved to citizens of the United States. [Laughter.] The gentleman states that there are thousands of bootleggers. Of course, we have not had the benefit of the Census Bureau in classifying these bootleggers as to citizens and noncitizens, but again I want to point out to the House and to repeat at the risk of becoming tiresome, that you would not have thousands of bootleggers if you did not have millions of drinkers. It is because of the great demand for liquor that you have this large number of bootleggers. Just how the gentleman from Georgia [Mr. TARVER] is going to differentiate between the alien bootlegger and the native consumer, I do not know. There can be no serious objection to the gentleman's amendment. In fact, I rather welcome it, because it will answer a great many of the charges based upon misinformation, that the bootlegging industry is in the control of aliens. I assure the gentleman from Georgia that in his State, and in many of the States of the Union, business is too good to be left in the hands of aliens.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TARVER. The gentleman on previous occasions has made statements of this character concerning my State upon the floor of the House, and I rise to inform the gentleman now that in my district in Georgia the prohibition laws are enforced, and if the gentleman will take the trouble on some occasion to visit my district, as I hope he will, he will discover that to be true. He will find that his charges made against my State at least are not correct.

Mr. LAGUARDIA. I shall permit the records of the gentleman's own State to speak for themselves, and if the gentleman will consult them he will find an alarming increase in violation of both the Federal and the State prohibition laws, and I believe that the conditions in the State of Georgia as to violation of the liquor law is such that this House can take judicial and legislative notice of it.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McCORMACK. Might I also call to the gentleman's attention the fact that in the report of the provost marshal general to the Secretary of War on the operations of the selected-service system, to December 20, 1918, one of the States mentioned where forcible resistance to the draft existed was the State of Georgia.

Mr. LAGUARDIA. That has nothing to do with this, but I want to say this about the State of Georgia in all fairness, that the State of Georgia in so far as liquor conditions are concerned is no worse than other States of the Union.

Mr. TARVER. May I ask the gentleman a question?

Mr. LAGUARDIA. Certainly.

Mr. TARVER. The statement of the gentleman made with reference to violation of the liquor laws in Georgia was based upon the records, I presume, indicating the number of distilleries seized?

Mr. LAGUARDIA. And the number of arrests and convictions.

Mr. TARVER. The fact that the law is enforced and that violators of the law are arrested is no evidence to sustain the gentleman's charge. The fact that in some sections of the country violators go unpunished and no arrests are made does not sustain the contention that the law is not violated there.

Mr. LAGUARDIA. I refuse to yield further and say as to the gentleman's very clumsy innuendo as to my State, that he will find that in comparison to population, the conditions in the State of New York are better than in his State.

Mr. JOHNSON of Washington. Mr. Chairman, I call for the reading of my amendment, which I offer as a substitute for the amendment offered by the gentleman from Georgia.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. JOHNSON of Washington for the amendment offered by Mr. TARVER: Page 4, after line 9, and after subsection (8) already inserted by the committee amendment, insert a new subsection, to read as follows:

"(9) An alien who is convicted of manufacturing, selling, or transporting intoxicating liquor, for which he is sentenced to imprisonment for a term of one years or more; or who is convicted of manufacturing,

selling, or transporting intoxicating liquor, for which he is sentenced to imprisonment for a term which, when added to the term or terms to which sentenced under one or more previous convictions of manufacturing, selling, or transporting intoxicating liquor, amounts to one year or more. This subsection shall apply only in the case of offenses committed after the enactment of this act."

Mr. TARVER. Mr. Chairman, I make the point of order against the amendment when it is offered as a substitute. The amendment which I propose is to page 3 of the bill after line 7, adding a new paragraph to follow subsection 2 of section 1. The amendment proposed by the committee through its chairman is to page 4 of the bill, and an entirely different part of the bill, and can not be properly considered as a substitute for my amendment. There ought to be a vote upon my amendment, and then a vote upon the gentleman's amendment.

The CHAIRMAN. Both the amendment and the substitute are offered to the same section, and the Chair thinks the substitute is clearly germane and overrules the point of order.

Mr. JOHNSON of Washington. I think this matter has been fully debated and the committee has looked as carefully as it could and given consideration to this. I think we should now have a vote and proceed with the reading of the bill.

Mr. EDWARDS. Mr. Chairman, ladies, and gentlemen of the committee, it is unfortunate that in the consideration of matters here we should at any time legislate with respect to what has happened in this State or that State. We should, at least, be broad enough to approach legislative matters in the interest of the whole country. Every once in a while slurs are made at some State. The gentleman from Massachusetts, very unkindly, so far as the statement that Georgia resisted the draft, put it in the RECORD that Georgia resisted the draft. He read and quoted from some War Department report. I do not care where that statement emanates from, it does our great State an injustice. In the name of the great State I have the honor to, in part, represent, I brand it as false. We just as well have this thing out now as later. The statement is not true. There were, perhaps, men in Georgia, as there were men in Massachusetts, as well as other States, who objected to the draft, but the citizens of the great State of Georgia were as loyal to the Stars and Stripes as were those of the great State of Massachusetts. [Applause.]

It is unbecoming a Member of this House to make these nasty digs and mean slurs at any of the States. As a Representative of the State that has thus been insulted, I resent the remarks, and whether they come from the War Department, or wherever they come from, I denounce them as unkind and unfounded. [Applause.] The people of a whole State ought not be indicted by the War Department report because of the attitude of some of its citizens. I claim no superior patriotism for Georgians but they are patriotic, and the State of Georgia is one of the great sovereign States of this Union, and is entitled to proper respect here and elsewhere.

Mr. BLACK of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Washington moves that all debate on this section and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, supplementing the remarks of the gentleman from Georgia [Mr. EDWARDS], I want to say that we saw in New York City a great number of men of alien blood march forth to the war and perform nobly, as did those living in other cities and States. When the leaders of the immigration restrictionist movement and the drys get together they can furnish a melting pot that would satisfy a witch burner. This amendment is another tower to hypocrisy in America.

I am surprised that the chairman of this Committee on Immigration and Naturalization has capitulated to the drys. This matter has nothing whatever to do with the immigration bill. The committee refused to have anything to do with it at first, but they are now panic-stricken when the gentleman from Georgia [Mr. TARVER] offers his amendment, so that immigration is going to be tainted with the corruption of prohibition. But I am not much surprised. I think the Labor Department is one of the best departments in Washington; and if there is any gravy in this thing, I think they ought to have some of it. That department will be as much corrupted as any other department with which the prohibition fanatics have come in contact.

Who in this day and generation is going to say that the bootlegger is undesirable? How are you going to get by common sense on this proposition? I am not surprised that the gentleman from Georgia [Mr. TARVER] should offer his amendment. He speaks of violations of the Volstead Act as being on a par with violation of the narcotic act. Quite evidently there is a great difference. Narcotics poison the minds of American people, and the bootleggers are catering to the ordinary appetites of Americans. This amendment can not only affect the violators; it affects their families also. It affects thousands of men because they happen to sell booze a couple of times and get caught. Here is an American citizen buying liquor from an alien bootlegger. The alien bootlegger goes into the business in order to support his family. You give three cheers for the American violator. I suppose this amendment will prevail, although it is nonsense on the face of it. The House was off its feed when by its vote it turned down the $24,000,000 additional appropriation for prohibition enforcement. I congratulate all the dry gentlemen on once more answering "present" when the captains of the drys demand it. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Washington for the amendment offered by the gentleman from Georgia.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now occurs on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 3, line 18, after the word "false," strike out the words "or misleading," so that paragraph 5 will read as follows:

"(5) The alien who hereafter willfully enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by the willfully false representation or the willful concealment of a material fact."

Mr. SABATH. That is the amendment I submit.

Mr. JOHNSON of Washington. Mr. Chairman, I believe that the debate has closed on all amendments to this section.

The CHAIRMAN. The gentleman from Washington is correct. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. The House has adopted an amendment of the committee. Would it now be proper to offer an amendment to that amendment adopted by the committee?

The CHAIRMAN. The Chair thinks not.

Mr. HUDSON. It is part of the section, is it not, and would it not be in order to amend it?

The CHAIRMAN. The gentleman should have offered an amendment to the amendment when it was pending. It is too late now. The Clerk will read.

Mr. SABATH. Mr. Chairman, I offer the following amendment: On page 4 strike out the "ten" and substitute "five" for it.

Mr. JOHNSON of Washington. Mr. Chairman, that amendment was offered yesterday and voted down.

Mr. EDWARDS. Mr. Chairman, I make the point of order that there is no amendment pending. The gentleman has not sent it to the desk in writing.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 2. For the purposes of subsections (6) and (7) of section 1—

(a) No conviction shall serve as a basis for deportation proceedings unless such conviction is in a court of record and the judgment on such conviction has become final;

(b) In the case of a sentence for an indeterminate term in which the minimum term under the sentence is less than one year, the term actually served shall be considered the term for which sentenced; and

(c) An offense of which an alien, after conviction, has been unconditionally pardoned, shall not be considered an offense.

Mr. JOHNSON of Washington. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Washington: On page 4, line 10, strike out "(6) and (7)" and insert in lieu thereof "(6), (7), (8), and (9)."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. (a) If any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall not be entitled to any of the landing privileges allowed by law to seamen.

(d) So much of section 3 of the immigration act of 1917 (U. S. C. title 8, sec. 136(j)) as reads as follows: "persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission" is amended to read as follows: "persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission."

(e) So much of section 18 of the immigration act of 1917 (U. S. C. title 8, sec. 154) as reads as follows: "or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof" is amended to read as follows: "or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entttled to reapply for admission to the United States." The amendment made by this subsection shall take effect on the expiration of 60 days after the enactment of this act, but the provision amended shall remain in force for the collection of any fine incurred before the effective date of such amendment.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 4, line 24, strike out all after the word "deported," on line 24, all of line 25, and up to and including the word "of," in line 1, page 25, so that provision (a), section 3, will read as follows:

"SEC. 3 (a) If any alien has been arrested and deported after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony, and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment."

Mr. SABATH. Mr. Chairman, I hope the chairman and the members of the committee will agree to this amendment. I feel they are interested in drafting a law that will be upheld by the courts. As this section is now drafted there is no question that it is a retroactive provision, because it provides for the punishment of those who have committed offenses, long before the adoption of this act. My amendment provides for the same deportation but for offenses committed by those who have been deported since the adoption of this law or this act, so as to make it lawful, and make it legal, and so the courts will uphold it.

I do not believe it should be the policy of this House to pass laws that are retroactive or exposte facto, laws which the courts have frequently held are void. For that reason I am hopeful the chairman and the committee will agree to this amendment. It will strengthen the provision; it will make it absolutely legal, and I feel justice requires that we should not enact legislation, as I have stated, which is retroactive.

Mr. BURTNESS. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BURTNESS. What offense committed in the past does the gentleman claim is punishable by this section?

Mr. SABATH. It provides for deportations which took place before the enactment of this act.

Mr. BURTNESS. But the act which is punishable is the attempt to come in again, is it not?

Mr. SABATH. No; that is not the fact. This is the provision, that if at any time a man has been deported, for instance, for overstaying his leave, we will say, three, four, or five years before this law was enacted, he should not be punished under this act. I say that such a stringent provision should not apply to him in view of the fact that when he was ordered deported, years ago, this was not the law of the land. That is my position.

Mr. BLANTON. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BLANTON. There are thousands of Mexicans who have come across the line unlawfully and who are now within the United States. Has not the Congress the right to pass a law to deport them?

Mr. SABATH. There is no question about that.

Mr. BLANTON. Is that ex poste facto?

Mr. SABATH. No.

Mr. BLANTON. Can not Congress provide for the deportation of any certain class of people?

Mr. SABATH. Yes.

Mr. BLANTON. It is not ex poste facto if it applies to a whole class.

Mr. SABATH. I agree with the gentleman that there are many of them here in violation of the law and that they should be deported. We have embodied such a provision in this act and that is being taken care of. There is no question about that.

Now, I am again going to appeal to the gentlemen of the committee to grant my request for an amendment of paragraph 5 of section 2, which I believe should be eliminated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 6. Proceedings for the deportation of an alien made deportable by this act may be begun at any time after the entry of such alien, without regard to any of the periods prescribed in the immigration act of 1917; but no proceedings based on subsection (6) or (7) of section 1 of this act shall be begun after the expiration of three years after the termination of the imprisonment.

Mr. JOHNSON of Washington. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. Johnson of Washington: Page 7, line 20, strike out "(6) or (7)" and insert in lieu thereof "(6), (7), (8), or (9)."

The committee amendment was agreed to.

Mr. CROSSER. Mr. Chairman, I ask unanimous consent to return to section 5 to offer an amendment striking out the word "of," in line 14, and inserting the word "to."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 5, for the purpose of offering an amendment. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, I object, pending a statement as to what the amendment is.

Mr. CROSSER. It is for the purpose of correcting the language, changing the word "of," in the last part of line 14, and making it "to." It is not good English as it stands.

Mr. JOHNSON of Washington. I will have to object to that, Mr. Chairman. The last several bills contain that language.

Mr. CROSSER. If they do contain such language in like connection, they were wrongly phrased, and I insist that the English at least should be proper. There is no reason why we should use wrong phraseology or bad grammar merely because there are other matters in dispute.

Mr. JOHNSON of Washington. Let us avoid diction and grammar in this connection.

Mr. CROSSER. But the diction in this case is important.

Mr. JOHNSON of Washington. I object, Mr. Chairman.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to return to subparagraph (6) of section 1, on page 3, because it seems to me, from a reading of the two or three lines there, that there is a contradiction. It provides that one of the aliens who may be deported is—

An alien who is convicted of any offense (committed after the enactment of this act and at any time after entry).

If this provision were enacted into law to-day, the alien could not be convicted, under the first language, unless the offense was committed after to-day; but the next language provides that he shall not be convicted unless his offense is "committed after the enactment of this act and at any time after entry." Suppose he came in a year ago?

Mr. TILSON. The gentleman will notice that the language is inclusive. Two distinct things must take place. The offense must be committed after the enactment of this act and it must be committed after entry.

Mr. COOPER of Wisconsin. Then say so, and leave out the words "at any time," because his entry may have been a year ago, and "any time after entry" means any time within that year.

Mr. TILSON. It provides "at any time after entry" and something else—"after the enactment of this act."

Mr. COOPER of Wisconsin. It is a direct contradiction in language to say "after enactment of this act and at any time after entry."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to subparagraph (6) of section 1, on page 3. Is there objection?

Mr. JOHNSON of Washington. I shall have to object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. SABATH. Mr. Chairman, I did not have the time to prepare the amendment I desired, so I move to strike out the last word, and I fully recognize it matters not how carefully the amendment might be prepared, it will not receive much consideration to-day. Still, I want to bring it to your attention for just a few moments.

Section 6 provides:

> Proceedings for the deportation of an alien made deportable by this act may be begun at any time after the entry of such alien, without regard to any of the periods prescribed in the immigration act of 1917.

The present law provides when these deportations can be had. This proposed law says, regardless of the time that the alien may have resided in the United States, he should be deported. Now, there may be men who have resided here for 12, 15, 18, or 20 years. He may be a married man, and may have three, four, or five children born in the United States, and he may be guilty of making a little home brew at home, yet some neighbor who does not like his looks reports him, and he is convicted, and then is convicted, perhaps, a second time, for taking a drink with a friend. Under this provision of the bill it matters not whether that be ascertained 3, 5, or 10 years hence, or whether it has occurred 10 years ago, he can be apprehended and deported. I just want you to know what you are voting on to-day.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. There is one good thing the bill does, and that is that some Mexicans who have come into the United States unlawfully within the last five years may be deported if the department can get enough money to apprehend them. But how about those who came in six, seven, or eight years ago? There were thousands that came across the border unlawfully. You can go up and down the Mexican border in Texas for 10 and 15 miles and you will not see a house, and sometimes you will not see an immigration agent for 40 miles. They can wade across the river in lots of places. They come into Texas by hordes all of the time. If you take the Texas & Pacific Railroad, that runs from Texarkana to El Paso, 900 miles, you will find that practically every section hand is a Mexican. Take the hotels close to the border, and practically all the employees who work in the hotels are Mexicans. Take many of the stores, and the employees are Mexicans because they can get them for a stipend by the month. They are taking away jobs from American citizens. I am surprised that this committee would permit that to exist any longer.

I know that my friend Judge Box has been making a just fight against this situation for years. He gets a little handout now and then from the committee, but it does not help him much. Why could not the committee have put a provision in here, and why could not the Appropriations Committee give the department enough to apprehend the thousands of these Mexicans who are in Texas now unlawfully and put them back across the Rio Grande and keep them there? Then you would not have the report coming in here from Austin, Tex., and many other places that many Americans are going to be without jobs and many Mexicans are to be without jobs until another cotton crop comes in.

Mr. SABATH. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SABATH. Mexicans can come over here by the thousands—they do not come illegally, they come because there is no quota against them; they could come in by the thousands or 5,000 a day. They are not here illegally, because they come under the law and because there is no restriction against them. There is no quota.

Mr. BLANTON. What about the head tax? They do not pay the head tax required by law.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. These Mexicans also come into Wisconsin in droves, and take the places of American citizens in the factories and on the farm. Often we see the spectacle of war veterans walking the streets unable to obtain employment because of the unfair competition of cheap Mexican labor.

Mr. BLANTON. Why does not the energetic, enterprising 300-pound Member from Wisconsin put some of his energy into action along that line and stop it?

Mr. SCHAFER. If the gentleman will read the hearings he will see that I appeared before the Immigration Committee in behalf of the Box bill, which would put the nationals of Mexico under the quota restrictions.

Mr. LAGUARDIA. Even the payment of the head tax would not disturb this influx for the reason that the sugar-beet growers and the railroads would pay the head tax in order to get the Mexicans in. You have got to stop it.

Mr. BLANTON. Why does not the committee stop it?

Mr. LAGUARDIA. Because the influence of the sugar-beet growers and the railroads is too strong.

Mr. JOHNSON of Washington. Does the gentleman know why it has not been stopped?

Mr. BLANTON. Yes.

Mr. JOHNSON of Washington. In my opinion, the employment of a quota on both borders and contiguous territory in South America and in Central America is inevitable, but you have not the laws in accord with it that will permit it without several preliminary amendments.

Mr. BLANTON. If the gentleman from Washington will go down to the international bridge at Brownsville, or if he will go to the one at Laredo, or at El Paso, or any of those international bridges——

Mr. JOHNSON of Washington. I have been to several of them.

Mr. BLANTON. And stand there, he will see the hordes that come across the bridges with no intention of ever going back, coming across to get jobs of Americans, and if he would ride up and down the Rio Grande River for miles and see them coming in in hordes, the gentleman would take some action to stop it. I am sorry that he is not going to be able to take much action along that line, but somebody else in his place ought to do it, and it ought to be stopped, and if we do not do it we are going to have Americans starving to death in the Hoover administration.

Mr. LAGUARDIA. And a bringing down of a standard of wages.

Mr. BOX. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Washington. Will the gentleman yield to me for a moment?

Mr. BOX. Yes.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. BOX. Mr. Chairman and gentlemen of the committee, you have been discussing for a few minutes a matter with which I as one member of the committee have been wrestling for some years. I have not been inclined to inject that question into this debate because it is not the question at issue, but the situation pointed out by gentlemen during this debate exists. It is a very serious condition. It seriously embarrasses the whole purpose of the immigration law. There are conditions created by the incoming of people from Mexico and other American countries which it was and is the purpose of the immigration laws to prevent. The law is poorly enforced, mainly because the appropriations made for the border patrol are not adequate. There are great sections that under present provisions can not be adequately guarded. There are many interested in the importation of these poor peons. They are often imported and left in pitiful condition. They do take the places of American workmen, who are already put to it to find jobs; in fact, there are hundreds of thousands, possibly millions, of Americans out of employment now. They are raising a serious race question. During this month a riot occurred at a point in Texas where a crowd of white men who had been superseded by Mexicans, and who, after having notified the Mexicans to leave, fired into the camps of the Mexicans. This Congress ought to have statesmanship enough in it to look over the past and see what grave problems have been injected into our national life by the importation for labor purposes of great numbers of people essentially different

from us in character, in social position, and otherwise. We are breeding another one of those great race questions. We are degrading labor, we are defeating all of the essential purposes of the immigration laws. These facts explain why I have worked so hard in committee and before this House and everywhere else to get this subject adequately dealt with. Seeing this big question, while I have the honor to remain one of you and on this committee, I shall continue to press it on you for attention. We have the opposition of the classes mentioned.

Practically every big beet-sugar manufacturer in the country opposes it, and every Class A railroad except one in the United States appeared before your committee and opposed the passage of this bill because they want their cheap subservient labor. Many other selfish and powerful influences have arrayed themselves against the restriction of this immigration. As against such influences, a few men, thinking only of the public welfare, are not strong enough to get action even when they have justice and patriotic considerations of every kind on their side.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. W. T. FITZGERALD. Another feature I suggest to the gentleman is from a moral standpoint. They are poisoning the American citizen. They are of a class that come across the line which are very undesirable from that standpoint alone.

Mr. BOX. The gentleman from Ohio is correct. I had the privilege of making a statement covering several hours before the committee. And I tried to place before the committee some of the facts that have come to my knowledge. They are badly infected with tuberculosis and other diseases; there are many paupers among them; there are many criminals; they work for lower wages; they are objectionable as immigrants when tried by the tests applied to other aliens. Of course I am not talking about the better class of people of our neighboring countries, but I am talking about the poor unfortunate beings who are poverty stricken and drifting about the country hunting for work at any price. Quite often they are induced to come here by our own people, who employ them for a while and then leave them to drift from one place to another, the victims of all kinds of suffering and mistreatment. We will correct this evil some time, perhaps after it is too late, though I hope we will deal with it in time to remedy the situation before it becomes much worse than it now is.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 7. If any alien is liable to deportation upon any ground specified in any paragraph of this act, he shall be deported whether or not he is liable to deportation upon a ground specified in any other paragraph of this act or in any other law, and any alien who is liable to deportation upon a ground specified in any law other than this act shall be deported whether or not he is liable to deportation upon a ground specified in this act.

Mr. FREE. Mr. Chairman, I move to strike out the last word. Mr. Chairman and members of the committee, a great deal has been said in the last few moments about the situation on the Mexican border. Since we have adopted the quota plan of immigration we have watched the borders on the Pacific coast and on the Atlantic coast very thoroughly, and it is, indeed, difficult for the aliens to get through those borders, but we have not looked after the borders to the north or south. It is not the fault of the Department of Labor. I think we have as fine a lot of men along those borders as we could possibly get, but we have not enough, nor do we provide enough money to enable the department to protect those borders. The question of Mexican immigration has been mentioned here to-day. I would like to see the laws we have at the present time enforced. Mexican immigrants are subject to the following provisions to-day:

That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property, prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons likely to become a public charge (this clause excluding aliens on the ground likely to become a public charge has been shifted from its position in section 2 of the immigration act of 1907 to its present position in section 3 of this act in order to indicate the intention of Congress that aliens shall be excluded upon said ground for economic as well as other reasons and with a view to overcoming the decision of the Supreme Court in Gegiow *v.* Uhl, 239 U. S. 3 (S. Rept. 352, 64th Cong., 1st sess.)); persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly, stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor. (See rule 3, subdivision O.)

In addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish (see rule 3, subdivision N): *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter.

In addition the Mexican is required to pay a head tax of $8. I believe we could keep out most Mexicans to which objection has been made to-day if we simply enforced the laws above mentioned. [Applause.]

Mr. EDWARDS. Will the gentleman yield?

Mr. FREE. I will.

Mr. EDWARDS. Would the passage of the Box Act accomplish what the gentleman has in mind?

Mr. FREE. No sir. Unless we provide the money to enforce it. The reason I took my feet to-day is this. We have a feeling here that by passing a law you will stop immigration. Unless you back it up with the money for enforcement and the protection of your borders it will not mean a thing. We are not enforcing the laws we have to-day on the northern and southern borders of our country.

Mr. EDWARDS. Why not? We have the money.

Mr. FREE. The committee has been criticised because we have not done anything in reference to this situation. We have been appealing to this House for eight years to my personal knowledge for money to protect the borders. We had an increase of a million dollars in the last Congress, but why pass another law when we do not enforce those we already have on our statute books?

Mr. EDWARDS. How much will it take?

Mr. FREE. Several million dollars in addition to what we have at the present time.

Mr. EDWARDS. Why not put it up to the Appropriations Committee?

Mr. NEWTON. Will the gentleman yield?

Mr. FREE. I will.

Mr. NEWTON. What the gentleman has said about the borders is also true of getting rid of undesirables—we ought to have more money to deport them.

Mr. FREE. Absolutely. We have investigated, and there are over 200,000 people in this country who should be deported. We only deport a few and from the places where they can be easily found.

Mr. HUDSON. Will the gentleman yield?

Mr. FREE. I will.

Mr. HUDSON. Does the gentleman not recognize that if we can have a coordination of the enforcement departments that have to do with enforcement laws we might have sufficient money to enforce those laws, but as long as we have a system that puts four different groups of enforcement officers on the borders, each one to do a litle particular thing while allowing the violation of any of the other laws, we will have the very conditions suggested.

Mr. FREE. That would help a great deal. I want to say concerning the men along the border, that they have been cooperating to a remarkable degree, and they are a fine lot of men, and they are doing the job as best they can; but we need more of them and more authority to cooperate.

Mr. HUDSON. I am not complaining about the inefficiency of these gentlemen. I am simply complaining of the fact that from the deviousness of the law their activities are made inefficient. The law makes them inefficient. A man in one department of the service has not a right to arrest a man for doing something that does not come within his jurisdiction. The whole thing is wrong in theory and in practice.

Mr. FREE. I agree with the gentleman.

Mr. SABATH. Mr. Chairman, it is believed from what we hear that we receive a tremendous immigration from Mexico. I have been asked by a number of Members how it is that our present restriction of immigration admits only 165,000, and, notwithstanding that, over 300,000 arrived last year? There is no restriction, no quota, on Mexico, Canada, Central and South America, Cuba, and the West Indies, and for that reason they can come in in as large numbers as they desire. But they should be, and they are, subject to the literacy test and to the provisions of the law of 1917. I agree that if the law is rigidly enforced on the Mexican border hundreds of thousands could not have qualified or have been admitted.

But do not lose sight of this fact: What applies to Mexico in a great measure applies also to Canada. Why, last year alone we received from Canada—though our total immigration from entire Europe was but 165,000—81,506 of which a record is made. So it is not only immigration from Mexico, but also from Canada, because what the gentleman from Massachusetts said a moment ago is true; there are thousands of our own people unemployed in Massachusetts, and why should we permit that tremendous number to come in here without the quota from Canada and Mexico?

I introduced, three times, and advocated unsuccessfully, a bill placing Mexico, South and Central America, Canada, Cuba, and the West Indies under quota as it is applicable to European immigration. We need a few more men on our border line. I know the chairman of the Committee on Immigration and Naturalization has tried to secure larger appropriations, and he did. I have advocated the proposition of the gentleman from Michigan [Mr. HUDSON], who spoke a little while ago on the centralization of our forces and activities along the border line. I do not know why we should have a revenue patrol, and an immigration patrol, and a prohibition patrol on the border, one not cooperating with the other. They can be merged into one, and then we would have efficient control, and that would control not only immigration but also prohibition and revenue violations and other violations that are going on. I hope, therefore, that the chairman will be strong enough to convince the Treasury Department and the Department of Labor and other officials, who have the power, to bring about unification that it be done.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section be now closed.

The CHAIRMAN. The gentleman from Washington moves that all debate on this section be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. Upon the final conviction of any alien of any offense in any court of record of the United States or of any State or Territory it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLACK of New York. Mr. Chairman, I want to make a very friendly suggestion to the men from the border States, which I hope will be taken in good part. For about six years you have been passing legislation to regulate conditions in New York City, telling us how to raise a family, what to eat and what to drink, and when to eat with a knife and when to eat with a fork. In the meantime you have been neglecting your own doorsteps. I say, keep you hands off New York for a while and see that you enact a little good, wholesome national legislation for the benefit of your own constituents. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

The CHAIRMAN. The question now is on agreeing to the substitute to the Senate bill as amended.

The committee substitute for the Senate bill was agreed to.

The CHAIRMAN. Under the rule, the committee automatically rises and reports the bill to the House.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore, having assumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, reported that that committee had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I ask that the title be amended.

The SPEAKER pro tempore. That can be done after the passage of the bill. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

Mr. LAGUARDIA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LAGUARDIA. I am.

The SPEAKER pro tempore. The gentleman from New York offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. LAGUARDIA moves to recommit the bill to the Committee on Immigration with instructions to report back the bill forthwith with the following amendments:

Page 3, line 20, after the word "offense," insert "involving moral turpitude."

On page 4, line 3, after the word "offense," insert "involving moral turpitude."

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from New York to recommit the bill with instructions.

The question was taken, and the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection, the title will be amended.

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I have made from time to time.

The SPEAKER pro tempore. The Chair is informed that all Members have that right for six days.

DRY VALLEY ROAD—CONFERENCE REPORT

Mr. WAINWRIGHT. Mr. Speaker, I present a conference report on the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamaugua and Chattanooga National Military Park, constituting an approach road to said park, for printing under the rule.

EQUALIZATION OF THE RANK OF OFFICERS IN THE ARMY AND NAVY—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy for printing under the rule.

CONSTRUCTION AT MILITARY POSTS—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, for printing under the rule.

MINORITY VIEWS

Mr. NEWTON. Mr. Speaker, I ask unanimous consent to submit the views of the minority of the Committee on Interstate and Foreign Commerce on Senate bill 3723, to amend and reenact subdivision (a) of section 209 of the transportation act, 1920.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HOSPITAL CONSTRUCTION LEGISLATION

Mr. LUCE. Mr. Speaker, I ask unanimous consent to address the House for three minutes in order to give it certain helpful information.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, various Members of the House are receiving letters and telegrams in considerable number expostulating because of the failure of the Committee on World War Veterans' Legislation to present a hospital construction program. It may be of service to Members if I very briefly explain the situation. This Congress has within a month appropriated $8,000,000 for new hospital construction and $3,250,000 for extensions, alterations, repairs, et cetera, making a total of $11,250,000 available for construction purposes in the coming fiscal year. The Veterans' Bureau informs us that this is as much as it can wisely expend in the 12 months onward from the 1st of July next. Additional authorizations now, therefore, would not result in the expenditure of a dollar more of money before July 1, 1930; on the other hand, it might do harm to the welfare of the soldiers themselves, in view of the probability of favorable action within a year on a measure which has been under consideration this week by the Committee on Expenditures in the Executive Departments, the measure contemplating the turning over of the soldiers' homes to the Veterans' Bureau. There are 10 of these, each with large tracts of land, and there would be great economy to the Government if it could take advantage, in the further construction of veterans' hospitals, of the land in question, together with the water, sewerage, lighting systems, and other necessities that need not be freshly provided or built new from the ground up. It is estimated roughly that by adding to these homes or building upon their lands we can get twice as many beds for the same money as if we built absolutely new hospitals. In view, then, of the strong probability that this change in the organization of the agencies for serving the soldiers of all wars will be brought about by next winter, and will make possible a considerable revision of the building program of the Veterans' Bureau, greatly to the advantage of all concerned, we will do well to make haste slowly.

Since nothing whatever is to be accomplished in the way of practical results by immediate action, it seems reasonable that we await the changed situation of affairs a year from now and then provide the money that is needed and that is certain to be provided in ample time. No veteran will suffer by this delay but, in my judgment, many veterans will gain.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. Mr. Speaker, I ask unanimous consent to proceed for one additional minute.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. LUCE. I desire also to state that of the money we have recently appropriated $2,000,000 has not been allocated, and that gentlemen concerned with particular exigencies, feeling there is pressing need for immediate action, have open to them the doors of the Federal Board of Hospitalization. That board with the money already at its command can take care of the needs which seem to be most urgent.

It may be useful to add that there were hospitalized December 31, 1925, 21,899 service-connected cases; December 31, 1926, 19,267 such cases; January 31, 1928, 17,829; and September 30, 1928, 16,253. Hospital construction now under way will provide 1,690 beds within the next 12 months. Additional construction for which the money has been appropriated will provide in excess of 2,000 more. No name, with residence, of any veteran shown to be suffering from an injury or ailment resulting from service in the war that calls for hospitalization, who is unable to get it, is brought to our attention.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. ALLGOOD. Will the gentleman from Massachusetts yield for a question?

Mr. LUCE. Will the gentleman from Mississippi allow me to answer the question first?

Mr. RANKIN. Yes; if the gentleman has the time.

Mr. ALLGOOD. Do I gather from what the gentleman has said that we do not need any more legislation to secure the needed hospitals?

Mr. LUCE. No legislation is necessary to secure the allotment of $2,000,000 now at the command of the Veterans' Bureau.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

Mr. IRWIN. Mr. Speaker, reserving the right to object, I am going to ask unanimous consent to take up the Private Calendar for one hour this afternoon, and while I do not want to object——

Mr. RANKIN. I submit with all deference that the gentleman ought not to shut me off. I have only asked for five minutes.

Mr. IRWIN. I am not going to object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I do not agree with the views of the gentleman from Massachusetts [Mr. LUCE]. On the other hand, I thoroughly agree with the veterans' organizations that are asking for the passage of this bill for the further construction of hospitals which they deem necessary, and which I deem necessary, for taking care of our disabled ex-service men.

As to the proposition of waiting until the Congress takes over the old soldiers' homes, I desire to say that in the first place that is merely a remote probability, because the Grand Army of the Republic opposes our taking over those homes, and the chances are it will be a good many years before we arrive at that point.

Mr. LUCE. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. LUCE. The gentleman is in error in his statement, I think, about the Grand Army of the Republic. It favors the taking over of the hospitals.

Mr. RANKIN. Oh, well, we thought that before, at least you people did. We men from the South did not agree with you, but you brought it in on one bill and the representatives of the Grand Army of the Republic managed to have it stricken out, and they will do it again in all probability.

Besides, a great deal of this hospital need is in a section of the country that has no old soldiers' homes and where we could not use them, even if you were to take them over. So I submit that if we are going to take care of these men as they should be we ought not to delay this proposition but should call the Veterans' Committee together, take this bill up, and report it out, and pass it at this session of the Congress.

Oh, they say it would be some time before we could spend the money. Why, the American Legion of the State of Kentucky came before our committee three or fours years ago and some of us got behind them to help them get a hospital. They have just now decided on its location and perhaps purchased the ground on which to place it. So the longer you delay providing for the appropriation of the money for the building of these hospitals, the longer you are going to defer the day when these men will be properly cared for.

I can not agree with the conclusion reached by the gentleman from Massachusetts [Mr. LUCE], and I want to serve notice now that I shall continue to insist that the Veterans' Committee be called together and that this bill be reported out and passed at this session of the Congress. [Applause.]

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT

Mr. CRAMTON. Mr. Speaker, I present a conference report on the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

GEORGE WASHINGTON MEMORIAL BUILDING

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for three minutes in order to make an announcement.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, the Hon. Charles Evans Hughes is to make a radio address on Washington's Birthday at 7.30 next Friday evening soliciting funds for the erection of the George Washington memorial building here in Washington.

The site on the Mall, as you know, was donated by the Congress and the foundations have already been built. It is now proposed to raise $7,000,000 from the American people in order to have the building finished by 1932, the two hundredth anniversary of George Washington's birth.

The American Legion originally did not look with much favor on the project because it believed it might interfere with the raising of the $5,000,000 American Legion fund for the disabled soldiers and the orphans. So far as I know, there would be no objection on the part of the American Legion at the present time, although I am not authorized to speak for the Legion. I am very glad to indorse the project personally and to help in any way within my power to further the construction of the George Washington memorial building by 1932.

I have been requested to make the following statement and take this opportunity to call attention to current plans for completing the erection in the city of Washington of the memorial edifice to George Washington:

As you will recall, in 1913 Congress donated a suitable and desirable tract of land on which, according to the terms of the bill giving the site, was to be erected an edifice in honor of George Washington. The work of planning and erecting the building was intrusted to a group of well-known Americans who formed themselves for that purpose into a corporate entity known as the George Washington Memorial Association.

The members of this association have labored long and well at their task. In 1921, with elaborate ceremonies in which the then President of the United States played the leading part, the corner stone was laid, and at the present time the foundations are completed.

It is particularly interesting to note that in determining exact plans for the memorial edifice the association accepted as its guide a desire expressed by George Washington himself. In various messages to Congress and in other public pronouncements and by a statement in his will, Washington urged the establishment of an institution for the general diffusion of knowledge, and also recommended the promotion of science, literature, and art.

With the foregoing in mind, the association plans to have an auditorium in the edifice which will seat 11,000 people and be available, under the administration of the Smithsonian Institution, for use by conventions of all groups of people and for all purposes, whether patriotic, commercial, political, social, and educational.

Thus the expressed wish of Washington will find fulfillment in this memorial, and also the auditorium with its large seating capacity, will supply a long-felt need in the city of Washington. Such a large meeting place is especially needed at this time in a connection to which I will later refer.

It is also planned to house permanently in the George Washington memorial a collection of priceless mementoes, documents, records, and trophies associated not only with Washington personally, but with all phases of the history of the United States. This museum which the memorial will contain will become of national importance.

Public interest in this George Washington memorial project is widespread at this time, because it is now evident that such a building as this memorial will be vitally needed in 1932 in order that the international and great celebration which will be held on Washington's Birthday in that year may be contained within its spacious rooms and in the midst of its most appropriate surroundings. February 22, 1932, will be the two hundredth anniversary of the birth of Washington, and it is expected that the celebration of that day will far exceed any memorial exercise ever held anywhere. Foreign devotees of Washington will join with our own American patriots in paying honor to the memory of our first President.

A plan has been devised by the George Washington Memorial Association for going ahead with the construction of the edifice so as to have it completed by February, 1932. The Hon. Charles Evans Hughes will deliver a radio address at 7.30 p. m., Friday next, which is Washington's Birthday, over a nationwide chain of stations. I understand that Mr. Hughes will explain details of the memorial and will also point out that public support and public subscription to the fund is necessary in order that the seven or more millions of dollars needed may be made quickly available.

I believe most sincerely that no project has ever been called to public attention that will so readily find sympathy and response as will this proposition to suitably honor the memory of George Washington. I have made this statement here to-day in order that you ladies and gentlemen will know about the project, and I take this opportunity to urge the entire American people to learn more of this plan from Mr. Hughes on Friday evening next. [Applause.]

THE PRIVATE CALENDAR

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take up the Private Calendar for one hour and consider such bills as are not objected to, the bills to be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Illinois asks unanimous consent to take up for not exceeding one hour bills on the Private Calendar unobjected to, consider them in the House as in Committee of the Whole, beginning at the star, or where the call last left off. Is there objection?

Mr. HUDSON. Reserving the right to object, and I shall not object, I want the RECORD to show that we have not the bills before us for proper objection, if there are any objectionable features.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, I do not have anything on the Private Calendar, but it does not seem to me that we ought to take up the calendar at 4 o'clock in the afternoon on Saturday, when none of the Members of the House have been notified. However, I am not going to object.

The SPEAKER pro tempore. The Chair will state that it is the desire of every Member, especially the chairmen of the committees who have bills in charge, that all of their bills shall be considered. The gentleman from Illinois, the chairman of the Committee on Claims, has made this request. Is there objection?

There was no objection.

ROBERT O'HAGAN

The first bill on the Private Calendar was the bill (H. R. 13812) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SEARS of Florida. Reserving the right to object, I ask that the bill be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to credit to the accounts of Lieut. Robert O'Hagan, Supply Corps, United States Navy, in the amount of $716.70, representing certain payments made by such officer and disallowed on final settlement of his accounts, as follows: All items listed in statement of differences No. M–23393–N, dated August 13, 1927, except (1) item No. 40, first quarter, 1924; (2) items Nos. 2, 8, and 45, second quarter, 1924; (3) items Nos. 198, 264, 278, and 281, first quarter, 1925; (4) items Nos. 2, 8, and 9, first quarter, 1926; (5) item No. 15, second quarter, 1926; and (6) partial refund in the sum of $21 of item No. 69, first quarter, 1924.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GILPIN CONSTRUCTION CO.

The next business on the Private Calendar was the bill (S. 1530) for the relief of the Gilpin Construction Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object to the consideration of this bill.

Mr. McDUFFIE. Will the gentleman reserve his objection?

Mr. SCHAFER. A bill involving $80,000 of the people's money ought not to be called up and considered in this way. I object.

ARTHUR WALDENMEYER

The next business on the Private Calendar was the bill (S. 2439) to amend the military record of Arthur Waldenmeyer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honor-

ably discharged from the United States Army, Arthur Waldenmeyer shall be held and considered to have been honorably discharged as a private, Company F, Second Regiment Infantry, United States Army, on March 21, 1900; but no pension, pay, or bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

JULIUS VICTOR KELLER

The next business on the Private Calendar was the bill (H. R. 12707) for the relief of Julius Victor Keller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Julius Victor Keller, who was a member of Company C, Seventh Regiment United States Infantry, and formerly assigned to Company G, Third Regiment United States Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private and member of Company C, Seventh Regiment United States Infantry, on the 12th day of October, 1878, he having enlisted as Julius Keller: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOMER C. RAYHILL

The next business on the Private Calendar was the bill (H. R. 4953) for the relief of Homer C. Rayhill.

The Clerk read the title of the bill.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent that the bill go over without prejudice.

There was no objection.

JOHN LAWLER

The next business on the Private Calendar was the bill (H. R. 12708) for the relief of John H. Lawler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws John H. Lawler shall hereafter be held and considered to have been honorably discharged from the military service in Hospital Corps, United States Army: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 6, after the word "Army," insert "March 26, 1899," and strike out all of line 7 and insert "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH BRATTEN

The next bill on the Private Calendar was the bill (H. R. 13546) for the relief of Joseph Bratten.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joseph Bratten, who was a member of Company F, Sixth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 26th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PHILIP A. SCHOLL

The next business on the Private Calendar was the bill (H. R. 14110) for the relief of Capt. Philip A. Scholl, Finance Department, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Capt. Philip A. Scholl, Finance Department, United States Army, on account of the loss of public funds for which he was responsible amounting to $225.22, and which represents payments made in good faith to enlisted men of the Regular Army, and are now determined to have been erroneous; the enlisted men so paid are now no longer in the service of the United States, and collection from them after numerous attempts has failed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE EVANS

The next business on the Private Calendar was the bill (H. R. 2818) for the relief of George Evans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, etc., their widows and dependent relatives, George Evans shall hereafter be held and considered to have been honorably discharged from Company M, Eleventh Regiment United States Infantry, as a private on November 27, 1902.

With the following committee amendment:

Line 9, after the figures "1902," insert ": *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. ANNIE GAFFNEY

The next business on the Private Calendar was the bill (H. R. 12325) to authorize and direct the United States Employees' Compensation Commission to pay compensation to Mrs. Annie Gaffney for the death of her son, William Leo Gaffney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I wish the chairman of the committee handling this bill would give some explanation of this matter of compensation.

Mr. IRWIN. Mr. Speaker, the facts in the case are that William Gaffney was employed at Hog Island, Pa., by the laid-up fleet. On August 2, 1925, he was on duty. This was on Sunday. He had to report for duty in the morning. He was not permitted to leave the yard or the ship, but the weather was very warm, and the officer permitted him to go in swimming. He was on duty. He was not permitted to go outside because he was on duty for the purpose of looking after fires and the menacing of shipping.

Mr. HUDSON. Then he was not on furlough?

Mr. IRWIN. He was on active duty.

Mr. DARROW. Is it not true also that they encouraged these boys there to engage in these activities because they were required to be there in case of emergency?

Mr. IRWIN. That is true. They encouraged them to enter into a little swimming contest and things of that kind. The gentleman from Pennsylvania is correct. The officers encouraged the boys to get out and play baseball and go in swimming, but they were on duty all of the time.

Mr. HUDSON. I am sure that the gentleman has made the record clear that this man was on duty at this time. I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will read the amendment, which strikes out all after the enacting clause.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie Gaffney, the sum of $55 per month for 96 months from the date of death of her son, William Leo Gaffney, who was accidentally drowned on August 2, 1925, at the Hog Island Shipyard, Philadelphia, Pa., while on duty as a reserve watchman in the laid-up fleet, said monthly payments to be paid through the United States Employees' Compensation Commission."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of Annie Gaffney."

J. D. BALDWIN

The next business on the Private Calendar was the bill (H. R. 13132) for the relief of J. D. Baldwin, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object in order to state that I reported this bill as chairman of a subcommittee. We amended the bill by reducing the amount from $100 to $80. I now find that the $20 we thought would be paid to this undertaker will not be paid to him because the father of the dead man would have a prior claim, so I am going to ask that the amount provided in the committee amendment be increased from $80 to $100. I am giving this notice to the House before the bill passes the objection stage.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $100 be, and the same is hereby, appropriated to cover bill rendered by J. D. Baldwin (undertaker), 1522 Richmond Street, Brunswick, Ga., for services in the preparation and shipment of the body of J. D. Harrell, who died while working on the Government dredge *Banyard*, and which funeral expenses were incurred at the request of the captain of said dredge.

The committee amendment was read, as follows:

Page 1, line 3, strike out all of lines 3 down to and including the word "by" in line 4 and insert in lieu thereof:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government the sum of $80 to."

Mr. SCHAFER. Mr. Speaker, I move to strike out the $80 in the committee amendment and insert in lieu thereof $100.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 8, amend the committee amendment by striking out "$80" and inserting in lieu thereof "$100."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MEADOW BROOK CLUB

The next business on the Private Calendar was the bill (H. R. 14823) for the relief of the Meadow Brook Club.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to the Meadow Brook Club the sum of $2,700.11, the same being the amount necessarily expended by it in repairing damages to one of its stables resulting from the crashing of an Army Air Service airplane on or about June 8, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HUDSON. Mr. Speaker, I ask unanimous consent that the House return to Calendar No. 809.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. HUDSON. I objected and I asked it be laid over a moment ago, as I did not have the bill before me. I now have the bill and I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4953) for the relief of Homer C. Rayhill

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Homer C. Rayhill, late of Twenty-second Battery, United States Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said battery of the United States Field Artillery on the 26th day of April, 1902: *Provided*, That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES ROBERT CONROY

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to return to the first bill back of the star, Calendar No. 759. It is Mr. MURPHY's bill (H. R. 15060) who is in the hospital. I think there was only one objection to it before, and I think that objection has been satisfied, and I will be glad to have unanimous consent for that purpose.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to Calendar No. 759, the first bill back of the star. Is there objection to the request of the gentleman?

Mr. SCHAFER. Reserving the right to object, have all the objectors to the bill on that occasion withdrawn their objections?

Mr. HUDSON. I was the objector, as Mr. MURPHY was not on the floor.

Mr. SCHAFER. Has the gentleman looked into the matter and withdraws his objection?

Mr. HUDSON. I do.

Mr. SCHAFER. I shall not object.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to reinstate Charles Robert Conroy as a cadet in the United States Military Academy in the class of 1932: *Provided*, That this shall not operate to increase the corps of cadets at said academy as now authorized by law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MARY L. ROEBKEN AND ESTHER M. ROEBKEN

The next business on the Private Calendar was the bill (S. 200) for the relief of Mary L. Roebkin and Esther M. Roebken.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Mary L. Roebken and Esther M. Roebken, in full settlement of all claims for damages growing out of a collision of an Army ambulance, operated by the United States, with a Ford car in which said Mary L. Roebken and Esther M. Roebken were riding on Sixteenth Street, in the city of Washington, D. C., on July 20, 1924.

SEC. 2. That no part of the amount appropriated in this bill in excess of 8 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FREDERICK D. SWANK

The next business on the Private Calendar was the bill (S. 584) for the relief of Frederick D. Swank.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick D. Swank, his heirs or assigns, the sum of $22,000 for extra time and services required and materials furnished by him in removing oil residue from the wreck of the oil tanker *Alden Anderson*, and the sum of $250 for services and materials furnished in maintaining lights upon the wreck during the period of his contract with the United States for the removal of such wreck. The acceptance of such sums shall be in full satisfaction of all claims against the United States with respect to such removal of oil residue and maintenance of lights.

SEC. 2. That jurisdiction is hereby conferred upon the District Court of the United States for the Northern District of California to hear, determine, and render judgment upon the claim of said Frederick D. Swank against the United States for the reasonable value of all services and materials furnished by him for which the United States is found legally liable under his contract with the United States for the removal of the wreck of the oil tanker *Alden Anderson;* except that there shall be deducted from any such judgment all sums paid prior to the approval of this act to said Frederick D. Swank with respect to such removal. Such claim shall be instituted prior to January 1, 1930. Appeals from any judgment rendered upon such claim shall be had as in the case of claims over which such court has jurisdiction under paragraph 20 of section 24 of the Judicial Code, as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CAPT. WILL H. GORDON

The next business on the Private Calendar was the bill (S. 2821) for the relief of Capt. Will H. Gordon.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Will H. Gordon, of Plattsburg Barracks, N. Y., the sum of $472, in full compensation for stoppage against pay of said Capt. Will H. Gordon, covering the loss of 20 pistols for which he was held pecuniarily responsible in accordance with investigation and recommendation of the inspector general.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LUCILE SCARBOROUGH

The next business on the Private Calendar was the bill (H. R. 13582) authorizing and directing the Secretary of the Interior to issue a patent to Lucile Scarborough.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Lucile Scarborough, upon the payment of $1.25 per acre, for all of section 29, township 26 south, range 37 east, New Mexico principal meridian, the lands embraced in her homestead application 038429, filed in the Roswell (N. Mex.) land office on May 7, 1917.

With committee amendments as follows:

Page 1, strike out lines 9 and 10.

On page 2, strike out lines 1 and 2.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre."

The SPEAKER pro tempore. The Clerk will report the next bill.

ANNIE E. SPRINGER

The next business on the Private Calendar was the bill (H. R. 16406) to repeal a provision of law granting a pension to Annie E. Springer.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That so much of the act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 24, 1928, as reads "The name of Annie E. Springer, widow of William Springer, late of Company G, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month," is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

JAMES J. WELSH ET AL.

Mr. WARREN. Mr. Speaker, the bill S. 1500, the last bill on the calendar, I objected to, Calendar No. 753, for the purpose of further study. I would like to withdraw my objection and ask to return to that bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to return to the bill S. 1500, Private Calendar No. 753, back of the star. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, Jr., Dredging Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James J. Welsh, $1,168.62; Edward C. F. Webb, $5,480; Francis A. Meyer, $1,375.83; Mary S. Bennett, $1,366.67; William McMullin, jr., $361.75; Margaret McMullin, $334; R. B. Carpenter, $108.33; McCoy Yearsley, $746.67; Edward Yearsley, $746.67; George H. Bennett, jr., $388.55; Stewart L. Beck, $3,142.25; William P. McConnell, $7,300; Elizabeth J. Morrow, $827.50; William B. Jester, $698.50; Josephine A. Haggan, $1,327.09; James H. S. Gam, $605.44; Herbert Nicoll, $200; Shallcross Bros., $4,060; E. C. Buckson, $100; Wilbert Rawley, $7,382.70; R. Rickards, Jr., Dredging Co., $2,200, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, Jr., Dredging Co. resulting from the flooding of the lands of said claimants during the

years 1924, 1925, and 1926, owing to the settlement and breaching of a dike erected by the Federal Government near the southeasterly entrance of the Chesapeake & Delaware Canal in New Castle County, in the State of Delaware.

With a committee amendment as follows:

Page 1, line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LOTTIE A. BOWHALL

The next business on the Private Calendar was the bill (H. R. 16407) to repeal the provision of law granting a pension to Lottie A. Bowhall.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924, as reads "The name of Lottie A. Bowhall, widow of Nathan Bowhall, late of Company E, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month," is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH FRANKLIN

The next business on the Private Calendar was the bill (H. R. 2255) for the relief of Joseph Franklin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, Joseph Franklin, who was a member of Company K, Eighth Regiment United States Infantry, and transferred to Troop D, Seventh Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the latter organization on the 24th day of November, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GILPIN CONSTRUCTION CO.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 804, Senate bill 1530, for the relief of the Gilpin Construction Co.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to return to Calendar No. 804. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I objected to this bill a few moments ago. Since that time I have had an opportunity to obtain my records and get certain information. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to pay to Gilpin Construction Co., of Astoria, Oreg., $112,990.32, out of any money in the Treasury not otherwise appropriated, and in full settlement of any and all claims against the United States arising out of and/or in connection with Navy Department Bureau of Yards and Docks Contract No. 4615, dated February 17, 1923, for the furnishing of all labor and materials and the construction of four timber piers, one timber bulkhead, two brush bulkheads, a railroad track, and for the dredging of the channel and turning basin at the Navy submarine and destroyer base at Astoria, Oreg., and as compensation for any and all services, labor, and materials furnished thereunder or extra thereto.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to pay to Gilpin Construction Co., of Astoria, Oreg., out of any money in the Treasury not otherwise appropriated, the sum of $104,747.79, in full settlement under Navy Department Bureau of Yards and Docks Contract No. 4615, dated February 17, 1923, for the furnishing of all labor and materials and the construction of four timber piers, one timber bulkhead, two brush bulkheads, a railroad track, and for the dredging of the channel and turning basin at the Navy submarine and destroyer base at Astoria, Oreg., said sum to include liquidated damages assessed, reservations withheld, and compensation for any and all services, labor, and materials furnished thereunder or extra thereto."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK FANNING

The next business on the Private Calendar was the bill (H. R. 3282), for the relief of Frank Fanning.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frank Fanning, who was a member of Troop B, Fifteenth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 27th day of August, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS X. CALLAHAN

The next business on the Private Calendar was the bill (H. R. 15220) for the relief of Francis X. Callahan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. WAINWRIGHT. Mr. Speaker, I understand that is only an objection to the consideration of the bill.

Mr. WARREN. That is all.

ANNIE M'COLGAN

The next business on the Private Calendar was the bill (H. R. 2425) for the relief of Annie McColgan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Annie McColgan, of Philadelphia, Pa., widow of Peter McColgan, who, while a civilian employee of the Ordnance Department, United States Army, in the discharge of his duties and without fault or negligence, was killed by the explosion of fuzes at the Frankford Arsenal, Philadelphia, Pa., on February 5, 1903, the sum of $7,500, being the sum recommended to be paid her by the board of officers appointed to investigate said explosion by the commanding officer at Frankford Arsenal on February 6, 1903.

With the following committee amendment:

Page 2, line 1, strike out "$7,500" and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA E. WIGHT

The next business on the Private Calendar was the bill (H. R. 7417) for the relief of Clara E. Wight.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clara E. Wight, the sum of $5,000 in full compensation for the death of her son, Ralph L. Wight, who was a civilian employee of the Navy, and was overcome by gas and burned while working in submarine *S–4* at the navy yard, Portsmouth, N. H., on January 10, 1919, as a result of which he died January 15, 1919.

With the following committee amendment:

Page 1, line 6, strike out "$5,000" and insert in lieu thereof "$3,360."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VIKTOR PETTERSSON

The next business on the Private Calendar was the bill (H. R. 8253) for the relief of the heirs of Viktor Pettersson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object to the consideration of this bill at the present time.

W. J. SHIRLEY

The next business on the Private Calendar was the bill (H. R. 10197) for the relief of W. J. Shirley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. J. Shirley the sum of $100 in reimbursement for value of his personal property destroyed by fire in the military service of the United States at Brest, France, on the 21st day of July, 1919, and for which loss he was in no wise responsible.

With the following committee amendment:

Page 1, line 6, strike out "$100" and insert "$60.77."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GROVER ASHLEY

The next business on the Private Calendar was the bill (S. 1121) for the relief of Grover Ashley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to get a little information on this bill. Can the gentleman in a few words give us the reasons this bill has been favorably reported?

Mr. PEAVEY. Mr. Speaker, I will say to the gentleman that the report covers all of the reasons why the committee acted favorably upon this bill.

Mr. SCHAFER. I mean brief reasons. We are taking up the Private Calendar without much notice and I have not had a chance to read the report of 11 pages. Has the War Department favorably recommended it?

Mr. PEAVEY. A board of officers passed upon this question favorably.

Mr. SCHAFER. And the Secretary of War, too?

Mr. PEAVEY. Yes.

Mr. SCHAFER. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Whereas Grover Ashley was a private in the Eightieth Field Artillery, American Expeditionary Forces; and

Whereas, while under arrest, he was relieved of a sum of money amounting to $815.15 by officer of the day, Second Lieut. Charles S. Allen; and

Whereas said officer either stole said money, or permitted it to be stolen: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Grover Ashley the sum of $815.15.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THEODORE J. HILLMAN

The next business on the Private Calendar was the bill (H. R. 6613) for the relief of T. J. Hillman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, T. J. Hillman, who was a member of Company C, Third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 23d day of December, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHRISTOPHER COTT

The next business on the Private Calendar was the bill (H. R. 10250) for the relief of Christopher Cott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Christopher Cott, who was a private in Company G, Third Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company on the 5th day of August, 1901: *Provided*, That no bounty, back pay, or allowances shall be held as accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 5, strike out "Company G, Third Regiment, Pennsylvania Volunteer Infantry" and insert "Company M, Ninth Regiment United States Infantry."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

S. W. GREER

The next business on the Private Calendar was the bill (H. R. 10999) granting an honorable discharge to S. W. Greer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Samuel W. Greer, private, who was a member of Company M, Third Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 16th day of May, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, strike out "16th day of May, 1899," and insert "1st day of December, 1898."

Amend the title.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Amend the title so as to read, "A bill for the relief of S. W. Greer."

OLIVER ELLISON

The next business on the Private Calendar was the bill (H. R. 11614) for the relief of Oliver Ellison.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I object.

CHARLES W. BENDURE

The next business on the Private Calendar was the bill (H. R. 11715) to correct the military record of Charles W. Bendure.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles W. Bendure, who was a member of Company K, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 10th day of July, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

Amend the title so as to read: "A bill for the relief of Charles W. Bendure."

SAMUEL SLIS

The next business on the Private Calendar was the bill (H. R. 12053) to correct the military record of Samuel Slis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Samuel Slis, who was a private in Company G, Thirtieth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said organization on March 2, 1904: *Provided*, That no bounty, pension, pay, or allowance shall accrue prior to passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table

The title was amended.

DENNIS H. SULLIVAN

The next business on the Private Calendar was the bill (H. R. 14197) for the relief of Dennis H. Sullivan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Dennis H. Sullivan, who was a member of Company M, Thirtieth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES P. CORNES

The next business on the Private Calendar was the bill (H. R. 5264) for the relief of James P. Cornes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James P. Cornes, late of Company C, Twenty-second Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been duly enlisted and discharged honorably from the military service of the United States as of the dates of enlistment and discharge of said company and regiment.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James P. Cornes, who was a member of Company K, Twenty-second Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a second lieutenant of that organization on the 30th day of September, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DENNIS W. SCOTT

The next business on the Private Calendar was the bill (H. R. 13737) for the relief of Dennis W. Scott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act for the relief of Dennis W. Scott, approved April 21, 1928, be amended to read as follows: That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Dennis W. Scott, who was a member of Company B, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 30th day of March, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE O. PRATT

The next business on the Private Calendar was the bill (H. R. 7282) for the relief of George O. Pratt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

HENRY E. THOMAS, ALIAS CHRISTOPHER TIMMERMAN

The next business on the Private Calendar was the bill (H. R. 9001) to correct the military record of Henry E. Thomas, alias Christopher Timmerman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry E. Thomas, alias Christopher Timmerman, who was a member of Company F, Forty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 9th day of December, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of Henry E. Thomas, alias Christopher Timmerman."

WILLIAM H. JOHNS

The next business on the Private Calendar was the bill (H. R. 13263) for the relief of William H. Johns.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Johns, of Gettysburg, of the county of Adams, and the State of Pennsylvania, the sum of $887, the estimated cost of restoring to their former condition after being vacated by the United States Army certain tracts of land which

were occupied by the United States Army under leases from claimant dated July 1, 1918, as a part of Camp Colt, near Gettysburg, Pa., during the World War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. POSEY

The next business on the Private Calendar was the bill (H. R. 15493) for the relief of George W. Posey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George W. Posey, late of Company A, Twentieth Regiment, and of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 8, after the word "States," insert "the 24th day of July, 1865." Also strike out "That no pension shall accrue prior to the passage of this act" and insert "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRITISH STEAMSHIP "KYLEAKIN"

The next business on the Private Calendar was the bill (H. R. 16117) to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Chr. Salvesen & Co., 29 Great Bernard Street, Leith, Scotland, care of the British Embassy, Washington, D. C., the sum of $3,484.33, or so much thereof as may be required to purchase exchange not to exceed the amount of £715 sterling 19 s. 8 d., in full and final settlement of the claim of the said Chr. Salvesen & Co. for damages sustained by the British steamship *Kyleakin* in a collison with the U. S. S. *William O'Brien* in Barry Roads, Cardiff, Wales, on November 26, 1917; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARGARET W. PEARSON AND JOHN R. PEARSON

The next business on the Private Calendar was the bill (S. 1618) for the relief of Margaret W. Pearson and John R. Pearson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. WARREN. Mr. Speaker, I object.

Mr. ACKERMAN. Mr. Speaker, will the gentleman reserve his objection?

Mr. SCHAFER. Yes; but there is an adverse report from the Secretary of War.

Mr. ACKERMAN. I understand that an amendment has been added which obviated that.

Mr. SCHAFER. Does the amendment which has been incorporated meet all of the objections of the Secretary of War?

Mr. ACKERMAN. I understand that it did. This is merely a bill to give the parties an opportunity to be heard in the Court of Claims. No money is appropriated in the bill. It is simply a right to try the matter out before the Court of Claims.

Mr. SCHAFER. Yes; but we do not always send every claim that comes knocking at the door of Congress to the Court of Claims. I notice that the Secretary of War in the final paragraph in his letter states:

The circumstances surrounding this entire case do not appeal to me as justifying a favorable recommendation from the War Department upon the contemplated legislation, and I therefore recommend that the bill be not favorably reported by your committee.

Mr. HUDSON. And does not the bill also take away one of the defenses from the Government?

Mr. SCHAFER. It does.

Mr. STRONG of Kansas. But the report of the committee does not waive that defense in the bill. We strike that out, so that there is no objection upon the part of the War Department, except as to the statute of limitations. We have stricken out their right to waive that defense.

Mr. SCHAFER. Does the gentleman from Kansas [Mr. STRONG], chairman of the War Claims Committee, believe that the objection of the Secretary of War as contained in his letter of January 7, 1929, appearing in the report, has been overcome by the incorporation of the committee amendment?

Mr. STRONG of Kansas. I do in everything except the waiving of the statute of limitations, and of course you have to waive that if it is sent to the Court of Claims.

Mr. SCHAFER. I will not object in view of that statement.

The SPEAKER. Does the gentleman from North Carolina insist upon his objection?

Mr. WARREN. I withdraw my objection.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of Margaret W. Pearson and John R. Pearson, her husband, of Jacksonville, Fla., and to render judgment against the United States for compensation for the use, occupancy, and possession of a tract of land belonging to the said Margaret W. Pearson and John R. Pearson, her husband, situated in Duval County, Fla., during the period from December 10, 1920, to November 5, 1921; and for waste or damage to the inheritance, if any, attributable to the United States while in possession of said land.

SEC. 2. Said claim shall not be considered as barred because of any existing statute of limitations with respect to suits against the United States; nor because of any tort committed by any agent of the United States resulting in damage or waste to the inheritance; nor because of noncompliance with section 3744, Revised Statutes.

The committee amendment was read as follows:

Page 2, after the word "States" strike out the remainder of line 6, all of line 7, and part of line 8 down to and including the word "inheritance."

The question was taken and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The time the House authorized for the consideration of these claims has expired.

ANNIVERSARY OF THE DESTRUCTION OF THE BATTLESHIP "MAINE"

Mr. LEAVITT. Mr. Speaker, yesterday, at Fort Myer, the observance of the anniversary of the sinking of the *Maine* was held, and I ask unanimous consent to extend my remarks in the RECORD by including a short oration delivered by the Cuban ambassador on that occasion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, has the gentleman the remarks of the other speakers on that occasion?

Mr. LEAVITT. I have not.

Mr. EDWARDS. I have no objection.

Mr. LEAVITT. Mr. Speaker, yesterday at Fort Myer there took place the annual observance held on the anniversary of the sinking of the battleship *Maine*. It was an observance held under the leadership of the veterans of the war with Spain and was attended by Col. Orestes Ferara, the ambassador from Cuba, and Commander in Chief Col. W. L. Grayson, of the Spanish War Veterans.

Colonel Ferarra, who was a distinguished soldier in the army of his country when the United States engaged in that war in the cause of humanity, and who has continued to serve Cuba with distinction and signal honor as her ambassador to our Republic, delivered an oration worthy of the occasion, of his country, and of the heroes of the *Maine*, in whose memory our two friendly nations thus joined in tribute.

I ask that as a mark of our appreciation the address of Ambassador Ferara may be printed in the RECORD:

ADDRESS OF COL. ORESTES FERARA, CUBAN AMBASSADOR TO THE UNITED STATES, AT FORT MYER, VA., FEBRUARY 15, 1929, THE THIRTY-FIRST ANNIVERSARY OF THE DESTRUCTION OF THE BATTLESHIP "MAINE"

This event, which year after year we assemble to commemorate, far from losing with the passing of time its hallowed significance, actually grows in importance and forms a bond, ever stronger and more intimate, between the United States and Cuba.

When in history such a transcendent event occurs to a nation, augmenting its prestige, enhancing its power, bringing it greatness in many fields—such an event in time assumes majestic proportions. And the consequences which derive from it influence profoundly the deed which caused them.

In Habana Harbor, on the 15th of February, 1898, a formidable man-of-war, beautiful and severe in its sheath of armor, was destroyed by a terrible explosion. With it, on that tranquil and smiling Tropic night, many lives were sacrificed to the honor and glory of their country. There was weeping for the dead, and the sighing of bereaved mothers was heard over the southern seas. With the martyrs to duty, as their mortal remains were borne to their last resting place, went the benediction of two peoples, Cuban and American.

The necessities of the moment compelled severe measures. An armed struggle between two nations ensued, which settled once and for all a colonial conflict that had been impoverishing two peoples—one, the colonizer, Spain; the other, Cuba, which, having reached its majority, aspired to liberty and self-government.

Victory came soon.

Out of the trials of war the United States emerged more powerful and more united than ever. Cuba achieved to freedom, her people happy and grateful. The world had seen something strange and new—and great because of its disinterestedness. A nation had shed the blood of its citizens without aspirations of conquest, without greed of territory, without a wish for aggrandizement. The cause of civilization triumphed in many ways—in the creation of a power able to join force with justice; in the birth of a new nation; in an example to the world of altruism and of virtue.

These results constitute a magnificent epitaph to those whose lives were wiped out by the terrible explosion. The blood that was spilled yielded a rich benefice. More, even though for 31 years those heroes have been figures of glory and immortality, a new felicity yet rises from their sacrifice.

The Americas to-day are united in growing amity, in a continuing labor of peace and love. This hemisphere has listened to the imperative command imposed by the tradition of more than a century; has realized that it is consecrated to liberty and concord; and that the setting of an example of public virtue, the forging of international bonds inspired by morality and strengthened by right, is an act of the highest nobility.

The Americans are creating new principles of friendship among nations; are carrying to the distrustful field of international interests the definitions of standards of good and of evil, of justice and of injustice—and this in spite of opportunism and of self-interest. New precepts are being written; moral obligations are being assumed; manifestations, not of alliances, but of solidarity, are being made; codes are being drafted to resolve the conflicts always possible among groups; laws to resolve difficulties are being voluntarily accepted. That which yesterday seemed the tightly inclosed field of national justice is entering into the vast dominion of international justice.

The shadow of the tragedy of the *Maine* spreads beneficently over these noble efforts.

The victims of the *Maine* were a sacrifice to the independence of Cuba. Had it not been for their supreme gift, who knows what would have been the course of events?

Cuba, becoming independent with the aid of the United States and by the will of American statesmen and the American people, is a living proof that force need not be feared when it is animated and controlled by right. That a nation overpoweringly strong need not be regarded with suspicion, if it does not abuse its power, resort to violence, or give way to selfishness.

Many times in the past had the United States helped to independence other American nations, and these services had been remembered with infinite gratitude. But the love of country, like all the loves which turn into passions, caused many to think, as was natural: What would happen when the great Nation of the North, with its tremendous power, unchallengeable in the field of force, should have a justified excuse for expanding to the south? Would it hold back, denying itself the fruits always conceded to victory? Could it resist the enthusiasms of the moment, the aspirations of the multitude excited by military triumphs?

Could prudence, reflection, and a high concept of duty, of a duty never lived up to before, dominate the great Nation when its combined forces, military and economic, should have within its grasp the destinies of another?

These questions, not mere manifestations of suspicion, but of proper foresight, were an obstacle to American harmony. The extraordinary greatness of the United States was a cause of admiration, doubtless, on the part of other sister republics, but at the same time inspired anxiety. Accustomed to see by the example of milleniums that the strong did not recognize the rights of the weak, it was not irrational to think that in a difficult hour we should once more see the triumph of self-interest over right, of ambition over justice.

The situation in Cuba, which was produced in 1898 and which had its epilogue in 1902, came as a triumphant answer to all these doubts. The island of Cuba, since the time of Jefferson, had been the object of much thought by the United States. Its geographical situation throughout a century and a half had been considered as essential to the defense of the United States. Nevertheless, in the moment when the United States could have taken Cuba, annexing her as booty of war, it did not do so. And listening to the voice of its inhabitants the United States helped Cuba to freedom, guided her first steps, nurtured her economic life, and, routing the unbelievers, left Cuba as free in her own government as she is free geographically, as free as nature made her by giving her no other frontiers than the sea.

This noble deed has echoed in the minds of the statesmen of the Americas and in the hearts of its peoples, and ever since there has been forming, with the natural slowness with which collective beliefs are created, a spirit which breathes confidence, security, and friendship.

This explains the recent great successes of Pan Americanism, the late conference at Habana and at Washington, and their results. Because of this there awaits us a future, not alone of concord but of political and economic understandings. Because of this this hemisphere will point the way for the world; not easy, certainly, but indispensable to progress, of human solidarity.

The dead of the 15th of February, 1898, are sponsors for these benefices. That tragic night has been transformed into a radiant day for civilization.

Reverently we salute the memory of those who died to create a new America and to better the destinies of men.

I thank you.

CONFERENCE REPORT—EAST TAWAS, MICH.

Mr. HAUGEN. Mr. Speaker, I present a conference report on the bill (H. R. 10374) for printing under the rules.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver Colo.; to the Committee on Claims.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until Monday, February 18, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, February 18, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Sundries, February 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States (H. J. Res. 102 and H. J. Res. 351).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON BRIDGES

(10 a. m.)

Authorizing the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the Ohio River at or near Wheeling, W. Va. (H. R. 16981).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

858. A letter from the Secretary of the Navy, transmitting proposed draft of a bill to authorize the President to fix the clothing allowance for enlisted men of the Navy; to the Committee on Naval Affairs.

859. A letter from the Secretary of the Treasury, transmitting draft of a proposed bill providing that the physician in charge of the Narcotics Division of the United States Public Health Service shall while so serving be an Assistant Surgeon General in that service; to the Committee on Interstate and Foreign Commerce.

860. A letter from the chairman of the Personnel Classification Board, transmitting report of the Personnel Classification Board on the survey of the field service (H. Doc. No. 602); to the Committee on Printing and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 321. A resolution providing for the consideration of H. R. 15430. A bill continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; without amendment (Rept. No. 2551). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 322. A resolution providing for the consideration of S. 1781. An act to establish load lines for American vessels, and for other purposes; without amendment (Rept. No. 2552). Referred to the House Calendar.

Mr. DARROW: Committee on Naval Affairs. S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; without amendment (Rept. No. 2553). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 17129. A bill to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.; without amendment (Rept. No. 2554). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 8305. A bill to authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co., and for other purposes; with amendment (Rept. No. 2564). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14449. A bill to establish a national military park to commemorate the Battle of Kings Mountain; without amendment (Rept. No. 2565). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 4461. An act to provide for the policing of military roads leading out of the District of Columbia; without amendment (Rept. No. 2566). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. H. R. 15656. A bill to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march; without amendment (Rept. No. 2567). Referred to the Committee of the Whole House on the state of the Union.

Mr. DALLINGER: Committee on Expenditures in the Executive Departments. S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928; without amendment (Rept. No. 2575). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. J. Res. 196. A joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma against Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; with amendment (Rept. No. 2576). Referred to the House Calendar.

Mr. MILLER: Committee on Naval Affairs. S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics; without amendment (Rept. No. 2577). Referred to the Committee of the Whole House on the state of the Union.

Mr. GAMBRILL: Committee on Naval Affairs. S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment; with amendment (Rept. No. 2578). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALE: Committee on Naval Affairs. H. R. 17128. A bill to amend section 11 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve"; without amendment (Rept. No. 2579). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 4813. A bill for the relief of Clara Thurnes; with an amendment (Rept. No. 2555). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4801. A bill for the relief of Jack Mattson; without amendment (Rept. No. 2556). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 14952. A bill to reimburse the estate of Mary Agnes Roden; with an amendment (Rept. No. 2557). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper; without amendment (Rept. No. 2558). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 10912. A bill to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him; without amendment (Rept. No. 2559). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 13801. A bill for the relief of John Bowie; with an amendment (Rept. No. 2560). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 15424. A bill for the relief of Dr. W. H. Parsons; without amendment (Rept. No. 2561). Referred to the Committee of the Whole House.

Mr. BUSHONG: Committee on Claims. H. R. 8097. A bill for the relief of Gilliam Grissom; without amendment (Rept. No. 2562). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 17034. A bill for the relief of James Albert Couch, alias Albert Couch; without amendment (Rept. No. 2563). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 12674. A bill authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker; without amendment (Rept. No. 2568). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 16291. A bill for the relief of Stephen Cole, alias Steven Cole; without amendment (Rept. No. 2569). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 16732. A bill to correct the military record of Thomas W. Bath; with amendment (Rept. No. 2570). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 17140) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17141) to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 17142) to authorize the President to fix the clothing allowance for enlisted men of the Navy; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 17143) making the physician in charge of the narcotic division of the Bureau of the Public

Health Service an Assistant Surgeon General; to the Committee on Interstate and Foreign Commerce.

By Mr. KORELL: Joint resolution (H. J. Res. 422) to prohibit the exportation of arms, munitions, or implements of war to nations violating the pact of Paris; to the Committee on Foreign Affairs.

By Mr. CHINDBLOM: Joint resolution (H. J. Res. 423) to postpone the taking effect of the national-origins provisions of the immigration act of 1924, as amended; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT: Resolution (H. Res. 323) to provide for the printing as a public document certain communications and a report with reference to the relations of forestry to the control of floods in the Mississippi Valley; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Wyoming, petitioning the Department of Agriculture of the Government of the United States to open certain lands in the Teton National Forest, in Teton County, Wyo., for the purpose of sheep grazing; to the Committee on the Public Lands.

Memorial of the Legislature of the State of Texas, urging Congress to take action relative to the feasibility of a 10-year cooperative program for the control of predatory animals within the United States; to the Committee on Agriculture.

Memorial of the Legislature of the State of Ohio, favoring the distribution of broadcasting facilities equitably in accordance with the population of States; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORNING: A bill (H. R. 17144) granting an increase of pension to Julia Mackintosh; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 17145) granting a pension to Lillian B. Miner; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 17146) granting a pension to Joseph B. Turner; to the Committee on Pensions.

By Mr. FULMER: A bill (H. R. 17147) granting a pension to Dixie L. Powell; to the Committee on Pensions.

Also, a bill (H. R. 17148) granting a pension to A. G. Magruder; to the Committee on Pensions.

By Mr. HOPE: A bill (H. R. 17149) granting an increase of pension to Caroline Bartz; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 17150) granting a pension to Bertha Gokey; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 17151) granting a pension to Sarah C. Cunningham; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 17152) granting an increase of pension to Jessie Virginia Ridgley; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 17153) granting a pension to J. Phillip Horn; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 17154) granting a pension to Mamie Hershberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17155) granting a pension to Amanda E. Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17156) granting a pension to Ella E. Smith; to the Committee on Pensions.

Also, a bill (H. R. 17157) granting a pension to Bertie Cleveland; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 17158) granting an increase of pension to Elizabeth A. Deaver; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11260. By Mr. Adkins: Petition of retail shoe dealers of Sullivan, Ill., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11261. By Mr. BULWINKLE: Petition of the Christian Church, Gastonia, N. C., with 140 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11262. Also, petition of the Ninth Avenue Baptist Church, Charlotte, N. C., with 2,000 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11263. Also, petition of the superintendent, faculty, and students of the public school of Bessemer City, N. C., 877 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11264. Also, petition of the principal, faculty, and students of Bessemer City Public School, Bessemer, N. C., with 421 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11265. Also, petition of the North Carolina Conference of Congregational Churches, representing 15,000, in session in Charlotte, N. C., September 27, 1928, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11266. Also, petition of the pastor and 235 (present and voting) members of the Maylo Methodist Episcopal Church, of Gastoria, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11267. By Mr. W. T. FITZGERALD: Memorial of Lima Camp, No. 38, Spanish War Veterans, recommending the enactment of legislation granting increased pensions; to the Committee on Pensions.

11268. By Mr. O'CONNELL: Petition of the American Wire Weavers Protective Association, makers of Fourdrinier wire cloth, favoring a 90 per cent ad valorem duty; to the Committee on Ways and Means.

11269. Also, petition of American Federation of Labor, Washington, D. C., favoring the passage of Senate bill 1462, providing for final surveys and investigation of all matters connected with the proposed Columbia Basin reclamation project; to the Committee on Irrigation and Reclamation.

11270. By Mr. JOHNSON of Texas: Petition of A. Burr Jones, of Marquez, Tex., indorsing House bill 14676 and urging its passage; to the Committee on Pensions.

11271. By Mr. LINDSAY: Petition of Montizona Copper Co., New York City, urging protection for commercial manganese industry; to the Committee on Ways and Means.

11272. Also, petition of Douglas I. McKay, commander, American Legion, New York State Department, urging meeting of full membership of veterans' committee in order that prompt and favorable reporting of American Legion's hospital bill, authorizing funds for hospital in New York State, be made; to the Committee on World War Veterans' Legislation.

11273. By Mr. LUCE: Petition of Milford Chamber of Commerce, Milford, Mass.; to the Committee on Ways and Means.

11274. By Mr. McCORMACK: Petition of President William Green, American Federation of Labor, Washington, D. C., urging early and favorable consideration of Senate bill 1462, providing for final surveys and investigation of all matters connected with the proposed Columbia Basin reclamation project, so that construction of this project may start at an early date, thus releasing much private capital for investment in the Northwest, with attending employment for men and women; to the Committee on Irrigation and Reclamation.

11275: By Mr. VINCENT of Michigan: Petition of citizens of Ithaca and Owosso, Mich., protesting against any change in the present tariff on hides and leathers used in the manufacture of shoes; to the Committee on Ways and Means.

11276. By Mr. WELCH of California: Petition of retail shoe dealers of San Francisco, Calif., protesting against any increase in the tariff duties on hides and leathers; to the Committee on Ways and Means.

11277. By Mr. WHITTINGTON: Petition of the Board of Supervisors of Coohoma County, Miss., asking that the open hunting season for wild duck, wild geese, and other wild migratory wild fowl should be extended from February 1 to February 15 of each year in the zone of which Coohoma County, Miss., is a part; to the Committee on Agriculture.

SENATE

MONDAY, *February 18, 1929*

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley; and

S. 2821. An act for the relief of Capt. Will H. Gordon.

The message also announced that the House had passed the following bills severally with an amendment, in which it requested the concurrence of the Senate:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Richards, jr., Dredging Co.;

S. 1530. An act for the relief of Gilpin Construction Co.;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson; and

S. 2439. An act to amend the military record of Arthur Waldenmeyer.

The message further announced that the House had passed the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; and

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and other purposes.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11510. An act for the relief of Montana State College; and

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2255. An act for the relief of Joseph Franklin;

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 2818. An act for the relief of George Evans;

H. R. 3282. An act for the relief of Frank Fanning;

H. R. 4953. An act for the relief of Homer C. Rayhill;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 6613. An act for the relief of T. J. Hillman;

H. R. 7417. An act for the relief of Clara E. Wight;

H. R. 9001. An act for the relief of Henry E. Thomas, alias Christopher Timmerman;

H. R. 10197. An act for the relief of W. J. Shirley;

H. R. 10250. An act for the relief of Christopher Cott;

H. R. 10999. An act for the relief of S. W. Greer;

H. R. 11715. An act for the relief of Charles W. Bendure;

H. R. 12053. An act for the relief of Samuel Slis;

H. R. 12325. An act for the relief of Annie Gaffney;

H. R. 12707. An act for the relief of Julius Victor Keller;

H. R. 12708. An act for the relief of John H. Lawler;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13263. An act for the relief of William H. Johns;

H. R. 13546. An act for the relief of Joseph Bratten;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre;

H. R. 13737. An act for the relief of Dennis W. Scott;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 14110. An act for the relief of Capt. Philip A. Scholl, Finance Department, United States Army;

H. R. 14197. An act for the relief of Dennis H. Sullivan;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 15060. An act to reinstate Charles Robert Conroy in the West Point Military Academy;

H. R. 15493. An act for the relief of George W. Posey;

H. R. 16117. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall; and

H. J. Res. 418. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

MARGARET W. AND JOHN R. PEARSON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1618) for the relief of Margaret W. Pearson and John R. Pearson, her husband, which was, on page 2, to strike out all after the word "States" in line 5 down to and including the word "inheritance" in line 7.

Mr. FLETCHER. I move that the Senate concur in the House amendment.

The motion was agreed to.

JAMES J. WELSH AND OTHERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill from the Senate (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Richards, Jr., Dredging Co., which was, on page 1, line 4, after the word "pay," to insert ", out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

Mr. BAYARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Minnesota, which was referred to the Committee on Finance:

Joint resolution memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis

Whereas the several States of the Union are prohibited from taxing the personal property of national banks, and may tax their shares only as permitted by Congress under the provisions of section 5219 of the Revised Statutes of the United States, which, in effect, permits the taxation of such shares only at a rate not higher than the tax imposed upon money owned by individuals and by them invested in mortgages, bonds, and other securities (commonly known as money and credits) in which national banks may invest their funds; and

Whereas it is unfair to tax an individual so using his own funds at as high a rate as bank shares, which derive the benefit of the investment returns of from 7 to 10 times their own amount in the form of deposits; and

Whereas every attempt at taxation of money and credits at more than a relatively nominal rate has always proved a failure, and the practice of taxing them at low rates has, in each of the many States employing that method, resulted in reaching enormously greater amounts of such property and in producing a larger revenue and in better distribution and equalizing of the burden of maintaining government; and

Whereas the courts have held invalid taxes levied on bank shares in States that undertake to tax money and credits at the same rate as bank shares on the ground that a substantial part of such money and credits are not, and by reason of the failure of owners to declare them for taxation at a relatively high rate can not be taxed at all; and

Whereas the schemes contained in section 5219 of taxing bank shares by income or excise rather than by value are neither practicable nor adaptable to States raising their revenue by the ad valorem method of taxation, which method has always been and now is in use by substantially all of the States in the Union; and

Whereas the American Bankers Association and the associations of bankers in various States, entrenched behind the wall raised about them by this act of Congress, have declared that they do not trust State legislatures to tax them, have united in exerting every effort in opposition to relief to the States by the necessary amendment of that section, and have demanded that the States abandon their present well-tried and satisfactory methods of taxation and substitute an income or excise tax, the result of which has been to reduce the tax on bank shares by more than one-half in every one of the three States in which it has been adopted, with the consequent increase of the burden to be borne by other taxpayers; and

Whereas there is no organization corresponding to the bankers' associations to protect the interests of the general taxpaying public in the 40 States whose present methods of taxing bank shares are now found to be unworkable and invalid under section 5219; and

Whereas the deplorable situation in which these States find themselves, faced as they are with the choice of radically altering their present taxation systems in compliance with the wishes of the bankers or of virtually exempting banks from taxation, demands immediate action in the amendment of section 5219 so as to permit the taxation of national banks on a basis that is fair and equitable to themselves and to the general taxpaying public: Therefore be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), that the Congress of the United States be, and the same hereby is, urgently petitioned and requested to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of the shares of national banks upon a fair and equitable basis, as contemplated by bills now pending before the Senate and the House of Representatives of the Congress and amendments proposed thereto.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 30th day of January, 1929.

G. H. SPAETH,
Secretary of the Senate.

Passed the house the 13th day of February, 1929.

JOHN J. LEVIN,
Chief Clerk House of Representatives.

Approved February 14, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed February 15, 1929.

MIKE HOLM, *Secretary of State.*

Mr. WATERMAN presented the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial 1 (by Senators Headlee and Shawcroft, Messrs. Sylvester, Mathias, Johnson (Conejos), and Jones)

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the General Assembly of the State of Colorado, again respectfully represents to your honorable body that what is known as the San Luis Valley on the Rio Grande, in which is located some 2,000,000 acres of irrigable, productive, agricultural land in the State of Colorado, has been greatly damaged and retarded in its growth and development to the detriment of the peoples of the San Luis Valley and the Commonwealth of the State of Colorado, in this, to wit:

That for and on account of the action taken by the Congress of the United States and different departments of the Government of the United States, and particularly on request of the honorable Secretary of State, contrary to the advice of the Attorney General of the United States, in the year 1896 an embargo was placed upon the construction of reservoirs on the upper Rio Grande in the State of Colorado.

That by reason and on account of such embargo, the peoples of the San Luis Valley were prevented from constructing reservoirs whereby they could scientifically and economically administer the distribution of irrigation waters from the Rio Grande River in that territory.

That as a direct result of the prohibition, illegally and unjustly placed upon the people of the San Luis Valley as aforesaid, a large amount of irrigation water was applied to lands in the springtime when the river was in flood during which period these people were prohibited from the construction of reservoirs to properly regulate their supply of water, in an attempt to secure a sufficient amount of ground storage to supply their crops during periods of drouth. This excessive use of water in the springtime resulted in the seeping of a large area of land aggregating several hundreds of thousands of acres theretofore very productive; a total loss of its productivity resulting, in a direct loss to the landowners and entrymen on the public domain in that locality variously estimated at from $187,000,000 to $200,000,000, in addition to the loss of homes and improvements erected at the cost of a lifetime of toil by the owners of such lands, and the desolation of a thriving and productive community, occupied by several thousands of happy, industrious, satisfied, and contented people, all citizens of the United States of America.

That in the year 1925, the embargo against the construction of reservoirs on the upper Rio Grande in Colorado was removed and was then found by the then Secretary of the Interior to have been illegally initiated and imposed.

That by the drainage of said lands and the construction of reservoirs now permitted, whereby the application of water in the future may be properly and scientifically regulated, said lands, now desolate and unproductive, may be reclaimed and again made productive; but before such reclamation can be provided for it is necessary that an outlet for the excess waters so applied to such lands which caused the seepage thereof, be provided for from what is known as the San Luis lakes to the Rio Grande, a distance of about 22 miles.

That the action of the governmental agencies of the United States in imposing such an embargo whereby the peoples of the San Luis Valley were prohibited from exercising rights unquestionably exercised and enjoyed by all other citizens, was unjust and discriminatory.

That the people of the San Luis Valley have never been recompensed in any particular for the great loss occasioned to them by these unwarranted and unjust acts of the United States Government, notwithstanding that fact that the peoples of southern New Mexico and western Texas on the Rio Grande River, under what is known as the Elephant Butte Dam, have been heretofore compensated by a direct appropriation of Congress in the amount of $1,000,000 to compensate them for 60,000 acre-feet of water ceded to the Republic of Mexico, which as a matter of fact, on account of the embargo heretofore mentioned, in practical operation was charged directly to the San Luis Valley in Colorado.

That the 60,000 acre-feet of water, heretofore ceded to Mexico by the United States, can be replaced in the Rio Grande by the construction of the outlet contemplated; 2,000 square miles can be added to the drainage area of the Rio Grande and the flow of the river be materially augmented, thereby furnishing an additional supply of water for the use of the people in New Mexico and Texas.

Your attention is respectfully directed to a similar memorial to the Congress of the United States adopted by the Twenty-sixth General Assembly of the State of Colorado, since the adoption of which at the suggestion of the Department of the Interior and the Reclamation Service and the State engineer of Colorado have made a joint study of this important matter.

We therefore again urge the Congress of the United States of America to take appropriate action to relieve as far as possible the territory devastated as a direct result of the embargo so imposed by providing an outlet from the San Luis lakes to the Rio Grande in order that these unfortunate people sacrificed upon the altar of what was in 1896, no doubt considered to be for the good of the Nation, be permitted to drain these lands and relieve the condition brought about by the imposition and maintenance for 30 years of an embargo illegally initiated and imposed.

DAVID ELLIOT,
President of the Senate.
ROYAL W. CALKINS,
Speaker of the House of Representatives.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5648) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended, reported it with amendments and submitted a report (No. 1796) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5338) for the relief of Roland M. Baker (Rept. No. 1814);

A bill (H. R. 10178) for the relief of the H. J. Heinz Co., Atlantic City, N. J. (Rept. No. 1815); and

A bill (H. R. 11153) for the relief of Harry C. Tasker (Rept. No. 1816).

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, reported it with amendments and submitted a report (No. 1801) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1625) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells (Rept. No. 1802);

A bill (H. R. 2659) for the relief of Annie M. Lizenby (Rept. No. 1803);

A bill (H. R. 9546) for the relief of T. D. Randall & Co. (Rept. No. 1819);

A bill (H. R. 11500) for the relief of Ella Mae Rinks (Rept. No. 1804);

A bill (H. R. 13992) for the relief of N. P. Nelson & Co. (Rept. No. 1805); and

A bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla. (Rept. No. 1806).

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 5055) for the relief of DeWitt & Shobe, reported it with an amendment and submitted a report (No. 1808) thereon.

He also, from the same committee, to which was referred the bill (H. R. 7552) for the relief of Bertina Sand, reported it without amendment and submitted a report (No. 1807) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 14728) for the relief of J. A. Smith, reported it with an amendment and submitted a report (No. 1809) thereon.

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3537) for the relief of William F. Goode (Rept. No. 1810);

A bill (H. R. 3677) for the relief of F. M. Gray, jr., Co. (Rept. No. 1811);

A bill (H. R. 10045) for the relief of Robert S. Ament (Rept. No. 1812); and

A bill (H. R. 13888) for the relief of Charles McCoombe (Rept. No. 1813).

Mr. McMASTER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9862) for the relief of M. T. Nilan (Rept. No. 1817); and

A bill (H. R. 11014) for the relief of Don C. Fees (Rept. No. 1818).

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8223) to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md. (Rept. No. 1798);

A bill (H. R. 8423) for the relief of Timothy Hanlon (Rept. No. 1799); and

A bill (H. R. 9966) to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects (Rept. No. 1800).

Mr. FESS, from the Committee on the Library, to which were referred the following bill and joint resolution, reported them each with an amendment and submitted reports thereon:

A bill (S. 5616) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans (Rept. No. 1821); and

A joint resolution (S. J. Res. 188) to create a commission on a memorial to the signers of the Declaration of Independence (Rept. No. 1822).

Mr. FESS also, from the Committee on the Library, to which was referred the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point between Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart, reported it without amendment and submitted a report (No. 1823) thereon.

Mr. KING, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 209) to create a joint congressional committee to be known as the committee on narcotic traffic, reported it with an amendment and submitted a report (No. 1797) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the amendment intended to be proposed by Mr. ODDIE to the second deficiency appropriation bill to reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States in the amount of $595,076.53, etc., reported it favorably, submitted a report (No. 1826) thereon, and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. HASTINGS, from the Committee on the District of Columbia, to which was referred the bill (S. 5757) to amend paragraphs (c) and (d) of section 9, and paragraphs (a) and (b) of section 10 of the act of Congress entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925, reported it without amendment and submitted a report (No. 1824) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, reported it with amendments and submitted a report (No. 1825) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported additional amendments to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and submitted a report (pt. 2, No. 1727) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEPHENS:

A bill (S. 5823) to grant defendants the privilege to waive jury trials and to improve trial procedure in misdemeanor cases; to the Committee on the Judiciary.

By Mr. DENEEN:

A bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois; to the Committee on Commerce.

By Mr. CARAWAY:

A bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.; to the Committee on Commerce.

By Mr. GOFF:

A bill (S. 5826) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920; to the Committee on the District of Columbia.

By Mr. BINGHAM:

A bill (S. 5827) to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co., at Morgan, N. J., October 4 and 5, 1918; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 5828) to authorize the erection of a marker in the Gettysburg National Cemetery to the memory of William Saunders; to the Committee on Military Affairs.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 222) providing for the recognition of Augustus C. Breitenstein as the inventor of the Breitenstein ultra-violet and infra-red ray generating and reflecting apparatus, and for other purposes; to the Committee on Patents.

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War, and it was referred to the Committee on Pensions.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on this calendar day the President approved and signed the following acts:

S. 1271. An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes;

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia; and

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre; to the Committee on Public Lands and Surveys.

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; to the calendar.

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer; and

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall; to the Committee on Pensions.

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 7417. An act for the relief of Clara E. Wight;

H. R. 10197. An act for the relief of W. J. Shirley;

H. R. 12325. An act for the relief of Annie Gaffney;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13263. An act for the relief of William H. Johns;

H. R. 14823. An act for the relief of the Meadow Brook Club; and

H. R. 16117. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;* to the Committee on Claims.

H. R. 2255. An act for the relief of Joseph Franklin;

H. R. 2818. An act for the relief of George Evans;

H. R. 3282. An act for the relief of Frank Fanning;

H. R. 4953. An act for the relief of Homer C. Rayhill;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 6613. An act for the relief of T. J. Hillman;

H. R. 9001. An act for the relief of Henry E. Thomas, alias Christopher Timmerman;

H. R. 10250. An act for the relief of Christopher Cott;

H. R. 10999. An act for the relief of S. W. Greer;

H. R. 11715. An act for the relief of Charles W. Bendure;

H. R. 12053. An act for the relief of Samuel Slis;

H. R. 12707. An act for the relief of Julius Victor Keller;

H. R. 12708. An act for the relief of John H. Lawler;

H. R. 13546. An act for the relief of Joseph Bratten;

H. R. 13737. An act for the relief of Dennis W. Scott;

H. R. 14110. An act for the relief of Capt. Philip A. Scholl, finance department, United States Army;

H. R. 14197. An act for the relief of Dennis H. Sullivan;

H. R. 15060. An act to reinstate Charles Robert Conroy in the West Point Military Academy; and

H. R. 15493. An act for the relief of George W. Posey; to the Committee on Military Affairs.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act as amended and supplemented, the pending question being on the first amendment of the Committee on the Judiciary, on page 1, line 3, after the word "prescribed," to insert "in a criminal prosecution," so as to read:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Greene	Norbeck
Barkley	Curtis	Harris	Norris
Bayard	Deneen	Harrison	Nye
Bingham	Dill	Hastings	Oddie
Black	Edge	Hawes	Overman
Blaine	Edwards	Hayden	Phipps
Blease	Fess	Heflin	Pine
Borah	Fletcher	Johnson	Pittman
Bratton	Frazier	Jones	Ransdell
Brookhart	George	Kendrick	Reed, Mo.
Broussard	Gerry	King	Reed, Pa.
Bruce	Gillett	McKellar	Robinson, Ind.
Burton	Glass	McMaster	Sackett
Capper	Glenn	McNary	Schall
Caraway	Goff	Moses	Sheppard
Copeland	Gould	Neely	Shipstead
Shortridge	Stephens	Tyson	Waterman
Simmons	Swanson	Vandenberg	Watson
Smith	Thomas, Idaho	Wagner	Wheeler
Smoot	Thomas, Okla.	Walsh, Mass.	
Steck	Trammell	Walsh, Mont.	
Steiwer	Tydings	Warren	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is necessarily absent from the Chamber on account of illness. This announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Maine [Mr. HALE] and the Senator from Rhode Island [Mr. METCALF] are detained from the Senate on account of illness.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present. The Senator from Missouri is recognized.

Mr. BRUCE. Mr. President, will the Senator yield to me? I merely desire to offer an amendment.

Mr. REED of Missouri. Very well.

Mr. BRUCE. I offer an amendment to the pending bill, which I ask may lie on the table and be printed.

The amendment was ordered to lie on the table and to be printed, and it is as follows:

Amend by striking out the word "wherever," in line 3, and substituting therefor the words "so far as"; and by inserting in line 6, after the word "exportation," the words "for commercial purposes."

Mr. REED of Missouri resumed and concluded the speech begun by him on Saturday, which is as follows:

Saturday, February 16, 1929

Mr. REED of Missouri. Mr. President, I desire to discuss not only the pending bill but the whole prohibition question, to marshal the facts and lay before the country the unspeakable condition to which we have been brought by prohibition.

On yesterday my duties as chairman of a committee compelled me to leave the floor. During my absence unanimous consent to limit debate was obtained. Because of that limitation I shall only be able to present the barest outlines of a picture which ought in all good conscience to be exposed in every detail.

I assert, Mr. President, that it will not be long until the moral sensibilities of all thoughtful people are awakened to the truth that the prohibitory law is the worst crime ever committed within the borders of the United States. It will not be long until the reign of hypocrisy, cant, chicanery, and fraud will come to an ignominious end.

I characterize the prohibitory law as a crime because it violates the principles of natural justice, has brought widespread disrespect for authority, and has become the facile instrument of graft, bribery, blackmail, and oppression.

The day will soon be here when the men who vote for prohibition that they may gain or retain office and who themselves violate the letter and the spirit of the law will be held in that contempt which justice demands should be visited upon all knavish hypocrites who wear the mask of pretended virtue. The day will soon come when judges who by brutal penalties have made malefactors of decent boys and men will sink into that obloquy which is the just reward of cruelty, oppression, and wrong. The day will soon come when organized groups shall no longer dictate policies of government. The voice of the people will again be heard, and that voice will pronounce the knell of those who surrender principle that "thrift may follow fawning."

Mr. President, I saw the original prohibitory law voted. I saw the veto of President Wilson incontinently overruled. I heard the affirmative vote of man after man who had drunk liquor all his life and who intended to keep on drinking. Time and time again I have seen prohibition bills come before Congress. I have heard roll call after roll call paralleling the one I have just described. Sir, the man who will vote to send his fellow man to jail for selling a drink of whisky and who will buy one himself is a coward—a canting and contemptible coward. I do not apply those terms to men who observe the doctrines they would force on others, but I hold in an abhorrence and contempt that can not be described in any tongue man has ever spoken the creature who to keep his place in the Senate or House of Representatives votes to make a felon of others for doing that which he himself connives at and practices.

If there were no men to drink liquor, there would be no men to make it or to sell it. Morally, if not legally, the man who buys illicit liquor aids, abets, and is fellow conspirator of the man who sells it to him. He who knowingly gets his liquor at second hand—that is, from an illegal purchaser—is morally upon the same plane as that purchaser. What a piece of knavish hypocrisy it all comes to.

Recently, at a great political convention, a number of leading prohibitionists were meeting in a room to determine their course of action. I was informed, and I have no reason for disbelief, that in the center of the table at which they sat and pondered their creed was a quart of rapidly vanishing whisky that had been liberally supplied for convention inspiration.

The Democratic convention was to meet in the driest State under the driest Government in the world. Just before it assembled there was enacted in Houston one of the Nation's periodic and regular farces. A boat, alleged to be loaded with great quantities of liquor was seized. The liquor was accommodatingly on deck where it could be easily observed and quite as easily captured. Only a plain, ordinary fool could doubt that the seizure was arranged for. The papers spread it broadcast that the Democrats were to have a convention as dry as a Sahara Desert camel. But when the delegates and visitors arrived word was passed that in particular hotel rooms and elsewhere liquors could be obtained in sufficient quantities to satisfy all appetites and appease every thirst.

There was a Republican convention held in Kansas City. Some of the leading "political prohibitionists" were paying the bell boys $7, $8, $9, and $10 a pint for a class of whisky that no respectable Missourian would ever think of drinking. [Laughter.]

The supply was just across the street. The bell boys raised the price and for a few brief days enjoyed "Republican prosperity." Then the sniveling hypocrites of the convention hilariously joined in adopting a prohibition platform.

I have sometimes been tempted to write a list of the names of the men who vote dry and drink wet. I do not know but I shall yet do so.

I repeat, for the man who believes in this thing and who lives it, I make no criticism of hypocrisy. But I do criticize, on the ground that he belongs to that class of individuals who think that because they choose to live in a certain way, they have the right to make everybody else live the same way. Paraphrasing the statement of a distinguished French savant—"they conceive liberty to consist in depriving others of their liberty." The proponents of the pending barbaric bill and of similar laws could be aptly described in the verse of Robert Buchanan:

> A race that binds
> Its body in chains and calls them liberty,
> And calls each fresh link progress.

This, sir, is an immoral law. It is the worst crime ever committed within the borders of the United States of America. I make that assertion because prohibition is the breeding place and feeding ground of crime. That which produces crime is itself a crime.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The time of the Senator from Missouri on the bill has expired. He has 10 minutes on the pending amendment.

Mr. BRUCE. Mr. President, I move that the Senator be permitted to proceed——

The PRESIDING OFFICER. The Senator from Missouri still has 10 minutes on the pending amendment.

Mr. BRUCE. Very well.

Mr. REED of Missouri. Well, Mr. President, I can not get started in that time.

Prohibition was doomed to failure because it attempted to force the habits of a part of the people—probably a minority—upon all the people. Such laws have never been enforced and never will be. A great British statesman said, "You can not indict an entire people," and I venture to say you can not force a free people.

Prohibition is a progenitor of crime, because it has driven the liquor business from the open day into the dark and secret places. Taken out of the hands of a class of people who were, for the most part, law-abiding and who were obliged to conduct their business in public places and under the constant surveillance of officers, it has been put into the hands of men who are already criminals, or who become criminals the moment they engage in the business. Operating in violation of law, it inevitably follows these men must close the eyes and stop the ears of the officers of the law. The profits are prodigious and can be split several times. Accordingly the collection of graft and the extortion of blackmail has become nation-wide.

There has never been any attempt to enforce this law as we enforce the laws against murder, arson, rape, burglary, and other heinous crimes. In the last 18 months I have traveled extensively in the United States. I have yet to enter a State, a city, a town, or a village where I was not tendered liquor and where a few minutes' conversation did not disclose the fact that illicit stills were clustered roundabout at which moonshine of the "purest ray serene" could be obtained at constantly falling prices. There may be some who do not want liquor, who never did want it, or who do not now know where to get it. But the boys all know; that is, all the boys who know much of anything.

There is not a policeman in a city of the United States who can not collect enough evidence in 24 hours to keep the courts busy for 24 months. In the cities are bars where to the stranger they sell half of 1 per cent beer. The man who is known gets the spiked article. In city after city they are selling beer spiked with ether.

Let us tell the truth, even though Bishop Cannon—who, I believe, the Senator from Virginia [Mr. GLASS] in the recent campaign described as one of the three American popes—may frown, that he may hold his job and draw his salary. There is not a man with good sense who has looked about him but knows that in the city of Washington he can in an hour's time have delivered at his office or at his home enough whisky to entertain the entire senatorial or congressional body, their wives and their sweethearts, assuming that wives and sweethearts would partake, which, of course, they would not. [Laughter.]

To say that the law has ever been enforced is to stand in the face of truth and deliberately or ignorantly lie to the American people. Graft, without stint and beyond measure, is the order and routine of our day.

Recently a grand jury, sitting in Philadelphia—perhaps still sitting—investigated the bank accounts of some police officers. These men drew salaries of from $3,000 to $4,000 a year, but their bank deposits ranged from $14,000 to $195,000. The inference to be drawn is obvious. Bribery! Graft! The arrested are, for the most part, those who do not pay the graft. Occasionally a victim is dragged in for the purpose of making a record and deceiving the public into the belief that the law is being enforced. Why will Senators close their eyes to facts? Why do we not face the truth as it is? Why do we cringe like cowards and go to heel like spaniels at the lash of an organization that can influence a few votes?

Mr. President, when you pass a law that a large percentage of the people despise violation is certain to become general. A people deliberately violating one law will easily come to violate other laws. Thus we have sown the dragon's teeth, from which has sprung a general disrespect for law.

The former Prohibition Director, General Andrews—the best man who ever held that office—testified that in 12 months' time the department had seized 172,600 stills; that prior to prohibition there had never been 500 licensed stills in the United States, and that moonshining had been inconsequential because it was unprofitable. He practically admitted that he had not captured more than 1 still in 10. Translated that means there were in existence at that time 1,726,000 stills. General Andrews estimated that, at least, five persons were attached to each still or engaged in the distribution of the liquor. That gives us the startling total of over 8,000,000 people deliberately and willfully violating the law.

(At this point Mr. REED of Missouri was admonished by the Presiding Officer that his time had expired. Thereupon, after debate, the unanimous-consent agreement limiting debate was by unanimous consent set aside so that Mr. REED of Missouri could proceed.)

Mr. REED of Missouri. Mr. President, I thank the Senate for its very generous attitude, and I thank the Senator from Washington [Mr. JONES] for his consideration.

I agree with the Senator from Idaho [Mr. BORAH] that this question might as well be opened up and discussed. I hope that it will be. It is time to pry open the door of the "whited sepulchre" and expose the "dead men's bones" therein concealed.

When interrupted I had denounced this law as a nursery of crime and asserted that disrespect for one law naturally breeds general disrespect for law. Respect for law, respect for courts, and respect for officials of State or Nation is impaired or completely destroyed once the public is convinced that thousands of public officers are receivers of graft, that graft has become a system and bribery is ordained as a custom. The people have the right so to believe. Do they not see planted in every city of the United States hundreds of tiny drug stores, frequently so insignificant they do not employ a pharmacist? Proprietary medicines stand sparsely on the shelves, thus maintaining the mere pretense of a drug store, yet these places evidently prosper. The real source of income of most of these stores is the illicit sale of liquor. Sensible men at once ask what the policeman on that beat is doing. And then they ask what the policemen on all the beats are doing. Likewise when men know that they can go into cities as absolute strangers and in 20 minutes' time find an abundant supply of liquor they believe, as all sane men must believe, that the officers are not attempting

to enforce the law. They have the right also to conclude that somebody is collecting graft. Respect for law and respect for government is thus speedily destroyed.

It is important to bear in mind that a bootlegger necessarily sells to a large number of individuals. In a little while the officers know about the bootlegger; they are bound to; and a system of collection and protection is established. Remember also that inevitably the bootleggers' operations soon or late bring him in contact with a graver class of outlaws who peddle narcotics as well as liquor. These, in turn, have their relations with the most dangerous elements of society. Shortly there is effected a general coalition which embraces all the criminal and vicious elements of the underworld.

Always there has to some extent existed among the real criminal classes a sort of community of interest, a kind of solidarity. But the distinctly criminal class has hitherto embraced a very small percentage of the people. Every honest man's hand was against them as their hands were against every honest man. But gravely consider the ghastly truth that the criminal element has now been recruited by an army of possibly millions of liquor violators, and that there has been established what may be justly described as an offensive and defensive alliance embracing a vast army of outlaws and involving many officers of the law.

What now is the effect upon the efficiency of the officer thus involved? Called upon to apprehend a man guilty of the gravest crime, he is likely to find himself in pursuit of one in whose pay he has been. He fears to perform his duty lest he be exposed and ruined. Thus the law breeds crime. The minute an officer accepts a dollar of whisky graft, his morale is broken. He ceases to be effective against any class of criminals. He becomes a cringing coward. He walks in the shadow of constant fear. Above his head hangs the sword of destruction that any criminal may at any moment cause to fall.

Mr. BRUCE. Mr. President, may I interrupt the Senator just for a moment? That is exactly what Mr. Collins, the chief of police, said. He said that the criminal outrages of every sort that prevail in that city—we all know to what a fearful extent—are attributable to prohibition.

Mr. REED of Missouri. I thank the Senator. I do not go so far as to say that all crime is to be attributed to prohibition. I heard the prohibitionists' charge that all crime was to be attributed to the saloon. They cried aloud, abolish the saloon and you will abolish crime. We were told the jails would be empty, the penitentiaries uninhabited. But the prisons are so overcrowded that arms and legs are sticking out of the windows. Farms are established on which to herd the overflow. We were told that there would be no more widows' tears nor orphans' sighs; that workhouses would be abolished and poorhouses would be no more. The demon rum was held responsible for all of human ills.

Now, the fact was and is that a percentage of human beings will drink too much; that intoxicated men will sometimes commit crime; but the whole truth is, and always was, and always will be, that there is a percentage of human beings who are natural criminals. The prohibitionists have heaped upon the head of old John Barleycorn all the sins that were and are inherent in humanity. I shall not follow that unfair example by claiming that all the crime to-day can be charged to this law. I am trying to show, however, that the law promotes and increases crime. In further support of that claim I remark that when you hang up the prize of great profits, you lure men to that prize. And prohibition made the illicit liquor trade the most profitable business on earth.

Consider also that it is particularly easy for men to violate a law when they believe they are doing nothing but disobeying the mandate of some legislative body, a large percentage of whose members were probably full the night before they imposed the law on others, whilst another large percentage were impelled by selfish political reasons.

On this point we should keep constantly in mind that there is a wide gulf between the prohibitory statutes and laws leveled against acts universally denounced by all civilized nations. The first is restrictive, the second protective. The first limits the enjoyment of a natural right; the second protects the enjoyment of a natural right. The distinction is recognized in the law. The phrase malum prohibitum refers to acts not wrong in themselves but merely illegal because forbidden by law. The second class is described in the phrase malum in se, which embraces acts wrong in themselves. Such crimes are nearly always accomplished by force or fraud. They are repugnant to the interests and wishes of the victim and hence meet with his determined resistance. Their general existence would speedily break down civilized society. They are abhorred of all people. The worst criminal will protest against such acts if visited upon himself. The murderer will fight to the death one who attempts to take his life. The thief will resist the stealing of his property. The highwayman will protest against the robbery of himself. The burglar will defend his own home from plunder by another rogue. All of these classes will appeal to the law for protection when their rights are violated. Frequently they will assist in the apprehension of rascals who have committed crimes against third parties. Even more certainly all good and honest men and women regard with abhorrence and will assist in the suppression of these and many other crimes.

It may therefore be justly said that for the protection of themselves all people stand for the suppression and apprehension of villains who by force or fraud accomplish their wicked designs. Against them is raised the universal voice of mankind. Their apprehension and punishment is regarded as a sacred duty.

Once more I emphasize the fact that this class of crime is committed against the will and the protest of the victim. Contrast such acts with those against which the prohibition law is leveled. It is true that law does not expressly forbid the citizen from taking a drink. Nevertheless, that is its object. It tries to cut off the supply in order that it may prevent the citizen from doing that which he desires to do.

There are two great difficulties inherent in the enforcement of the prohibitory law.

First. It seeks to prevent the man who wants to sell liquor from selling it to a man who wants to buy. There is a total absence of either force or fraud. On the contrary, both parties are in complete accord. There is a perfect and harmonious meeting of minds. The seller and buyer are doing exactly what each desires to do.

Second. They jointly engage in a transaction which each believes to be moral and to be within his natural rights. Or, at least and at the worst, each regards the transaction as desirable. They feel they are doing only that which has been done by a large proportion of men since the dawn of history.

It is indisputable that, throughout the centuries, all races of men have indulged in stimulants. Dominant and progressive nations have generally used alcohol.

Call the roll of the master builders of civilization and in the majority will be the names of those who have insisted upon the right as free men to regulate their personal conduct, even to the occasional quaffing of a toast to Bacchus. Poets, who have conjured from words the mystery and melody of music; orators, whose eloquence has aroused enslaved peoples to resist the oppressions of tyranny; martyrs, who died in defense of the rights of men; artists, whose inspired visions are preserved in the glories of architecture, in canvas, in marble, and in bronze; saints, who labored amongst the lowly and consecrated their lives to the ennoblement of mankind; statesmen, who blazed the highway of human progress and guided millions from the darkness of despotism to the sunlit fields of liberty, have nearly all, in greater or less degree, used alcohol in some form.

Prior to prohibition a considerable percentage of the population took an occasional drink and only a small proportion drank to excess. The principles of self-restraint and temperance were everywhere being inculcated. The progress was remarkable and highly commendable.

Then agitation against intemperance itself became intemperate. It took the form of organized propaganda, heavily financed. It got into the hands of a little group of professionals who collected and disbursed huge sums of money. The more they agitated, the more they could alarm the people. The more the people were alarmed, the more cash was contributed. The more cash contributed, the greater the emoluments of the agitators. They went into politics; they played the game ruthlessly.

The war was on. Millions of young men were in the Army camps. Millions were beyond the sea. Weak-kneed legislators became alarmed and began to yield. Suddenly Wayne B. Wheeler loomed as the big boss. Congress was stampeded; the eighteenth amendment was forced through for the express purpose of coercing the will of those States which did not desire to impose prohibition upon their people. The direct intention was to take away from the several States, for all time, the right to enact their own police regulations.

The methods used to secure adoption of the eighteenth amendment by the several States were regarded by many as frequently obnoxious and disgraceful.

Certain it is that the amendment was submitted during the excitement of the war and ratified either during the war or in the troublous times succeeding. The conditions forbade mature consideration and deliberate action. Immediately following came the Volstead Act. It was not prepared by statesmen sitting in solemn council and desirous of producing a statute that would deal fairly and equitably with the situation. On the con-

trary, it was largely devised by the group of professional propagandists who had for years lived out of the profits of agitation. These enterprising gentlemen gathered from various State prohibitory statutes their extremest provisions and their grossest cruelties. The bill was forced through Congress under the lash of Wayne B. Wheeler, backed by a horde of propagandists and paid lobbyists. Congressmen were threatened with annihilation by the Anti-Saloon League and its cohorts. The most detestable kinds of bulldozing and lobbying were employed.

What wonder President Wilson vetoed the measure! What wonder that Congressmen who had proclaimed him the greatest man since the days of Christ, and who had denounced all who, in any respect, differed from him, now cringed and cowered before the threat of political annihilation by the Anti-Saloon League!

Thus was born the Volstead Act, the cruelties and enormities of which the present Jones bill proposes to magnify.

Let us consider some further circumstances, especially the assertion, constantly reiterated, that the people of the United States amended the Constitution, that the people, therefore, after due deliberation, determined upon a new national policy.

Technically, it is true that the Constitution was amended in the form laid down and that the law pursuant thereto was enacted by the Congress. Both have been sustained by the Supreme Court and are, therefore, legally binding. But that is very far from their ratification or adoption by a popular vote of the people. The people, in fact, never had an opportunity for a direct vote. The amendment was submitted by a total of 347 Senators and Representatives, all of whom had been elected, at least, 11 months before they voted for submission.

In the campaign of 1916, neither party had recommended nation-wide prohibition. The question was not at issue in that election. The people had had no opportunity, by direction or indirection, to vote upon it. Yet, the submission of an amendment is the first and one of the most important acts necessary to any change in the Constitution.

In the State legislatures an estimated liberal total of 5,000 members voted to ratify the amendment. Many of these men had been elected before the constitutional amendment was proposed, and many of these legislators in States where a popular vote had been taken voted in direct opposition to the last-expressed will of the people upon that issue. Thus it appears that a constitutional amendment to govern 48 States and 120,000,000 people was actually submitted and adopted by a total of not more than 5,347 individuals in the State and Federal Legislatures.

I do not claim that the constitutional amendment was illegally adopted, but I do emphasize the fact that both the constitutional amendment and the law were enacted by a very small number of the people without proper time for discussion, and that the voice of the people has never been directly heard. I also urge the importance of these facts in connection with the problem of enforcement, for the constitutional amendment and the laws thus adopted may be very far from expressing the will of a majority of the people.

I am confident that, with ample time for discussion and upon a popular vote a majority would have rejected the nation-wide proposition. To enforce a law, adopted under the conditions stated, which proposed to reverse the custom of the ages and to regulate the individual habits of a great people, is indeed difficult if not impossible.

Again I remark that when you undertake to enforce this law you are at once confronted by the fact that the great percentage of the people want a drink once in a while, think they have the right to a drink, and hence, regard not as an enemy, not as a criminal, but as an accommodating individual the man who comes around with a suitcase containing the desired amount of liquor.

A further difficulty arises from the fact that the prohibition of the legitimate sale of liquor has made its illicit sale highly profitable, and, as I have remarked, whenever you make a crime of a business not ordinarily regarded as wrong, men will engage in it on account of the huge profits to be realized.

At the time General Andrews appeared before the committee and gave the startling figures I have recited, he exhibited one of the stills seized. It was an ordinary copper wash boiler with a small copper contrivance attached. He stated that in that wash boiler 60 gallons of alcohol could be made in 24 hours, which could in turn be transformed into 120 gallons of whisky. At the then current price the product would have brought about $2,400.

Consider the fact that a man with an ordinary wash-boiler contrivance could, in a day's time, make so huge a profit. That mere fact makes violation certain. Add to that the fact that millions of people who had always enjoyed a drink and always proposed to have one were distributed throughout the United States, and you have a situation making it impossible to enforce the law.

Referring to these difficulties, General Andrews testified that as soon as one source of supply was cut off another sprang into existence. When importations were reduced moonshining increased.

There is still another difficulty in the way of enforcement. Making whisky is a simpler chemical process than making bread. It can be even produced by so primitive an equipment as a teakettle and a little corn or rye meal or potatoes, or anything containing starch or sugar.

Fermentation is a natural process. Distillation consists simply in separating and condensing the alcohol produced by fermentation. With the slightest knowledge and the simplest apparatus whisky can be made in every home of the land. The number of people who have learned how to make it is one of the most prominent results of this law. To-day whisky is being made in the kitchen, in the cellar, in the garret, in the garage, and along the creeks, frequently by a class of people who are willing to take the chance of being caught. So enforcement has, at each stage, and in every State, become a farce.

If that were all, the case would not be so terrible; but running along with that condition is another and an appalling situation. Formerly when liquor could be obtained any place, the moral elements of all communities were arrayed in a general endeavor to warn people against the evils of strong drink. The pulpits thundered anathemas on almost every Sabbath day. Great temperance orators went over the country and provoked tears from the eyes of their auditors. Young men and young women were told "Here is a danger. Here lurks an enemy that may destroy you. You must build up your character, you must strengthen your own purpose, you must live without it, or, if you touch it, it must be in very moderate quantities. Here it is. If you want to be a fool, you can be a fool. If you want to destroy yourself, you can destroy yourself. But your duty to your home, your duty to your country, and to your church and to yourself is that of self-restraint." It was presented as a great question of morals, and it was dealt with by the moral forces of society, the church, the school, the home.

Now, all that is changed. There is not a man in the Senate Chamber who has heard an old-fashioned temperance lecture since the Volstead Act was passed. Instead you have heard demands for enforcement of the law and for more penalties. The whole atmosphere is different. In the old days temperance forces were all engaged in saving the drunkard. They wept over the old fellow who for 75 or 80 years had drunk his whisky or sipped his wine and was still hale and hearty. He was pictured as a terrible sot. Over him they shed cataracts of tears. They were bent upon rescuing him from "evil." How the tender hearts of the good sisters and good brethren did ache at the awful spectacle. But the modern professional prohibitionists have turned their kindly hearts to stone; their eyes are now tearless as those of a granite sphinx. They no longer sing: "Rescue the perishing"; they hiss through set teeth, "Chuck them in the penitentiary for life." Closely, indeed, does the hiss of fanaticism resemble the hiss of a serpent.

They once talked of tremendous economic loss. Now, when they lock thousands of men within penitentiary walls, eternally blast their names, herd them with brutes, curse their souls, and destroy them utterly; there creeps over the faces of these humanitarians of a later day the ravening glee of the tiger as it exults above a dying victim.

With chuckle and nudge, they bear the glad tidings: "We convicted 500 men to-day." "Five hundred more must wear the stripes." "Five hundred more are locked in jail."

A boy is driving along the highway. He has a flask of whisky in his car. He is, perhaps, an ignorant and inexperienced lad, the kind of boy that in the old days good women put their arms about and led away from the bar and into the white-ribbon hall and there prayed with and wept over and persuaded to sign the pledge. But now the boy is grabbed by an officer too corrupt or cowardly to tackle larger game, is ruthlessly rushed to the penitentiary and so is absolutely destroyed. On such a scene, the hard-eyed pack of reformers look with approval and shout: "More law, more punishment." "Another twist to the thumbscrew." "Another turn of the rack." "A little more pain, a little more agony, a little more of human wreckage—just a bit more of the lash, good executioner."

Monsters of that kind have existed in every age. They regard law as an instrument of punishment, not of redemption. They believe that the more cruel the punishment, the heavier the club, the longer the agony, the better the law. Such as they broke men upon the wheel; drew them asunder by horses, quartered them, cut out their entrails and burned them before

their faces; seared their eyeballs; tore their tongues from their throats. Such as they said that was the way to stop crime; that was the way to make people observe the law and respect government.

Then came an era of humanity. We began to see that revenge was not the just purpose of the law; that punishment should be inflicted only to deter others from the commission of crime and to reform the culprit.

This prohibitory law—what a monstrous thing it is! Under the law as it stands—without fitting it with more nails to be driven into the hands and feet of its victims—for a single act penalties can be piled up that will put in the penitentiary for a long period of years an individual who has been guilty of a single trivial violation.

A boy delivers a gallon of moonshine. He can be indicted for possession; he can be indicted for transportation; he can be indicted for conspiracy to violate a Federal statute. He can also be similarly indicted under State laws, and conviction under the State code does not bar conviction under the Federal code.

I am not sure how many schemes have been worked out to pile penalty upon penalty, but I do know that the law as it now stands is as "cruel as the grave." Penalties may be imposed for the simple act of transporting a pint of liquor far greater than those for manslaughter or murder in the second degree frequently visited upon the killer.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER (Mr. SMITH in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED of Missouri. I yield.

Mr. BLEASE. I call the Senator's attention to the fact that they can also punish him by putting a tax on his property and then take his property, putting it on the block, and sell it.

Mr. REED of Missouri. Yes; that is true. If I undertook to tell all that can be done it would take a very long time. I thank the Senator.

What is the act? Merely malum prohibitum. The act is bad because it has been prohibited. The penalties that exist to-day are altogether in disharmony with the general policy of the criminal statutes.

Mr. President, it is hard to believe that any human being would want to send a lad to the penitentiary for having possession of a pint of liquor. That is indeed hard to believe. It is hard to believe that in a civilized country we would tear a father from his family, disgrace the wife, the daughters and the sons, and brand them forever with a mark that time can not erase because that father sold a gill of wine or a bottle of beer to a man who wanted to buy.

One would naturally think that for such a violation a fine of a few dollars would be a heavy penalty. But, sir, there is no knife so sharp as that held in the hand of the bigot. It "pierces even to the dividing asunder of the soul and body, of the joints and marrow." There is no cruelty so relentless as the cruelty of fanaticism.

On an occasion the question of poisoned liquor was being discussed. It was stated that a prominent man had been made totally blind by a single drink. When some of those present expressed their sorrow and horror, a lady, naturally a kind-hearted woman, the wife of a great educator, exclaimed through her set teeth, "It serves them right; they ought to go blind if they break our law."

Mr. BRUCE. I would call the Senator's attention to the fact that 187 of the essays which were handed in by contestants in the Durant prohibition competition were in favor of capital punishment or execution in some form or another for violation of the Volstead Act, and that even a Member of this body on one occasion, when I asked him whether he favored capital punishment for violation of the Volstead Act, replied that he did for some.

(At this point Mr. REED of Missouri yielded the floor for the day.)

Monday, February 18, 1929

Mr. REED of Missouri. Mr. President, before continuing the discussion of Saturday, I desire again to thank the Senate for abrogating the unanimous-consent agreement limiting debate in order to accommodate me. For that and many courtesies of the past I am deeply grateful. Second, I desire to remove the anxiety which seems to have been created in the minds of some by the remark I made on Saturday that I might "yet tell the names of those who do not vote as they drink." I assure all interested parties that they may compose their agitated nerves. I am not going to do it! [Laughter.] I might feel compelled to tell the names of people who commit real crimes. I should hate to have to do that. Certain it is, I would never violate the confidence or hospitality of friends by disclosing the fact that occasionally they try to introduce a bit of artificial sunshine into the dull days of life. Accordingly, all may be at ease. I have made many mistakes and done many wicked things, but I have never fallen to the level of a prohibition informer. [Laughter.] I thought at the time I had perpetrated a joke, but it appears I should have so labeled it.

Mr. President, on Saturday I made reference to the fact that one of the saddest effects of the law is that it apparently has transformed the kindly sentiments and humanitarian services of the old-time temperance worker into a spirit of persecution. Force is substituted for reason, penalties for persuasion, and cruelties for charity. I repeat that where we once sought to "rescue the perishing," we now send them to the penitentiary. We have abandoned the Bible, the prayer book, and the temperance tract for the lash, the prison, the gun, and the bludgeon.

As was stated by the distinguished Senator from Maryland [Mr. BRUCE], in the recent Durant prohibition enforcement prize competition 187 contestants demanded the death penalty. The vast majority of the plans proposed to pile penalty upon penalty. But perhaps the most classic illustration of fanaticism gone mad, of love turned to hate, and charity changed to crime is found in the suggestions of two persons, one of them a woman.

One contestant urged that the liquor-law violators should be hung by the tongue from an airplane and thus carried over the United States. The woman urged that the Government poison the liquor and distribute the deadly potion to the people through bootleggers. She humanely argued that "only a few hundred thousand persons would die and that it would be worth all the deaths to get prohibition enforced."

If these illustrations were no more than the sporadic utterances of insane persons, the matter would not be worth the mentioning, but the spirit of persecution is abroad in the land. Many people seem to have conceived the idea that whatsoever is done under the form of a statute is just and righteous; that law can sanctify any cruelty, any atrocity.

Sir, law has been the instrument of tyrants, the weapon of brutes since time began. By it despots have sought to cloak villainies that have stained the earth with blood, saturated it with tears, and filled the winds of time with the groans of the tortured and the dying. Law! What, sir, is law? It is—and I speak now of proper laws—it is a rule of conduct springing from common custom and ordained by general consent. It must be all that and more than that; it must be founded upon justice; it must express equity and right; it must be humane in its provisions. Such a law naturally commends itself to the intelligence and appeals to the soul of mankind. An unjust law, a cruel law may be as much a crime as is the act of an individual who assassinates in the dark.

Law! It is urged that a majority may dictate any kind of a law, however brutal, however unjust, however atrocious. Such was not the theory of the founders of this Republic. They declared that all just laws spring from the consent of the governed. They forbade cruel and unusual punishments. They set bounds to the authority of government itself. They created checks and balances in order to preserve the liberty of the citizen. As they unfurled the battle flags of the Revolution they asserted that all men were entitled to life, liberty, and the pursuit of happiness, and that all just governments were established to preserve these inalienable rights.

Law, I repeat, has been the instrument and cloak of every conceivable atrocity, and that no law can ever transform a villainy into a virtue. Why, sir, the Savior of mankind was crucified according to the forms of Roman law and with the sanction of Jewish law. I repeat now what I think I once before said in this presence, that the wretches who led Him to Calvary, who drove the nails into His feet and His hands, were as great criminals as though they had executed Him against the express letter of the law.

Joan of Arc was burned at the stake in strict accordance with the thing that was then called law. But the judges who signed the decree of execution and the wretch who applied the torch were murderers more foul than assassins who cut the throats of sleeping victims, for they acted in cool deliberation and imposed the cruel death by fire.

John Calvin slowly roasted Servetus, the foremost physician of the time. He acted in accordance with the provisions of the law of Geneva and pretended to act by authority and at the behest of the law of God. But Calvin branded in blood-red letters across his memory the word "murderer."

The highway of the centuries is marked by gibbets, crosses, stakes, dungeons where the bravest and the best were hanged, crucified, impaled, and imprisoned according to laws proclaimed

by monsters who, by force and fear, ruled an enslaved world. Their laws were nothing save general rules for the perpetration of villainies.

The British Government dragged our ancestors across the sea and put them to trial according to the laws of England, but the laws were atrocious, the penalties were cruel, and our fathers repudiated both England and her laws. For hundreds of years there was written in the laws of England death penalty after death penalty for offenses many of which involved no real or but slight moral turpitude. Thousands and thousands of small offenders were thus brutally penalized. Men could be thrown into prison for killing a rabbit or even hanged for trespassing upon the sacred domain of some titled tyrant and stealing a deer or sheep. But the judges who pronounced sentence and the officers who dragged the victims to the gibbet were as certainly murderers as they would have been had there been no form of law observed. The "it is hereby decreed" of a despot who in his own person exercises authority and the "be it enacted" of a few men gathered together in a legislative assembly are alike powerless to make wrong right or rob cruelty of its criminality.

Let no man say because I have thus spoken that I am declaring we should defy the prohibition law. I do not so say. We have the power of remedy in our own hands. We know full well that general hatred and defiance of the law will undermine the very structure of our Government. It is therefore our business to proceed by constitutional methods to remedy existing wrongs. The right way is to repeal bad laws and to change bad constitutions.

I have been speaking upon the theory that this is a bad law, that it is a destructive law. I now urge that it has introduced corrupting agencies and debased morals into the political life of our country.

If I were to undertake to marshal all the facts at my command, we would be here until the cock would crow in the morning. I shall call attention to just a few. I have already said that this law was enacted at the demand of an organization. At the head of that organization was Mr. Wayne B. Wheeler. I hold in my hand the biography of Wayne B. Wheeler written by Justin Steuart who was formerly publicity secretary to Mr. Wheeler. It was written within the shadows of his tomb and I presume has that touch of charity which a work written under the circumstances should exemplify. Here is the opening sentence:

> Wayne B. Wheeler controlled six Congresses, dictated to two Presidents of the United States, directed legislation in most of the States of the Union, picked the candidates for the more important elective State and Federal offices, held the balance of power in both Republican and Democratic Parties, distributed more patronage than any dozen other men, supervised a Federal bureau from outside without official authority—

We know that bureau was the Prohibition Bureau—

> and was recognized by friend and foe alike as the most masterful and powerful single individual in the United States. He achieved this position by sheer force of personality. The story of his rise to power, his use of that power, and his sudden death, just when the foundations seemed crumbling under him, is without parallel.
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> Where Wheeler sat was always the head of the table. He had an instinct for preeminence. A tireless opportunist, he dramatized himself as the champion of prohibition until the general public pictured him as a mighty St. George fighting single-handed against a swarm of dragons.
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> He loved the limelight. Attacks pleased him nearly as much as praise. He collected the personal newspaper notices, which became voluminous in the last five years of his life. He circulated widely typed, mimeographed, or printed copies of these collections, with such titles as "Knocks and Boosts." * * * He urged the need of loyalty upon others, but frequently disregarded the orders of superior officers and ignored resolutions passed by the boards of the Anti-Saloon League, which were responsible for its political or legislative policy. He did not cut the cables like Dewey, but waited until boards or committees had adjourned and their members returned to widely separated parts of the Nation, and then forgot them.
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> He loved power. If power could not be won, he loved the semblance of power. He never attacked the administration. Such attack might be construed as evidence that he lacked influence with the administration. His favorite text was: "The powers that be are ordained of God." This did not present his own insubordination. Because of the influence over the policy of the Prohibition Department that would be his under the Haynes régime, he supported Roy A. Haynes for Commissioner of Prohibition under the reorganization bill in the face of the objections of many of the sanest men in the league. By a political maneuver he prevented the election of the ablest man in the league to its national superintendency while he persuaded or dragooned delegates to support his own candidate.
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> He was the exponent of force. From his first days as superintendent of a district in Ohio, when he assailed the courts for leniency, to the end of his life he preferred threats to persuasion. He made difficult the development of the league's policy of education on prohibition. He desired the most severe penalties, the most aggressive policies, even to calling out the Army and Navy, the most relentless prosecution. A favorite phrase was: "We'll make them believe in punishment after death." This, with "red-blooded" and "intestinal fortitude," crept into many a speech, regardless of its theme—

And so forth, and so on, ad nauseam.

That is the picture presented by the eulogist and former secretary to this man. He "preferred force." "He would make the people believe in hell fire." That obscene spirit has permeated our country to an extent astounding and horrible and sad beyond the expression of words. It has usurped the kindly persuasion and gentle ministrations of the temperance folks of a few years ago. Then many women with tender hands and sweet faces and noble hearts entered the saloons there to appeal to the saloonkeeper and to the lowly and fallen to lead better lives. Now the doctrine of force espoused by Wayne B. Wheeler has supplanted the spirit of charity and love taught by Jesus Christ. Formerly we sought to persuade. We now seek to compel. But, sirs, you can not compel a free people. Hence, it is solemnly admitted by prohibition Senators that eight years of pretended enforcement has been but a prolonged farce.

Returning to the Anti-Saloon League, it raised and spent over $30,000,000. In the spirit of Mr. Wheeler, it entered into the various State campaigns. It adopted his philosophy, which was that he did not care how a man drank, or what his habits were, or what his opinions were, or how he would vote on any other question; if he would only cast his vote as Mr. Wheeler dictated. That, according to Wheeler, was the sole test of a man's fitness for office.

Think of that degrading and despicable philosophy! Here is the great United States, with all its multitudinous interests, its foreign relations, its difficult problems of government. The rights and interests of millions are constantly to be guarded and conserved. Disregarding all these, a man posing as a moral leader insisted that the sole qualification for office was a pledge to him that the legislator vote on one particular question as he dictated. Moreover, he asserted his right to go into a Republican convention and nominate any scoundrel he could if that scoundrel would only vote as he demanded upon that one question; to then go into a Democratic convention and nominate any scoundrel he could if that man would vote as he demanded; to change from one party to the other, being bound neither in morals nor by the ethics of politics to support the candidate nominated by the convention into which he had voluntarily entered, and in the proceedings of which he had participated! Wheeler is dead but his mantle has fallen upon the shoulders and his soul has entered the body of the Right Rev. Bishop Cannon. The philosophy of hate survives. There is not a slum district in a city of the United States where the slum boss does not have a higher code of political morals than that. And so I say the doctrines and practices of the Anti-Saloon League have been a debasing influence in our politics.

But Mr. Wheeler was not the only protagonist of these nefarious doctrines. Another distinguished leader gives us a photograph of his own soul in his own words. I refer to that peerless knight and accomplished gentleman, "Pussyfoot" Johnson. [Laughter.] It was disclosed in hearings before a Senate committee that "Pussyfoot" Johnson had been regularly in the pay of the Anti-Saloon League from 1917 to 1922, and that he had drawn from it various sums of money. It was also shown that Mr. "Pussyfoot" Johnson had given utterance to the following exalted expressions:

> Did I ever kill anybody? It has been often said that I did. Stories of slaughter have been repeated and printed. I let them pass, for in the wild days they served a useful purpose.

It served a useful purpose to have people think he was a killer engaged in a great moral movement!

> They helped spread terror among the lawless, and that aided my work. Most of the stories of sudden death date back to a fight that I had in a pool hall in Chelsea, Indian Territory. I was cornered one night by an angry mob, but fought my way out with the butt end of a broken billiard cue. I got out with a black eye and some bruises, but three of my assailants were carried out unconscious. The newspaper dispatches carried the valuable information that I had then and there put three men to sleep. Under the reputation that Chelsea then had this was interpreted generally that I had killed the three men, which

was not true. They were put to sleep all right. However, they finally woke up. I never killed anybody.

Did I ever lie?

Now, he denies the killing. Follow on:

Did I ever lie to promote prohibition? Decidedly, yes. I have told enough lies for the cause to make Ananias ashamed of himself. The lies that I have told would fill a big book; but I have never lied to my associates. I have never lied to the public. I have told to sinners a thousand lies for the purpose of decoying them into telling the truth. I am not seeking to defend this, only to state the fact that my conscience does not annoy me for it and to insist that I would do it again if the occasion arose.

Did I ever bribe anybody? Yes. In 1913 I bribed some Russian officials to give me a lot of secret information concerning Section X of their Government administration. I bribed Eurasian railway officials all over India, because that is the accepted way of getting favors in that country. In my law-enforcement work for the Government I bribed many bad men to give me information about their associates, but outside of that I have never bribed anybody.

That is the man who helped fix the moral standards of the people of the United States. From that foul and polluted fountain you draw the waters of your purity!

How did they raise this $30,000,000. In part it was subscribed by very wealthy men. One of those wealthy men has a moral record that would not look well if it were presented here on the floor of the Senate. Even now in his 10-cent stores the public regularly is supplied with glasses, corks, bottles, corkscrews, and other paraphernalia to make the preservation and consumption of booze easy, and all at cut prices.

Another distinguished contributor amassed his immense fortune by the creation of the greatest and most oppressive monopoly that ever cursed this people. By the way, I am not sure but that his son, just now riding in the chariot of another reform, is about to gain control of the single branch of the Standard Oil Co. that is not at present completely dominated by the old crowd; but that is another tale.

One way in which they raised the money was to have preachers take up collections in their churches on Sundays, and in a great many instances they divided with the preachers. I do not make that as any wholesale charge; I simply quote such evidence as we had before us. But they got the money, and they used a very large part of it in politics. For many years they violated the law by failing to report their political collections and disbursements.

They had several Congressmen and two or three Senators in their pay. Consider the situation of a Member of Congress with the money of the Anti-Saloon League in his pocket when that organization demanded his vote for one of its pet measures. To all intents and purposes his vote was bought in advance. But the moralists of the league saw nothing wrong in thus indirectly bribing Members of Congress.

I do not challenge the right of the organization to stand for its policies, but I do dispute the right of that or any organization to put money in the purses of the men who are to vote for laws to force those policies upon the country. No man ever did that who was not utterly depraved, who had not lost all sense of honor, all respect for law, all the qualities of decency.

Then, sir, this law has to be enforced by a class of men who are mostly under-cover men. What is an under-cover man? A spy. What is a spy? He is unquestionably the lowest order of animal life. Save the man who, in a great war, may bravely imperil his life to discover the position of an enemy in order that he may give information to his own army, the spy is a creature who has abandoned in advance every principle of honor.

What is it that keeps men decent in this world except a sense of honor? Destroy that, and man becomes a beast, devoid of respect for law, for decency, or for the rights of others. The man who will engage in a business knowing in advance that he must peep through keyholes, that he must draw aside the curtains of windows, that he must lurk in the shadows and creep like some vile beast upon an unwary victim; who knows that he must be prepared, like "Pussyfoot" Johnson, to lie and to deceive, to gain friendships only to betray—a man of that kind, sirs, will do anything that cowardice does not prevent. He will commit perjury, he will accept bribes, he will levy graft, he will tempt the weak, he will seduce the honest boy into crime in order that he may gain the credit and profit of a conviction.

What wonder, then, that the cold written record of the Prohibition Unit directors discloses an alarming story of rascality. Bear in mind that the record probably does not show one-tenth of the whole truth, because it deals only with dismissals for misconduct absolutely proven. It necessarily fails to show the resignations that were tendered for causes that were substantially known, but of which complete evidence was not produced.

Prohibition Director Andrews gave the list of dismissals for cause for a period of about nine months beginning February 1, 1926:

Employees separated from the Prohibition Unit for cause from the beginning of prohibition to February 1, 1926, inclusive

Cause	Prohibition enforcement officers, agents, and inspectors	Prohibition agents serving as marines	Warehouse agents	Clerks	Messengers	Field supervisors	Attorneys	Chemists	Total
False statement on application	20	----	1	1	----	----	----	----	22
Extortion, bribery, or soliciting money	121	----	----	2	----	----	----	----	123
Falsification of expense accounts	80	----	2	----	----	----	1	----	83
Collusion and conspiracy [1]	61	----	1	8	----	----	1	----	71
Illegal disposition of liquor and other property	41	----	3	----	2	----	----	----	46
Embezzlement	1	----	----	4	----	----	----	1	6
Dereliction of duty [2]	43	----	24	1	----	----	----	1	69
Robbery of warehouse	2	----	6	----	----	----	----	----	8
Intoxication and misconduct [3]	187	5	11	10	----	1	1	----	215
Violation of national prohibition act	7	----	1	----	----	----	----	----	8
Disclosing confidential information	8	1	----	4	----	----	----	----	13
Unsatisfactory service and insubordination	119	4	10	8	----	1	----	1	143
Acceptance of gratuities	7	----	----	----	----	----	----	----	7
Submission of false reports	22	----	----	----	----	----	----	----	22
Theft	6	1	2	----	2	----	----	----	11
Contempt of court	6	----	----	----	----	----	----	----	6
Assault	8	----	----	1	----	----	----	----	9
Perjury or subornation of perjury	3	----	----	----	----	----	----	----	3
Political activity	3	----	----	----	----	----	----	----	3
Misuse of firearms	3	----	----	----	----	----	----	----	3
Failure to file income-tax return	1	----	----	----	----	----	----	----	1
Former criminal record	2	----	----	----	----	----	----	----	2
False pretenses (issued worthless checks)	1	----	----	----	----	----	----	----	1
Total	752	11	61	39	4	2	3	3	875

[1] This covers such cases as conspiracy to violate the national prohibition act, to extort bribes from violators, to defraud the United States Government, etc.

[2] This classification includes failure to report violations of the national prohibition act; leaving guard duty without permission, etc.

[3] Misconduct covers such matters as immorality, assault, arrest for speeding, gambling, fighting, creating disturbance, etc.

What does that table spell? It spells this: You can not get decent men to do such abominable work, hence it goes into the hands of the offscourings of humanity, largely into the hands of men who are criminals or near criminals.

I notice that two men were discharged for having had previous criminal records. They are not so particular now. Men with known criminal records are now employed. And how do they work? The gorge rises in the stomach of decency when we contemplate the fact that prostitutes have been employed to decoy men. Agents have set their traps in hotels and by the expenditure of a lot of Federal money finally induced some poor bell boy or some waiter to bring in a little liquor to a party which he supposed was composed of decent men and women when it was in reality an assembly of official blacklegs and prostitutes. All this is done beneath the white cloak of purity; all this is sanctified by the glory of the cause.

What saloon was ever baser than that? What divekeeper was more depraved? Where can you find a blacker picture in the old days of the old saloon?

What right has an officer of the law to commit a crime in order to entrap a victim? What right has he to become the procurer of a crime, the inducing cause of a breach of the law?

Mr. President, I turn now to another picture, and, as I try to paint with my poor brush, please compare the kindly expression that transfigured the countenance of the old-time temperance worker with the passion that distorts the face of the advocates of force. The old temperance forces appealed to our moral and spiritual attributes. They sought by gentle persuasion to rescue the perishing.

Then it was a glorious thing if one man who was addicted to drink could be induced to quit. They brought him to the temperance hall, they had him tell how the prayers of good women and the saving grace of God had taken away his thirst, clothed him once more in his right mind, and made him a good citizen. As they passed their pledges around they said, "This man was standing at the gates of hell, and we have pulled him back. He was lost, and has been found. A gracious God, through us, as His humble servants, has saved this soul from destruction."

It was a beautiful and glorious work. I have nothing but flowers and crowns for all the people who did that work. No word of mine would ever speak harshly of them. They were

engaged in a great labor of charity—the saving of men. Each time they could snatch a single brand from the burning their souls lightened up with a holy zeal. Properly they felt that they had accomplished much for they were rescuing men.

Now, behold their successors. Their proudest boast is the number of convictions secured. Gleefully they count the human being they have taken from their families, from public life, from their duties as citizens, and have locked up in penitentiaries.

Let me read the figures. I have them by the courtesy of my friend the Senator from Texas [Mr. SHEPPARD], who recently recited them in a speech eulogizing prohibition. The Senator declared that in the year 1928 the following admirable results were obtained:

"Seventy-eight thousand arrests in the Federal courts"—78,000 human beings upon which shoulders the law laid its heavy hand and placed an ineradicable stain.

"Fifty-eight thousand prison sentences"—58,000 men imprisoned. This we are told is the glory of prohibition.

"Aggregate of all sentences, 5,631 years." If Adam had been put in jail when he was a boy he would have just about served out that period of time.

"Fines, $7,031,709," and in addition "652 persons convicted and placed on probation for five years." "Suspended and pardoned sentences totaled 4,627; probated sentences 2,265 years."

Stop a little and think, you rescuers of the perishing. If you could have indicated the old saloon and shown by good and true evidence that in a single year it had sent 58,000 human beings to jail and that it had caused the arrest of 78,000 human beings, you would have had a stronger case than was ever proved against the old saloon, bad as it was.

Observe that, in the opinion of the distinguished Senator, the number of prison sentences imposed is the proper yardstick by which to measure the success of prohibition. The more men sent to prison, the more beneficent is the law. Accordingly he introduced the figures for 1927. In that year the arrests totaled 51,945; convictions, 36,546; sentenced to prison, 11,818; aggregate of sentences, 4,477 years.

As the sentences for 1928 were much greater than for 1927, the Senator insists that prohibition is becoming progressively successful. That is to say, we are arresting more people every year, sending more people to prison every year, ruining more men and women every year, taking more fathers and sons and brothers from their families and from life, destroying them utterly, body and soul, branding them so that as they go down the path of time their names will be anathema upon the lips of all people—we are doing more of that every year; hence prohibition is a glorious success.

Oh, how the spirit of Christ has been killed! Whence comes this malevolent and monstrous thing to usurp his place in the temple where once we bowed at the shrine of charity?

Concluding his eulogy of prohibition, its penalties, and prisons, my good brother burst into ecstatic song. I will reproduce the verse, but beg to be permitted to adorn it with a single original line, being something of a poet myself. [Laughter.] Said my friend the Senator from Texas [Mr. SHEPPARD], eyes lifted heavenward and face illumined with a divine radiance:

"O beautiful! for spacious skies,
For amber waves of grain,
For purple mountains majesties
Above the fruited plain—
America! America!
God shed His grace on thee,
And crown Thy good with brotherhood
From sea to shining sea!"
As an hundred thousand prisoners look through the bars at me.
Oh, happy day!

[Laughter.]

You will observe I am almost overcome with emotion by the beauty of the sentiment and the rhythm of the words. [Laughter.]

In two short years 125,000 to 130,000 have been jailed, an army as great as has conquered kingdoms; a mighty host of human beings, with hearts that beat, with nerves that feel, with souls to be exalted or destroyed. Into prison cells in contact with vice, with every form of horrid crime, these men were thrust, and thereby you think you serve the good and merciful God.

Turn your eyes to that picture and answer whether a law that does a thing like that to men who have only responded to an appetite, ingrained in man from the first, is not what I denounce it to be, a crime within itself.

Look again at the picture. Poor boys and impoverished mothers are sentenced to hard labor until death shall break their prison bars. And for what, pray? Because on the testimony of a sneak and informer they were convicted of having for the second or third time been caught with a little liquor in their possession, or of selling a drink to somebody who desired to buy it. Look closely at the picture. It is a shifting panorama—a tragedy running through the years—the victims are dressed in ignominious stripes. They hear the click of the lock that shuts them in forever. They are thrust into foul cells. They are forced into the parade of the lock step. They eat loathsome prison food. They speak in whispers. They are slaves toiling beneath the muzzle of rifles at hard and unrequited tasks. They are compelled to associate with the vilest of criminals. The light of hope has faded from their eyes. Despair has settled upon their souls and left its shadow upon their faces. They long for the fresh fields. Their nostrils beg for the breath of flowers. Their hearts ache for the loved ones left at home. And these victims, sirs, in the great majority of cases are not bad people. There lie within prison walls many boys who heroically sprang from the trenches and bravely faced the fire of the machine guns in France. There lie rotting within those cells many men who were useful citizens and who beyond all doubt were never guilty of a real crime.

Look once more! One hundred and thirty thousand human beings in prison stripes are marching in the lock step. The procession extends for miles. It winds in and out like the folds of a gigantic striped serpent. Leering at it from the sidelines are the hard eyes of Bishop Cannon. Truly, the dream of Wayne B. Wheeler is realized. He has made "them believe in hell." And, merciful God, this occurs beneath the American flag. But still the fanatics demand punishment and yet more punishment. The cry is that of the degenerate Roman of Rome's degenerate days, "A man for the tiger and a man for the lion this morning, O good Quirites!" To this sad estate has the Congress of the United States and the American Government come.

I have already told you that General Andrews testified to the immense number of stills in operation. Let me call another witness. Mr. Buckner, then district attorney of New York, after a careful estimate, arrived at the conclusion that every year approximately 60,000,000 gallons of denatured alcohol were diverted from industry and redistilled for beverage purposes. The Government had loaded most of this denatured alcohol with poison. Doctor Doran, the present prohibition director, has testified that in most cases where denatured alcohols are redistilled, the poisons can not be altogether removed.

It follows that these poisons are eating away the vitals of millions of people. Malt extracts that will make more beer than ever was manufactured in the United States are now sold and made use of in the homes. Anybody can buy a can of it and make 5 gallons of beer in about five days. It is advertised on billboards throughout the country. Have you not all seen the billboard pictures of the amiable-looking old German lady holding a can in her hand and saying, "This is what Louie uses, and Louie knows." [Laughter.] The alcoholic content of that kind of beer is greater than that of the old-time brewery product and the beer is more injurious. Millions of homes are thus turned into little breweries and the beer is made in the presence and frequently with the aid of the children. If there is any danger to come from it and if the children should be guarded, the home is a mighty poor place for a brewery.

According to their own estimates, the authorities seized not more than 5 to 10 per cent of the liquor being smuggled into the country. And General Andrews declared that as importations decreased, moonshining increased. We have now progressed to the point that the "moon shines on the moonshine everywhere." [Laughter.]

When prohibition was enacted we all thought the vineyards were thereby destroyed. But the price of California wine grapes has risen from $20 a ton to about $175. The reason is that people are making wines in vast quantities.

Cider? They have now worked out a plan where one can let his cider get hard, freeze it in a refrigerator, bore a hole in the center where the alcohol is, and be drunk in five minutes. Compared with that stuff old bourbon whisky was a mild tonic. [Laughter.]

Even from the silos, where nature makes the stuff, the farm boy is drawing a supply.

All about the country everywhere—there is no exception—stills are running, in the mountain dells, along the banks of creeks, in cellars, in garrets, in garages, and, upon occasion, in the jails.

The seizures are merely farcical. A few days ago, within a short distance of the Capitol, the police finally discovered a still that had evidently been in operation for a very long time. It had a capacity of 1,800 gallons per day. When the raid was finally made, the officers found the still in full operation, but they could not find anybody who would admit he owned it. So they virtuously smashed the still. Thus

was the majesty of the law vindicated. The whole apparatus probably was not worth more than a few hundred dollars. It had doubtless turned out hundreds of thousands of gallons of liquor. This seizure was widely advertised throughout the country. There was a great beating of tom-toms over it. The Nation was informed that the prohibition officers had dried Washington up. Such is the ridiculous farce being enacted and reenacted all over the country.

This is the age of progress and discovery. Some enterprising genius discovered an excellent variety of whisky could be made from corn sugar; that, in fact, it had some advantages over sour mash. For whereas sour mash gives off an offensive odor liable to arouse the neighborhood gossips, whisky can be made out of corn sugar and the occupant of the next room not know whether they are running a still or doing the family washing.

Behold the march of the corn-sugar business. In 1914 sales were 175,000,000 pounds; in 1928 the sales were 968,000,000 pounds.

Everywhere in shop windows you can see whisky flasks exposed for sale. Since prohibition there have been sold more flasks, more corks, more bottle stoppers, more corkscrews than were carried or used by all the tribes of men who through all the ages have marched across this bank and shoal of time.

The supply of charred kegs is inexhaustible. Here is an advertisement in the Washington Star of February 16—just a little ad. It only mentions six things. The first three of them I will read:

> Big cut-price specials at Peoples Hardware Chain Stores.
>
> Bottle caps, 3 gross, 50 cents; 3-gallon charred keg, $1.59; Peoples malt sirup, 45 cents.

Six or seven places are indicated where these articles can be bought in the Capital from this one chain of stores. [Laughter.]

We may laugh or we may rave; the cold, hard fact remains that the prohibition law is not regarded and enforced and will not be regarded and enforced as are laws against real crimes.

If a Washington hardware store were to advertise "machine guns for gangsters at a reduced rate" the police would be looking after that place within the next 15 minutes.

But what avails argument and proof. Indeed, both are unnecessary in view of the high authority available. The National United Committee for Law Enforcement on February 18, 1929, put out a statement. I read excerpts, but I shall be glad to insert the entire article in the RECORD. One heading is:

> THE TRUTH ABOUT WASHINGTON
>
> The Capital City is seething in lawlessness and saturated with poison liquor, dispensed by bootleggers under various aliases, operating openly and sold in hundreds of places as sugar is sold in groceries.
>
> One does not need a card of introduction or speak the shibboleth of the underworld to obtain admission or accommodation; all that is required is a thirst and the price. Anybody's money is good for rotten rum in Death Valleys.
>
> Washington is a Sodom of Suds, sold openly behind false fronts and fictitious names, containing from 4 to 60 per cent of alcoholic poison and in some cases so labeled.
>
> We make no loose charges. We are not hiding behind "estimates" previously made, or charges now headlining the press, or being uncorked in fluid eloquence on the floors of Congress, but after personal investigation by trained operatives.
>
> * * * * * * *
>
> Hundreds of such places, scattered all over the city, and in some cases in solid blocks, and not far removed from the Capitol itself, are found to be operating in violation of the law.
>
> DEATH VALLEYS IN WASHINGTON
>
> For the past month the united committee has been making an undercover investigation into conditions in this Capital City. For this work we brought experienced and trained men from outside the city, and unknown in Washington. They report to us the places visited, the hour, the date, observations, character of premises, and purchases seen and made.
>
> The places include hotels, back-room bars, restaurants, lunch rooms, barber shops, tailor shops, cigar, delicatessen, and candy stores, and private houses with "rooms to let."
>
> SPECIMEN REPORT
>
> No. 247. Entered; E Street NW.; cigar store; 12.15 p. m.; purchased five drinks of gin, 25 cents per drink; sold in back room with sign "No admittance" on door. Time, 20 minutes.

Then there is given a list of places visited and dates, following which the statement continues:

> Here are 342 places in which the law is flagrantly and openly violated and in which wine, gin, red liquor, corn, or whisky was being sold, and purchased, by the drink and bottle. In addition, there are numerous places all over the city where bottled "bay rum" is sold to all comers, containing 60 per cent of alcohol, according to the label, and not marked for external purposes or number of Government permit given. Over 300 of these emptied bottles were left or taken from the down-and-out men in one week at the Gospel Mission.

Then the statement charges, in substance and effect, that there is graft among the police.

Here is an article from the Buffalo Courier-Express. It was sent to me by a former Senator. It is entitled "So this is Volsteadism":

> As an indication of the need of definite information from presidential candidates to what they mean when they pledge themselves to prohibition enforcement, Detroit's bootlegging industry may be cited. Doubtless, comparable figures could be obtained in any city situated as Detroit is, in a border or coast district, where rum runners ply their trade.
>
> Detroit's liquor business, including smuggling, manufacturing, and distribution, is estimated to employ 50,000 persons, with an output valued at $215,000,000. It is second, according to a story printed yesterday morning in this newspaper, only to the automobile industry. The chemical industry is a big business in Detroit, but it is a "poor third" when compared with the bootlegging trade. Its annual production is valued at only $87,000,000, or considerably less than one-half of the estimated value of the illicit liquor business.

But, Mr. President, why should we produce figures or evidence when Prohibition Director Doran states:

> It is a matter of policy whether Congress wants to embark in the police business. If Congress wants to embark in the police business, it will take $300,000,000 and a system of United States courts covering the land.

"If the Government wants to indulge in the police business," Volsteadism is from beginning to end nothing but police business. The suppressing of the manufacture, the transportation, and the sale of liquor comes within the category, "police business." So long as millions want to buy and other millions want to sell, you can not suppress that business, even if you were to do as Wheeler suggested: To call out the Army, the Navy, and the National Guard. Even if you were to do that, you would have to organize a force to watch the officers and privates to keep them sober while they were standing guard. That is the cold truth about the matter.

But, lest the evidence and authorities I have cited should be challenged, I call attention to certain admissions made during this debate by distinguished dry Senators. First, I quote the Senator from Texas [Mr. SHEPPARD], who in seeking to avoid the terrific effect of Doctor Doran's statement, could think of nothing better to say than this:

> I understand it to be his idea that better results could be accomplished if the Federal Government concentrated its efforts on suppressing the supply of industrial alcohol at its source.

Mr. President, alcohol does not have a source; it has 10,000 sources. It is not produced in one place where it can be watched and held down. According to the information I receive—and I state it only on information and belief—industrial alcohol is not to-day as popular as "good old moonshine" made by the boys around the town, who are getting rich at the business.

Second, I quote the Senator from Washington, who stands sponsor for this barbaric amendment. However, I do not believe he wrote it. I think it was sent here by the Department of Justice. I will ask the Senator if that is not correct?

Mr. JONES. As I understood, the bill was prepared in the Department of Justice.

Mr. REED of Missouri. The Senator from Washington recently declared:

> The greatest trouble we have had, I think I may say, has been from the intelligence unit of the Government seeking to discredit and to have removed men who are standing by the enforcement of the law. In one or two instances I was compelled to go to the President of the United States in order to protect men who were enforcing the law and standing by its enforcement from the machinations of the intelligence unit. I am glad to say that the President of the United States stood by me on that proposition.

Lord God of Hosts!—and I say it reverently—has it come to pass that the officials of one department of the Government are working with law violators against the officials of another department who are engaged in the enforcement of the law? If so, then the contamination of this law is even worse than I have pictured it; for I did not presume that officers sworn in one department of the Government would dare to undo the work of other officers sworn to enforce this law. Here we have another illustration of the fact that when you declare that a crime which the majority of human beings do not believe is a crime, everywhere people protest, everywhere the arm of the law is paralyzed.

The Senator from Washington continued:

I do not know what their business—

That is, the business of the intelligence unit—

has been in other States. I do know that the principal work of the intelligence unit in the State of Washington has been to discredit the prohibition enforcement officers.

The Senator nods his head, and says that is the fact. While I differ from the Senator on many, many things, I know that he is a man whose word is good everywhere.

But, sir, the story can all be epitomized in a very brief statement by the distinguished Senator from Georgia [Mr. HARRIS], who is the author of the proposal to increase the prohibition-enforcement appropriation by $25,000,000. We all know that if there are four sincere prohibitionists in all this world, the Senator from Georgia [Mr. HARRIS] is one, the Senator from Washington [Mr. JONES] is another, and the Senator from Texas [Mr. SHEPPARD] is the other two. [Laughter.] Standing here at the end of 10 years of this thing, looking back through those years and surveying the scene, the Senator from Georgia declares:

Every Senator, whether he is in favor of this law or not, knows that its enforcement is a farce. * * * Not only is this law violated, * * * but it is causing the people of this country to lose respect not only for this law but for all laws; and I do not know of any greater harm that is being done than for our people to lose respect for law of any kind.

To that I say, "Amen." General disrespect for all laws is the greatest harm that can befall our Nation or can curse our race, and it is the direct product of this law. It is its legitimate child. It springs from it as naturally as plant life springs from the fertile earth.

Said the Senator from Georgia:

It has been a farce from the first—

He then added by way of apology—

because they have not had the money with which to enforce it.

How much money? How much money? We are spending this year, directly and indirectly, $59,000,000. Those are the figures given to me by the Senator from Wyoming [Mr. WARREN], who is in charge of the appropriation bills. That is the amount spent by the Federal Government alone. That undoubtedly can not include many incidental expenses. How can you estimate the increased cost of courts and separate that cost from the usual expenses of litigation?

It would, it seems to me, be very difficult to do that. How much more does it cost if 100,000 men are locked up in jail and taken from useful employments? The economic loss and expense is not less than $200,000,000. How much more does it cost? The figures given, of course, do not embrace the expenses of enforcement in the 48 States. Neither do the figures I have given include imprisonments made by State officers. I do not know what may be the situation in other States, but I am sure the convictions by the State courts of Missouri far outnumber those secured by the Federal officers within that State. First and last, it seems to me it would be wholly within the limits of conservative statement if we were to say that this law costs the State and local governments at least $100,000,000 per annum. And that the economic loss is at least $200,000,000 more.

How much does it cost? The revenue which the Government might derive mounts to stupendous sums. If this business were taken over and properly managed, if the Government obtained a revenue upon the liquor that is to-day being sold, I am sure the annual interest upon the national debt could be paid, and I think the entire debt could be wiped out in 20 years of time.

How much does it cost? No man can measure its cost. No man can give an accurate estimate. This much we may be sure the amount is appalling.

You say, "Ah, but we abolished the saloon. We eliminated the distillery."

You did not abolish the saloon. You split the saloon into a hundred parts and scattered the parts into every hamlet and village. You have made peripatetic that which was a fixture. Instead of being located in one spot, the saloon perambulates around the country in automobiles. The bar is condensed into a gripsack. The sales are by the case instead of by the glass. The saloon is still here, and more people are engaged in the business than in pre-Volstead days. You did not exterminate the brewery. You made millions of little breweries and installed them in the homes of the people.

Ah, but why need I argue the failure of prohibition when it is solemnly admitted on the floor of the Senate by distinguished dry Senators that the whole enforcement has been a farce? If the admissions do not cover the case, then no logic or assertion of mine will avail.

But, Mr. President, there is a phase of this question graver than any I have touched upon. In preliminary, let me repeat that there never has been a race of men that has not had some form of stimulant—not one. You may dig in the catacombs, you may explore the sepulchers of vanished races of men, and you find there the evidence that always, in some form, man has used stimulants. That fact betokens a natural appetite, a natural demand. The great races have been the ones most addicted to alcoholic beverages.

A condition of that kind must be dealt with in a practical way. If the appetite or desire generally exists, the fact should be recognized and so dealt with as to produce the best possible results. I will go as far as any other man will go in appeals to people to restrain themselves, in pointing out the evils of over-indulgence, in doing everything that can be done by moral suasion and sensible regulation to limit the use of these stimulants. I am, however, convinced you make a tragic mistake when for the persuasions of argument you substitute legislative command, "Thou shalt not drink." By saying that you create an entirely different psychology. Like it or not, the average man says, "I don't care a snap of my fingers for that law." Like it or not, we must face the fact that men are just men, and women are just women, and that when you tell them they "shall not" do a thing which they believe they have the right to do, you plant in their minds the impulse to immediately proceed to do it. That is exactly what has occurred.

Another phase of this psychology is that liquor, once a common thing that anyone could obtain at any place has now been lifted, notwithstanding the enormous quantities of it still available, to a point where it is regarded as in the nature of a luxury. There is not a living American who does not regard almost every luxury as a prime necessity of his life.

Accordingly, at parties, at balls, at dinners, and at dances this "luxury" is dealt out. The lad who once was told that strong drink was the potion of death, that in the cup lurked the coiled serpent of destruction, now regards drinking as a good-natured escapade and a pint of whisky on the hip as the equipment of all good fellows.

Ah, this is no dream, this is no occasional thing; it exists almost everywhere among almost all classes of society. The cocktail is dispensed as a luxury and the highball follows on. Men and women who in the old days would not have served a drink in their homes now regard it as a necessary act of courtesy. Mothers, who a few years ago would have warned their daughters not to associate with boys who drank, now, all too often, will hand their daughters the liquor served at parties.

That is true. Deny it? Yes; stand up and deny it, and try a little longer to mislead the world. The fact is here, and if a man could consistently with decency do so, he could read a list of names as long as my friend SHEPPARD's list of jailbirds.

Girls guzzle it with boys. It is served in clubs, not by the clubs, oh, no; not by the proprietors of hotels and eating houses, oh, no. All they furnish are the glass, and the ginger ale, and all the boy does is to furnish the moonshine. Thus we are corrupting the youth of the land. I say to you prohibition friends, and I say it as solemnly as I have ever uttered anything in my life, we are corrupting a class that rarely was endangered or tainted in the past, and upon your souls and consciences the weight of the burden must rest.

There follows a tale more horrible. Whereas once people could get good beer, and a little stimulant from it, they now resort to home-brew which while it is made in the homes in vast quantities, is rather vile stuff. Or they consume gin and rum and whisky. These strong liquors are now used by millions who before prohibition never touched anything but light wines and mild beer.

Ah, if the story but ended there, it would not be as black as that which I am about to relate. Bootleggers of whisky are likely to become bootleggers of drugs. When men can not get a stimulant in the form of the kind of liquor they want, they go to something stronger than that. According to the best authorities, there are in the United States to-day more than a million drug addicts.

We never at any time had that number of habitual drunkards.

Mrs. Bonfils, a distinguished writer and a lady of great ability and unquestioned honesty, and to whom I am indebted for much of the information I am about to give, says that dope is peddled to schoolgirls. They are told: "Here is a little breath of happiness that makes you forget." In the short space of 10 days the iron grip of the drug is fastened upon their souls and bodies; they are manacled slaves the rest of their lives. Dope is also distributed and used in alarming quantities by the worst criminal classes. From it they get the inspiration of a false

courage that enables them to commit crime. All too often the lady of fashion in the seclusion of her boudoir resorts to drugs to soothe her tired nerves; likewise dope is frequently the bracer of the professional gentleman who for the hour needs extra enthusiasm.

Is the dope habit growing? Oh, you people who have turned all the batteries of your wrath against a glass of beer, what say you to the fact that, running parallel with your prohibition movement, has come this horrible advance in the use of narcotics?

The secretary of the opium conference of the League of Nations declares that 786 tons of opium and 12 tons of coca leaves are more than sufficient to supply all the medical uses throughout the world.

Hon. STEPHEN PORTER author of the Porter bill, estimates the need of legitimate narcotics for the medical practice of the world to be 125 tons or less. John Palmer Gavit, former managing editor of the New York Evening Post, and one time chief of the Washington bureau of the Associated Press, discloses in his new book, Opium, that the world is producing between eight and ten thousand tons of raw opium every year and doing it legitimately.

United States Attorney Charles H. Tuttle, a very high-class man, states his belief that the value of drugs smuggled into the United States last year was between $25,000,000 and $50,000,000.

What happened to the cases of ships bringing that in? The first case I cite is that of the ship *President Taft*, which came into the harbor of San Francisco on July 14, 1927, with a cargo of 830 tins of narcotics, valued at $29,300. A fine of $146,650 was levied against the company. The company appealed to Washington and the fine actually paid was $3,000.

July 1, 1926, the *President Lincoln* came into San Francisco Harbor carrying 197 tins of contraband opium; the fine levied was $32,825; the company appealed to Washington and got off with a payment of $1,000.

May 1, 1925, 388 tins of narcotics were seized on the Korean ship *Maru*. There were levied fines of $31,050; the fine actually paid was $100.

The *Rochambeau* brought $5,000,000 worth of dope into New York Harbor in December, 1928. The case against that company is still pending.

The *President Harrison* brought into New York Harbor on October 2, 1928, $1,000,000 worth of dope. These doubtless are but a few of the great number of importations and miscarriages of justice.

Notice this: The price of narcotics has fallen from $50 an ounce to $25 an ounce in the city of San Francisco. In Chicago it has fallen from $50 to $20 an ounce. In New York narcotics can be bought for $12 an ounce. That shows that the market is flooded. Besides, new varieties of dope are being created.

It is further stated that in 1922, 24 per cent of the prisoners in the Leavenworth prison were drug addicts, and that to-day 60 per cent are drug addicts.

What has that to do with prohibition? Everything. If people have a natural desire for some kind of a stimulant, and if they are set on satisfying that desire, then, in the name of high heaven, let us permit them to have that kind of a stimulant which does not utterly destroy them. Let us not drive them to these baser expedients.

We can not make people over. All that we can do is to restrain and help and guide and counsel. We should bear in mind that the personal habits of the individual are the business of the individual. So long as those habits do not impinge upon the rights of other people, we have no right to interfere except by persuasion. There is the line, and when we overleap it we bring disaster.

Senators, did you ever stop to think of the absurdity of this prohibition law? If the subject were not serious, its contemplation would provoke laughter. Consider this: A man approaches a bar and asks for a glass of beer. The bartender sells it to him. The transaction thus far is voluntary and perfectly amicable. Then the bartender concludes to rob the customer, and murders him in cold blood and takes his purse.

A United States marshal witnesses the sale of the beer and the murder. Under the law this ridiculous situation exists! The marshal can arrest the culprit and take him before the United States court for selling a glass of beer, but he can not take him there to be tried for the cold-blooded murder and robbery. We trust the States to try every kind of crime except violations of the prohibitory law. We trust them to protect us by the apprehension of burglars, of highwaymen, of fraud mongers, of fiends, and of thieves, criminals of every kind, no matter how desperate or vile; but we do not trust the States to regulate the sale of that which a large percentage of the people want to buy. What an absurdity! The purpose of the eighteenth amendment was to force prohibition upon unwilling States. So we have the spectacle of great States with millions of people, the majority of whom protest against prohibition.

There is no man of good common sense who does not know that there can be no effective enforcement of any law among any free people where the majority of the people are opposed to it. It can not be done and it ought not to be done, for freedom consists in the right to live under laws enacted by the consent of the people.

All the while that we have proceeded along this line of unreasonable restriction of mild stimulants the deadliest serpents that ever have been loosed, the serpents of opium and of narcotics, are destroying the people of the land. Drugs are not like whisky, which can be smelled on the breath, and thus bring exposure. They do not give any evidence at first. The poison is distilled gradually. It steals through the veins. The habit grows through the years, until at last from the pallid lips of the victim comes the cry of maniacal despair. Ah, what an army is this army of drug addicts, a million men and women. An army of the living dead marching through the golden fields of earth, but their dull eyes see only the distorted pictures drugs have painted in disordered brains.

We, sir, have been all along pursuing the wrong philosophy. We have relied on law and abandoned reason. We have come to believe in the logic of the lash, the persuasive power of force, and we have substituted handcuffs for moral precepts and chains for prayers. No longer do we hear the old appeal to reason and to right. No longer are there kindly words, gentle handclasps, and appeals to reason and to conscience. Rather the prison cell, the sound of shackles, the rattling of gyves, the death rattle in dungeons. Thus we seek to make men good. I affirm it to be true that in all the tides of time no law made by man ever made a good man or a good woman—not one. Law may have restrained the murderer's arm, but it did not remove the impulse of murder from his heart. It may have restrained the hand of the thief but it did not remove from his soul the desire to steal. It may have restrained the highwayman, but he still at heart was a robber. Law never made a man good. It may have protected the innocent from the wrongs of the wicked, it may have restrained the criminal, but it did not purge his heart or make white the blackness of his soul.

What is it then that we must look to? Ah, my friends, there are two realms of the law. First is the law passed by legislative bodies, the civil law. Its business is to protect life and property and restrain aggression and wrong. That is its realm. It is protective.

But there is another realm of law—the realm of the moral law. Its principles were written by Almighty God upon the hearts of men. They have been taught by the mother's gentle voice as in the ear of her daughter she whispered of rectitude and virtue, and by the father as he pointed his son the way of honor. This is the great law. It controls us in nearly all the acts of our lives.

What law of man has ever planted a noble impulse in the heart? Men will leap into the flood of rivers to rescue a stranger. They then obey not any man-made law; they answer the call of nature, the voice of conscience; they obey the impulse of nobility. Men will yield their lives to save a child. But no law of man commands the sacrifice. They respond to the mandate of the moral law.

On the great moral law we must at last rely. It alone makes men fit to live upon the earth. It alone will make them temperate, just, honest, and decent.

We have attempted to substitute for the persuasion of the moral law the force of the statute law. Senators, I warn you, the American people can not be forced to do anything. Nevertheless, "a man for the lion and a man for the tiger" is the cry of the day.

Mr. President, Montaigne has well said:

> It would be better for us to have no laws at all than to have them in so prodigious numbers as we have.

And Thomas Jefferson:

> The nation that is least governed is best governed.

I could quote the words of others of our mighty dead whose hands did "shape the anchors of our hope," but it would be useless to proceed further.

If you ask me, Mr. President, what remedy I would suggest, I answer, let us go back to the original principles upon which our Government was founded. Let us once more say that the States are capable of self-government. Let us repeal this obnoxious, this hideous amendment. Then let us say to the State of my friend from Utah [Mr. KING], who is honoring me by his presence, "Let Utah handle this question as befits her people and as suits her purpose." To the State of my friend from

Wyoming [Mr. KENDRICK], let us give the same message, and so without going through the list of names, to all of the States let us say, "This is your business. It is a matter falling generally within police regulations. We trust you to apprehend the murderers, to put down crime, to suppress vice, to protect life and liberty and property, and we will trust you in this matter."

Then, sir, I am willing that the States shall be protected in the exercise of that right by the Federal Government providing, as it did provide under an amendment which years ago I offered to a bill of the Senator from Washington [Mr. JONES], that when a State prohibits the manufacture and sale of liquor within its borders, liquor can not be sent into that State in interstate commerce without becoming immediately subject to those State laws. Let us then repeal this law. Let us then discharge the snoopers and the spies, the sneaks and the criminals who have been employed with our money to haunt our doors, to break open the windows of our habitations, and to murder our people upon the streets. Let us discharge them, and as they go let us say that in this country under this flag a system of spies and espionage is a foreign and an abominable thing, and that it shall be utterly wiped out in this Republic. Let us bring this business, wherever it is conducted or how it is conducted, into the open, where it can be carried on either by officers of the law or by men who are not criminals the moment they embark in it. Let us put it in the sunlight where it may be seen. Let us fix it so that the man who buys it buys it in the open and takes the responsibility before his neighbors and his friends. Let us go back to the old principles and old doctrines of the sovereignty of the States and the right of the American citizen to regulate his own life and control his own walk down the pathway of the years.

Mr. BORAH obtained the floor.

Mr. JONES. Mr. President, will the Senator from Idaho yield to me for just a moment?

Mr. BORAH. I yield.

Mr. JONES. I desire to present and to have read an amendment which I intend to propose at the first opportunity.

The PRESIDING OFFICER (Mr. GLENN in the chair). The clerk will read the amendment.

The CHIEF CLERK. It is proposed to insert at the end of section 1 the following proviso:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. BLAINE. Mr. President, will the Senator from Idaho yield to me in order that I may offer an amendment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. BLAINE. I desire to present an amendment to the pending bill. I propose the amendment now and shall formally offer it at the proper time. I send it to the clerk's desk and ask that it may be read. I offer the amendment at this time, Mr. President, so that it may be before the Senate at the same time that the amendment just proposed by the Senator from Washington [Mr. JONES] may be considered.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. It is proposed to amend the bill by inserting, after the word "offense," in line 9, the following:

When the offense embraces illegal manufacture for sale, sale, transportation for sale, importation for sale, or exportation for sale.

Mr. BORAH. Mr. President, when I asked on Saturday last that the unanimous-consent agreement might be vacated I did so not only because of my desire to hear the Senator from Missouri [Mr. REED] in the full presentation of his views upon this important question, not only because I am always interested in any presentation he may choose to make upon a subject, but for the further reason that I think it well to have full discussion of this subject from time to time. Indeed, I think the most unfortunate thing that could possibly happen to the present program of dealing with the liquor problem would be that of indifference or failure to call to the attention of the country the different phases which it from time to time presents for our consideration.

Mr. President, before I enter upon a discussion of this subject I take this occasion to say how sincerely our regret deepens as the time approaches when the Senator from Missouri is voluntarily to retire to private life. Those of us who have served with him during these long years—some of them tragic years—and have come to know of his great qualities, regard his retirement as not only a loss to this body but a loss to the country. It is the retirement of no ordinary man; it is the retirement of an extraordinary man; a man whose industry and courage and genius have placed him among the foremost men of his day. I regret that he is voluntarily to retire. I trust, however, Mr. President, that he will find time from the engagements of his profession, of which he is a distinct ornament, to consider and discuss public questions; that we may have the benefit, at least in that way, of those attributes of mind and qualities of character with which he is so richly and so rarely endowed. As these are the closing days of the session I felt I could not say less, and if I should entirely consult my feelings I would say much more.

Mr. President, with very many things which the Senator from Missouri has said I am in full accord. I think upon the fundamental question which is involved in this controversy I am in accord with the Senator. The Senator from Missouri referred to the fact that there are those who insist upon enacting such laws as this but who, nevertheless, live in violation of the law. He said that in his opinion such individuals were deserving of the severest condemnation. I am bound to say with that statement I believe all right-thinking men and women will heartily agree. It ought to be an axiom of decent citizenship. If those who make the law live in violation of the law the ax has already been laid at the root of the tree of representative government. There is a peculiar and a heavier obligation resting upon those who make the law than upon those for whom the law is made, although, of course, it binds all. But, upon reflection, Mr. President, how are we to distinguish between those who make the law and those whose duty it is to execute the law. If there be included the latter with the former, then let the Senator from Missouri unleash his fine irony and his scathing invective; he has a subject worthy of his talents. I think one of the most serious conditions with which we have to deal not only with regard to this but with regard to other laws is that those of us who make the laws and those who execute the laws standing in places of trust and tremendous responsibility do not often enough think of the fact that, perhaps, more important than are laws is the example which we ourselves set to the citizen. I think that is a matter about which the entire country can well reflect; and the Senator has stated it in his own inimitable way.

The Senator said that prohibition was the crime of crimes which had been committed in the matter of legislation in the United States. With that I can not agree. It may have been a mistake, Mr. President; the people of the United States may have erred in their judgment; time and experience alone will demonstrate that fact; but it was not a crime. The people of the United States were in sincerity wrestling with that which was deemed to be one of the great evils of modern civilization. Everyone had been brought to realize that in some way, and in a more effective way, it was the duty of the people of this country to deal with this problem. The object was an exalted one; the purpose embodied something of the ideal, though possibly in the end it may prove impracticable. That time, as I have said, will determine. But that which they would have accomplished was void of all intent to do injury to the people of the United States; it was to serve them. No; it was not a crime to undertake to control and bring under the direction of law and under the domination of civilization that which would undermine and destroy civilization. It was and is a great evil, and to struggle for its control or to be rid of it can in no way be regarded as a crime. We may not have found as yet the right remedy; I do not know. The fight against the liquor traffic is not for 10 days or 10 years; it is an eternal fight, and only from step to step and from progressive acts can we finally determine how we shall ultimately deal with it. But the question is whether or not it was an error, whether or not it was a mistake.

I am not committed, Mr. President, to all opposition against the modification or even the repeal of the eighteenth amendment; I am not committed against the modification or even the repeal of the Volstead Act; I am only committed against the change, the repeal either of the amendment or of the law, so long as nothing better and more effective has been or can be presented.

If there be a better way to control the evil of drink, a more effective way, more thorough, and with better results to those whom we would serve, let us have it. The object is to secure the best possible remedy that experience and the human mind can give us upon this subject; and, while at the present time, in my judgment, no better plan has been proposed, no better scheme devised, and I stand for the program as it is, let it be understood at all times that we are open, as I presume all advocates of better regulation or better control or a better deal are open, to consider any plan which may be presented and which will stand the test of reason. But it must be a

better plan. It must give assurance that we are making progress. There is to be no retreat. Revolutions do not go backward.

I do not find fault with those who advocate the repeal of the eighteenth amendment. I may differ with them as to the arguments which they put forth, and as to the reasons with which they undertake to sustain their position; but the right to advocate the repeal is a sacred right—just as sacred as the right to put an amendment in the Constitution in the first place. The test of free government is the right of the people to write and unwrite laws, the test of good citizenship is obedience to the law when written. We are not quarreling with our friends about their right to urge a repeal; and, far from quarreling about a better scheme, we invite them to present it, to present it with all their power and ability, and let the American people ultimately pass upon it.

But this much I venture to say in the beginning of my remarks: That the eighteenth amendment will stand in the Constitution of the United States until the moral forces of the United States decide that something better is presented to control the liquor problem. There will be no going backward upon the effort of the human family to control this evil which has been torturing and tormenting them for 3,000 years and more.

No one need argue with me, Mr. President, as to his right to urge the repeal; but, while not committed against a change, as I have stated, I am committed to the enforcement of the present provision in every reasonable, practical way so long as it is a part of the Constitution of the United States. That presents a question far superior, to my mind, to the question of "wet" or "dry," of liquor or no liquor, important and vital as it is. The question of enforcing prohibition while it stands, of massing and crystallizing and organizing the moral sentiment of the country and the legal forces of the country to maintain our Constitution, presents a question infinitely more important to me than the question of liquor or no liquor. That involves the existence of our Government, the preservation of the principles upon which we build, the hope of the future. The only things we can expect of the future are the liberties and the rights which a regard for the Constitution as the people have written it will give to us. When we are fighting for that principle we are fighting for free government—for the right of the people to rule. That transcends all other issues. That is the issue which holds me to this contest against all adversity, against all criticism, upon that issue I stand.

The Constitution says:

> The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

There it is, the fundamental law of the land, adopted according to the method provided by the fathers; just as much a part of the law of the land as the fifth amendment to the Constitution of the United States; just as much a part of the law of the land as that which gives a man the right of trial by jury; just as much a part of the law of the land as that which protects his right under habeas corpus; just as much as that which protects the freedom of the press, or the right to worship God according to the dictates of one's own conscience; just as much as any other provision of the Constitution of the United States; and the obligation is upon us here, and elsewhere in the country, to support it, maintain it, and to enforce it so long as it is a part of the Constitution.

The Supreme Court has said that—

> The first section of the amendment—
>
> The one embodying prohibition—
>
> is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act—whether by Congress, by a State legislature, or by Territorial assembly—which authorizes or sanctions what the section prohibits.

This was not only writing into the Constitution a specific provision of law; it was the adoption of a great national policy. The people had struggled with the liquor question in one way and another for many years. They had tried the license system, local option, State control, and different methods by which to control the saloon. They finally came to the conclusion that as a matter of national policy they would adopt the prohibition policy and write it into the Constitution of the United States. That presents to me the only problem that there is before us at the present time, and that is, "The Constitution being there, how shall we maintain our system of government?"

Upon that question the able Senator from Missouri and I are not in disagreement, as I understand. I understand that he takes the position which he has always taken: While he would repeal the eighteenth amendment, for reasons to which I shall refer later, while it is there, as I understand, and, knowing him as a great lawyer and a patriot, as I would expect him to be, he is for the enforcement of the Constitution of the United States.

Upon another occasion he said:

> When the Constitution was amended it became the paramount, the supreme law of the land. When the Volstead Act was passed it became the statute law, and Constitution and law became binding upon all citizens and all public officials.

An axiomatic proposition, yet too often forgotten in these days; a simple proposition upon which all free government rests, yet too often forgotten in these days. Written into the Constitution, the law adopted, they bind all citizens, and all citizens ought to recognize that fact.

Mr. President, the trouble in this situation lies deeper than the prohibition law itself, as I shall undertake to show later. I fear sometimes—although I am not a pessimist, I trust—that we have come to forget in this country just what a constitutional government means. It means, this, and practically nothing more: That unless the people have that reverence for the Constitution which commands of them obedience and respect there is no such thing left as constitutional government. There may be many individuals who will violate the law or violate the Constitution; but the great mass of the American people must come again to realize—if they do not now realize—that when they themselves write the law, as they do when they adopt a constitution, they must be bound by and respect that law until they themselves rewrite it.

Again the Senator said:

> The Constitution and the statutes must stand and be obeyed unless they are changed or repealed in the manner and form laid down by the Constitution. There should be no evasion; there should be no attempt to accomplish their destruction by indirection. In my opinion, the eighteenth amendment will stand until and unless the moral forces of the Nation become convinced that there is some better way to deal with the liquor problem.

Yes, until the moral forces conclude there is a better way. As I understand the Senator's position and mine, they are identical upon this great, fundamental question that the Constitution is there, adopted by the people; the law is there, enacted by Congress; they should not be evaded; they should not be circumvented; all good citizens and all right-minded people should assist in maintaining them and enforcing them. With that question settled, Mr. President, we have nothing before us until we come to the consideration of some new scheme which involves a repeal or an entire change of the law. Let us have the new plan. Let us have the next forward step in the settlement of the liquor problem.

I shall not, of course, take issue with the Senator upon the question that there are violations of the law. I know that. I certainly shall not take issue with him upon the question that the law has led to corruption. I know that. I call his attention to the fact, however, that there never has been a law with reference to liquor placed upon the statute books of any civilized nation on the earth that the liquor forces did not undertake to break it down, to violate it, to undermine it, and to corrupt the officials. It is the history of liquor legislation from the beginning until this hour. It is not within the ingenuity of the human mind to devise a liquor law that will be satisfactory to the liquor interests. They are seeking to do with this law what they sought to do with every law. I do not care where you go, when it was, or how you undertake to deal with it; we had the same condition of violation, of corruption, of deceit, of fraud that we have now in regard to this matter; and as I shall undertake to show in a few moments, every system of dealing with liquor at the present time is having to meet that exact problem.

Before I go on further, let me go back to early days of the Republic, when it was proposed to place a high tax upon the importation of liquor into the United States. If you will take up the debates which occurred upon that question, you will find just the same contention that is made now—that that kind of a law can not be enforced; that it will lead to smuggling, to bootlegging, to violations of the law. There must be no law. The evil wants a free rein.

Here is one paragraph from a noted Member of Congress at that time:

> But suppose we yield to the reasoning of my opponent and lay a high duty and check the importation of rum. What will happen? We shall

defeat our purpose. The country will be just as immoral and much poorer than at present. Not a hogshead of the liquor will be seen on our wharves, not a shilling of revenue will be collected from it by our customhouse officers. Yet at all the inns and taverns in the land rum will be as plentiful and as cheap as ever. Does any man suppose for a moment that the thousands of artisans, and the mechanics, the tradesmen, and the fishermen, to whom liquor is as much a necessity of life—

Blessed old thought, ancient and faded, how often it returns [laughter]—

as meat and bread, will upon a sudden cease to drink it because it is taxed with a great tax? Will they not rather set on foot 10,000 schemes to evade the duty? And is there any ingenuity so marvelous as the ingenuity of men who seek to circumvent an unwise law? Lay such a tax and in a few months every creek, every secluded bay, every swamp along the whole coast from Maine to Georgia will be a nest of smugglers. There, in the dark of each moon and in the blackness of each stormy night, hogsheads of the forbidden liquor will be run ashore and buried in the marsh, or hidden in the cellar of some fisherman's hut, to be reshipped to the great seaports of the country. Then will spring up a mode of tax gathering odious to all. On the land, an army of customhouse officers, tide waiters, and gaugers. On the sea, a navy of ships, hailing every schooner, boarding every packet, giving chase to every shallop that comes in sight. And when the money collected with so much pains has been counted, the cost of ships and officers paid, and the books balanced, it will indeed be astonishing if a single shilling remains over in the Treasury.

The same tender regard for the Treasury of the United States, the appetities of the workmen, the possibility of evading the law, the application of smuggling and spying and treachery upon the part of the officers, all advanced from time to time, and every time that the United States has proposed in any way to deal with the liquor question. No new arguments under the sun.

I repeat, there is violation now, there is corruption now, there has always been violation, there will always be corruption whenever a liquor law is advanced and put upon the statute books and undertaken to be enforced. What the liquor interests crave is the right, uncontrolled and unhampered, to prey upon the human race to its full insatiable appetite.

Just a word, Mr. President, before I pass on to the different systems. I wish that violation of law and corruption of officials were confined to the liquor problem. What a fortunate country this would be. I wish, as we survey the situation, that we could feel that only with regard to prohibition or enforcement is there violation or crime. Unfortunately it is not so. What are the violations of the liquor law compared to the corruption—the saturnalia of corruption in this country in 1921, 1922, and 1923 of the highest officials, men most responsible in Government—with corruption permeating out through the entire country; apparently more money involved and more taken in one transaction than these pilfering thieves in the Department of Prohibition would take in a hundred years.

Perhaps this arises to some extent out of a condition that followed the war. Let us hope so. We find it in other countries. We find it remarkably strong in other countries. Let us hope that it is a condition which followed the war.

Yet, when we make that allowance, we must refer to one thing more, that is, unfortunate as it is and humiliating as it is to admit it, the United States has not yet learned the science of enforcing its criminal laws. That is to-day the greatest and most profound domestic problem, in my opinion, in this country, the application and the enforcement of the criminal law, not alone with reference to prohibition—that is but one department—but with reference to the entire scope of human activity undertaken to be covered by the law.

We have had in this country, on an average for the last 15 years, 8,700 murders a year. In 1918 there were 18 murders in the city of London. Fifteen of the murderers were apprehended and punished. In the same year there were 230 murders in the largest city in the United States. I have not the exact figures, but I am informed that only a small percentage were punished.

In the year 1922 there were 17 murders in London. In 1922 in the largest city in the United States there were 260 murders, and in the next largest city there were 137 murders.

In 1921 there were 121 robberies in all England and Wales combined. There were 1,445 robberies in one city in the United States and 2,400 in another.

Underlying this entire question is the fact that the American people must gird themselves for the supreme task in civilization, and the crucial test of a self-governing people; that is, whether or not they can enforce the laws which they themselves write. That is the test of a self-governing people, whether the people can enforce the rules which they lay down for themselves.

We have been so busy in conquering a continent, in clearing the forests and reclaiming the deserts, and getting ourselves ahead in the great struggle for dominancy of our natural wealth that perhaps we have not given to this other problem the consideration which older communities have given to it. But it is here; it confronts us. Let us not be misled by reference to prohibition alone. It is an underlying proposition with which the American people must deal; and just such speeches as that made by the able Senator from Missouri will, although devoted largely to one question, emphasize and call to the attention of the people the fact that they are facing the proposition of preserving the first principles of representative government.

In one sense I am not surprised that there should be this disregard of law throughout the United States. We have a class of individuals—fortunately there are none of them in the Senate, the people are too careful about that—we have a class of individuals in this country, learned gentlemen, who seem to regret that their ancestors ever came to this country, who are engaged constantly in attacking the first principles of free government, and now they would lay down the rule in this country that if an individual does not like the law he has a right to violate it, to disregard it, to join with others and nullify it. They have laid down the rule that, "If I do not like a particular provision of the Constitution I need not appeal to my fellow countrymen to repeal it, but I may violate it and disregard it."

In one of the leading magazines of the United States, an old magazine of high standing, I read an article in which I find this—

He who obeys a law which is wrong contributes by that to the final debacle, the intensity of which is increased because delayed by that obedience.

"The man who obeys a law which he does not think is right." Who determines whether or not it is right? Who determines in this country whether a law is right or wrong, and how is it determined? Do individuals determine that question? Are there 117,000,000 individuals passing 117,000,000 judgments on a provision of the Constitution?

The fathers were too wise for that. They provided that the Constitution could be amended in a certain way, and when it is amended, that is a determination that what is contained in the amendment is right under our form of government, until the people in the same way revise their judgment and determine another course; and a man who teaches that an individual has the right to determine for himself is a traitor to the institutions framed by our fathers and maintained by our forebears. I do not care what his standing may be—lawyer or professor—or for whom he may presume to speak, he is disloyal to American institutions.

If a large number of citizens are convinced that an act compels them to live lives of hypocrisy, cowardice, and servility, they will feel no moral obligation to observe the law. On the contrary, they will develop an esprit and morale in the breaking of it in the name of patriotism.

Are you surprised that the ordinary bootlegger, looking up to those of learning, perhaps able to read the literature of the day, finds that he is pursuing a course marked out by those who assume to speak with authority? Are you surprised that the young men or the young women, inclined, perhaps, to disregard the precedents of their father and mother, find here in the literature of our country a statement that they may go counter to and disregard the laws of the land?

Ah, Mr. President, the able Senator spoke of the moral law. Let us appeal to it here. Let us invoke it here. The highest evidence of morality in a republic or a democracy is to observe the law which the majority have written. There is no morality that can be governed by political principles if that is not true.

Then this author says, in concluding his atrocious article:

The nullification of the fugitive slave law developed men like Abraham Lincoln.

What a miserable slander, what a cowardly implication, telling the young people of this country that Abraham Lincoln built his character and his career upon disregard for the Constitution of the United States.

Lincoln said upon one occasion—I quote from memory—"I hate slavery"—using a word which seldom fell from the sacred lips of the martyr. I never saw it except with reference to slavery.

I hate slavery; but it is in the Constitution of the United States. It is protected by the provisions of the Constitution of the United States. So long as it is, it must be protected. Therefore—

Said he, and I quote, I believe, almost his exact words—

we are in duty bound to preserve that Constitution in letter and in spirit.

When he came to be inaugurated President of the United States out here in front of the Capitol, his last plea before the dread carnage of the Civil War broke, and brother was arrayed against brother, hero against hero—the last plea of the martyred Lincoln was that the northern people respect the Constitution of the United States, give the southern people their fugitive slave law, and enforce it, as the Constitution of the United States obligated them to do. Yet there is circulated here as a part of the literature of the day the statement that the then President of the United States was an advocate of lawlessness, an advocate of the violation of the Constitution of the United States.

Let me read another statement. A lawyer of Connecticut—I understand him to be a member of the Connecticut bar in good standing—has written a book upon constitutional government and the duty of the citizen, particularly around the Volstead Act and the Constitution of the United States, particularly the eighteenth amendment. Let me read from this book, which is being circulated now by an organization which is engaged in trying to convince the people of the United States that the eighteenth amendment can not be enforced. This is what I find in that book:

> The eighteenth amendment is void in so far as it purports to give the United States authority over intrastate business. The decisions of the Supreme Court of the United States which purport to authorize the transfer of police power from the States to the United States under the eighteenth amendment are not binding upon the State or its people.

Mr. President, if I were going to reach out and get a man who ought to have this $10,000 fine and five years' imprisonment applied to him, he is the first gentleman I would hunt for. I would punish, if I could, the man who teaches violence rather than the poor creature who listens to and practices such teachings. I believe in free speech, but I believe when a man preaches a doctrine that is disloyal to his government, he ought to take the responsibility for having abused free speech. He may urge repeal, he may urge change, but defiance to law ought to bring shame if there be no way to punish.

Mr. President, we are not the only people in the world who are struggling with the prohibition question or with the liquor problem. They have it, for instance, now in Italy. Not many Americans agree with Mussolini as to his political philosophy or his methods, but we have to admit that he is getting results. Perhaps the particular environment amid which he works necessitates some methods and some principles with which we would not be in accord.

In surveying the situation in Italy, in trying to rehabilitate and reinvigorate the Italian people and to restore them to something of their ancient prestige, this marvelous man came up against the liquor problem and realized at once and without hesitation that it is one of the things with which Italy had to contend.

Upon a certain occasion in a public address he gave a number of figures and facts as to the deplorable condition in Italy, and stated unmistakably that the problem would have to be dealt with in a drastic way. He referred to the fact that the death rate through alcoholism was excessively high. He further referred to the fact that mortality and insanity and suicides due to the use of liquor were progressing at such a rate that the Italian people could no longer disregard the problem. Then he said:

> From these figures you will perceive that the picture is black and tragic and merits our deep attention.

The first thing he did, which is a more simple process in Italy, was to close 25,000 saloons overnight by an imperial decree, if I may be permitted to use the word "imperial" in connection with Mussolini. He closed 25,000 saloons and gave assurance that that was the first step in ridding his country of this evil which was at war with the moral and economic life of the Italian people.

We are not the only people who are struggling with it. It is a world-wide problem working its devastation and its ruin in all countries, and the problem is, What are we to do with it? In England it is now one of the vital issues or problems. They discovered some time ago that in 1927 the liquor bill of England was $1,506,000,000, and that the profits made out of those who drank it was $120,000,000. England, with 1,500,000 unemployed, with her superhuman burden of taxation, struggling for her economic life, found that she was expending $1,500,000,000 for liquor and paying somebody a profit of $120,000,000.

England has tried in every way to deal with this problem except that of absolute prohibition, which is now being discussed. They undertook in the first place to close the saloons earlier in the day. They found that the saloons or the liquor traffic paid no attention practically to the regulation. They then undertook to reduce the amount of alcoholic content. They found that that did not have the desired effect.

Then they went into a town of considerable size and purchased the entire liquor interests, purchased all the means and methods that they had of supplying it, and undertook to demonstrate in that way what they could do by Government ownership. What was the result? As usual, invariably the liquor traffic began to break down the little experiment in that town alone. They bootlegged liquor in every possible way, and that experiment, of course, has failed to demonstrate, therefore, what Government ownership could do under proper circumstances.

But it is the same old law, the same old rule. It does not make any difference what you do or how you try or how small your efforts may be, wherever the liquor traffic can fasten its fangs upon progress, progress dies.

Let us take one more illustration. Over in Canada they had prohibition in a number of Provinces; I have forgotten just how many. Then along came the moderates, those who said that "man has to have some liquor. Get rid of the bootlegger. Get rid of corruption. Get rid of destroying our young men and our young women. Therefore let us adopt Government control."

The argument in Canada was that by this method they would be rid of those things which my able friend thinks we can be rid of in this country, by going back to State rights. We will examine that in a few moments.

What happened under the Canadian liquor law? Let us go first to the official record. I have referred to this elsewhere. I have been accused of being misinformed. Mr. President, I am not misinformed. I was over in Canada last summer and the summer before. I am not misinformed.

The British Columbia Liquor Board reports:

> Since the opening of the beer parlors the sale of "hard liquors" has increased 50 per cent. As much liquor is sold by bootleggers as is sold in the Government stores.

That is the way Canada got rid of the bootlegger. It does not make any difference, I repeat, what we do; the lawbreaker is there.

The Quebec Liquor Commission said:

> Sale of hard spirits increased 32,275 gallons in one year. Drunkenness among women has increased 53 per cent.

These are official reports and not denied, except outside of Canada. The Saskatchewan Liquor Board said:

> The sale of hard liquor increased 33 per cent in the last two years. Bootlegging increased in this Province 111 per cent in the first year.

The Alberta Liquor Board said that 60,000 permits were issued the first year; two years later, 144,000 permits. The greatest problem is moonshine bootlegging. Four million gallons of liquor were sold in the second year without control.

During the first four months of Government control the Ontario board said that 220,440 permits were issued and people were buying liquor at the rate of $1,000,000 a week.

Mr. President, let us turn to a different source than the official record, and that is to the representatives of the church. I am not going to take members of some organization which has for its particular purposes the advocacy of prohibition or the liquor law, but call upon those who are interested from the standpoint of Christian ministers. Father Lavergne, speaking of government ownership in his paper said:

> With due respect to those at the head of our Government I must say that since they have become the advocates of beer and booze and have set the seal of the Government approval upon drinking, they have almost annihilated the work of the church through years of preaching temperance and sobriety.

An effort at true temperance!

Cardinal Begin said:

> You know what a vigorous battle we have fought for the virtue of temperance in our diocese, our beloved coadjutor and the group of ecclesiastical and lay apostles who have aided him in his efforts. After about 15 years' work they had almost conquered the enemy, and we were overjoyed in foreseeing the end of the destruction caused by the excesses of alcohol. But alas, there is now spreading everywhere the intolerable abuse which we denounce, and in particular the surreptitious fabrication of an alcohol more harmful than any other to the health of the body and the soul.

Let us turn to the newspapers. They are a source of information. The Vancouver Sun said:

> The people decided on a policy of restricting alcoholic consumption to the lowest possible degree. The government has made this piling up

of revenue the chief purpose of the act. Moderation does not moderate. Government control does not control. The British Columbia liquor system has actually failed.

Sir Hugh Macdonald, son of the famous John A. Macdonald, said:

There is just as much unlawful drinking under the government control act as there ever was under prohibition. The present law was in the very nature of things difficult of enforcement. It was far less difficult to secure convictions under prohibition than under government control.

The World, published at Vancouver, said:

Rum runners, gunmen, thugs, and all the parasites which thrive on the miasma of the underworld of the Pacific coast are fostered by the policy now in force. Calculations show that bootleggers in this Province handle as much liquor as the government stores.

Hon. H. H. Stevens, a public official, said:

Never in the history of this country was bootlegging comparable in magnitude and murderous results to what it is to-day.

Now, Mr. President, let us take a description of the liquor depot in Canada.

The Montreal warehouse of the Quebec Liquor Commission contains 9 acres of floor space and is full of vats, tuns, and hogsheads of alcoholic drinks from its topmost floor to the cold basement underground, where wines are kept. Two large rooms of this building are used for storing the seized wet goods and stills that are constantly being taken from Montreal bootleggers, smugglers, and proprietors of blind pigs.

There is not a problem involved in the situation in the United States that is not involved under the system of government control of liquor in Canada. They have the same bootlegger to contend with, the blind pig, the poisoning of liquor, and all the corrupting influences that we have in the United States.

Let me quote from another source. In the Montreal Star I find the following headlines:

Innocent girls lured into dens.

And again:

Dens of iniquity flourishing here must go.

These are places, so the report shows, where liquor is sold either legally or illegally.

Attorney General Craig recently said:

Seventy-five per cent of the troubles of law enforcement are now due to the illicit sale of beer and most of that is due to the brewers that furnish the supplies and abuse the privileges granted to them under the government liquor control act.

Rev. Father Coyle, of St. Mary's Cathedral at Kingston is quoted as saying:

It is appalling the extent to which drinking is indulged in by young men, even boys of 'teen age. The drinking habit has reached an unbelievable stage.

There is no end to the story. They are having the same fight under government control that we are having under prohibition, and that is, to restrain those who never propose to be restrained by any law.

I said in the beginning that this is not a fight of 10 days or 10 years. Neither, in my judgment, are the evils which accompany our effort peculiar to the method which we have employed. It does not make any difference how we shall undertake to deal with it—we shall have the same evils to contend with.

The Senator from Missouri, with his usual candor, said that he was in favor of going back to State rights; that he was in favor of giving this question over to the control of the States. Of course, Mr. President, that means the saloon. I do not believe the Senator from Missouri believes in the saloon; I do not believe anybody any longer believes in the saloon.

Let me digress long enough to say that while we have for many years been disposed to jeer at the temperance reformers, at those who are advocating prohibition, I think they have accomplished one thing: They have gotten rid of the saloon. I do not think anyone wants to go back to the saloon. That is one monument to those who were spoken of so long as cranks, as fanatics. They have convinced the American people that the saloon is intolerable; that it is a cancer upon the body politic; that it can not be tolerated; and no one, I presume, wants to go back to it. However, Mr. President, would the temperance reformers have ever closed the saloon by moral suasion? Good as they were, and noble as were their purposes, effective as they were in their appeal for needed reform, how long would it have taken the temperance reformer to have closed one saloon by moral suasion, by appeal to the moral law?

We had to invoke the law somewhere in order to incorporate and crystallize the effect of the work of these people for 75 years. The moral influence and the moral suasion and the preaching had their place, and let them never be abandoned; but there must be something more, and that is the law and the authority of the Government back of the law. That finally resulted in the destruction of the saloon, and, in my opinion, if we go back to the States we shall inevitably go back to the saloon in some of the States; when we go back to the saloon in some of the States the result will be that we will go in all the States.

Mr. President, I live in a State which was bone dry according to law before the eighteenth amendment was adopted, but there was no way by which the people of Idaho could protect themselves from those States which were not dry. The people who are now urging their belief in State rights—I am not speaking now of individuals, but of the liquor interests—in no sense respected the right of Idaho to be dry. They shipped their wet goods into the State over the border, established their saloons within 5 feet of the border, and supplied the State in a way that the State was powerless to prevent. State rights was then not so sacred in the eyes of the liquor interests as it is to-day.

It is true that the able Senator from Missouri secured the adoption here of an amendment to a bill which provided that when liquor was shipped into a State it became subject to the control of the laws of the State. By a majority of the Supreme Court that provision of the law was upheld, but the court also held that while one could not ship liquor into the State there was no power to prevent one from shipping it across the State, and we discovered that when the liquor started it never got across. It was impossible to enforce the law with all the States whose people were engaged in the liquor business undertaking to break it down.

Suppose we should let it go back to the States, and suppose the State of Missouri adopted the old system, how should we protect the border States? We should have to have spies; we should have to have policemen; we should have to have the militia to protect the four borders of the States if we expected the law not to be violated by those who intended to have liquor cross the State line. There is no more reason to believe that they will respect the borders of the State of Idaho than that they will respect the Constitution of the United States.

Mr. President, do what we will and try as we may, we have these evils to contend with. They are a part of any effort to undertake to control or deal with the liquor problem, and I had rather undertake to deal with it by the Government of the United States having to protect only the borders of the United States than having 48 States undertake to control four times 48 boundary lines.

The Senator from Missouri referred to the awful condition with reference to the use of narcotics. He is quite right; it is one of the most alarming situations with which we have to deal; but has not the man who wants a narcotic the right to have it? If we have no right to deny a man the right to have liquor, what right have we to deny him the right to take narcotics? One may be more dangerous than the other, but the question of individual liberty, of individual right, to my mind, is precisely the same. But we do deny it, and we deny it upon the theory that when an individual indulges in a practice which is harmful to the community or to those who are dependent upon him, it becomes a subject for the consideration of the public, and the public has the right to determine what the rule shall be.

I noticed the other day that the Prince of Wales, almost on the point of becoming the ruler of his Kingdom, though fortunately the exigency passed, concluded to go out and visit the poor of England. He was astounded at the condition which he found among his people; he was moved to pathos when he found 11 and 12 people, men, women, and children, boys and girls, huddled in one common room, sleeping together like so many swine, with all the finer things of life driven out. It shocked the Prince. I read in a newspaper that while he was on his visit there came home a father with 17 cents in his pocket. When asked where the other part of the 50 cents was which he had earned for the day, he stated that he had left it at the grog shop. Do you tell me, Mr. President, that Government has no duty and no power to protect the hungry children who were waiting for the 50 cents to supply the food for which their pallid lips were pleading? In a republic whatever the community determines is essential to the public welfare binds you and binds me during that time. If we do not believe in that rule, we do not believe in a democracy.

The Senator from Missouri was of the opinion that the use of narcotics had increased since prohibition. I can not dispute that; I have not examined the figures. I only know that in England, where there is no control of the liquor traffic, the use of narcotics is sweeping forward the same as it is in this

country. I only know that Canada has the same problem to deal with. I rather suspect that if the Senator will take into consideration population, the population of the United States of 120,000,000 and the population of England and the population of Canada, he will find that the increase in the use of narcotics in those countries has kept pace with that in the United States. At any rate, it is going forward in those countries at such a rapid pace that it is alarming to all the people who take concern of the public welfare.

What shall we do about the liquor traffic? Possibly we can not prevent it entirely; possibly we can not ever prevent the use of alcoholic drinks altogether, but shall we continue the effort or shall we surrender in the fight? So far as I am concerned, Mr. President, so long as it is written in the Constitution of the United States that the sale of intoxicating liquors is injurious to the public welfare, and that declaration embodies the policy of the people, I propose in every way that is reasonable and fair to undertake to maintain that Constitution. Let us all combine in that effort. The Senator from Missouri will never see the day, I will never see the day when the eighteenth amendment is out of the Constitution of the United States. In the meantime, using our influence, our moral leadership, and our public office as Senators and citizens, let us see to it that it is enforced in so far as it is possible for human ingenuity to enforce it. Let us maintain it and support it with the fervor and the devotion that we would support and maintain the sacred principles upon which all free governments rest.

Mr. HEFLIN. Mr. President, the Senate has listened to perhaps the ablest presentation of the side opposed to prohibition that it has listened to in a long time; and it has listened to perhaps the ablest speech, or one of the ablest, that has been delivered in this body presenting the side of the prohibition forces.

I am astounded at the position taken by some upon this question in the face of the recent election. This issue was plainly presented. The whisky forces and rum-running element were completely routed. The people had a fine opportunity to decide just what they would do. There was a candidate running who proposed to sustain the Constitution, and there was one running who intended to repeal the eighteenth amendment if he could, and who had already stricken down the law-enforcement agencies of New York State. That State had a law that supported the eighteenth amendment, and Governor Smith had it repealed. The issue was clearly cut and presented in this country last November.

What a great evangelist the Senator from Missouri [Mr. REED]—one of the ablest Senators who has been in this body in a long time—would have made. When he was describing how they used to go and single out the boy who was given to strong drink and pray over him and get him to take the pledge, how he reminded me of a great evangelist. But before he had gone very far the Senator said, "We have abandoned the Bible in this fight." That can not be true, Mr. President, because the Bible says:

> Wine is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise.

The Bible also says:

> No drunkard shall inherit the kingdom of God.

So the people of the United States, in putting the eighteenth amendment in the Constitution, are following out the teachings of the Bible.

Mr. President, I recall the days of the barroom. I recall when the barroom element was in power politically. I recall when no man running for local office or high office of any kind could be elected without a tremendous struggle unless he had the support of the barroom element. I wonder if the Senator from Missouri and those who sympathize with him would like to go back and lodge political power in the hands of that element that controlled elections in the days gone by rather than to have this power lodged in the moral forces of the country, led by Christian ministers and by Christian men and women, fathers and mothers, who would protect their children from the ruin that the barrooms wrought?

The Senator tells us about mothers giving their daughters whisky, supplying them with whisky to take to parties. I must say, Mr. President, that the Senator's experience is different from mine. I do not know a single mother in Alabama who would arm her daughter with a flask of whisky when she is going to a party. I do not know a mother in my State who would give her whisky to drink unless it was used as medicine. There may be some mothers in this country who will do that, but, if so, they are very, very few.

Who can take the position that a man, if he wants whisky, is entitled to drink it to his heart's content? No longer than six weeks ago in this city a man who had been drinking for two weeks locked the door of his home and killed his fine wife and children and then blew out his own brains. Did he have a right to do the thing that got him into that condition? Did he have a right to take whisky and drink it because he wanted to satisfy his thirst until he became crazed, so that he would murder his own companion and the mother of his children and then kill himself? That is personal liberty with a vengeance.

Mr. President, I recall an incident that Sam Jones used to tell about in the old barroom days. A man had rented some rooms above a barroom. He had a wife and two children, a boy of 17 and a daughter of 19. He went back home and told his wife that he had rented these rooms above the barroom. She looked at him and said, "John, have you lost your mind?"

He said, "No. I am going to have the pool room in connection with the barroom, and I will make a bushel of money." She said, "John, would you take me into a place like that to live above a barroom and a pool room?" He said, "Well, what of it?" "Would you take our daughter Mary, a 19-year-old girl, and our son John, and put us up there to live over that barroom that you might make money out of a pool room, that you might catch the drunks who had come in there to spend their money in riotous living and get part of it by their indulgences in the pool room? You surely have forgotten that when you married me you promised to love, cherish, and protect me; and now you want to take me and our son and daughter into a place like that! John, I am astounded!"

He said, "I have made the deal, and you are going." She said, "I am not going. I would not take my daughter into such a dive as that, and I would not take our boy. I will not do it." He said, "But you will; and I am making arrangements to move to-day." He went off, and when he came back she was gone. He thought he knew where she was. He went down and found her at her father's home with her daughter and her son. He told the old man that he had come after his wife and children. The father said, "But she does not want to go. The children do not want to go. You ought not to want her to go, and I am not going to let her go. She can have a home here with me." He said, "Then that ends the matter; I will go myself"; and he went; and in about six weeks they brought the news to her one night that he was killed in a drunken row in the barroom right under the place where he had provided for her and her son and daughter to live.

Mr. President, I have witnessed the evil effects of the barroom in my State. I told the Senate one day about the conditions in Birmingham—how the laboring men used to come in on Saturday night with their pay checks in their pockets, and how the barrooms got them, and how they got in the lockups, and how their wives and children waited and watched all night for father and husband to return with something to buy food for them. I told you about a parade in the city of Birmingham, where the wives and children of the laboring men paraded in a drive against the barrooms of that city, and how the people voted out the barroom, and how since that time stores have been built where the barrooms stood, and these men are providing well for their families. They are sober men; their wives and children are happy; they are owning their homes; they are educating their children. These are some of the fruits of prohibition. But we have a foreign element in this country, and more of it coming and being smuggled in every year, violating our law, mocking our statutes, and defying our courts; and they have determined to repeal the eighteenth amendment. The question is, Will the American idea prevail or will this European idea be set up in its stead?

Oh, it is a glorious thing for them to talk about returning to the "good old days." I remember a story I read about a great parade. The wholesale whisky dealers were up in front, driving six big iron-gray horses. The dealers had on their stovepipe hats and diamonds were flashing in their bosoms, and the horses were prancing down the street as their banners were flying. Following after them were the retail liquor dealers, the barroom men, driving four horses to each vehicle; and those men had their banners flying, and their high hats on, and back of them were a few on horseback—the whisky drummers—and they were prosperous-looking fellows. Then back of them were a miserable, motley herd, woe-begone, ill-kept human beings, called the consumers, without God and without hope in the world. And such as they were the products of the barroom in every community in those so-called "good old barroom days."

Go into the towns where the barrooms flourished and find what happened there. The barroom man owned more dwellings in that town than anybody else in it. How did he come to own them? The men who had fed their substance into these hell holes had spent their money and mortgaged their homes, and

the barroom man had gotten them; and then where was the wife, that bright, vivacious, charming girl who, in his better and brighter days, stood beside the man at the altar place when he promised her in the presence of God that he would love, cherish, and protect her? Where were the children with whom God had blessed their home? Gone—they all were gone. And out yonder under a little mound of earth in the cemetery the head of the family slept in a drunkard's grave; and she and her children struggling along as best they could, living on the charity of the community. This is the fruit of the damnable barroom business that some would have brought back to our country.

I do not know but that this is part of a well-laid plan and program to start a new drive for control of the Government in 1932. I think it is. I think we will have to meet these bold and brazen liquor forces again in 1932. They are not going to give up. They are making their millions. Of course no law can be enforced entirely. I have never admitted, Mr. President—and I do not admit now—that prohibition law enforcement is a farce. It is not. The law is fairly well enforced in my State. Of course it is not absolutely enforced. That is almost impossible anywhere.

We all know that it is difficult to strictly enforce any law. We do not enforce to the letter any law that is on the statute books, not one. They are being violated all the time. But because they are violated by a few people who set themselves up as persons who defy the law, that is no reason why the law should be repealed. We are not going back to the old barroom days. The American people are determined upon that question.

It is said that we deprive people of their drink. This Federal law does not deprive a man of whisky except for beverage purposes. The eighteenth amendment does not prevent one from getting a doctor's prescription. Liquor can be used as medicine. People can obtain it now where the States permit it. But they say because a few fellows go out and insist on guzzling up this "blind-tiger" stuff, fermented juice of some kind, the law must be repealed.

What is the difference? If a man wants to go to hell in a hurry, we may not be able to keep him from doing it. But we can at least remove the temptation from him. In my State I know men who used to drink whisky and thought they had to have it, and when the barrooms were put out they quit drinking it, and they have not touched it to this day. They said they were astounded that they could get along so well without it. They did not think they could and they were glad the barrooms were put out of their way.

So there are those who do like the prohibition law. As a result of it hundreds of thousands of boys are growing to manhood who never touch a drop. Hundreds of thousands of girls are growing to womanhood who never touch a drop. Unfortunately there are some who do; but the difference in that phase of the problem is this: In the old days, when they drank it and it destroyed them, they said, "You are responsible, because you licensed it. You permitted it to exist." Now if they destroy themselves they must say, "I am violating the law to do this hurtful thing and the thorns that I reap are of the tree that I have planted. They have torn me, and I bleed. I did it myself."

O Mr. President, the Senator from Missouri told us about how many distilleries were operating. A good many of them are no doubt operating, and they will be operating perhaps as long as time lasts; as long as some fellow yearns for fermented juice in his "innards" there will be somebody to make it.

Oh, yes; there was an old negro in my State who was being tried for running a still. The judge said, "Come around." Old Uncle Joshua walked around. The judge said, "What is your name?" He said, "My name is Joshua." "Ah," said the judge, "you are the man that made the sun stand still." The old negro said, "No, sah; I am the man that made the moonshine." [Laughter.]

They are doing that. Of course they will make the moonshine. They will resort to all sorts of things to get liquor, and some of them have been right smooth in their tactics. When whisky went out of New Orleans, one of the smoothest schemes I ever heard about was that of a bright Mississippian who went to New Orleans and got a truck load of liquor. He started back to Mississippi. The officers of the law were on the lookout for those who were transporting whisky into the State, so just before the truck got to the Mississippi line the men guarding it put a negro boy they had with them in handcuffs, they just handcuffed him; and one of them drove the truck and the other sat up by the negro with a pistol in his hand. When they drove up into the first town with all that load of liquor there were the officers of the law. They said, "Hello! What's this?" They said, "We've got him all right. We are taking him in." The negro said, "I ain't done nothing." One of them said, "Well, you can tell that to the judge," and the officers let them pass on. When they got to where they were going they slipped the handcuffs off the negro boy and he helped put the whisky in the cellar, and these gentlemen went their way. They did that but once. The officers got on to it, and they caught the others who tried to do it.

Of course, there are ways of evading the law, and many of those opposed to it will get around the law. But conditions have improved vastly amongst the masses of the people all over this Nation. There are places where violation is very open and notorious. We probably will never be able to enforce the law there as it should be enforced.

Go follow the trail of this serpent. Back in the old days when the barrooms were in vogue, any man who decried the barroom traffic, who threatened to put it down, was marked by the barroom men for political slaughter. They went after him. That is not all. They controlled the police force, or a large portion of it, in every town where they existed. And that is not all. A policeman would not go into a barroom and interfere unless they sent for him. That shows what complete control they had in politics. A man could not be elected mayor of a town in many places unless the barroom interests were back of him.

What happened? Men and women fell down on their knees at night and prayed to God to give them strength to drive this evil out which was dragging to ruin their sons and the men who had married their daughters. God answered their prayers, and they drove this evil out. The people of the Union drove it out, and every now and then this rum-running interest springs up and demands a repeal of the eighteenth amendment and a repeal of the Volstead Act.

I say, as the Senator from Idaho said, that I do not know what is the best solution of this problem. I know that the situation has improved under the present plan; I do not care who says to the contrary. It has blessed people who needed to be blessed by it. The people who had their substance taken from them, and fed into these hell holes, the barrooms, are now getting that substance in their homes, and it is spreading itself out in fine, robust children, and in happy homes, and in peaceful, prosperous communities.

A sober people we have. Now the question is, Are we going to abandon a great moral position that has blessed and will continue to bless 115,000,000 people out of a hundred and twenty million people because about five million want it repealed?

Mr. President, I for one am not in favor of yielding to that sort of argument. I wish all of you could have heard a sermon that Billy Sunday preached about a man who passed up the road in his wagon. He was hauling logs. Billy said to him, "What are you doing there?" He said, "I am hauling logs to the sawmill." He said, "Good for you. That is fine. You are going to saw those logs into planks and scantlings, you are going to use those planks and scantlings to build homes for the people. Good for you. Pass on."

Another man came along who was hauling brick. He said, "What are you going to do with those brick?" He answered, "Build chimneys in the homes to be built with that lumber." Billy said, "Fine for you."

Another one was coming along hauling shingles. He said, "What are you going to do with those shingles?" He said, "Cover the homes of the people where the children of the Republic are to be reared." "Good for you."

Another one came along hauling hops and stuff to be made into liquor. He said, "What are you doing?" He said, "I am taking this over to a still where I am going to have it made into whisky." Then Billy Sunday said, "You miserable wretch. You are preparing to make the stuff that will destroy the happiness of the homes of this community. Pray God to forgive you and go feed it to the swine."

Mr. President, the Senator from Missouri has given a long array of figures here. He told about what had been done, what could be done, how whisky could be made, and I saw several old fellows up in the gallery whose mouths were watering when he was telling about how you could take a little bran and a little fermented stuff of various kinds and a kettle and make whisky. One old fellow back there in the gallery was listening with his pencil and book in hand, and another one tried to talk to him, and he said, "Do not talk to me; I want to get that recipe." [Laughter.]

Mr. President, we can not afford to legislate to satisfy the thirst of anybody. I thought, as the Senator from Missouri was describing that situation, of an old man in my State who went out to hear a prohibition sermon. He heard it, but he did not know he was going to hear it. The preacher happened to be preaching a prohibition sermon that day. Prohibition had just

gone into effect a little while before. The preacher took this text:

A dryness descended upon the earth and abode there.

He repeated it:

A dryness descended upon the earth and abode there.

Two or three old fellows groaned mournfully. Then the preacher said, "I recall, my brethren, when you used to be able to get it at the crossroads; you could get it in the villages and towns, and get it in the cities. I remember when they used to go by in droves after the vile stuff. They used to bring it back in jugs and kegs and bottles. I have known them," he said, "to get their neighbors up after midnight to swig that evil stuff. Wicked days of the liquor traffic. But those days have gone. There is dryness at the crossroads. There is dryness in the villages and towns and dryness in the cities." He said, "Oh, my brethren, what would you do in this blessed day of prohibition if some vile wretch should intrude himself in upon your veranda after midnight and knock on your door and you say, 'Who comes there?' and he should say, 'A friend with a bottle.' What would you say to the vile wretch now?" Old Uncle Johnnie sat back there until his mouth was watering and said, "By golly, I would tell him to advance with the cork out." [Laughter.] That is the way the Senator from Missouri had these old fellows sitting in the galleries feeling. They were ready for them to advance with the cork out.

Mr. President, it is better for our country to teach the boys who are coming on, who are to be the men who will control this country after a while, to be sober, to hate that stuff, to be afraid to drink moonshine whisky, to refuse to patronize the blind tiger and the bootlegger, preaching a crusade against it, rather than stand in the Senate and appeal to people who represent the moral forces of America to go back and surrender because a foreign element creeping into our country and undermining it as far as they can want rum sold again and the old barroom system restored. We are not going to do it. We are going to protect the homes of America, protect the young men and the young women of our country, remove from them every temptation we possibly can. That is the duty of the Senate, and that is the duty of American citizens to-day.

The PRESIDING OFFICER (Mr. McNARY in the chair). Under the unanimous-consent agreement after this hour, the hour of 4 o'clock, debate upon the bill is limited to 10 minutes, and debate is limited to 10 minutes upon any amendment proposed thereto.

Mr. JOHNSON. Mr. President, may I ask what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the senior Senator from California [Mr. JOHNSON] to the first committee amendment.

Mr. JOHNSON. I thought that was so. I desire to withdraw the amendment. It is not proposed to be inserted at the appropriate place in the bill if it should be inserted at all.

The PRESIDING OFFICER. If there is no objection, the amendment will be withdrawn. The question now is on agreeing to the first committee amendment.

Mr. SHEPPARD. Mr. President, in the course of this debate prohibition has been pronounced a crime. Let us observe the practical effect of this so-called crime upon the United States. Roger W. Babson, one of the country's most prominent statisticians, one of its foremost students of economic affairs, says in a recent review of conditions in this Nation, a review which appeared in the Washington Post of December 30, 1928, that prohibition saves our country $2,000,000,000 a year; that the great growth of business coming through the installment plan and other innovations has largely been caused by the improved credit of wage earners due to prohibition; that our people are unquestionably living longer and possessing better health because of it; that juvenile delinquency has decreased; that drug addiction is less; that real estate values have increased; that saving-banks deposits are greater in number; that insurance policies have multiplied; that these are only a few of the benefits of prohibition which impress themselves on the economist and student of business conditions. Another economic authority, Dr. Irving Fisher, has estimated the saving to the country through prohibition to be six billions a year.

Mr. President, when national prohibition came in 1920 there were about 10,000,000 savings accounts in the United States. Now there are a little more than 53,000,000.

When national prohibition came in 1920 the amount of savings in the banks was a little more than eleven and a half billion dollars. Now it is almost twenty-eight and a half billion.

In 1917, the last unrestricted wet year, a little more than $213,000,000 in life insurance was issued.

Now the amount of new life insurance is more than seven times that much every month.

The total resources of building and loan associations in 1917 amounted to a little more than one and three-quarters of a billion dollars. Now they are in excess of seven billion.

If drinking were as universal as has been pictured in this debate and the earnings of the masses were being diverted as extensively as has been claimed this vast economic improvement would be impossible.

Let us examine the contention that enforcement is ineffective.

In the early years of national prohibition large amounts of whisky were obtained from Government warehouses by thefts, forged permits, and permits secured through various forms of fraud. This condition has virtually ceased.

In the first year of national prohibition probably 9,000,000 gallons of intoxicating liquor were withdrawn on account of the misuse of prescriptions. This amount has been reduced to a small portion of the total mentioned.

Proprietary medicines easily drinkable, alcoholic tonics, and other preparations, intended to serve as substitutes for intoxicating liquors prohibited by law, have been practically eliminated by a compulsory change of formulas or by refusal of permits for the alcohol necessary in the formation of these substitutes.

Large volumes of liquor were once diverted from shipments from British possessions through the United States to fictitious consignees. This has been stopped by a Supreme Court decision that such shipments could not be made.

Smuggling of liquor from nations across the seas has largely ceased. Vessels composing the ill-famed rum row have been dispersed and rum row is a thing of the past.

By virtue of new treaties with foreign nations our officers now have power to search suspected foreign vessels an hour's travel from our coasts. With this extended authority and an increased personnel the rum runners have been scattered and defeated. Their operations are more difficult, perilous, and on a smaller scale now than ever.

Smuggling across our northern and southern boundaries has been reduced through treaties with Canada and Mexico.

When warehouse supplies in this country and from other countries became unavailable, so far as the bulk of the illicit traffic was concerned, the bootleggers turned to industrial alcohol.

At one time they succeeded in securing 6,000,000 gallons in a single year—enough to make about 200,000,000 half pints of bootleg whisky. The Government chemists worked out new formulas for denaturants, making it far more difficult to redistill industrial alcohol into whisky. The control of industrial alcohol was transferred from the Internal Revenue Bureau to prohibition officials, who had better facilities for the investigation of applicants for alcohol permits. As a result the diversion of industrial alcohol into bootleg channels has been substantially lessened, and better results are steadily being secured by our enforcement officers.

It is true that the number of captured stills seems huge. But an outfit is called a still whether it produces 1 gallon, 5 gallons, 10 gallons, or a thousand gallons. I doubt whether the total annual output of these captured stills would equal the regular product of any one of a number of the larger distilleries operating before national prohibition went into effect.

The illicit stills of to-day are as a rule of small size, and are hidden in attics, cellars, caves, and woods. Many, probably most, of those seized either had not gotten into operation or had been in operation but a short while.

Recently I placed in the RECORD a statement showing that our enforcement officials are making creditable records, handicapped as they are by inadequate penalties for the larger offenses and offenders.

The Senator from Missouri [Mr. REED] complained in one breath of the number of arrests and convictions and of the number of people who have been placed in jails and penitentiaries under the prohibition laws and in another asserted that prohibition was not being enforced. He tells us at one time that intoxicating liquor is practically everywhere obtainable, and then states that on account of the shortage in supply of such liquor the consumption of narcotics is rapidly increasing. These statements can not be harmonized.

Evidently, Mr. President, when more stringent penalties are added and larger appropriations are accorded for the various phases of enforcement prohibition laws will make greater progress than ever before toward complete and satisfactory administration.

The American people will not permit a lawless minority or a piratical traffic permanently to defy the Consititution and to evade the law.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to

the amendment of the Senate to the bill (H. R. 9737) for the relief of Herman C. Davis.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes.

The message further announced that the House insisted upon the amendments of the House to the bill (S. 710) conferring jurisdiction of the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. EVANS of Montana were appointed managers on the part of the House at the further conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9061) to equalize the rank of officers in positions of great responsibility in the Army and Navy.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley;

S. 2821. An act for the relief of Capt. Will H. Gordon;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska;

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes; and

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama.

QUARTERING OF TROOPS FOR THE INAUGURATION

The joint resolution (H. J. Res. 418) to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies was read twice by its title.

Mr. McNARY. I ask unanimous consent for the present consideration of the joint resolution.

Mr. BRUCE. I should like to know what time its consideration will take.

Mr. McNARY. It will not lead to debate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized to allocate such space in any public building under his care and supervision as he deems necessary for the purpose of quartering troops participating in the inaugural ceremonies to be held on March 4, 1929, but such use shall not continue after March 6, 1929. Authority granted by this resolution may be exercised notwithstanding the provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, approved April 28, 1902, prohibiting the use of public buildings in connection with inaugural ceremonies.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS AT THE BEAL NURSERY, EAST TAWAS, MICH.

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment strike out "$25,000" and insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

CHAS. L. MCNARY,
E. D. SMITH,
Managers on the part of the Senate.
G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

The report was agreed to.

ENTRY OF CERTAIN ALIENS INTO THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JOHNSON, Mr. KEYES, Mr. REED of Pennsylvania, Mr. BLEASE, and Mr. KING conferees on the part of the Senate.

ARTHUR WALDENMEYER

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2439) to amend the military record of Arthur Waldenmeyer, which was, to amend the title so as to read "An act for the relief of Arthur Waldenmeyer."

Mr. SHORTRIDGE. I move that the Senate agree to the amendment suggested by the House.

The motion was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I submit a conference report on the Department of the Interior appropriation bill. It is not a complete agreement and merely proposes that the two amendments agreed to by the conferees be agreed to. The other amendment will remain in conference. The Senator from Montana [Mr. WALSH] is deeply interested in the items we have agreed upon.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 40.

The committee of conference have not agreed on amendment numbered 39.

REED SMOOT,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.
LOUIS C. CRAMTON,
EDWARD T. TAYLOR,
Managers on the part of the House.

The report was agreed to.

OHIO RIVER BRIDGES

Mr. BARKLEY. I ask unanimous consent for the present consideration of the bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or

near Carrollton, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BARKLEY. On page 2, line 10, after the word "charges," I move to strike out the comma and the words "but within a period of not to exceed 20 years from the completion thereof."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARKLEY. I also ask unanimous consent for the immediate consideration of the bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at Augusta, Ky., authorized to be built by J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, by the act of Congress approved April 20, 1928, are hereby extended one and three years, respectively, from April 20, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPOINTMENTS TO FEDERAL OFFICES

Mr. GEORGE submitted a resolution (S. Res. 330), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the authority conferred upon the Committee on Post Offices and Post Roads, or a subcommittee thereof to be appointed by the chairman, pursuant to Resolution No. 193, agreed to the 19th day of May, 1928, is hereby extended to the investigation of the circumstances surrounding the choice of any person appointed to Federal office if the committee or subcommittee deems such investigation advisable.

ALLEGHENY RIVER BRIDGE AT KITTANNING, PA.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RENT FOR UNITED STATES HOSPITAL AT MUSKOGEE, OKLA.

Mr. THOMAS of Oklahoma. By direction of the Committee on Finance I report back favorably without amendment the bill (H. R. 13199) authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90, at Muskogee, Okla., and I submit a report (No. 1820) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Oklahoma the sum of $4,955.36, out of any money appropriated for rent, maintenance, or support of hospitals, the same being in full settlement for rent of United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., from February 11, 1925, to April 30, 1925, being the date of passing of title to the Government of the United States for said hospital.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

The PRESIDENT pro tempore. The question recurs on the amendment proposed to the bill by the Committee on the Judiciary.

Mr. GEORGE. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] whether or not the bill proposes to abolish the punishment prescribed in the original act for first and second offenses? It seems to me, I may say to the Senator, that the bill is confusing as it stands.

Mr. JONES. Does the Senator also refer to section 2?

Mr. GEORGE. Yes. I see that section 2 merely provides that—

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

Mr. JONES. That is a committee amendment, and I ask the Senator from Oregon [Mr. STEIWER] to explain it to the Senator from Georgia.

Mr. GEORGE. The national prohibition act provides, for instance, the penalty for a first offense. It reads:

Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000 or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.

This bill simply provides:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, * * * the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

That is the maximum penalty, of course. Then section 2 provides:

SEC. 2. This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

The minimum penalty is undoubtedly fixed for the first offense, but this language possibly might be construed to refer also to the minimum penalty for the second offense. That is not strictly a minimum penalty, because the minimum penalty is the penalty for the first offense. Therefore the courts would have great difficulty in construing this proposed act if it should pass as it stands.

Mr. STEIWER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. GEORGE. I yield, because I am trying to find out what the bill means.

The PRESIDENT pro tempore. None the less, the Senator from Georgia was recognized under the unanimous-consent agreement.

Mr. GEORGE. For 10 minutes?

The PRESIDENT pro tempore. For 10 minutes on the amendment and 10 minutes on the bill.

Mr. GEORGE. If the Chair will be so kind as to call my attention to the expiration of my first 10 minutes, I shall yield to the Senator from Oregon.

The PRESIDENT pro tempore. The Chair will do so.

Mr. STEIWER. Mr. President, I am slightly embarrassed because there was some confusion in the Chamber when the Senator from Georgia first began speaking, and I did not hear all that he said. I understand, however, that he was inquiring as to the purpose of the committee amendment to be found in section 2 on page 2 of the bill. That section provides:

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

Mr. GEORGE. My question, Mr. President, I will state again for the benefit of the Senator from Oregon, is, Would not this proposed act repeal the penalty prescribed for a second offense?

Mr. STEIWER. I think if this bill should become a law it would repeal the additional penalties for the second offense, unless some saving language were incorporated in its provisions. The phrase "minimum penalty" might have been unwisely employed, but the committee meant by "minimum penalty" the minimum penalty provided in the case of subsequent offenses. It was thought by some that whatever the maximum penalty might be, in case of subsequent convictions there would be some value in preserving the present minimum penalties which are provided in the law.

I know of no authority that would justify the Senator from Georgia in the conclusion that the minimum penalty would be construed as meaning the penalty for a first offense merely because that penalty is less than that prescribed for a second offense. The minimum penalty in those cases where a range of penalties is provided is the penalty below which a judge can not go. It was upon that theory at least that the committee added the proposed amendment to section 2. Does that answer the question of the Senator from Georgia?

Mr. GEORGE. I desire to ask the Senator if his idea is that the penalties for first and second offenses are preserved in this bill? I understand that to be the case.

Mr. STEIWER. Yes; so far as the imposition of the minimum penalty is concerned; otherwise not.

Mr. GEORGE. Mr. President, I merely wish to say that it seems to me the courts can not give this act any other construction than that the distinction between first and second offenses is wiped out; that the minimum penalty is the penalty fixed for the first offense, and that the penalties may go up as high as $10,000 fine or imprisonment for as long as five years, or both, in the discretion of the court. The court would not be able to enforce the punishment prescribed in the original act for the second offense. Of course, the court would have the power to fix the penalty anywhere between the minimum and the maximum provided by law, as amended, for any offender, but I think this bill would wipe out the penalty for the second offense. If it is the purpose to retain that distinction in the law it seems to me that section 2 ought to be amended so as to provide:

This act shall not repeal nor eliminate the minimum penalty now provided by said national prohibition act, nor effect or change the minimum penalty for second offenses.

Mr. NORRIS. Mr. President, I should like to have the Senator speak a little louder. We could not hear his last remark.

Mr. GEORGE. I was suggesting to the Senator from Washington that if it was desired by the proponents of the bill to retain the minimum fixed for a second offense, which penalty, of course, is greater than the minimum penalty for the first offense, it seems to me that section 2 of the act ought to be amended.

Mr. NORRIS. In what way?

Mr. GEORGE. I do not know that the Senator had in mind to make any distinction between first and second offenses.

Mr. JONES. I will say to the Senator that the second amendment is an amendment reported by the Judiciary Committee of which I am not a member, and so I am leaving it to members of that committee to answer the Senator's question.

Mr. GEORGE. I understand. Mr. President, I have no desire to discuss the pending measure. What I wanted was to ascertain what the authors of the bill had in mind; that is, whether they meant to retain the minimum punishment for a second offense and whether they also wished to distinguish between first and second offenses under the law as it is proposed to be amended.

Mr. JONES. I did not expect to distinguish between them.

Mr. NORRIS. Mr. President, if I understand the Senator—and I could not hear all he said—he fears that the adoption by the Senate of the amendment to section 2 would in effect wipe out the minimum penalty now provided by law in the case of second offenses.

Mr. GEORGE. Yes, sir. I think the section would do that as it stands. That is the thought I am bringing to the attention of the Senate.

Mr. NORRIS. The Senator has suggested that the section ought to be amended. I do not think that was the idea in reporting the amendment, and I myself do not see why it would do what the Senator suggests. It seems to me perfectly plain that section 2 does not eliminate the minimum penalty provided for a second offense in the law as it stands. I do not think that heretofore it occurred to anybody that it would do so. If it would do that, then it certainly does need amendment.

Mr. GEORGE. By reference to the first section of the bill it will be found that it provides—

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense—

"For each offense"—not two different penalties for the same offense merely because one happens to be a first offense and the other a second offense.

Mr. NORRIS. But they are distinguished in the law as it stands now. For instance, section 29 provides:

SEC. 29. Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200.

It was not the idea, I think, in proposing this amendment that that $200 fine, for instance, should be eliminated. If it is eliminated, of course section 2 ought to be amended; there is no doubt about that; I think the Senator from Georgia suggested an amendment. Will he state what it was?

Mr. GEORGE. I want the Senator from Nebraska to understand that what I asked was whether it was the purpose to eliminate the minimum penalty for a second offense?

Mr. NORRIS. Oh, no. At least I do not think that was the purpose.

Mr. GEORGE. Then I believe that the bill should be amended if it is the purpose to retain it.

Mr. NORRIS. We can either amend the committee amendment or disagree to it. My idea is that a first offense and a second offense each has a minimum penalty, and that by the addition of section 2 we will not interfere with it.

Mr. BRUCE. Mr. President, will the Senator from Georgia yield to me?

The PRESIDENT pro tempore. The Senator from Nebraska has the floor. Does he yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. BRUCE. Mr. President, it seems to me that it would be made clearer if we bear in mind the fact that section 2 completely obliterates all distinction between first and second offenses, and, of course, any amendment that follows must be harmonized with that fact.

Mr. NORRIS. I myself do not see any conflict between the two. Other Senators seem to think there is..

Mr. BRUCE. As I read the amendment of the committee, its effect is to wipe out all distinctions between first and second offenses; and therefore there is nothing but first offenses for the amendment to apply to.

Mr. GEORGE. Mr. President, I think that undoubtedly would be the construction given to the act by the court if we should pass it as it stands; and I therefore suggest this amendment in section 2, after the word "penalty," in line 2:

for the first or any subsequent offense—

So that that section would read:

This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. WALSH of Montana. Mr. President——

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to inquire of the Senator from Georgia whether he does not think the situation is entirely taken care of by the use of the word "minimum"?

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

That is to say, the act provides a certain penalty, giving a minimum and a maximum penalty for a second offense. The maximum penalty in that provision may be affected by this amendment. There may be a heavier maximum penalty, but the minimum penalty provided for a second offense is not disturbed; so that the court would not be at liberty to fix a penalty of $5 here if the penalty for a second offense is $100. The minimum penalty for a second offense is left, but the maximum is increased. That was the idea the committee had in mind.

Mr. NORRIS. Mr. President, while I do not agree with the several Senators who have expressed the opinion that this amendment would obliterate all subsequent penalties for subsequent offenses, there is certainly no objection to the amendment suggested by the Senator from Georgia, and that undoubtedly will clarify it. Therefore I shall be glad, so far as I am concerned, to see that amendment agreed to. There seems to be a disagreement, and that will relieve the matter of any doubt.

Mr. GEORGE and Mr. STEIWER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Nebraska yield?

Mr. GEORGE. I want to make just one brief statement, if the Senator will permit me.

Mr. STEIWER. Will the Senator yield for just one observation?

Mr. NORRIS. I have already yielded to the Senator from Georgia.

Mr. GEORGE. Mr. President, I think the whole matter is clear when we consider that the bill as originally drawn did not have in mind any distinction between first and second offenses. It undertook to do one thing, and one thing only, to wit, increase the maximum punishment for offenses under the national prohibition act. The preservation of minimum punishment was the thought of the committee. It came in as a committee amendment, and in my judgment that committee amendment does not preserve anything more than the minimum penalty fixed for a particular offense—that is, a particular crime. That is what is meant by the word "offense" here in the prohibition act.

Had this bill been passed as it went to the committee originally, it would have wiped out all minimum punishment—that is, the enumeration of a minimum punishment—and it would have simply increased the maximum punishment up to $10,000 or imprisonment for five years.

Mr. NORRIS. I suggest that the Senator from Georgia offer his amendment to the committee amendment.

Mr. GEORGE. I did offer it.

Mr. NORRIS. Oh, that is the pending amendment?

The PRESIDENT pro tempore. The pending amendment is the amendment proposed by the committee found on page 1, in lines 3 and 4.

Mr. NORRIS. But the Senator from Georgia offers an amendment to that.

Mr. GEORGE. I move to amend that amendment by inserting in line 2, after the word——

Mr. NORRIS. Oh, I am mistaken.

Mr. JONES. Mr. President, let me make a suggestion.

The PRESIDENT pro tempore. The Chair understands the situation correctly. The amendment which the Senator from Georgia has in mind should be offered when we come to the amendment on page 2.

Mr. NORRIS. Yes; the Chair is right, without any doubt.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the committee on page 1, in lines 3 and 4.

Mr. BLEASE. Mr. President, I ask that the clerk read a short article in my time.

The PRESIDENT pro tempore. The Senator from South Carolina being recognized, the clerk will read, as requested.

The Chief Clerk read as follows:

WHY ENFORCEMENT FAILS

By Horace C. Carlisle

Prohibition is a failure—
  Its enforcement is a joke—
Just because its own supporters
  Will not wear its galling yoke;
And since Congress fears the issue,
  Which is easier shunned than met,
In both Houses, they continue
  "Voting dry and drinking wet."

How we need a Patrick Henry
  With the nerve to introduce,
Unreserved, a resolution—
  With no loopholes for excuse—
Forcing every drinking Member
  To explain, on oath, the fact
Of his every violation
  Of the famous Volstead Act!

With one hand upon the Bible,
  And the other lifted toward
God for mercy, whom his actions
  Have apparently ignored,
He should publicly be questioned,
  And compelled to show just cause
For his criminal evasion
  Of the prohibition laws.

Prohibition can't prohibit
  'Till the House and Senate both
Rid themselves of every Member
  That now violates his oath
For the sake of drinking liquor,
  Or to gratify his friends,
On whom his return to Congress
  Most distressingly depends.

Congress can't enforce enforcement
  When she sees with her own eyes
That this Volstead prohibition
  Is an evil in disguise;
For she knows that if enforcement
  Should, impartially, prevail
There are "drys" in both the Houses
  Who'd be serving time in jail.

If it only had been Volstead,
  And not Jesus, the Divine,
Those six jars of water never
  Would have been made into wine
When the wedding guests at Cana
  Had exhausted their supply—
Unless he had sneaked off somewhere
  And distilled it on the sly.

If the antiliquor leaguers—
  By their arid Volstead stirred—
Rather than the inspired writers,
  Had devised the Sacred Word,
There would be no admonition
  For a man, infirm, to take
Just a little wine at bedtime
  For his craving stomach's sake.

Prohibition—as it's practiced—
  Ought to fully satisfy
Every man in either faction,
  Be he wet or be he dry;
For the drys have prohibition—
  Heaven's answer to their prayer—
And the wets still have their liquor
  In abundance everywhere.

If the Congress of the country
  Is afraid to draw the line
'Twixt her weak-kneed dry teetotalers
  And her "drys" who drink their wine,
Then the dry eighteenth amendment,
  Weakened by the Volstead Act—
Folly's most expensive failure—
  Is a joke and not a fact.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. Was that piece of cheap doggerel intended to pass as poetry?

The PRESIDENT pro tempore. The Chair is unable to answer the inquiry.

Mr. BLEASE. I do not know whether it is poetry or not, but I know it is God Almighty's truth. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee on page 1, lines 3 and 4.

Mr. STEIWER. Mr. President, I think there is no controversy concerning this matter; but possibly I should observe, for the benefit of those who may be interested, that the committee thought it well to put in the proposed amendment in lines 3 and 4 by reason of the fact that in the law now there are certain similar quasi-civil penalties based chiefly upon violations of injunctions and matters growing out of the nuisance features prescribed by the act. I think no one on the committee was desirous of disturbing those penalties; and the language found in lines 3 and 4 was inserted merely for the purpose of excluding those penalties from the operation of the present bill.

Mr. BRUCE. Mr. President, the hour is late, and I hope the Senate will adjourn without any further discussion. It is nearly 5 o'clock now.

Mr. JONES. I hope that we may finish the bill to-night.

Mr. BRUCE. It will be impossible.

Mr. JONES. It ought not to be. It ought not to take very long. I shall ask the Senate to stay in session until half past 5, anyway.

Mr. BRUCE. It will be impossible to finish the bill to-night, because there are a great many amendments to it; and of course, each Senator has a right to 10 minutes on the bill and 10 minutes on any amendment.

Mr. President, I was indeed astonished to hear the Senator from Idaho [Mr. BORAH] contrast, as he did, the drink conditions which existed in the State of Idaho before the adoption of the eighteenth amendment with the drink conditions which now prevail in that State. A year or so ago I had occasion to call attention to the extent to which drunkenness and violations of the Volstead Act obtained in the State of Idaho.

The facts which I then mentioned were derived from an editorial in the New York Times. I said:

That, in proportion to population, prohibition agents had seized eight times as many distilleries in the State of Idaho as in the State of New York; twenty-seven times as many stills, one hundred times as many still worms, and eight times as many fermenters, and five times as much mash; had, strange to say, seized twice as many boats in Idaho as in New York; and had arrested more than twice as many offenders for violations of the Volstead Act; and that, in proportion to population, arrests for drunkenness in Pocatello, Idaho, had been ten times as numerous as in the city of New York, and in Twin Falls, Idaho, nearly five times as numerous. It was not until I read these figures that I fully understood why "nullification" sits so heavily upon the indignant breast of the senior Senator from Idaho [Mr. BORAH]. Surely the West can not be such a land of Arcadian purity and temperance as it is fondly imagined to be when Pocatello is tortured with a thirst ten times as exacting as that which distresses such a scarlet woman as the city of New York; and the Snake River and similar insignificant streams in the State of Idaho are the scenes of more nautical confiscations than the waters of the Atlantic Ocean which lave the mighty docks and piers of the city of New York.

In other words, it was the same old story; whenever any Member of this body has flourished in my face a brief in behalf of prohibition I have never had the slightest difficulty in showing, by incontestable facts, that the same scandals and abuses arising out of the practical workings of prohibition which existed in other States existed in his State, too.

The trouble about the Senator from Idaho, if I may say so without disrespect, is that he has not lived up to what he said in the beginning of his speech to-day. He declared that he would be willing to give his assent to the repeal or the modification of the eighteenth amendment, or the Volstead Act, at any time when evidence was brought to his attention that there was a better method of dealing with the drink problem than prohibition. The fact is that I have been a Member of the Senate for some six years, and in all that time the senior Senator from Idaho has been saying substantially that same thing. Yet, notwithstanding the fact that propositions have been repeatedly brought forward in this body looking to some salutary modification of the eighteenth amendment, or the Volstead Act, never once has the Senator from Idaho been induced to cast even a glance of passing condescension at any one of them.

The suggestion has been made that the Volstead Act might be modified so as to provide the people of the United States with the use of a mild nonintoxicating beer, a suggestion which met with the unqualified approval of no less a person than Gen. Lincoln C. Andrews, who was, in my opinion, most justly termed yesterday by the Senator from Missouri the best man who has ever headed the Prohibition Department of the Government. General Andrews thought that such a beverage would be of decided aid to prohibition enforcement, but, so far as I know, the Senator from Idaho never even gave a thought to this belief.

Two or three years ago I introduced a proposed amendment to the Federal Constitution into the Senate which was in harmony in every respect with what is the prevailing trend of drink reform throughout the world, but, so far as I know, neither did that amendment receive any serious notice from the Senator.

I might enlarge upon what I have just said by further stating that my proposition looking to the modification of the eighteenth amendment was based upon conclusions to which almost every country in the world that has ever tried the experiment of prohibition and abandoned it has been brought by the remorseless necessities of its experience.

My proposed amendment provided for the adoption by the Congress of the United States of what is known as the Quebec system of liquor control—and right here I take issue with the Senator from Idaho when he states that Government supervision of the liquor traffic in the Dominion of Canada has proved a failure. I am not surprised, when such conditions have prevailed in his own State as those that I depicted a few moments ago, that the Senator should have gone up to Canada, a land of comparative temperance, last summer and the summer before. I must say that the Senator would gratify my curiosity, as well as the curiosity of other Members of the Senate, if he would tell us what motive took him to Canada. [Laughter.] His reputation for sobriety is so well established that I am loath to think that his motive was quite the same as that which might have prompted some wicked, reprobate Member of the Senate like myself to go to Canada during the dog days, when a mild, refreshing glass of wine or beer proves so acceptable.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The time of the Senator on the amendment has expired. He now has 10 minutes on the bill.

Mr. BRUCE. The facts with regard to Quebec—and I speak by the book, because for a good many years now I have read most of the annual reports that have emanated from the Quebec Liquor Commission—are that during the first four years, to say nothing of later years, during which the Quebec system of liquor control was in force, arrests for drunkenness in the city of Montreal were reduced about one-half. What is a far more important thing, there was evidence besides of a steady substitution of the use of wine and malt liquors for the use of spirituous liquors.

Very recently testimony to this last social change has been borne by the Montreal Gazette. I am referring now to the Montreal Gazette of Saturday, February 2. In an editorial the newspaper, speaking of a report of the Quebec Liquor Commission which had just been given to the public, said:

No moderate-minded individual would contest the conclusions which are to be drawn from the annual report of the operations of the Quebec Liquor Commission.

I call the attention of the Senate specifically to this:

A retrospect of the past four years shows that whilst sales of wines have increased in that period 100 per cent, the sales of ardent liquors have advanced by only 25 per cent.

What more complete answer could be made than this to the excessive use of hard liquor which the Senator from Idaho sought to bring home to the Dominion of Canada?

So far as the increased output of liquor in that Dominion is concerned, that might readily be attributed to the fact that, in addition to the domestic demand for liquor in Canada itself, there is an enormous foreign demand on the part of the people of the United States. In a recent report Mrs. Willebrandt, Assistant Attorney General of the United States, tells us that in the last three years clearances of liquor from Canada to this country have increased 75 per cent, to say nothing of clandestine exports. It is calculated that every year now 200,000 tourists leave the United States for Canada, and there is every reason to believe that the great majority of these tourists go there for the purpose of gratifying a perfectly natural and legitimate human instinct, which we would all be free to gratify in this country to-day without any impediment but for the madness which produced the adoption of the eighteenth amendment.

Nothing could be more inconsistent than the facts which the Senator from Idaho brought forward with reference to England. First of all, he called attention to the fact that criminality in England is far below the level of criminality in this country, yet in the same breath he spoke of the terrible abuses in the matter of drink which exist in England.

All I have to say is that if English liquor has that sort of repressive effect upon crime, we might very well entertain the feeling about it that Abraham Lincoln entertained about the kind of liquor that Ulysses S. Grant drank. It will be recollected that when somebody complained that General Grant drank too much whisky Lincoln expressed the hope that some of his other less fortunate generals might quaff some of the same kind of whisky. So I say that if this excessive drinking in England to which the Senator referred has the effect of bringing murders in London, for instance, down to only a few murders a year, compared with the frightful prevalence of murder in this country, the sooner we abandon prohibition and begin to drink a little English stuff the better, decidedly, it will be for us.

Some one inquired about the authorship of the pending bill and the Senator from Washington [Mr. JONES] said that he understood that it was drafted by the Department of Justice. No matter by whom it was drafted it was sponsored by the Anti-Saloon League, and that fact, of course, is shown by the communication which has in the last two or three days been addressed to us by Bishop Cannon, Mrs. Boole, and others, asking us to pass it. I hold that paper in my hand. Here we have the signature of Bishop Cannon, the papal head of the southern hillbilly hierarchy. Here, too, is the signature of Mrs. Ella Boole, the head of that organization the Woman's Christian Temperance Union, which did such noble work in behalf of temperance until it turned its back upon temperance and gave its support to what is the mortal antithesis of temperance; that is to say, prohibition.

And here, too, is the signature of Bishop Clarence True Wilson, who so far forgot the example of charity set him by our Lord when He said to the erring woman, "Go and sin no more," as to express his approval of the barbarous Michigan court, which said to that poor creature guilty of four petty violations of the Volstead Act, "Enter the dark portals of the penitentiary and never issue from them except as a lifeless corpse."

So here they are, these leaders of the Anti-Saloon League, not hectoring and bullying us as they sought to hector and bully the President of the United States two years ago and to hector and bully the Secretary of the Treasury only a few weeks ago, but asking us, in language of conventional politeness, to give our support to the pending bill. They use that sort of language with us because they know from experience how docile and subservient we are, and are confident that no matter to what extreme measures they may be driven in dealing with the President of the United States or with the Secretary of the Treasury, the Senate bull is always ready to hold out its nose submissively to the Anti-Saloon League ring.

So the real sponsor of the bill is not the Senator from Washington or the Senator from Idaho [Mr. BORAH] or any other Senator here, but the Anti-Saloon League.

In my remarks last Saturday I addressed my attention particularly to the special features of the pending bill rather than to the general merits and demerits of prohibition. I am the only Member of the Senate so far, with the exception of the distinguished Senator from Georgia [Mr. GEORGE] who has done that. I pointed out that first of all——

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I shall reserve what I have to say until the next amendment is before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. SHORTRIDGE. Mr. President, may we have the amendment stated?

The CHIEF CLERK. On page 1, line 3, after the word "prescribed," insert the words "in a criminal prosecution," so as to read:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

The amendment was agreed to.

Mr. JONES. Mr. President, I desire to offer an amendment at this time.

The PRESIDING OFFICER. The amendment will be stated.

Mr. JONES. The amendment may be pending then.

Mr. GEORGE. Mr. President, will not the Senator permit me to offer an amendment at this time?

Mr. JONES. The amendment proposed by me will not affect the other committee amendments. When I have it read it may be considered as the pending amendment.

The PRESIDING OFFICER. The clerk will read the proposed amendment for the information of the Senate.

The CHIEF CLERK. At the end of section 1 add the following proviso:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. BRUCE. Mr. President, under the rational rules governing this body I will continue my speech.

Mr. JONES. Mr. President, I would suggest to the Senator that we may have an executive session now, and the Senate can proceed to-morrow.

Mr. BRUCE. I thank the Senator. That will be agreeable to me.

Mr. JONES. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE EDWARD J. KING, OF ILLINOIS

Mr. DENEEN. Mr. President, I send to the desk resolutions and ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The Chief Clerk read the resolutions (S. Res. 331), which were considered by unanimous consent and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD J. KING, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now recess until 12 o'clock to-morrow.

RECESS

Under the last resolution the Senate (at 5 o'clock and 25 minutes p. m.) took a recess until to-morrow, Tuesday, February 19, 1929, at 12 o'clock meridian.

CONCILIATION WITH HUNGARY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Hungary, signed at Washington on January 26, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 29, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Hungary, signed at Washington on January 26, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE.
Washington, January 29, 1929.

The President of the United States of America and His Serene Highness the Regent of the Kingdom of Hungary, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Serene Highness the Regent of the Kingdom of Hungary: Count László Széchényi, Envoy Extraordinary and Minister Plenipotentiary to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Hungary, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation

and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Hungary in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Hungarian languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the 26th day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
SZÉCHÉNYI [SEAL]

ARBITRATION WITH HUNGARY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Hungary, signed at Washington on January 26, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 29, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Hungary, signed at Washington on January 26, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 29, 1929.

The President of the United States of America and His Serene Highness the Regent of the Kingdom of Hungary

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention which was signed at Washington, January 15, 1909, but is not now in force, and for that purpose they have appointed as their respective Plenipotentiaries;

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Serene Highness the Regent of the Kingdom of Hungary: Count László Széchényi, Envoy Extraordinary and Minister Plenipotentiary of Hungary to the United States of America;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Hungary in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Hungary in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Hungary in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Hungarian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 26th day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
SZÉCHÉNYI [SEAL]

NOMINATIONS

Executive nominations received by the Senate February 18 (legislative day of February 15), 1929

IN THE UNITED STATES COAST GUARD

To be chief boatswain (L), to take effect from date of oath

Boatswain Alfred Rimer.
Boatswain Berger Benson.
Boatswain Martinus P. Jensen.
Boatswain Frank E. Allison.
Boatswain Sigval B. Johnson.
Boatswain John E. Tourgee.
Boatswain Lloyd T. Doughty.
Boatswain Edward Shambeau.
Boatswain Ward W. Bennett.
Boatswain Irwin B. Steele.
Boatswain Leslie Moore.
Boatswain Robert W. Hodge.
Boatswain Mitchell Hamilton.
Boatswain Stephen F. McInnis.
Boatswain William J. McCaw.

The above-named officers have passed the examinations required for the promotions for which they are recommended.

UNITED STATES ATTORNEYS

Richard H. Templeton, of New York, to be United States attorney, western district of New York. (A reappointment, his term having expired.)

William L. Vandeventer, of Missouri, to be United States attorney, western district of Missouri, vice Roscoe C. Patterson, resigned.

PROMOTIONS IN THE NAVY

Lieut. (Junior Grade) Arthur A. Clarkson to be a lieutenant in the Navy from the 1st day of November, 1928.

Lieut. (Junior Grade) Frank R. Walker to be a lieutenant in the Navy from the 1st day of December, 1928.

Ensign John G. Brown to be a lieutenant (junior grade) in the Navy from the 4th day of June, 1928.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of commander, from the 21st day of January, 1929:

William L. Darnall.
Logan A. Willard.
John R. Barber.
George H. Reed.
Franklin L. Morey.
John V. McAlpin.
Edward E. Harris.

Assistant Naval Constructor Noah W. Gokey to be a naval constructor in the Navy, with the rank of lieutenant, from the 3d day of August, 1928, to correct an error in spelling of name as previously nominated and confirmed.

POSTMASTERS

ALABAMA

John T. Haertel to be postmaster at Citronelle, Ala., in place of J. T. Haertel. Incumbent's commission expired January 27, 1929.

John R. Fowler to be postmaster at Fayette, Ala., in place of P. W. Caraway, resigned.

CALIFORNIA

Wallace P. Rouse to be postmaster at Thermal, Calif., in place of W. P. Rouse. Incumbent's commission expires February 26, 1929.

COLORADO

William B. Edwards to be postmaster at Erie, Colo., in place of W. B. Edwards. Incumbent's commission expires February 27, 1929.

Cornelia Coleman to be postmaster at La Veta, Colo., in place of J. H. Kincaid, removed.

CONNECTICUT

Philip K. Dewire to be postmaster at New London, Conn., in place of W. M. Slocum, deceased.

ILLINOIS

William A. Lafont to be postmaster at Dowell, Ill., in place of W. D. Garris, resigned.

George F. Harnew to be postmaster at Oaklawn, Ill., in place of Ray Ryan, removed.

KANSAS

Alice B. Stark to be postmaster at Bonner Springs, Kans., in place of J. A. Stark, deceased.

Edna Gordon to be postmaster at Dwight, Kans., in place of E. A. Boyd, removed.

MARYLAND

Shadrach G. Sparks to be postmaster at Sparks, Md., in place of S. G. Sparks. Incumbent's commission expires February 27, 1929.

MASSACHUSETTS

Richard B. Eisold to be postmaster at Ludlow, Mass., in place of R. B. Eisold. Incumbent's commission expires February 27, 1929.

MICHIGAN

James F. Jackson to be postmaster at Mohawk, Mich., in place of W. E. Smith, resigned.

MONTANA

Ernest M. Hutchinson to be postmaster at Whitefish, Mont., in place of E. M. Hutchinson. Incumbent's commission expires February 27, 1929.

NEBRASKA

Ernest J. Kaltenborn to be postmaster at Waco, Nebr., in place of E. J. Kaltenborn. Incumbent's commission expires February 27, 1929.

NEVADA

James W. Johnson, to be postmaster at Fallon, Nev., in place of J. W. Johnson. Incumbent's commission expired January 14, 1929.

NEW JERSEY

Harvey E. Harris to be postmaster at Bloomfield, N. J., in place of H. E. Harris. Incumbent's commission expires February 27, 1929.

NEW YORK

Ernest E. Fuller to be postmaster at Copake, N. Y. Office became presidential July 1, 1928.

Agnes Siems to be postmaster at Wantagh, N. Y., in place of Agnes Siems. Incumbent's commission expired December 19, 1928.

NORTH CAROLINA

Jesse L. Riggs to be postmaster at Bayboro, N. C., in place of J. L. Riggs. Incumbent's commission expires February 24, 1929.

Van D. Duncan to be postmaster at Clayton, N. C., in place of A. R. Duncan, deceased.

NORTH DAKOTA

Harry A. Hart to be postmaster at Ray, N. Dak., in place of H. A. Hart. Incumbent's commission expires February 27, 1929.

Carrie E. Kempshall to be postmaster at Taylor, N. Dak., in place of C. E. Kempshall. Incumbent's commission expires February 27, 1929.

Katherine Ritchie to be postmaster at Valley City, N. Dak., in place of Katherine Ritchie. Incumbent's commission expires February 27, 1929.

OHIO

Katharine M. Crafts to be postmaster at Mantua, Ohio, in place of R. M. Wheeler, resigned.

Ethel Brown to be postmaster at Mount Blanchard, Ohio, in place of Ethel Brown. Incumbent's commission expired December 10, 1928.

Earl T. Ewing to be postmaster at Wellsville, Ohio, in place of J. F. McQueen, deceased.

PENNSYLVANIA

Chester P. McCoy to be postmaster at Elmora, Pa., in place of Paul Jones, resigned.

V. Ralph Miller to be postmaster at New Oxford, Pa., in place of V. R. Miller. Incumbent's commission expired January 8, 1928.

Reese Jeremiah to be postmaster at Shamokin, Pa., in place of J. I. Steel, deceased.

Charles B. Lessig to be postmaster at Upper Darby, Pa., in place of R. S. Medary, removed.

SOUTH DAKOTA

Thomas A. Krikac to be postmaster at Dupree, S. Dak., in place of T. A. Krikac. Incumbent's commission expires February 27, 1929.

Emmett O. Frescoln to be postmaster at Winner, S. Dak., in place of E. O. Frescoln. Incumbent's commission expries February 27, 1929.

VERMONT

Glenn E. Martin to be postmaster at South Shaftsbury, Vt., in place of Irwin Mattison. Incumbent's commission expired December 11, 1928.

VIRGINIA

Robert N. Goodloe to be postmaster at Afton, Va., in place of R. N. Goodloe. Incumbent's commission expires February 24, 1929.

Margaret H. Hardy to be postmaster at McKenney, Va., in place of M. H. Hardy. Incumbent's commission expires February 24, 1929.

John H. Tyler to be postmaster at Upperville, Va., in place of J. H. Tyler. Incumbent's commission expires February 24, 1929.

Mary O. Pumphrey to be postmaster at West Point, Va., in place of M. O. Pumphrey. Incumbent's commission expires February 24, 1929.

WEST VIRGINIA

Millard M. Mason to be postmaster at Seth, W. Va., in place of M. M. Mason. Incumbent's commission expired February 6, 1929.

Fred E. Cowl to be postmaster at Wheeling, W. Va., in place of A. E. Marschner. Incumbent's commission expired January 8, 1929.

WISCONSIN

Fred Hennig to be postmaster at Bowler, Wis., in place of Fred Hennig. Incumbent's commission expired January 27, 1929.

Thomas D. Smith to be postmaster at Fairchild, Wis., in place of T. D. Smith. Incumbent's commission expires February 27, 1929.

William F. Pflueger to be postmaster at Manitowoc, Wis., in place of W. F. Pflueger. Incumbent's commission expires February 27, 1929.

Lynn L. Merrill to be postmaster at Princeton, Wis., in place of L. L. Merrill. Incumbent's commission expires February 26, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18 (legislative day of February 15), 1929

ASSOCIATE JUDGE OF COURT OF CUSTOMS APPEALS

Finis J. Garrett to be associate judge of the United States Court of Customs Appeals.

UNITED STATES ATTORNEYS

Samuel W. McNabb to be United States attorney, southern district of California.

John G. Gung'l to be United States attorney, district of Arizona.

John Buckley to be United States attorney, district of Connecticut.

IN THE ARMY

GENERAL OFFICERS

To be major general

Frank Parker.

To be brigadier general

Charles DuVal Roberts.

APPOINTMENT

To be second lieutenants, Air Corps

John Clayton Berry
Robert Edward Lee Pirtle.
Wilbur Erickson.
Lilburn Dimmitt Fator.
Archibald Meyer Kelley.
Ralph Orville Brownfield.
Joel Edward Mallory.
Lindsay Mansfield Bawsel.
Donald Russell Lyon.
Warren Herbert Higgins.
Stanley Keith Robinson.
Willard Reno Shephard.
George Washington Hansen.
Minton William Kaye.
Aubry Lee Moore.
Ronald Roosevelt Walker.
Lloyd Harrison Tull.
Francis Marion Ziegler.
Joel George Pitts.
Carl Frederick Theisen.
Frederic Ernst Glantzberg.
Eugene Herbert Rice.
Leland Samuel Stranathan.
Ernest Keeling Warburton.
LeRoy Hudson.
Roland Ogden Strand Akre.
Paul Ellis Shanahan.
Julius Augustus Barr.
Roger Vincent Williams.
Andrew Fred Solter.
Donald Edwin Broughton.
Frederick Archibald Pillet.
William Hugh McArthur.
Reginald Heber.
Homer LeRoy Sanders.
Draper Frew Henry.
Robert Dilger Johnston.
Walter Robertson Agee.
Charles Harold Earnest.
Hansford Wesley Pennington.
Guy Frost Hix.
Donald Wells Buckman.
John Arlin Winefordner.
Murray Clarke Woodbury.
Norman Herbert Ives.
Paul Bernard Wurtsmith.
Joseph Battersby Duckworth.
William Alexander Robert Robertson.

APPOINTMENT BY TRANSFER

To be captain, Signal Corps

Louis Simmons Stickney.

To be captain, Chemical Warfare Service

George James Burns Fisher.

APPOINTMENT BY PROMOTION

To be colonel, Field Artillery

Upton Birnie, jr.

To be lieutenant colonels, Corps of Engineers

De Witt Clinton Jones.
Francis Bowditch Wilby.

POSTMASTERS

INDIANA

George H. Griffith, Fremont.
Roy R. Berlin, Nappanee.
Elmer S. Applegate, Paragon.
Orville E. Steward, Rossville.

NEBRASKA

Etta H. Bartlett, Potter.

PENNSYLVANIA

Luther W. Gehrig, Milton.

SOUTH CAROLINA

James M. Byrd, Branchville.
Annie H. Goblet, Mount Pleasant.
Herbert O. Jones, Salley.
Paul G. Barnett, Westminster.

HOUSE OF REPRESENTATIVES

MONDAY, *February 18, 1929*

The House met at 12 o'clock and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Father of mercies, give wisdom this day to our assembly of public servants, with its full significance and magnitude. We now wait in silence because of the strickened colleague, who was faithful to the ideals of public and private life. Be Thou in yonder chamber; press the cup of consolation to the anguishing lips that can not tell their sorrow. From the shadows of death let come the morning's glow of hope and promise. Tenderly bestow Thy grace to bear, Thy Spirit to bless, and Thy power to heal. Oh, what we learn in suffering may we teach in song. We thank Thee that we have our immortality chastened in the heavenly purity and beauty of Him who is the Lord of life and death. Merciful Father, for us stay the tide of years a little longer, and then at sunset let our frail barks sink to a sea of endless day. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 16, 1929, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House to the bill (S. 3269) entitled "An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired," with amendments; insist on its amendments to the amendments of the House to said bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 675. An act to establish the Ouachita national park in the State of Arkansas; and

S. 5664. An act to extend the times for the commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.

VOCATIONAL REHABILITATION, DISTRICT OF COLUMBIA

Mr. REED of New York. Mr. Speaker, by direction of the Committee on Education I call up the bill H. R. 13251, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to call up the bill H. R. 13251, with a Senate amendment and concur in the Senate amendment. The Clerk will report the bill with the Senate amendment.

The Clerk read as follows:

A bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, has this bill reference to the District of Columbia?

Mr. REED of New York. Yes. The States have passed similar legislation. This is to correct the injustice.

Mr. EDWARDS. I do not think it is good policy to leave the District of Columbia out of the general bill. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

EQUALIZATION OF THE RANK OF OFFICERS IN THE ARMY AND NAVY

Mr. MORIN. Mr. Speaker, I call up the conference report on the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy and move its adoption.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 9961, which the Clerk will report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: Instead of the language of the amendment of the Senate insert the following: "appointment as such and shall both take rank above all other officers on the active list of the Army and Navy: *Provided*, That nothing in this act shall have the effect of changing the relative rank of the present Chief of Staff and the present Chief of Naval Operations," and agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.
DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The amendment as agreed to by the conferees provides that relative rank of the Chief of Staff and the Chief of Naval Operations shall be determined by the dates of their commission in their higher temporary grades rather than by the dates of their appointments as Chief of Staff or Chief of Naval Operations as was provided in the bill as it passed the House. It also provides that the Chief of Staff and the Chief of Naval Operations shall both be senior to any other officers on the active list of the Army or Navy. The final proviso merely preserves the existing relationship between the present Chief of Staff and the present Chief of Naval Operations.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I call up the conference report on the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, and ask its adoption.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 13825, which the Clerk will report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter to be inserted by the Senate amendment insert the following:

"That there is hereby authorized to be appropriated not to exceed $17,185,610, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Aibrook Field, Canal Zone: Dispensary, $30,000.

"Corundu, Canal Zone: Barracks, $357,500.

"France Field, Canal Zone: Barracks, $360,000; noncommissioned officers' quarters, $324,000; officers' quarters, $427,200; dispensary, $30,000.

"Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $100,000; officers' quarters, $300,000.

"Wheeler Field, Hawaiian Department: Noncommissioned officers' quarters, $111,600; officers' quarters, $150,000; dispensary, $40,000.

"Porto Rico: Barracks, $144,000; noncommissioned officers' quarters, $119,000; officers' quarters, $396,250; nurses' quarters, $36,000; headquarters building, $20,000; chapel, $20,000; recreation hall, $10,000; storehouse, $15,000; garage and repair shop, $40,000; stables, $40,000; hay and forage shed. $3,000; wagon shed, $6,000; incinerator, $5,000; flagstaff, $500; hospital, $10,000.

"Henry Barracks, Porto Rico: Barracks, $352,000; noncommissioned officers' quarters, $39,600; officers' quarters, $192,500; hospital, $35,000; stables, $24,000; hay and forage shed, $3,000; wagon shed, $4,000; guardhouse, $10,000; post exchange, $10,000; chapel, $20,000; headquarters building, $15,000; recreation hall, $10,000; storehouse, $15,000; maintenance building, $7,500; fire house, $7,500; bakery, $12,000.

"Philippine Department: Signal depot warehouse, $49,000.

"Camp Devens, Mass.: Noncommissioned officers' quarters, $36,000; officers' quarters, $164,000."

"*Provided*, That so much of the act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved February 25, 1927 (44 Stat. 1235), as authorizes an appropriation of $300,000 for hospital, Camp Devens, Mass., be, and the same is hereby, amended so as to authorize at Camp Devens, Mass., the construction and installation of buildings and utilities and appurtenances thereto as follows:

'Hospital, toward completion, $35,000; for officers' quarters, $180,600; for noncommissioned officers' quarters, $14,400; for bakery, $15,000; for fire house, $10,000; and for stables, $45,000; in all, $300,000: *Provided*, That there is hereby authorized to be made available for the purposes of this act $300,000 of the amount contained in the first deficiency act, fiscal year 1928, approved December 22, 1927, for military posts.'

"Fort Jay, N. Y.: Hospital, $400,000: *Provided*, That no new construction shall be built on that part of Governors Island west of a line running in a northwest and southeasterly direction across the island and paralleling the eastern face of the regimental barracks building at a distance of 300 feet.

"Mitchel Field, N. Y.: Noncommissioned officers' quarters, $216,000; officers' quarters, $660,000; hospital, $150,000.

"Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $250,000.

"Plattsburg Barracks, N. Y.: Barracks, $45,000; addition to hospital, $55,000.

"Raritan Arsenal, N. J.: Noncommissioned officers' quarters, $42,000; hospital, $50,000.

"Fort Slocum, N. Y.: Barracks, $180,000.

"Fort Wadsworth, N. Y.: Barracks, $50,000; noncommissioned officers' quarters, $30,000.

"Aberdeen Proving Ground, Md.: Hospital, $60,000.

"Carlisle Barracks, Pa.: Mess hall and kitchen, $110,000.

"Fort Humphreys, Va.: Noncommissioned officers' quarters, $274,000.

"Langley Field, Va.: Barracks, $764,160; noncommissioned officers' quarters, $216,000; officers' quarters, $480,000; hospital, $175,000; construction of a sea wall and for necessary fill, $200,000.

"Fort Leonard Wood, which shall hereafter be known as Fort George G. Meade, Md.: Noncommissioned officers' quarters, $50,000; nurses' quarters, $40,000; officers' quarters, $210,000.

"Fort Monroe, Va.: Officers' quarters, $200,000.

"Fort Benning, Ga.: Noncommissioned officers' quarters, $526,000; officers' quarters, $114,000; dispensary, $60,000.

"Fort Bragg, N. C.: Noncommissioned officers' quarters, $144,000; nurses' quarters, $60,000; officers' quarters, $496,000; hospital, $100,000.

"Maxwell Field, Ala.: Officers' quarters, $300,000; barracks, $178,000; noncommissioned officers' quarters, $188,150; quartermaster warehouse, $45,000; quartermaster maintenance building, $15,000; garage, $40,000; fire station, $15,000; guardhouse, $20,000; post exchange, $25,000; ordnance magazine, $15,000; hospital, $75,000; stables, $20,000; railroad spur, $5,000; telephone and telegraph system, $31,250.

"Camp McClellan, Ala.: Hospital, $100,000.

"Fort Benjamin Harrison, Ind.: Noncommissioned officers' quarters, $54,000; service club, $50,000.

"Erie Ordnance Depot, Ohio: Hospital, $75,000.

"Selfridge Field, Mich.: Officers' quarters, $465,000; construction of a sea wall, and for necessary fill, $230,400.

"Fort Leavenworth, Kans.: Hospital ward, $75,000.

"Marshall Field, Kans.: Barracks, $125,000; noncommissioned officers' quarters, $144,000; officers' quarters, $300,000.

"Fort Riley, Kans.: Noncommissioned officers' quarters, $150,000; nurses' quarters, $50,000.

"Fort Snelling, Minn.: Officers' quarters, $54,500.

"Camp Normoyle, Tex.: Barracks, $180,000.

"Fort Sam Houston, Tex.: Noncommissioned officers' quarters, $150,000; officers' quarters, $250,000.

"Randolph Field, San Antonio, Tex.: Noncommissioned officers' quarters, $61,200; officers' quarters, $600,000; completion of hospital, $50,000.

"Fort D. A. Russell, Wyo.: Officers' quarters, $56,000; noncommissioned officers' quarters, $56,000; barracks, $40,000.

"Letterman General Hospital, California: Hospital ward, $150,000.

"Camp Lewis, Wash.: Noncommissioned officers' quarters, $93,000; officers' quarters, $215,000.

"March Field, Calif.: Noncommissioned officers' quarters, $100,800; hospital, $150,000.

"Rockwell Field, Calif.: Noncommissioned officers' quarters, $108,000; officers' quarters, $150,000.

"Army Medical Center, District of Columbia: Completion of Army Medical School, $840,000; addition to power plant, $50,000.

"Walter Reed General Hospital, District of Columbia: Nurses' quarters, $300,000; chapel, $12,000, to be erected as supplementary to or in connection with the nonsectarian chapel, the erection of which was authorized by the act approved February 2, 1928; observation, tuberculosis, and infectious disease wards and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000.

"Bolling Field, D. C., or a point on a military reservation in the vicinity of the District of Columbia, to be selected by the Secretary of War: Radio and communication center, $30,000.

"SEC. 2. That the Secretary of War is hereby authorized and empowered to acquire by purchase or condemnation real estate adjacent to Bolling Field, Washington, D. C., for extension and development of said flying field; and there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $666,000 for that purpose.

"SEC. 3. That there is hereby authorized to be appropriated not to exceed $5,552,842, to be expended for the construction and installation at military posts and at airports and landing fields of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Panama Canal Department, Albrook Field: Paved runways, $51,000.

"France Field: Gas and oil storage system, $10,000; paint, oil, and dope warehouse and appurtenances to hangar, $13,016; paved runway from hangars, $52,000; 6-inch gasoline pipe line from Coco Solo, $20,000; bombing range, $3,555.

"Hawaiian Department, new site: Improvement to landing field, $623,000.

"Hawaiian Department, air bases, $22,000.

"Wheeler Field: Hangars and field shop, $79,000.

"Boston Airport, East Boston, Mass., moving and reerecting technical buildings, $15,000.

"Mitchel Field, Long Island, N. Y.: Hangars, field shops, field warehouse, $141,000; armament and parachute buildings, $5,000; central heating plants, $75,000.

"Middletown Air Depot, Pennsylvania: Replacing roofs upon warehouses, $6,600; tiling walls and replacing floors and platforms in warehouses, $16,015; hard-surfaced apron in front of hangars, $17,376; supply office and stock room, $5,607; ceiling four bays in engineering shop building, $4,402: *Provided*, That the $38,500 heretofore appropriated for concrete floors in warehouse at Middletown Air Depot (Public, No. 181, 70th Cong.) is hereby canceled.

"Bolling Field, D. C.: Hangars, $90,000; field shop, $60,000; central heating plants, $50,000; parachute and armament building, $15,000; photographic building, $36,000; radio building, $10,000; paved runways and aprons, $53,700.

"Langley Field, Va.: Hangars, $524,590; field warehouse, $100,000; headquarters and operations building, $80,000; photo, radio, parachute, and armament buildings, $76,000; central heating plants, $160,000; gas and oil storage system, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $85,000; paved runways, $122,098.

"Air Corps Tactical School, Maxwell Field, Montgomery, Ala.: Hangars, $210,500; field shop, $19,000; field warehouse, $60,000; armament and parachute building, $5,000; paved runways, $50,000; gas and oil storage system, $5,000; school building, $100,000.

"Shreveport, La. (attack wing): Hangars, $200,000; field shop, $50,000; field warehouse, $45,000; headquarters and operations buildings, $85,000; radio, parachute, and armament buildings, $25,000; gas and oil storage system, $10,000; improvement to landing field, $135,000: *Provided*, That the Secretary of War is hereby authorized, when directed by the President, to accept in behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to such land as he may deem necessary or desirable, in the vicinity of Shreveport, La., approximately 25,000 acres, more or less, as a site for an aviation field.

"Bowman Field, Louisville, Ky.: Hangar, $50,000; radio, photographic, and shops, $20,000; operations and administration building, $20,000; gas and oil storage system, $5,000; paved runways, $13,000.

"Fairfield Air Depot, Fairfield, Ohio: Hangars, $120,000; headquarters building, $40,000; central heating plant, $20,000; paint, oil, and dope warehouses, $20,000.

"Chicago Municipal Airport, Chicago, Ill.: Completion of Army Air Corps hangar, $20,986.

"Selfridge Field, Mich.: Hangars and field shop, $122,000; central heating plants, $60,000; paved runways, $51,000; improvement of landing field, $125,000.

"Fort Leavenworth, Kans.: Completion of hangar, field shop, headquarters building, $35,000; central heating plants, $20,000.

"Marshall Field, Fort Riley, Kans.: Completion of hangars, shops, and technical buildings, $55,000; central heating plant, $30,000.

"Fort Crockett, Tex.: Night flying lighting system, $3,775; runways, $10,775: *Provided*, That the $10,775 heretofore appropriated for dope and paint house and lean-to for boiler room at Fort Crockett (Public, No. 181, 70th Cong.) is hereby canceled.

"Dryden, Tex.: Gasoline and oil storage system, $2,821; operations building, $5,000.

"Duncan Field, San Antonio, Tex.: Hangars and depot shop building, $220,000; oil reclamation house, $13,000: *Provided*, That the $5,497 heretofore appropriated for instrument, engine repair and cleaning building at the San Antonio Air Depot (Public, No. 181, 70th Cong.) is hereby canceled.

"Lordsburg, N. Mex.: Operations building, $5,000; gas and oil storage system, $2,821.

"Randolph Field, Tex.: Hangars, $220,000; field shops, $38,000; paved runways, $232,500.

"Tucson, Ariz.: Operations building, $5,000; paved floor in hangar, $1,705.

"Yuma, Ariz.: Operations building, $5,000.

"March Field, Riverside, Calif.: Hangars, field shops, field warehouse, $75,000; gasoline and oil storage system, $10,000; paved runways, $104,000: *Provided*, That the $50,000 heretofore appropriated for radio and school building at March Field (Public, No. 181, 70th Cong.) is hereby canceled.

"Rockwell Field, Calif.: Hangars and field warehouse, $45,000; field shop, $100,000; construction of paved runways, $50,000.

"SEC. 4. That the Secretary of War be, and he is hereby, authorized to transfer to the Petersburg National Military Park such portion of the Camp Lee Military Reservation, Va., as in his discretion may be required in connection with the establishment of the Petersburg National Military Park, as authorized by the act of Congress approved July 3, 1926.

"SEC. 5. That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Fishers Island Corporation, or its nominee, a tract of land containing 1⅛ acres, more or less, said tract now forming the extreme northeasterly corner of the Fort H. G. Wright Military Reservation, situate on Fishers Island, in the State of New York, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said the Fishers Island Corporation, or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale, the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military post construction fund: *Provided*, That the Secretary of War shall have the said tract surveyed and appraised at the expense of the Fishers Island Corporation: *And provided further*, That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to.

"SEC. 6. That the Secretary of War is hereby authorized to acquire, by purchase or otherwise, two tracts of land on the Atlantic seaboard with necessary rights of way as may, in his discretion, be necessary in the proper defense of the Atlantic coast, and the sum of $20,000 is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

"SEC. 7. That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of $125,000 for the construc-

tion of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J., to replace the one destroyed by fire on July 31, 1928."

And the Senate agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.
DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

This bill (H. R. 13825) passed the House unanimously on May 28, 1928. In the Senate, the bill was amended by striking out everything after the enacting clause, rearranging items as they originally appeared in H. R. 13825, and making some additions. All the items contained originally in H. R. 13825 are included in this conference report with the exception of those for Crissy Field and Fort Douglas, Utah. The items for Crissy Field were stricken out at the request of the Secretary of War, and the items for Fort Douglas were stricken out because they have been included in an act which has already become a law.

The Senate amendment also includes the items contained in H. R. 14154, which passed the House on January 7, 1929; the item contained in H. R. 14152, which passed the House December 17, 1928; the item contained in H. R. 13853, the item contained in H. R. 14154, which passed the House on January 24, 1929; the items contained in H. R. 16503, which was reported unanimously by the House Military Affairs Committee on January 25, 1929; the items contained in H. R. 16502, which was reported unanimously by the House Military Affairs Committee on January 25, 1929; the items contained in H. R. 16355, which was favorably reported unanimously by the House Military Affairs Committee on January 25, 1929; the item contained in H. R. 13931, which was reported unanimously by the House Military Affairs Committee on January 18, 1929; the item contained in H. R. 14151, which passed the House on January 7, 1929; the item contained in H. R. 13693, which passed the House on February 4, 1929.

The new matter contained in the Senate amendment, which has not heretofore been introduced in the House, but which your conferees feel should be included and have agreed to are: $90,000 for an observation, tuberculosis, and infectious ward, and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operation room at the Walter Reed Hospital; also $12,000 to complete a nonsectarian chapel at the Walter Reed Hospital. The items for Fort D. A. Russell contained in the Senate amendment and agreed to by your conferees were not included in any House bill, but the necessity for the construction at Fort D. A. Russell is recognized as necessary. The item for an air corps operations building at Yuma, Ariz., was also contained in the Senate amendment and has not heretofore appeared in a House bill. The necessity for this building is recognized, and therefore your conferees agree to its inclusion in the bill.

For a complete explanation of the changes made in H. R. 13825 by the Senate, the attention of the Members of the House is invited to the extension of remarks of Hon. W. FRANK JAMES, of Michigan, on page 3243 of the CONGRESSIONAL RECORD of February 11, 1929.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

HERMAN C. DAVIS

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill H. R. 9737, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 9737, with Senate amendments, and concur in the same. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 9737) for the relief of Herman C. Davis.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 710, and further insist on the amendments of the House, and agree to the further conference asked for by the Senate.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill S. 710 and further insist on the amendments of the House, and agree to the further conference asked for by the Senate. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern band of Shoshone Indians may have against the United States.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. EVANS of Montana.

Mr. SEARS of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on flood control.

The SPEAKER. The Chair does not think it good practice on consent day to recognize gentlemen to address the House out of order.

Mr. SEARS of Florida. But, Mr. Speaker, I yielded the other day.

The SPEAKER. To-day is consent day, and the Chair does not recognize gentlemen to ask consent to speak on consent day.

FEDERAL RESERVE BOARD

Mr. BLACK of New York. Mr. Speaker, I move to discharge the Committee on Banking and Currency from the further consideration of House Resolution 313, and that the resolution do now pass.

Mr. SNELL. Mr. Speaker, reserving the right to make a point of order, I would like to have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 313

Resolved, That the Federal Reserve Board be, and is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, of the following facts:

1. Did the Federal Reserve Board confer with Mr. Montagu Norman, governor of the Bank of England, during the month of February, 1929?

2. Were such conferences, if any, solicited by Montagu Norman or by the Federal Reserve Board?

3. What was the subject matter of such conferences and what agreement, if any, was entered into by the Federal Reserve Board and Montagu Norman, and what was said at such conferences?

4. Were notes made of such conferences, and, if so, what were they?

5. Did the Federal Reserve Board confer with any individuals other than Montagu Norman prior to and concerning the public statement issued by the Federal Reserve Board on February 7, 1929, and what was said at such conferences, if any?

Mr. SNELL. Mr. Speaker, I make the point of order that this is not a privileged resolution and can not be brought up at this time.

The SPEAKER. The gentleman from New York makes the point of order that the motion of the gentleman from New York is not privileged. The Chair will hear the gentleman from New York.

Mr. BLACK of New York. Mr. Speaker, the Federal Reserve Board is an executive department of Government required by law to make an annual report to the Congress. This is the usual resolution of inquiry directed to an executive department of Government, not asking for opinions but asking for facts of their functioning, and to my mind it is perfectly within the rules of the House and is a privileged resolution. There is no use in reciting the various precedents on this matter. I simply ask for facts, the resolution is addressed to an executive department, and the necessary time has elapsed.

Mr. SNELL. The gentleman from New York [Mr. BLACK] in his own statement has proved that his resolution does not come within the scope of privileged resolutions when he said

it was addressed to a board instead of a head of a department. Section 5 of Rule XXII provides:

All resolutions of inquiry addressed to the heads of executive departments—

It does not say addressed to executive departments, but to heads of executive departments—

shall be reported to the House within one week after presentation.

Section 1 of Rule XXXIII definitely defines who are considered heads of departments—

"Heads of departments" means members of the President's Cabinet and not subordinate executives.

Therefore, Mr. Speaker, the resolution which the gentleman from New York has presented from his own admission is not directed to the head of a department as defined by the rules of the House, and is not privileged and is subject to a point of order.

Mr. BLACK of New York. Mr. Speaker, the resolution is directed to the board itself and is certainly addressed to the head of a department. This is a Federal board. It happens to have a chairman, but that does not necessarily make the chairman the head of an executive department. This is an executive department of Government which under the law is required not to make a report to the Secretary of the Treasury but to make a report directly to the Congress.

Mr. SNELL. But the rule provides that it must be directed to the head of a department in order to make it privileged.

Mr. BLACK of New York. The law provides that the Federal Reserve Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress, and under that language the only one who could properly receive this resolution of inquiry is the Federal Reserve Board itself, a board required under the law to make a report to Congress.

The board is not required to make its report through a spokesman, either through the Treasury Department or anybody else, but it is required by the law to make its report directly to the Congress. This is an executive board, and it is not a department of the Government, in one sense of the word.

Mr. SNELL. The gentleman is bringing this question up as a privileged matter, and the only thing I am discussing here is whether it is privileged under the rules of the House; and the rules of the House definitely define what is a privileged resolution, a resolution directed to the head of a department, and in another rule there is definitely defined who are heads of departments; and the conditions surrounding this resolution conform to neither of these requirements, and it is therefore not a privileged resolution and can not be called up at this time.

Mr. BLACK of New York. The answer I make to the gentleman is that I am living up to the rules and addressing the resolution to the board itself. If you want to find out who the head of the department is for the purpose of congressional contact you have to consult the Federal reserve law, and the Federal reserve law provides specifically, not that the chairman shall make the report, not that the Secretary of the Treasury shall make the report, or the President of the United States, but that the Federal Reserve Board itself shall make the report.

The SPEAKER. The Chair is prepared to rule.

The question presented is, Is the motion of the gentleman from New York [Mr. BLACK] to discharge the Committee on Banking and Currency from consideration of a resolution addressed to the Federal Reserve Board in compliance with clause 5 of Rule XXII privileged as addressed to the head of a department?

The Chair thinks there is no question whatever about the rule. There are a number of precedents. The first one that the Chair recalls is found in volume III, section 1863, of Hinds' Precedents:

On February 4, 1904, Mr. Edgar D. Crumpacker, of Indiana, from the Committee on the Census, reported as privileged the following resolution:

"*Resolved by the House of Representatives*, That the Director of the Census be, and he is hereby, directed to inform the House," and so forth. * * *

"The resolution having been read, the Speaker said:

"The Chair desires to say that the Chair is of opinion that this is not a matter of privilege. It is not in the language of the rule addressed to the head of an executive department. The Chair merely wants to call the attention of the gentleman to the fact."

Then the resolution was considered by unanimous consent.

In Hinds' Precedents, volume 5 section 7283, occurs the following sentence:

The words "heads of departments" is construed to mean the members of the President's Cabinet as is evident from the fact that in 1886 the House did not agree to a proposition to add such offices as the Commissioners of Patents, Internal Revenue, Pensions, etc.

The rule with regard to the privilege of the House floor is also very clear. It provides that among those entitled to the privilege of the House floor are heads of departments, and this has been repeatedly held to refer only to members of the Cabinet.

Under the circumstances, the rule being so absolutely clear and the precedents undeviating, the Chair sustains the point of order made by the gentleman from New York [Mr. SNELL].

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. On last Saturday, in response to an inquiry made by the gentleman from Tennessee [Mr. REECE], the Chair held that where members of a committee which had regular meeting days published in the directory, and so forth, met on that day and held a meeting and voted to report out a bill, that such bill should go on the calendar provided a majority of the members of the committee were present, even though the meeting had not been called by the chairman.

On behalf of the members, and at the request of members, of the Committee on World War Veterans' Legislation, I desire to propound this inquiry to the Chair: In the case of a committee that does not have regular meeting days, but is scheduled to meet only at the call of the chairman, I desire to know if there is any way by which that committee would be authorized to meet without the meeting being called by the chairman of the committee.

The SPEAKER. As the gentleman has said, the Chair limited his ruling to cases of committees which had fixed days for meeting and had had for many years so it was known by the House that that was its regular custom, a quorum always being present to transact business. Where there is no meeting day fixed the Chair thinks the committee could only meet by the call of the chairman unless the committee should decide upon some other form of procedure.

Mr. RANKIN. Would not the chairman have to call the meeting for them to get together to decide on some other form of procedure?

The SPEAKER. The Chair would rather think that if a majority of the committee desired to have a meeting for the purpose of determining its mode of procedure, the chairman would call the committee together.

Mr. RANKIN. I thank the Chair.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The SPEAKER. The Chair lays before the House the following communication:

WASHINGTON, D. C., *February 14, 1929.*

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the George Rogers Clark Sesquicentennial Commission.

Respectfully yours,

RALPH GILBERT.

The SPEAKER. Without objection, the resignation will be accepted, and the Chair appoints to fill the vacancy caused by the resignation of Mr. GILBERT the gentleman from Indiana, Mr. GREENWOOD.

There was no objection.

BOISE RECLAMATION PROJECT

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have the impression that the amendment permits a different disposition of these proceeds than the House bill anticipated.

Mr. SMITH. The House bill provided specifically that the proceeds of the sale should be credited to the charges, but the general law takes care of all that, and anything that comes in from the sale of water, under the general law, would have to be applied to the credit of charges for construction purposes.

Mr. CRAMTON. I wonder if the gentleman would mind withholding this for the present. I think I have a memorandum on it.

Mr. SMITH. It only involves a very small amount of land.

Mr. CRAMTON. How much does it involve?

Mr. SMITH. It involves the water rights to about 400 acres, which the Government owns and which it wants to relinquish to the district.

Mr. CRAMTON. Does the department approve of the action that is now proposed by the Senate?

Mr. SMITH. It has not been submitted to the department.

Mr. CRAMTON. I will ask that the gentleman withhold it until I can see just what it is.

Mr. SMITH. Mr. Speaker, I withdraw the request, at the suggestion of the gentleman from Michigan, who wishes to examine the amendments to the bill.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I ask unanimous consent that I may have three legislative days to file minority views on the bill known as the Muscle Shoals bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he may have three legislative days to file minority views on the so-called Muscle Shoals bill. Is there objection?

Mr. GARRETT of Texas. Reserving the right to object, Mr. Speaker, how is a Member going to file minority views on a bill when he did not participate in the action of the committee in reporting it and was not present?

The SPEAKER. He may have the assistance of the gentleman from Texas. [Laughter.] Is there objection?

There was no objection.

CONSENT CALENDAR

BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR BATON ROUGE

The first business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert the following committee amendment:

"That the consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, both in the State of Louisiana, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Mississippi River at or near Baton Rouge, La."

Mr. SCHAFER. Mr. Speaker, I move to strike out the last word in order to obtain some information from the committee which reported this bill. Section 2 states that the tolls which are charged for use of the bridge shall be so adjusted as to provide a fund sufficient to pay the cost of building, maintaining, repairing, and operating the bridge, and so forth, under "reasonable charges." I would like to ask some member of the committee reporting the bill who is to determine whether the rates of toll are reasonable or not; who is to supervise the details of this proposition?

Mr. MAPES. I did not report the bill, but the general bridge act gives the power to the Secretary of War through the Board of Engineers.

Mr. LAGUARDIA. Where you have an agency controlling the bridge consisting of two States, the gentleman need not have any misgivings about it. The trouble is where you have a private corporation given all this power; they have all the control.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

AMENDING THE ACTS RESPECTING COPYRIGHT

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. O'CONNOR of Louisiana. I object.

COMPACTS BETWEEN THE STATES OF COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that this bill and the next one be passed without prejudice.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that this bill and the next one on the calendar be passed without prejudice. Is there objection?

Mr. LAGUARDIA. This bill has been at the head of the calendar for some time, and the last time the gentleman assured us that it could be disposed of at the next calendar day.

Mr. TAYLOR of Colorado. No; the gentleman is mistaken, he is going to assure the gentleman this time. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may have leave to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CLASSIFICATION OF THE CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is a very important bill and would require extended discussion. It ought not to come up on this calendar. I ask unanimous consent that it be passed over without prejudice.

Mr. HOWARD of Oklahoma. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. Mr. Speaker, this is the Indian trust bill. There is a great deal of controversy over it and it has very highly important provisions in it. I ask unanimous consent that it go over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

YUMA AND YUMA MESA AUXILIARY IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 15918) to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I understand the gentleman from California [Mr. SWING] on last Consent Calendar day, had some objections to this bill.

Mr. DOUGLAS of Arizona. Mr. Speaker, I do not think so. It was the gentleman from Michigan [Mr. CRAMTON] who asked that it go over without prejudice in order that he might have time to investigate it.

Mr. LAGUARDIA. This is not the Imperial Valley project then?

Mr. DOUGLAS of Arizona. No.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have not had the opportunity to make the study that I wanted to make. The Yuma irrigation district situation is very complicated. However, I have been advised that all this bill does is to make possible certain adjustments cared for in the last proviso.

Mr. DOUGLAS of Arizona. Yes.

Mr. CRAMTON. For those who have paid up in full?

Mr. DOUGLAS of Arizona. Yes.

Mr. CRAMTON. It does not make any change for any one else?

Mr. DOUGLAS of Arizona. None whatever.

Mr. CRAMTON. Mr. Chairman, I withdraw my objection.

Mr. LAGUARDIA. It is not connected in any way, remotely or otherwise, with the big proposition that we have in mind.

Mr. DOUGLAS or Arizona. No. I shall explain the situation to the gentleman if he desires.

Mr. LAGUARDIA. If the gentleman assures me that it is not connected with that in any way, I shall be satisfied.

Mr. DOUGLAS of Arizona. It has nothing to do with any water rights of the Imperial irrigation district, or any payments which the Imperial irrigation district is under obligation to make to the United States.

Mr. LAGUARDIA. And has no connection directly or indirectly with the Boulder Dam proposition?

Mr. DOUGLAS of Arizona. Absolutely none.

Mr. LAGUARDIA. Mr. Speaker, I accept the gentleman's assurance.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes," approved June 28, 1926, be amended so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to credit the individual water-right applicants on the Yuma reclamation project and the purchasers of water rights on the Yuma Mesa auxiliary project, on the construction charges due under their contracts with the United States under the reclamation act and acts amendatory thereof and supplementary thereto, with their proportionate part of all payments heretofore made or hereinafter to be made by the imperial irrigation district of California under contract entered into under date of October 23, 1918, between the said district and the Secretary of the Interior: *Provided,* That lands in the Yuma Indian Reservation for which water rights have been purchased shall share pro rata in the credits so to be applied: *Provided further,* That where construction charges are paid in full said payments shall be credited on operation and maintenance charges assessed against the lands to which said payments would otherwise apply."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO CENTER, BOLLING FIELD, D. C.

The next business on the Consent Calendar was the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I held this bill up on last consent day to obtain information from the War Department and the Navy Department. I have obtained that information, and without burdening the House with it at this time, I ask unanimous consent to insert at this point in the RECORD a letter I received from the Secretary of War, and withdraw my objection to the bill.

The SPEAKER. The gentleman from New York asks unanimous consent to insert a letter at this point in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

FEBRUARY 12, 1929.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.:

DEAR MR. LAGUARDIA: I am pleased to reply to your letter of February 4, 1929, concerning the possibility of utilizing the Navy Department radio station at Arlington for all Government services in connection with consideration of H. R. 13931, a bill to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field.

This radio and communication center as now existing transmits during the dull season approximately 500 to 600 messages daily and during the rush times over 1,000 messages daily for 49 bureaus, branches, or departments of the Government, including the Navy Department.

This transmission effected a net saving of $263,000 during the last year, which would have been the cost of transmittal by commercial facilities at Government rate.

Information received from the Navy Department indicates that they would be unable to handle Army businss in addition to their own without the installation of additional equipment, which in turn would require the enlargement of their present buildings and grounds costing more than that involved in erecting an Army radio building at an Army station.

The War Department hook-up controls 212 land stations similar to the control which the Navy exerts over its stations and the consolidation of this control is not believed to be desirable.

Another vital consideration is the fact that the Army net handles all messages and broadcasts in connection with the air activities of the War Department, it being possible to give them first priority in transmission.

If all this should be placed at Arlington, the Navy could not give such priority as they must give similar priority to their broadcasts in the interests of their flying activities, weather information, and ships at sea, and for issuing orders to their fleets at stated hours.

I still feel it to be essential that the Army be provided with a suitable building to house its radio transmitters and that it is not desirable or practicable to utilize the naval radio station at Arlington, Va., for the purpose of housing all Army radio transmitters located or to be located in the vicinity of Washington, D. C., for the following reasons:

At the present time radio transmitters under War Department control are located at Fort Myer (3), Annapolis (1), navy yard (1), Bolling Field (1).

It will be necessary in the near future to make available nine radio transmitters for use by the War Department radio net due to the steady and rapid increase of traffic for all Government branches, bureaus, and departments being handled by this net. Sufficient space at Arlington is not available for installing the War Department radio transmitters now in operation. High-powered, high-frequency amplifiers are essential for use with the present transmitters, and this equipment requires much space in order to insure efficient operation and safety of personnel.

It is essential that the Signal Corps train personnel in the handling of high-powered radio transmitters and amplification equipment. This valuable purpose would be lost in the event that War Department equipment of this magnitude and importance was turned over to the Navy. There would be divided responsibility which would result in loss of efficiency.

At the present time the War Department has one high-frequency transmitter located at the navy yard under similar conditions to those outlined in your letter. The operation of this transmitter is far from being efficient, and has required during the last two months more care than three transmitters located at Fort Myer under direct control of the War Department.

It would not be proper to group all Government transmitters in one location. Any operating difficulty, such as loss of power, storms, etc., would throw the Army and Navy nets out of operation. The Navy Department has appreciated this and at the present time has transmitters located at Annapolis, navy yard, and Arlington.

It would not be economical, as any saving which would be effected by initial construction would be lost in alterations at Arlington and rental of long control and signal lines from the Munitions Building to Radio, Va.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $30,000, to be expended for the construction of a building for a radio and communication center at Bolling Field, D. C.

With the following committee amendment:

Line 6, after the word "Columbia," insert "or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (H. R. 15211) to amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," approved February 23, 1917, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

COTTON STATISTICS

The next business on the Consent Calendar was the bill (S. 4206) authorizing the Director of the Census to collect and publish certain additional cotton statistics.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

BRIDGE ACROSS MISSOURI RIVER AT OMAHA, NEBR.

The next business on the Consent Calendar was the bill (H. R. 15011) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the Department of Agriculture, Roads Bureau, recommends against favorable action on this bill, and I therefore object.

The SPEAKER. Objection is heard.

BRIDGE ACROSS MISSOURI RIVER AT SOUTH OMAHA, NEBR.

The next business on the Consent Calendar was the bill (H. R. 15012) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I call attention to the report of the Department of Agriculture recommending against favorable action on this bill, and I therefore object.

Mr. ARENTZ. Mr. Speaker, I would like to say a word in regard to these bridge bills. It seems to me a bridge bill is either good or bad, and surely the gentleman from Illinois [Mr. DENISON] will get together with the official objectors and agree as to what bridge bills are good and what bridge bills are bad and pass them collectively in order to save the time of the House in considering private bills. I hope the gentleman from Illinois will do that and let us pass them collectively.

Mr. GARRETT of Texas. I think the observation made by the gentleman is entirely correct. There are some of these bills to which there is no objection and some of these bills to which there is objection, and I agree entirely with the gentleman, and I hope that the gentleman from Illinois will report an omnibus bill.

Mr. LAGUARDIA. I have all of my bills marked, and I can tell instantly which to object to or not.

Mr. DENISON. I think I can assure the gentleman that we will figure out some way in reference to these bills.

Mr. GARRETT of Texas. I have one or two marked, and I will agree to pass them over.

BRIDGE ACROSS GARNIERS BAYOU, FLA.

The next business on the Consent Calendar was the bill (H. R. 15525) authorizing Thomas E. Brooks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Garniers Bayou at or near the point where State Road No. 10 crosses the said Garniers Bayou, in the State of Florida.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, the Department of Agriculture, Bureau of Roads, reports against the passage of this bill, and I am therefore constrained to object.

The SPEAKER. Objection is heard.

BRIDGE ACROSS OHIO RIVER AT NEW MARTINSVILLE, W. VA.

The next business on the Consent Calendar was the bill (H. R. 15570) authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the Department of Agriculture, Bureau of Roads, recommended against the proposed action on this bill, and I therefore object.

Mr. BACHMANN. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Certainly.

Mr. BACHMANN. I want to say for the information of the gentleman that at the last session of Congress this bill was passed for building this bridge at New Martinsville, W. Va. The town council entered into an agreement with the bridge company to construct the bridge, and the bridge company which obtained the franchise wanted the town of New Martinsville to pay the sum of $5,000 before it would turn the franchise over to them.

At this session of Congress I introduced a bill repealing that act and introduced this bill asking for the consent of Congress to authorize S. R. Cox, who is the town recorder of the town of New Martinsville, to construct this bridge, so that the town itself, in so far as its financial condition was concerned, could go ahead with this project and build the bridge.

Mr. LAGUARDIA. I wish the gentleman from West Virginia to understand that there is nothing personal in my attitude. I am simply trying to uphold and support the attitude of the Roads Bureau, which in turn is trying to do some excellent constructive work. The gentleman should take up the matter with the Roads Bureau. There is no feeling in this matter on my part. I must be consistent. I must object to all these bills and follow the recommendation of the Roads Bureau.

Mr. BACHMANN. What I am trying to clarify in the gentleman's mind is this, that only at the first session of this Congress we passed a bill to complete a bridge at that place, and the bridge would probably have been under construction by this time if the bridge company and the town council had been able to get together. This bill gives authority to S. R. Cox, the town recorder, to build the bridge.

Mr. LAGUARDIA. The Department of Agriculture says concerning this bill:

Routes on the Ohio and West Virginia systems of Federal-aid highways parallel the Ohio River on both sides, passing through New Martinsville and points opposite in Ohio. A bridge across the Ohio River at this point, therefore, would constitute a connecting link between these routes on the system of Federal-aid highways. The department would, therefore, recommend against favorable action on the bill.

Mr. BACHMANN. At the last session I introduced a bill to construct a bridge at that particular place. I am trying to get authority for the council to go ahead and build the bridge. I have been in touch with the Department of Agriculture with respect to this, but they never changed their report.

Mr. LAGUARDIA. Of course, we have nothing but the report of December 28, 1928, from which I read.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TILSON. Will the gentleman in just a few words state what is the position of the Roads Department?

Mr. LAGUARDIA. Yes. The roads on both sides, both in West Virginia and Ohio, are a part of the Federal road system. This bridge would connect the two highways which are within the Federal road system. The attitude of the department is not to allow these bridges to be built by private concerns and charge tolls. The gentleman will realize that building a bridge across a Federal highway is of particular concern to the authorities in the Federal road system. The Government is appropriating very generously for the Federal road system.

Mr. TILSON. It seems to me it might be a useful adjunct to the roads on both sides of the river to have a bridge built there.

Mr. LAGUARDIA. I am merely trying to carry out one of the policies of the Federal road system.

Mr. TILSON. Unless there is a good reason for it we need not support it.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE MAUMEE RIVER

The next business on the Consent Calendar was the bill (H. R. 15715) authorizing the construction of a high-level bridge across the Maumee River at or near its mouth.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I hold in my hand a telegram from Hon. W. E. Jackson, mayor of Toledo, which reads as follows:

TOLEDO, OHIO, *February 16, 1929.*

JOHN C. SCHAFER,

House of Representatives:

Urge you use influence to kill H. R. 15715, granting toll bridge franchise to Rheinfrank. Sentiment in Toledo opposed to private toll bridge. Want time to determine feasibility of free bridge. Also opposed to bill granting municipal toll bridge franchise until study is made.

WILLIAM T. JACKSON, *Mayor.*

I rise at this time to ask for information. Is there any probability that in the near future a free bridge will be constructed at this point?

Mr. CHALMERS. Will the gentleman withhold his objection?

Mr. SCHAFER. I will reserve it.

Mr. CHALMERS. Mr. Speaker, when I first introduced this bill I said I would not urge its passage unless I was convinced that, in the first place, it did not interfere with our plans for the development of the Toledo port; and, second, I must be convinced that the city of Toledo wanted it. I am assured by the War Department that it will not in any way interfere with the port. This bridge is to be built under the jurisdiction and direction of the War Department. There is a clearance of 136 feet under the bridge.

Mr. SCHAFER. Is the city council in favor of this bill?

Mr. CHALMERS. They are in favor of it by a vote of 18 to 2. They passed a resolution favoring this toll bridge.

Mr. LAGUARDIA. What did the mayor of Toledo say?

Mr. SCHAFER. He is opposed to it.

Mr. CHALMERS. I want to see done what the city of Toledo wants. I have here a statement under oath that 18 of the 20 councilmen representing the different wards of the city of Toledo certifying to me to-day that they will carry this Toledo bridge resolution by a two-thirds vote over the mayor's veto at the first opportunity, which will be on the 26th day of this month. I will ask the chairman in charge of bridge legislation in the Senate to hold this bill up in the Senate until the Toledo council acts.

Mr. SCHAFER. How does the mayor feel about it?

Mr. CHALMERS. He feels that the resolution has no effect. After two months agitation, the city of Toledo decides that it wants it. I am in favor of letting them have what they want.

Mr. SCHAFER. I have the highest regard for the distinguished gentleman from Ohio [Mr. CHALMERS], who so ably and efficiently represents the people of Toledo in the Halls of Congress. In view of the fact that he favors this bill and in view of the statement he has made, I shall not object.

Mr. COOPER of Wisconsin. The gentleman says the aldermen have expressed their desire to have this bridge. Have the people ever had an opportunity to vote on the question.

Mr. CHALMERS. The people voted bonds for a $3,000,000 bridge at the last November election.

Mr. COOPER of Wisconsin. To be paid for by the people?

Mr. CHALMERS. By the people; yes.

Mr. COOPER of Wisconsin. A free bridge?

Mr. CHALMERS. Yes. We have five bridges, and if people do not want to pay toll they can go a mile farther and pass over a free bridge.

Mr. COOPER of Wisconsin. I am prompted to ask this question because the gentleman from Missouri [Mr. COCHRAN] a few days ago told the House of a toll bridge in Arkansas that cost between $300,000 and $400,000, and the tolls collected last year were more than $100,000. So that a toll bridge in these days of automobiles has gotten to be a pretty good proposition.

Mr. COCHRAN of Missouri. And let me say to the gentleman that the hearings before the United States district engineers held last week developed the fact that the owners of that bridge are fighting a reduction in tolls.

Mr. LAGUARDIA. May I say to the gentleman from Wisconsin that all the Bureau of Roads, in the Department of Agriculture, is seeking to do is to give the public the benefit of the Federal-aid system of public roads and we should stand by them.

Mr. COOPER of Wisconsin. And the gentleman's idea is that when the Government builds a road on each side of a river private individuals should not have an opportunity to build a bridge which will give them the benefit of tolls on the traffic which the Government has brought to the bridge.

Mr. LAGUARDIA. That is because it gives a monopoly at that point.

Mr. CHALMERS. Mr. Speaker, when I was first requested by Mr. Eugene Rheinfrank on December 21, 1928, to introduce in Congress a bridge bill for the construction of a high-level toll bridge near the mouth of the Maumee River, I wrote Mr. Rheinfrank that before doing so I must be convinced, first, that the people of Toledo favored his project and, second, that it would not in any way interfere with our plans to make Toledo a world port.

At the same time I wrote to city and county officials and citizens of the district, calling for their judgment and advice on this important subject. My answers favoring the project have indicated a large majority. I would say the majority is more than 80 per cent, as an examination of my bridge file will show. I have had resolutions from 14 civic, social, and business organizations and clubs of the district indorsing the project. Only one organization has sent me resolutions condemning it.

As soon as I was assured by the War Department that the public interests and that of the port would be well guarded and cared for, I was satisfied on my second reservation, our port interests.

As to whether or not the city of Toledo wants the toll bridge built under proper safeguards, regulations, and restrictions, I decided early to leave to the Toledo City Council. When they indorsed the project by a vote of 18 to 2 one would think that this would be sufficient evidence of public opinion. But since the mayor has vetoed the resolution, and to be doubly sure of what the people want, I have decided to let the bill go through the House to-day and await in the Senate action on the mayor's veto. If the bill were passed over on the Consent Calendar to-day, it would be killed for the Seventieth Congress. I do not feel like assuming that responsibility.

If, after all this publicity and agitation, the council again passes the resolution by a two-thirds vote, we ought all to gracefully yield to the majority views.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Eugene Rheinfrank, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Maumee River, within the county of Lucas, State of Ohio, at a point suitable to the interests of navigation, at a point at or near its mouth, or entrance into Maumee Bay, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Ohio, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be

so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Eugene Rheinfrank, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Ohio a sworn intemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may and, at the request of the Highway Department of the State of Ohio, shall at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Eugene Rheinfrank, his heirs, legal representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Eugene Rheinfrank, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

With the following committee amendments:

Page 2, line 12, after the word "condemnation," insert the words "or expropriation."

Line 16, strike out the word "twenty" and insert the word "five."

Page 3, line 1, strike out the word "interest" and insert the word "interests."

Line 7, after the word "are," insert the word "thereafter."

Line 8, strike out the word "tolls" and insert the word "toll."

Line 19, strike out the word "tolls" and insert the word "toll."

Page 4, line 10, strike out the word "cost" and insert the word "costs."

Page 5, after line 10, add the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act, and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 2, strike out the figure "6" and insert the figure "7."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

The next business on the Consent Calendar was the bill (H. R. 15849) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS THE MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 16205) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the time for amortization under this bill has been reduced from 20 years to 5 years. It is not on the Federal-aid system of roads, and if the committee will press its amendment, changing the time from 20 years to 5 years, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Fayette City Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near Fayette City, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge as determined by the Secretary of War, either the Commonwealth of Pennsylvania, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of the Commonwealth of Pennsylvania governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. That if such bridge shall at any time be taken over or acquired by the Commonwealth of Pennsylvania or by any municipality or political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefore, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its appoaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. That Fayette City Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the Commonwealth of Pennsylvania, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the Commonwealth of Pennsylvania shall, at any time within three years after the com-

pletion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Fayette City Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. That the right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Fayette City Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is herein expressly reserved.

With the following committee amendments:

Page 2, line 16, strike out "twenty" and insert "five."

Page 3, line 6, insert the word "other" after the word "or."

Page 3, line 13, strike out the word "therefore" and insert the word "therefor."

Page 3, line 22, strike out the word "appoaches" and insert the word "approaches."

Page 5, after line 12, insert the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 5, strike out the figure "6" and insert the figure "7."

Page 6, line 6, strike out the word "herein" and insert the word "hereby."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

Mr. BEERS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1159, H. R. 15849, a bill authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 1159, H. R. 15849, which was passed over without prejudice. Is there objection.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I shall not object if the gentleman from Pennsylvania will accept an amendment which I shall offer to the committee amendment. The bill provides for recapture within 30 years. The committee's amendment provides for 20 years; the bureau recommends 15 years, and I shall offer such an amendment.

Mr. BEERS. I will accept that amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Richard H. Klein, his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near the borough of Liverpool, Perry County, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Pennsylvania, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 30 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Pennsylvania, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said Richard H. Klein, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Pennsylvania, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Pennsylvania shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation, the said Richard H. Klein, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Richard H. Klein, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 17, strike out the word "thirty" and insert the word "five."

Page 3, line 16, strike out the word "thirty" and insert the word "twenty."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to the committee amendment by striking out "twenty" and inserting in lieu thereof "fifteen."

The SPEAKER. The gentleman from New York offers an amendment to one of the committee amendments, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. LAGUARDIA: Page 3, line 16, strike out the word "twenty" and insert in lieu thereof the word "fifteen."

The amendment to the committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 5, after line 11, insert a new section to be known as section 6, as follows:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies of abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 3, strike out the figure "6" and insert the figure "7."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. LAWRENCE RIVER

The next business on the Consent Calendar was the bill (H. R. 16345) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River, near Morristown, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I understand the bureau is in error when it states that this connects two Federal-aid roads meeting each other at the stream.

Mr. SNELL. I think they are entirely wrong in their position because there is a Federal-aid road that runs south of the St. Lawrence River east and west. This bridge is for the road coming from Canada and will eventually join up and come into the Federal-aid road, but they will have to build a special road from half a mile to three-quarters of a mile long. It does not force anybody to go across this bridge.

Mr. LAGUARDIA. Then it does not come within the category that we have just been discussing.

Mr. SNELL. Not as I understand it. If we can get somebody to put their money in there we would like to have them build the bridge.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, Frank A. Augsbury, his heirs, legal representatives, and assigns, be and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Lawrence River, so far as the United States has jurisdiction over the waters of said St. Lawrence River, at a point suitable to the interests of navigation at or near Morristown, St. Lawrence County, N. Y., to some suitable or convenient point at or near Brockville, in the Province of Ontario, in the Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. There is hereby conferred upon Frank A. Augsbury, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of New York needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of New York, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Frank A. Augsbury, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of New York applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Frank A. Augsbury, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 23, after the word "property," insert the words "for public purposes."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Amend the title so as to read: "A bill authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y."

BRIDGE ACROSS WABASH RIVER

The next business on the Consent Calendar was the bill (S. 4451) to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois [Mr. WILLIAMS] a question.

Mr. HULL of Tennessee. Mr. Speaker, I object.

BRIDGE ACROSS THE MISSOURI RIVER NEAR BROWNVILLE, NEBR.

The next business on the Consent Calendar was the bill (S. 4861) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Brownville Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, at or near Brownville, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Brownville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real etate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Brownville Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Missouri, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public

purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Brownville Bridge Co., it successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Brownville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Brownville Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 3, line 11, strike out the word "twenty" and insert the word "five" in lieu thereof.

Page 6, after line 3, insert the following as section 8:

"SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspapers of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WABASH RIVER

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1163, the bill S. 4451.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WILLIAMS of Illinois. I will ask the gentleman from Tennessee if he will reserve his objection.

Mr. HULL of Tennessee. Yes.

Mr. WILLIAMS of Illinois. I will say to the gentleman from Tennessee, who objected to the consideration of the bill, that a bill was passed at the last session authorizing these people to construct a bridge across the Wabash River at McGregors Ferry, and became a law. This bill is an amendment to that bill authorizing a change of location from McGregors Ferry about 16 miles north at New Harmony.

Mr. HULL of Tennessee. I will say to the gentleman in all candor that, according to my information, after this first act was passed some citizens of my section went over there and expended considerable time and money in preparations for the construction of a bridge at the point now proposed by the amended bill, and in these circumstances, for the present, I feel constrained to object.

Mr. WILLIAMS of Illinois. Will the gentleman state whether or not a bill has been introduced for the people he mentions?

Mr. HULL of Tennessee. I have not introduced such a bill. That has been their intention, according to their statements to me.

Mr. WILLIAMS of Illinois. I thought perhaps, in view of the statement I have just made, the gentleman might withdraw his objection.

Mr. HULL of Tennessee. This matter might clarify itself later. I am just complying with the request of some citizens in my section.

The SPEAKER. Objection is heard.

NAVAL RESERVE AND MARINE CORPS RESERVE

The next business on the Consent Calendar was the bill (H. R. 7930) to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I ask the gentleman in charge of the bill a question? This apparently looks very innocent on its face, but the cost of inspecting and transporting these men for the purpose of inspection is estimated at $12.40 a man and amounts to $74,250 per year, and then this statement is made, which seems inconsistent:

This amount would be reduced each year by deaths, resignations, etc., among those members of the Fleet Naval Reserve transferred thereto prior to July 1, 1925.

It is not the intention of the bill to reduce the strength of the Naval Reserve; therefore, how do you expect this reduction owing to deaths and resignations?

Mr. HALE. These are men on the retired list, of course.

Mr. LAGUARDIA. Are there not other men going on the retired list all of the time?

Mr. BRITTEN. If my colleague on the committee will yield, and answering the gentleman's question, as the Fleet Naval Reserve is now constituted, it is divided as far as regulations and rules of the department are concerned for examination for these men. The law of August, 1916, provides that certain reservists shall be subject to examination and inspection at least every four years. In 1925 legislation was enacted that inadvertently left out the reserves enrolled prior to 1925, so the reservists enrolled since then who went out with 16 to 20 years' service may be called once every four years, while everybody enrolled prior to that may not be called at all.

Mr. LAGUARDIA. So they are gradually reduced?

Mr. BRITTEN. The bill now before us will make the inspection law apply to all fleet reservists alike.

Mr. SCHAFER. Reserving the right to object—and I believe I shall object—on page 2, line 7, it provides:

Provided further, That transferred members of the Fleet Naval Reserve found not physically qualified on reporting for inspection in accordance with this section shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' service.

Mr. BRITTEN. That is a copy of the present law as affecting those reserves who were enrolled after July 1, 1925.

Mr. SCHAFER. Are you going to have a number of men receiving compensation that they would not receive if it was not for this provision?

Mr. BRITTEN. No; this does not change their present compensation, but it does provide for examination of all fleet reservists who have come out of the regular service.

Mr. SCHAFER. If they call one of these men in for examination and find that he is disabled and place him on the retired list, will he receive any additional compensation?

Mr. BRITTEN. Not a penny; and for this reason: He gets the same pay in retirement that he now gets as a fleet reservist. He is simply taken off the reserve rolls and placed on the retirement list. The reserve rolls should not be incumbered with men physically unqualified for service in an emergency, and that really is the reason for this legislation.

Mr. SCHAFER. The committee report indicates that this bill will cost about $75,000 annually. Most of this amount will be expended for medical examinations and transportation to places where such examinations will be made. Would there not be a considerable saving if the Pension Bureau examiners, the United States Compensation Commission examiners, the Veterans' Bureau examiners, and other Government examiners could conduct the medical examinations? It would result in a great saving in transportation cost to the Government.

Mr. BRITTEN. Let me suggest that there are some 5,900 men affected by this legislation. If all of them were called in for inspection, it would cost about $12.50 each for transportation and examination and everything else, and the amount would reach $74,000.

Mr. SCHAFER. If you have a man living in the West, a good many miles from where one of these Navy medical officers is stationed, you are going to have a saving if the Pension Bureau examiner or the Veterans' Bureau examiner conducts the medical examination.

Mr. BRITTEN. I agree with the gentleman, and if it can be determined by the department that he is of good physical character, they may not require him to travel a great distance for inspection.

Mr. SCHAFER. Why not amend the bill so that the Pension Bureau examiner, the Veterans' Bureau examiner, and other Government examiners can conduct the medical examinations?

Mr. BRITTEN. That could not well be done because the pension examiners do not now examine for the Army or the Navy or the Marine Corps or the Coast Guard.

Mr. SCHAFER. The administration that is coming in on the 4th of March is in favor of the consolidation of Government agencies. If this could be done, it would save the taxpayers many thousands of dollars.

Mr. BRITTEN. I hope there will be no objection to this bill.

Mr. SCHAFER. If in the future when we are considering legislation to consolidate the activities of the Government and find that we can save this money the gentleman would not object to it, would he?

Mr. BRITTEN. Certainly not.

Mr. LAGUARDIA. This does not appropriate. This must go before the Committee on Appropriations.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 24 of the act approved February 28, 1925 (43 Stat. 1087, U. S. C. title 34, sec. 785), entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," be, and the same is hereby, amended by changing the period at the end of said section to a colon and by adding thereto the following proviso: *"Provided further,* That any pay which may be due any member of the Fleet Naval Reserve, transferred thereto prior to July 1, 1925, shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection: *Provided further,* That transferred members of the Fleet Naval Reserve found not physically qualified on reporting for inspection in accordance with this section, shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' service," so that said section will read as follows:

"All enlisted men who heretofore have been transferred from the regular Navy to the Fleet Naval Reserve established by the act of August 29, 1916, and who by section 1 of this act are transferred to the Fleet Naval Reserve herein created, shall receive the rate of pay they were legally entitled to receive in the Naval Reserve Force: *Provided,* That such enlisted men so transferred to the Fleet Naval Reserve herein created shall, upon completing 30 years' service, including naval service and time in the Fleet Naval Reserve of the Naval Reserve Force and in the Fleet Naval Reserve herein created, be transferred to the retired list of the regular Navy with the pay they were then legally entitled to receive, plus the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' naval service: *Provided further,* That any pay which may be due any member of the Fleet Naval Reserve, transferred thereto prior to July 1, 1925, shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection: *Provided further,* That transferred members of the Fleet Naval Reserve found not physically qualified on reporting for inspection in accordance with this section, shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' service."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The next business on the Consent Calendar was the joint resolution (H. J. Res. 354) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, this would seek to appropriate nearly a million dollars for construction outside of the United States, and I feel constrained to object.

Mr. LAGUARDIA. I hope the gentleman will not object.

Mr. PORTER. Mr. Speaker, will the gentleman withhold his objection for a brief explanation?

Mr. BLACK of Texas. Yes.

Mr. PORTER. Mr. Speaker, this resolution has the approval of the President, of the Secretary of State, and of the Director General of the Pan American Union. The matter arises in this way: At the Pan American conference held in Santiago, Chile, in 1923, in which our Government participated, the following resolution was agreed to:

To recommend that the Governments of the American Republics honor the memory of Christopher Columbus, discoverer of America, by the erection of a monumental lighthouse which will bear his name, on the coast at Santo Domingo, capital of the Dominican Republic, and which shall be built with the cooperation of the Governments and people of America and any others who may so desire.

Later on, on December 10, 1926, the Congress of the United States approved the project by the following resolution:

That it is the sense of the Congress that the United States approves the international project advocated at the Pan American conference, held at Santiago de Chile, April, 1924 (1923) to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several States participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.

Our contribution to the building fund is on the same basis as our contributions to the Pan American Union. It is based on population. The population of the United States is slightly in excess of the population of the other Americas combined. The project, it is estimated, will cost about $4,000,000, $1,500,000 to be contributed by the Republics of the Western Hemisphere. I am informed that Spain and Italy may also contribute. The balance of the two and a half million dollars is to be raised by public subscription in the respective countries.

Mr. BLACK of Texas. I think there is no hurry about this project. Some gentlemen have spoken to me asking that at least it go over for further investigation. I shall not object at this time if the gentleman is willing to leave it on the calendar and pass it over without prejudice. If the gentleman desires, I shall make that request; otherwise I shall object.

Mr. PORTER. Delay would be embarrassing. The Dominican Republic has organized the commission. There is to be an exposition at Seville, Spain, in August next, where the plans are to be submitted and the awards made. Cuba has already

indicated a willingness to contribute, also one other South American country. I would regret very much to see it go over.

Mr. BLACK of Texas. The United States does honor the great discoverer and has honored him in numerous ways everywhere. There are some Members who question the propriety of appropriating a million dollars toward building a lighthouse to be located in the Dominican Republic. Unless the gentleman is willing that it go over without prejudice, I shall make objection.

Mr. PORTER. Does not the gentleman consider that this resolution of the Congress in which we urge the building of this lighthouse places our Government under a moral obligation to make our fair contribution toward the project?

Mr. BLACK of Texas. No. I do not think there is either a moral or a legal obligation. Mr. Speaker, I ask unanimous consent that the joint resolution go over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I think this should be considered at this time, and I object to the postponement of the resolution.

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the present consideration of this joint resolution?

Mr. BLACK of Texas. Mr. Speaker, I object.

INTERNATIONAL CONGRESS ON SANITARY AVIATION

The next business on the Consent Calendar was the joint resolution (H. J. Res. 384) to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this resolution refers to a congress on sanitary aviation. Is not that a mistake? Is not this really a conference on noncombatant aviation? Some one I feel has perhaps translated literally. The phrase "sanitary aviation" conveys nothing, and has no meaning at all. From the meager information contained in the report, I gather that it is a conference on the use of aviation in war which it noncombatant. I may be wrong, I do not know.

Mr. PORTER. Mr. Speaker, I think the gentleman has been misinformed; my information is from the State Department. The conference will consider sanitary aviation in the colonies, sanitary aviation, a means of evacuation in time of war, sanitary hydroaviation, Red Cross and sanitary aviation, and the possibility of neutralization of machines flying within the lines in time of war, medicine and aviation, aerial physiology, and sanitary aviation in time of peace as a help to civil population.

This bill is recommended by the President and Secretary of State, and there is involved an appropriation of only $1,000. The bill was introduced by our colleague, Mr. MAAS, who is ill in a hospital.

Mr. LAGUARDIA. All I desire is the definition of what is sanitary aviation.

Mr. HUDSON. This is a bill introduced by Mr. MAAS, who is a great aviator himself.

Mr. LAGUARDIA. I understand that, but I think the translation is poor.

Mr. HUDSON. The definition contained in the title is the work of France, not of this country. It is an invitation from France.

Mr. LAGUARDIA. I think what it really means is noncombatant aviation.

Mr. HUDSON. Perhaps it is.

Mr. COLE of Iowa. We could not make it out, quite.

Mr. LAGUARDIA. Inasmuch as the information given by the gentleman from Pennsylvania [Mr. PORTER] is so enlightening, I do not desire to object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 for the expenses of delegates of the United States to be appointed by the President to the First International Congress on Sanitary Aviation, to be held at Paris, France, in 1929, including compensation of employees, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing of reports, contract stenographic reporting services, official cards, and such other expenses as the President may deem necessary.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING TRANSPORTATION ACT

The next business on the Consent Calendar was the bill (S. 3723) to amend and reenact subdivision (a) section 209 of the transportation act, 1920.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

CODE OF LAWS OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 368) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, unless some one really desires to hear it, I ask unanimous consent that the joint resolution be considered as read.

The SPEAKER pro tempore. And printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That in order to avoid duplication and waste—

(a) Publication of Supplement I to the Code of Laws of the United States (Public, No. 621, 70th Cong.) as a part of the Statutes at Large is dispensed with;

(b) Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in the act of May 29, 1928 (45 Stat. 1007), as amended by this resolution, shall, in event of enactment, be dispensed with whenever the Committee on Revision of the Laws of the House of Representatives so directs the Secretary of State;

(c) Curtailment of the number provided by law to be printed and distributed of the volumes or publications enumerated in such act of May 29, 1928, as amended by this resolution, may be directed by such committee, except that the Public Printer shall print such numbers as are necessary for depository library distribution and for sale; and

(d) Such committee may direct that the printing and distribution of any supplement to the Code of Laws of the United States or to the Code of Laws relating to the District of Columbia be dispensed with entirely, except that there shall be printed and distributed for each Congress at least one supplement to each such code, containing the legislation of such Congress.

SEC. 2. Section 2 of such act of May 25, 1928, is amended to read as follows:

"SEC. 2. There shall be prepared and published under the supervision of the Committee on Revision of the Laws of the House of Representatives—

"(a) A supplement for each session of the Congress to the then current edition of the Code of Laws of the United States, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(b) A supplement for each session of the Congress to the then current edition of the Code of Laws relating to the District of Columbia, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(c) New editions of the Code of Laws of the United States and of the Code of Laws relating to the District of Columbia, correcting errors and incorporating the then current supplement. In the case of each code new editions shall not be published oftener than once in each five years. Copies of each such edition shall be distributed in the same manner as provided in the case of supplements to the code of which it is a new edition. Supplements published after any new edition shall not contain the legislation of supplements published before such new edition."

SEC. 3. Section 4 of such act of May 29, 1928, is amended to read as follows:

"SEC. 4. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

"(a) The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then correct supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included.

"(b) The matter set forth in the edition of the Code of Laws relating to the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District

of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

"(c) Supplements to the Code of Laws of the United States and to the Code of Laws, relating to the District of Columbia may be cited, respectively, as 'U. S. C., Sup. ,' and 'D. C. Code, Sup. ,' the blank in each case being filled with Roman figures denoting the number of the supplement.

"(d) New editions of each of such codes may be cited, respectively, as 'U. S. C., ed.' and 'D. C. Code, ed.,' the blank in each case being filled with figures denoting the last year the legislation of which is included in whole or in part."

SEC. 4. The publications provided for in such act of May 29, 1928, as amended by this resolution, shall be printed at the Government Printing Office, and shall be in such form and style and with such ancillaries as may be prescribed by the Committee on Revision of the Laws of the House of Representatives. The Librarian of Congress is directed to cooperate with such committee in the preparation of such ancillaries. Such publications shall be furnished with such thumb insets and other devices to distinguish parts, with such facilities for the insertion of additional matter, and with such explanatory and advertising slips, and shall be printed on such paper and bound in such material, as may be prescribed by such committee.

SEC. 5. All bills and resolutions referred to or reported by the Committee on Revision of the Laws of the House of Representatives shall be printed in such form and style, and with such ancillaries, as such committee may prescribe as being economical and suitable, to so continue until final enactment thereof in both Houses of Congress; and such committee may also curtail the number of copies of such bills to be printed in the various parliamentary stages in the House of Representatives.

SEC. 6. The Public Printer is directed to print, in addition to the number provided by existing law, and, as soon as printed, to distribute in such manner as the Committee on Revision of the Laws of the House of Representatives shall determine, 20 copies in slip form of each public act and joint resolution, beginning with the second session of the Seventieth Congress.

SEC. 7. The functions vested by this resolution in the Committee on Revision of the Laws of the House of Representatives may from time to time be vested in such other agency as the Congress may by concurrent resolution provide.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MILITARY POSTS IN PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 16502) to authorize appropriations for construction at military posts in Porto Rico, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. This is a pretty big item for the Consent Calendar, which carries an item of several hundred thousand dollars of appropriation.

Mr. BLACK of Texas. Mr. Speaker, this bill authorizes the appropriation of nearly a million and a half dollars, and I think it too important to be considered at this time, and I object.

The SPEAKER pro tempore. Objection is heard.

ACCEPTANCE OF GIFT OF BRONZE TABLETS FROM WOMAN'S RELIEF CORPS

The next business on the Consent Calendar was the bill (H. R. 15330) authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a gift of bronze tablets, containing Lincoln's Gettysburg Address, and Logan's Memorial Day Order No. 11, to be placed on the grounds of the Andersonville National Cemetery in the State of Georgia, all expenses incident to the erection to be paid by the Woman's Relief Corps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

IRRIGATION DAM ON THE GREYBULL RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10308) to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER, Mr. BLACK of Texas, and Mr. LAGUARDIA objected.

The SPEAKER pro tempore. Three objections are heard. The Clerk will report the next bill.

IRRIGATION DAM ON THE BEAR RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10309) to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. SCHAFER, and Mr. BLACK of Texas objected.

The SPEAKER pro tempore. The gentlemen from Michigan, Wisconsin, and Texas object. The Clerk will report the next bill.

PROTECTION AND DEVELOPMENT OF THE UMATILLA RAPIDS, IN THE COLUMBIA RIVER

The next business on the Consent Calendar was the bill (H. R. 306) to provide for the protection and development of the Umatilla Rapids in the Columbia River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. SCHAFER, and Mr. BLACK of Texas objected.

The SPEAKER pro tempore. The gentleman from Michigan, the gentleman from Wisconsin, and the gentleman from Texas object. The Clerk will report the next bill.

RELIEF OF THE STATE OF MAINE

The next business on the Consent Calendar was the bill (H. R. 10664) for the relief of the State of Maine.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, we have a report here in which the Navy Department approves of this bill very heartily, but the Bureau of the Budget does not agree with the Navy Department. Can the gentleman from Maine [Mr. BEEDY] enlighten us on this or give us some information?

Mr. BEEDY. If the gentleman from New York will note the date of the letter from the Navy Department, February 20, 1928, he will see that Admiral Gregory, under whose jurisdiction this particular project came and who was familiar with it, approved it. Subsequent to that time it went to the Bureau of the Budget, and the Bureau of the Budget disapproved it; whereupon the Secretary of the Navy on March 17, 1928, felt obliged to fall in line with the Budget. When this proposed legislation came before the Committee on Naval Affairs the committee thought it was equitable and sound, since the original act provided that the Federal Government should "aid in the construction" of the bridge, and an appropriation of $500,000 for that purpose was made, all of which was not used because the bridge, at the solicitation of the Federal Government, was placed on the river for the accommodation of a navy yard at a point which narrowed the portion which the Federal Government was to build over the channel and left there an uncompleted bridge. At the same time the State of Maine and the State of New Hampshire were obliged to spend all and more than $500,000.

Mr. LAGUARDIA. Six hundred and sixty-five thousand dollars had been expended by the Federal Government?

Mr. BEEDY. Yes; and the State of Maine and the State of New Hampshire had to go into their own pockets to complete the bridge. They thus expended in the neighborhood of $365,000 each, in addition to the original appropriation. It was thought that if the States of Maine and New Hampshire had come to the Congress when the bridge was half finished, and instead of permitting the cost of the bridge to rest wholly on the shoulders of the States of Maine and New Hampshire should have asked

for Federal money to complete the bridge, they would have gotten it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BEEDY. Yes.

Mr. CRAMTON. I have not had the opportunity to study the bill, but I notice the statement of the Secretary of the Navy that the bill had been referred to the Bureau of the Budget for information as to the cost of the bridge, with the statement that the Navy Department contemplated recommending the enactment of the proposed legislation, and that the Bureau of the Budget stated that it was in conflict with the policy of the Bureau of the Budget.

Now, that kind of a report submitted to the Congress by the Bureau of the Budget is merely a subterfuge; and if the Executive head of the Government wants to let the heads of departments send up that kind of subterfuge reports, you might as well quit referring to the Budget. That will break down the Budget system if the departments are allowed to resort to that kind of funny work.

Mr. LAGUARDIA. What assurance do we have that the States will not follow this up and ask for further appropriations?

Mr. HALE. The Government has already furnished money to build the New Hampshire approach to the bridge.

Mr. LAGUARDIA. No further money will be asked for unexpected expenditures either by the State of New Hampshire or the city of Portsmouth or the great State of Maine?

Mr. HALE. Not from the State of New Hampshire.

Mr. BEEDY. No; nor from the State of Maine.

Mr. BLANTON. The title to this bridge when finished will rest where? Will it be in the State of Maine?

Mr. BEEDY. It connects a Federal road on the one side of the river with a Federal road on the other side.

Mr. BLANTON. It is a free bridge?

Mr. BEEDY. Yes; it is a free bridge.

Mr. BLANTON. And the title to it is where?

Mr. BEEDY. I suppose it will be in the two States.

Mr. BLANTON. It will be in Maine and New Hampshire?

Mr. BEEDY. I suppose that is true.

Mr. BLANTON. Why should we depart from the usual rule with respect to building bridges when the Federal aid should come from our good-roads fund, not from Congress direct, as applies to all the other States of the Union? Why should we depart from that rule as to Maine and New Hampshire?

Mr. BEEDY. The only reason I can think of, I will say to the gentleman from Texas, is that the Federal Government wanted this bridge built to accommodate a United States navy yard.

Mr. BLANTON. There is a bridge between Washington and Texas—either in Tennessee or Arkansas; I have forgotten which; and over which I pass every year—that takes in annually from the people more than the bridge cost. There ought to be a Federal bridge built there. It ought to be built from good-roads funds; it should come from that appropriation; and there is no attempt to have the funds come directly from Congress to relieve that situation. I can not see how the gentleman from Maine is going to get away with this proposition of coming to Congress continually for this kind of an enterprise when it ought to be built through some other department. This is such a departure from the rule and custom we have had for a number of years that I do not see why such a precedent should be set.

Mr. BEEDY. Does the gentleman understand that I am not asking for an appropriation?

Mr. BLANTON. But the amount carried in the bill is $35,000.

Mr. BEEDY. Legislation has already been passed which appropriated this $35,000.

Mr. BLANTON. But you can not spend it without this bill?

Mr. BEEDY. No.

Mr. BLANTON. You need this bill in order to spend that $35,000?

Mr. BEEDY. It is appropriated, but it can not be put to any use, because Maine and New Hampshire finished the bridge, while the Federal Government has an unexpended balance of $35,000 which was originally to be used in the erection of the bridge.

Mr. BLANTON. After what the gentleman from Michigan, the watchdog of the Treasury, had to say about the subterfuge reports of the gentleman's departments, and if he is going to let this bill go by, I am not going to stand in the way of the gentleman from Maine. I am not going to block the bill. If the gentleman from Michigan [Mr. CRAMTON] knows it is a subterfuge report, and he sits in his place and lets it pass, I will not stand in the way but will let the burden rest on his shoulders and on the shoulders of his Republican administration.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the principal function of the minority is to obstruct and object, and hence I refuse to accept the responsibility that the gentleman from Texas should accept himself.

Mr. BLANTON. No; the gentleman is now a confederate in spending the money of the people.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Maine an amount equal to the unexpended balance of appropriations made by Congress to aid in the construction of a bridge between Kittery, Me., and Portsmouth, N. H., remaining unexpended upon final settlement of contracts made by the United States for the construction of such bridge; but the total payments under this act shall not exceed $35,000.

With the following committee amendments:

Page 1, line 5, strike out the words "to the State of Maine."

Page 2, line 1, after the word "bridge," strike out the semicolon, insert a comma, and add the following: "one-half to the State of Maine and one-half to the city of Portsmouth, N. H."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

WAR MINERALS ACT

The next business on the Consent Calendar was the bill (H. R. 15861) to amend section 5 of an act approved March 2, 1919, known as the war minerals act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object; a similar Senate bill having been passed.

The SPEAKER pro tempore. Has the same bill passed once before?

Mr. CRAMTON. A Senate bill has been passed.

Mr. BLACK of Texas. Mr. Speaker, should not a motion be made to lay the House bill on the table?

The SPEAKER pro tempore. Without objection, House bill 15861 will be laid on the table.

There was no objection.

GOVERNMENT TOWN SITES ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 16082) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I do not object to the bill but feel that the suggestion of the department should be complied with as to the form of section 2. If the gentleman will accept an amendment to that effect, I would have no objection to the bill.

Mr. LEAVITT. If the gentleman insists on that we would, of course, have to accept it, but I hope the gentleman will not insist. The fact of the matter is that town sites have been disposed of and the funds allotted, just as is provided in the bill as it now stands, as late as last December. The bill in the form in which it was passed through the committee is in the exact form in which it was prepared in the department after a conference with the water users.

Mr. CRAMTON. The gentleman understands that under the Smith readjustment bill a large sum of Government cost was wiped off the slate, and at best the Government will never play even on this project. The department suggests that this should operate to recoup the Government, and although the matter has been presented to them again since the letter was written to the department on June 23 the department still maintains its position and seems to me to be justified in doing so. Accordingly I would be obliged to insist on the amendment.

Mr. LEAVITT. Of course, if the gentleman insists, in spite of the fact that in my judgment the act of December 5, 1924, requires the allotment in the manner provided in the bill as it now stands, and certainly, on the Huntley project from which this legislation originated, their contract of January 2, 1927, calls for the same thing, and credit for the sale of town-site land has been given on that project as late as December, 1928, for

lots sold at a public sale held in November, 1928. This amendment is an afterthought on the part of the department and steps in on something without checking back on the law and the contract that exists and under which an allocation of these sales proceeds have previously been made.

It seems to me the bill should pass in the form in which it now stands, without question, in view of the law and in view of the contract. I hope the gentleman will not object, because this form of bill was agreed to by the department, and in fact was drawn in the department, and then when it was sent back to them for report somebody had this afterthought, surely, in my judgment, without considering the contract with the project or the law of 1924.

Mr. CRAMTON. If the gentleman would rather have it go over to-day without prejudice and present that aspect of it to the department that would be all right. I do not understand that there is a contract in existence that requires this, but I do know that a part of the expense of the Government in the construction of this project has been wiped off the slate and the charges adjusted to what was thought to be fair to the remaining landowners. Now, to take the proceeds of these town lots and further reduce their charges is not anything that they have a right to insist on in equity, and is something that the Government is entitled to receive as a matter of equity.

Mr. LEAVITT. Of course, if the gentleman insists in spite of the fact that in my judgment the contract on this project calls for the allocation, as this bill provides, and that payments of this kind have previously been made, I will have to accept the amendment, but entirely in the hope we can clear the matter up when it goes into conference, and that eventually we will be able to get the bill through in the present proper form.

Mr. CRAMTON. I have read the considerable correspondence about this with the department and there is no mention of any contract provision.

Mr. LEAVITT. I am presenting the position as it is understood by the commissioners of the irrigation district and as they have stated it, giving the names of the acts and the date of the contract, and so on. I will accept the amendment, under protest, in the hope meanwhile we can clear this matter up, and it will be easy to stop it later on.

Mr. CRAMTON. I think that is the best way. The Commissioner of Reclamation says that the amount involved will probably be comparatively insignificant, but some importance attaches to the principle involved. I think the course that the gentleman suggests would be quite desirable.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to appraise, and sell, at public auction, to the highest bidder, from time to time, for cash, any or all of the unplatted portions of Government town sites created under the act of April 16, 1906 (34 Stat. p. 116), on any irrigation project constructed under the act of June 17, 1902 (32 Stat. p. 388), or acts amendatory thereof or supplementary thereto: *Provided,* That any land so offered for sale and not disposed of may afterwards be sold, at not less than the appraised value, at private sale, under such regulations as the Secretary of the Interior may prescribe. Patents made in pursuance of such sale shall convey all the right, title, and interest of the United States in or to the land so sold.

SEC. 2. The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the lands so sold where irrigation or drainage works have been constructed or are proposed to be constructed, shall be disposed of as provided in Subsection I of section 4 of the act of December 5, 1924 (43 Stat. p. 672). Where the project construction charge shall not have been fixed at the date of any such sale, same shall be estimated by the Secretary of the Interior.

SEC. 3. Reclamation funds are authorized to be appropriated for use in defraying the necessary expenses of appraisement and sale of the lands herein authorized to be sold, and the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as, in his opinion, may be necessary and proper for carrying out the purposes of this act.

Mr. CRAMTON. Mr. Speaker, I offer an amendment as a substitute for section 2 of the bill.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, after line 6, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the land so sold, where irrigation or drainage works have been constructed or proposed to be constructed, shall be covered into the reclamation fund to recoup to that extent the losses sustained by reason of the charges remitted under the act of May 25, 1926 (54 Stat. 636). Where the project construction charge shall not have been fixed at the date of any such sale same shall be estimated by the Secretary of the Interior."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMERICAN NATIONAL RED CROSS

The next business on the Consent Calendar was the resolution (H. J. Res. 392) to provide for the erection on Government land of a permanent building for the use of the American National Red Cross.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LUCE. Mr. Speaker, reserving the right to object, will the gentleman tell me what is the question he has in mind?

Mr. SCHAFER. My objection is that it is appropriating $350,000 of the people's money as a contribution to the proposed new Red Cross bulilding, and I am absolutely opposed to that expenditure.

Mr. LUCE. Manifestly, Mr. Speaker, the chairman of the Committee on the Library can not meet that statement.

Mr. HUDSON. Reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman from Wisconsin to the fact that this is a bill that permits the United States to receive a contribution of $350,000 from other people for a building which the United States will own and control.

Mr. SCHAFER. In answer to the gentleman's statement, I will say that in my judgment we are not justified in expending $350,000 out of the Federal Treasury to erect a building for the American Red Cross any more than we are for the Salvation Army, the Knights of Columbus, the Young Women's Christian Association, the American Legion, or any other similar organization.

Mr. HUDSON. The gentleman is mistaken.

Mr. LAGUARDIA. I think the sphere of action of the Red Cross is quasi-governmental and has always been recognized as such.

Mr. HUDSON. And the building is to remain the property of the Government.

Mr. LUCE. Further reserving the right to object, I want to remind the gentleman that the president of the Red Cross is the President of the United States; that all the property occupied by the Red Cross is the property of the United States. The grounds and the buildings thereon belong to the United States. To the building now under construction the Nation has contributed just as is here again proposed. This is the people's money that is in question, but it is also the people's charity. It is the organized force to dispense the philanthropy of the United States. Through this medium the people gladfully and cheerfully take care of the needs brought by the great calamities that result from what we call the act of God. There is no quasi-public function that is more noble, that is more deserving the support of the Government than this right arm to dispense the aid of the people.

If the gentleman desires to delay the matter, that is his right. I regret that any Member of the House should find motives for objecting to this contribution that would even seem to be inconsistent with the high status of this agency of the people for the distribution of their bounty. [Applause.]

The SPEAKER pro tempore. Is there objection to the bill going over without prejudice?

Mr. BLANTON. I object.

Mr. SCHAFER. And I object to the consideration of the bill.

SALE OF POWER ON GRAND VALLEY RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 14674) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

Mr. SMITH. Will the gentleman reserve his objection?

Mr. SCHAFER. I will withhold the objection, but I shall object, because I am not in favor of giving the Power Trust any more rights under unanimous consent.

Mr. SMITH. If the gentleman please, this is just the opposite. It permits the water users to manufacture and sell power for their own benefit. The Power Trust has nothing to do with it.

Mr. SCHAFER. Under this bill will they be permitted to sell the right to develop the power to power companies?

Mr. SMITH. They may sell it to an individual or company for their own benefit.

Mr. LAGUARDIA. I want to say that I looked into this matter with the same mind as the gentleman from Wisconsin seems to have, but I think the statement of the gentleman from Idaho can be relied on.

Mr. SCHAFER. Mr. Speaker, in view of the statements of the gentleman from Idaho and the gentleman from New York, I withdraw my objection.

Mr. MORROW. Reserving the right to object, what river is this?

Mr. TAYLOR of Colorado. This is the Grand Valley reclamation project. Mr. Speaker, I ask unanimous consent to substitute the Senate bill for the House bill, a similar Senate bill being on the calendar.

The SPEAKER pro tempore. The Clerk will read the Senate bill.

The Clerk read S. 4710, as follows:

Be it enacted, etc., That whenever a development of power is necessary for the irrigation of lands under the Grand Valley reclamation project, Colorado, or an opportunity is afforded for the development of power under said project, the Grand Valley Water Users' Association, with the approval of the Secretary of the Interior, is authorized to enter into a contract or contracts for a period of not exceeding 25 years for the sale or development of any surplus power or power privileges in said Grand Valley reclamation project, Colorado.

Mr. TAYLOR of Colorado. Mr. Speaker, I offer the following amendment, which was prepared by the Interior Department.

The Clerk read as follows:

After the word "Colorado," at the end of the bill, add the following: "*Provided*, That if the Secretary of the Interior shall determine the construction and operation of the power canal or canals or any other feature connected therewith will result in seepage or other damage to irrigated lands, he is authorized and directed to include in such contract or contracts provisions and conditions necessary for the prevention of such loss or damage, or to approve agreements between the parties in interest with respect thereto."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The House bill was laid on the table.

NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 450) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

FOREIGN SERVICE BUILDINGS ACT

The next business on the Consent Calendar was the bill (H. R. 15735) to amend the Foreign Service buildings act, 1926, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, is not this the bill that was defeated under suspension of the rules on last consent day?

Mr. LAGUARDIA. Yes. What is this bill doing on the calendar?

Mr. BLACK of Texas. In view of the fact that it was defeated by the House under suspension of rules, I object to its consideration.

Mr. LAGUARDIA. Mr. Speaker, is this bill properly on the calendar? It was on the calendar last consent day. The Speaker recognized the gentleman from Pennsylvania [Mr. PORTER] to suspend the rules and pass the bill. That motion was defeated. That being so, it is tantamount to an objection on the part of the House. Should it be on the Consent Calendar at this point?

The SPEAKER pro tempore. As a matter of fact, when a motion to suspend the rules and pass a bill is defeated, the bill keeps its place on the calendar just the same.

Mr. LAGUARDIA. Then, Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a letter from the Secretary of War in opposition to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I object.

Mr. LAGUARDIA. I object, and ask unanimous consent to insert this letter at this time.

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, what is the letter? The bill comes from our committee and I would like to know something about it.

Mr. LAGUARDIA. I will show the letter to the gentleman.

Mr. O'CONNELL (after examining the letter). Mr. Speaker, I have no objection to the letter being inserted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. LAGUARDIA] to insert the letter at this point?

There was no objection.

Mr. LAGUARDIA. The following is a copy of section 1223 of the Revised Statutes:

Any officer of the Army who accepts or holds any appointment in the Diplomatic or Consular Service of the Government shall be considered as having resigned his place in the Army and it shall be filled as a vacancy.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, D. C., February 16, 1929.

HON. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: In compliance with your request of February 8, 1929, I am pleased to submit the following views on H. R. 15735, "To amend the Foreign Service buildings act, 1926, as amended."

The purpose of the proposed legislation is to authorize the President, at the request of the Foreign Service Buildings Commission, "to detail such officers, warrant officers, and enlisted men of the Army and the Navy, as in his judgment may be necessary, to the Department of State for duty in connection with the exercise of functions under the provisions of this act, the number so detailed not to exceed 10 on any one project." Provision is then made under sections 10 and 11 of the bill insuring that any military personnel on such detail shall receive their usual pay and allowances and be entitled to compute the periods spent on such service for longevity and retirement in the customary manner. These sections of the bill, in the opinion of the War Department, are adequate to protect the pay, allowances, and longevity service of Army personnel, should they be assigned to duty by the President under the proposed act.

In regard to the probable effect of the proposed legislation, as a whole, very careful study shows that it could hardly fail to prove extremely embarrassing to the War Department in the execution of the duties now required by the national defense act of June 4, 1920, as amended.

It seems to me that the detail of personnel from the Military Establishment to the duty required by the proposed legislation must rest upon two assumptions:

First. That the Government must rely upon the services of military personnel to secure the satisfactory execution of its contracts or construction projects undertaken abroad by the Foreign Service buildings commission, and that by the passage of the act "expert technical personnel will be made immediately available for Government service at a minimum of expense."

Second. That the present strength of the Mililtary Establishment, as fixed by the last War Department appropriations act, and now engaged on duties required by the national defense act of 1920 may be reduced by appreciable quotas for considerable periods, without loss in the economical administration of the Military Establishment and without detriment to the national defense.

Regarding the first assumption I believe that the record of American civil enterprise abroad is such as to refute the idea that we must turn to our Army engineers to secure satisfactory supervision or execution of civil work the Government may undertake abroad. The economy of such expedient is moreover, doubtful, inasmuch as work already intrusted to Army engineers would have to be reduced or deferred in proportion to the number of officers remaining available, or else undertaken by civilian engineers employed at home to replace the engineer officers detailed abroad.

In regard to the second assumption it is my certain belief that the present limited number of Regular officers authorized by current appropriation acts can not be further reduced by the detail of officers to duty outside the Military Establishment without actual loss in administrative economy and without detriment to the activities which the Army is conducing in accord with the provisions of the national defense act of 1920, as amended. These activities include not only the readiness of the Regular Army for service and the training of the large civilian components but the great project of industrial mobilization and the rivers and harbors work of the Corps of Engineers.

The proposed legislation is especially embarrassing to the War Department since it proposes to utilize officers from the staff departments, which with present reduced strengths are endeavoring to serve the Army as a whole in their various specialties and to discharge the other duties required of them by the national defense act.

The Corps of Engineers, a combat as well as a technical branch will consist on June 30, 1929, of 539 officers including the lieutenants to be commissioned from the present class at the Military Academy. This number is less than the 546 officers authorized for the Engineer Corps and is barely sufficient to meet the requirements of the duties imposed by the national defense act, both military and civil, including the most important duties of the corps in connection with rivers and harbors work and industrial mobilization. The same situation, in their different fields, obtains with respect to the Quartermaster Corps and the Finance Department.

Especial mention should, I feel, be made of the proposed legislation in so far as it would permit officers of the Medical Corps of the Army to be detailed to the work of the Foreign Service Buildings Commission. In the report which accompanies H. R. 15735 it is explained that, in certain instances, it would be necessary to provide medical attention for the local personnel employed in construction undertaken abroad by the Foreign Service Buildings Commission. Such attention can be furnished by medical officers of the Army only by reducing the medical attention now furnished the Army, including the medical service, already too limited, now furnished our officers and enlisted men at isolated military posts both in the United States and in the overseas departments. I mention this fact to show the manner in which a project for the use of military officers outside the Military Establishment, however worth while in itself, may yet have most unfortunate consequences if all of its effects are not carefully considered.

For the reasons which have just been discussed, I am unable to favor the passage of the proposed legislation, in so far as the Army is concerned.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

MEMORIAL CHAPEL, AMERICAN LEGION, NEW JERSEY

The next business on the Consent Calendar was the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to permit the American Legion, Department of New Jersey, to erect at the naval air station, Lakehurst, N. J., a memorial chapel in commemoration of those whose lives are lost in aviation and particularly in lighter-than-air-craft activities. The erection of this memorial chapel shall be subject to the following conditions:

First. The site of the memorial chapel shall be selected by the Secretary of the Navy, and its design and construction, with its individual memorials and memorial windows, shall be subject to his approval and supervision.

Second. The design and construction of the memorial chapel shall be without cost to the United States.

SEC. 2. Upon the completion and dedication of the memorial chapel, the Secretary of the Navy is authorized to accept it as an unconditional gift to the United States from the American Legion, Department of New Jersey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS OHIO RIVER, NEW MARTINSVILLE, W. VA.

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to return to Calendar 1157, H. R. 15570, authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to return to Calendar 1157. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes S. R. Cox, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon S. R. Cox, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said S. R. Cox, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper repair, maintenance, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said S. R. Cox, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of West Virginia and Ohio a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of either of such highway departments shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said S. R. Cox, his heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to

S. R. Cox, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 3, line 11, strike out "twenty" and insert "five."

Page 3, line 21, strike out "interest" and insert "interests."

Page 4, line 6, after the word "management," strike out "to pay an adequate return on the cost thereof, and."

Page 4, line 8, after the word "therefor," insert "including reasonable interest and financing cost."

Page 5, line 20, strike out "2" and insert "4."

Page 6, line 7, add a new section, as follows:

"SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 24, strike out the figure "8" and insert the figure "9."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MONITORING RADIO STATION

The next business on the Consent Calendar was the bill (H. R. 16608) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to substitute therefor the bill S. 5550, an identical bill, which has already passed the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to purchase a suitable site, provided a suitable site now owned by the Government is not available for the purpose, and to contract for the construction thereon of a building suitable for installation therein of apparatus for use as a constant frequency monitoring radio station, and for the construction of a suitable roadway, power, and communication facilities, at a cost not to exceed $50,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETIRED PAY, LIFE SAVING SERVICE

The next business on the Consent Calendar was the bill (H. R. 16656) providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That any individual who served in the former Life Saving Service of the United States as a keeper or surfman, and who on account of being so disabled by reason of a wound or injury received or disease contracted in such service in line of duty as to unfit him for the performance of duty was continued upon the rolls of the service for an aggregate period of one year or more under the provisions of section 7 of the act entitled "An act to promote the efficiency of the Life Saving Service and to encourage the saving of life from shipwreck," approved May 4, 1882, and who ceased to be a member of such service on account of such disability, which disability still continues at the time of the enactment of this act, shall, upon making due proof of such facts in accordance with such rules and regulations as the Secretary of the Treasury may prescribe, be entitled, from the date of the enactment of this act, to retired pay at the rate of 75 per cent of the pay he was receiving at the time of his separation from such service. No such individual shall receive a pension under any law of the United States for the same period for which he receives retired pay under the provisions of this act.

SEC. 2. No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Secretary of the Treasury; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the claimant the whole or any part of retired pay allowed or due such claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500, or be imprisoned not exceeding one year, or both, in the discretion of the court.

The committee amendments were read, as follows:

Page 2, line 8, after the word "entitled," strike out the comma and the words "from the date of enactment of this act."

Page 2, line 9, after the word "pay," insert "from the date of the enactment of this act."

Page 2, line 13, after the word "any," insert the word "other."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO IMPROVE EFFICIENCY OF LIGHTHOUSE SERVICE

The next business on the Consent Calendar was the bill (H. R. 16657) to improve the efficiency of the Lighthouse Service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have no particular objection to the items contained in this bill, but I notice it is sort of an omnibus bill. I thought we had gotten away from that system of legislation several years ago.

Mr. MAPES. Mr. Speaker, of course, as the gentleman states, there are several different items in this bill. While they are important to the Lighthouse Service, they are not of major importance in the general scheme of things, and the Lighthouse Service thought it would expedite matters to put them all in the same bill.

Mr. LAGUARDIA. I have no objection to any item, but I do not like the omnibus character of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the consideration of the bill (S. 5179) and that it be substituted in place of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MAPES. Mr. Speaker, before that request is granted I would like to explain that the House bill contains two paragraphs which are not in the Senate bill, namely, sections 4 and 5. Section 4 of the House bill provides for the purchase of land for lighthouse depots at Newport, R. I.; Portland, Me.; and Rockland, Me. Section 5 provides for detail of officers in the field service to the offices here in Washington in case of need. I would like, if unanimous consent is granted, to offer an amendment to the Senate bill to add those two sections of the House bill at the end of the Senate bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter the appropriation, "General expenses, Lighthouse Service," shall be available, under rules prescribed by the Secretary of Commerce, for paying the actual and necessary traveling expenses of lighthouse keepers at isolated stations to obtain medical attention.

SEC. 2. The Secretary of Commerce is authorized to pay not exceeding 50 per cent of the cost of paving Mount Elliott Avenue from Wight

Street to the Detroit River, Detroit, Mich., said portion being directly in front of the lighthouse depot at Detroit. The appropriation, "General expenses, Lighthouse Service," of the fiscal year in which the work is undertaken shall be available therefor.

SEC. 3. The Secretary of Commerce is authorized, subject to the consent of the Republic of Panama and suitable diplomatic arrangements for protecting the interests of the United States, to establish and maintain aids to navigation, including the purchase of sites, if necessary, on Jicarita Island and on Morro Puercos in the approaches to the Panama Canal from the Pacific Ocean, said sites belonging to the Republic of Panama.

Mr. MAPES. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to return to section 1 for the purpose of offering a perfecting amendment.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 7, after the word "stations," strike out the words "to obtain" and insert the words "incurred in obtaining."

The amendment was agreed to.

Mr. MAPES. Mr. Speaker, I desire to offer as an amendment sections 4 and 5 of the House bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the Senate bill, after line 11, insert as new matter the following:

"SEC. 4. The Secretary of Commerce is authorized to purchase the necessary land to be used as sites for lighthouse depots at Newport, R. I., Portland, Me., and Rockland, Me.

"SEC. 5. The Secretary of Commerce may detail superintendents of lighthouses and engineers in the Lighthouse Service to duty at the Bureau of Lighthouses at Washington without change of status."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The House bill was ordered to lie on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTER-AMERICAN HIGHWAYS

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 355) authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I question the propriety of authorizing an appropriation of $50,000 to enable the Secretary of State to cooperate with the several governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways. That could contemplate but one purpose, and that would be that the Government of the United States would undertake the financing and the building of highways beyond the borders of the United States.

Now, of, course, the United States very properly will cooperate with members of the Pan American Union in furthering the building of this highway. We will build it in the United States to the border line and encourage them to take it up and build it on farther. But I question the propriety of even undertaking by a resolution of this kind to let it be thought that we are going to enter into the financing of the building of a highway beyond the borders of the United States.

Mr. COLE of Iowa. Nothing of the sort is contemplated; it is not proposed for our Government to pay for such roads.

Mr. BLACK of Texas. What is meant, then, by the language, "To cooperate with the several governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways"?

Mr. COLE of Iowa. The only thing contemplated by this legislation is that if one of the South or Central American States ask us to furnish them with engineering or other expert advice, we shall furnish it. So far as financing is concerned, that is a matter entirely separate. It is not contemplated that this country will invest out of the United States Treasury a dollar in building a mile of road outside of this country.

Mr. BLACK of Texas. I shall have to object unless the language of this preamble be modified. I do not want to see Congress committed even in a remote degree to financing and building a highway outside of the United States.

Mr. HUDSON. Mr. Speaker, will the gentleman yield there?

Mr. BLACK of Texas. Yes.

Mr. HUDSON. It seems to me that the expenditure of this money will be more in the nature of conferences with those States of Latin America respecting the building of these highways than anything else. We have had experience as to the materials used and as to methods, and we can contribute to them a tremendous amount of value in these conferences. The gentleman from Texas realizes, as I do, that the building of highways is, perhaps, the greatest work of civilization.

Mr. BLACK of Texas. Yes. The gentleman from Texas is entirely sympathetic with the building of better highways, but this afternoon we have had a bill reported from the Committee on Foreign Affairs to spend nearly a million dollars in the Republic of San Domingo in building a lighthouse.

Mr. HUDSON. I fully realize that that is on a different foundation entirely.

Mr. BLACK of Texas. Well, unless this resolution is changed so as to show that we are not undertaking to finance the building of a public highway in a foreign country, I shall object. I object.

Mr. COLE of Iowa. Will the gentleman withhold his objection for a moment?

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Consent Calendar was the bill (H. R. 15717) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Stanton, N. Dak., authorized to be built by Paul Leupp, his heirs, legal representatives, or assigns, by act of Congress approved May 1, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendment as follows:

In line 8, after the word "from," strike out the words "the date of approval hereof" and insert in lieu thereof the words "May 1, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE GRAND CALUMET RIVER, IND.

The next business on the Consent Calendar was the bill (H. R. 15718) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at a point suitable to the interests of navigation, at or near Lake Street, in the city of Gary, Lake County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE SOUTH BRANCH OF THE MISSISSIPPI RIVER, AT MOLINE, ILL.

The next business on the Consent Calendar was the bill (H. R. 15916) to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I do not see any report from the Budget Bureau on this bill.

Mr. ALLEN. We have not any report from the Budget Bureau. I have a communication from the commandant on the island.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the South Branch of the Mississippi River from Sixteenth Street in the city of Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal, and upon completion of said new bridge he shall cause the existing bridge located at Fifteenth Street in the city of Moline to be entirely removed from the waterway: *Provided,* That any additional lands or rights of way needed for the construction of said new bridge shall be furnished by local interests without cost to the United States.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to be expended under the direction of the Secretary of War, in carrying out the provisions of this act, and to remain available until expended.

With a committee amendment as follows:

Page 1, line 4, strike out the words "and directed."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTERAMERICAN HIGHWAY OR HIGHWAYS

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1192, House Joint Resolution 355.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to return to 1192 on the calendar. Is there objection?

There was no objection.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Whereas the Sixth International Conference of American States by resolution adopted at Habana, on February 7, 1928, intrusted the Pan American Union with the preparation of projects for the construction of an inter-American highway; and

Whereas the governing board of the Pan American Union, acting through the Pan American Confederation for Highway Education, has requested the cooperation of the several Governments, members of the union, in the formulation of such projects; and

Whereas the Congress of the United States of America, by joint resolution approved May 4, 1928, requested the President to direct the several agencies of the Government to cooperate with the States, members of the Pan American Union, in the preparation of such projects: Therefore be it

Resolved, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States have initiated a request or signified a desire to the Pan American Union to cooperate, in the reconnaissance surveys to develop the facts as to the feasibility of possible routes, the probable cost, the economic service, and such other information as will permit a visualization of the whole undertaking of financing and building an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described.

With the following committee amendment:

Page 2, in line 10, after the word "facts," insert the words "and to report to Congress."

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, on page 2, lines 12 and 13, I move to strike out the language "permit a visualization of the whole undertaking of financing and" and insert in lieu of the matter stricken out "be pertinent to the building."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 2, beginning in line 12, after the word "will," strike out the words "permit a visualization of the whole undertaking of financing and" and insert in lieu thereof "be pertinent to the building."

The amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I move that the title of the resolution be amended by striking out the words "the undertaking of financing and" and substituting in lieu of the matter stricken out the words "furthering the building of."

The SPEAKER pro tempore. Without objection, the title of the resolution will be so amended.

There was no objection.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

Mr. COLE of Iowa. Mr. Speaker, this resolution (H. J. Res. 355) presents no new problems. In the last session House Joint Resolution 259 dealt with the same subject.

Both resolutions deal with what is known as an "Inter-American highway"—that is, an automobile highway, or highways—which, it is hoped, will ultimately connect up all the countries of the Western Hemisphere from Canada to Patagonia.

The movement for the construction of such a highway had its practical inception as recently as 1924, when a group of engineers from several of the Latin-American Republics visited the United States to study road construction. These distinguished visitors toured the country as far west as Minnesota. They were received by President Coolidge and by Herbert Hoover, then Secretary of Commerce.

As the outcome of that tour, Argentina issued an invitation to all the American Republics to meet in the first Pan American Congress of Highways, which was held at Buenos Aires in 1925. Delegates to this important congress were named by President Coolidge, with Herbert H. Rice, of Detroit, as chairman; Thomas H. MacDonald, chief of the United States Bureau of Public Roads, under the Department of Agriculture, was one of the engineers who attended the congress.

Another important outgrowth of the tour of the engineers was the formation of the Pan American Confederation for Highway Education, of which Dr. L. S. Rowe, Director General of the Pan American Union, is the titular head and of which Mr. Pyke Johnson, of Washington, D. C., is executive director. Auxiliary boards for such highway education have been organized in at least 10 of the American Republics, and in many others organizations are under way.

Doctor Rowe, who has been conducting the correspondence, told the Committee on Foreign Affairs, in the hearings on this resolution, that the matter is one of widespread and intense interest. This educational movement is so strong that it has become an important factor in Pan American unity. Those who have watched its growth see in it a new dawn of fellowship among the countries of the three Americas, a fellowship not merely of trade but of peace and good will.

The proposed and partially projected inter-American highway was made the subject of discussions in the last Pan American Congress, where it was highly commended. More important action was taken at the International Conference of American States, held at Habana, Cuba, in February, 1928. Not only was the international project indorsed but it was declared to be one of the highest importance for all the countries and peoples concerned. By resolutions of this conference the Pan American Union was intrusted with the preparation of projects for the construction of such a highway and to submit the same to the second Pan American Congress of Highways to be held at Rio de Janeiro this year.

The joint resolution under consideration among other things authorizes an appropriation to enable the Secretary of State, acting for the President, to cooperate with the several governments. This cooperation includes adequate participation in the congress to be held at Rio de Janeiro. It includes also the making of reconnaissance surveys to develop the facts as to the feasibility of possible routes, estimating the probable costs of construction and the economic service of the same, "and such other information as will permit a visualization of the whole undertaking of financing and building" of such inter-American highway.

The authorization is limited in this resolution to an appropriation of $50,000, which is a very modest sum for so great a purpose. The United States is in an advantageous position. No new construction, or special construction of roads, will be called for in this country. We already have a network of hard-surfaced roads, all of which can be connected up with the highway or highways that lead to Laredo, Tex., where the longitudinal road through Mexico will have its beginning.

There is no desire on the part of our Government to claim any special credit for this program. It did not have its origin in Washington. The primary credit belongs to the Latin-American engineers and the special credit to the Government of Argentina, which called the first Pan American Congress of Highways. The present movement had its origin in those two events, and I am sure that we are glad to acknowledge our indebtedness to them, and to do so with the assurance that the Government in Washington will do whatever it can in cooperation with the other governments to bring about the ends sought.

The roads to be built through the republics to the south will be paid for by the countries affected. American capital may be called upon to help finance some of these projects, but that will be done outside of the Government. All that our Government, as such, can do is to give those countries that request it the benefit of our engineering skill and other technical advice and aid. This we should render to the extent requested.

President Coolidge in two messages to Congress, in 1927 and 1928, has urged Congress to render all possible assistance. In the message of 1927 he said that our "desire for improved highways" should not be limited to our own country. He said—

it should and does include all the countries of the Western Hemisphere.

He went so far as to say that—

private interests should look with favor on all reasonable loans sought by these countries—south of the Rio Grande—to open such main lines of travel.

In his last message to Congress the President assured us that his "view has not changed." He said we should—

be ready to contribute from our abundant experience to make their task easier of accomplishment.

And he again expressed the hope that American capital would look with favor on the proposed developments.

President-elect Hoover shares with President Coolidge interest in the inter-American highway. On his recent "good will" tour of the southern republics he made it the subject of many conferences and he alluded to it often in his public addresses. Mr. Hoover is one of the pioneers in this movement. Speaking as an engineer to the Latin-American engineers on their tour of 1925, he said:

For many years—for perhaps half a century—the engineers have carried a dream in their minds that they might some day have a railway from Canada to Tierra del Fuego. That dream is much more likely of realization and is certain of realization through the development of the great new form of transportation by automobile, for through that we will have the extension of our road system to that point where we shall have at last, and in reality, and in not many years, real communication between all the nations of the American Continent.

Both as an engineer and as a President of the United States, he may well covet such an international achievement for the credit of his impending administration.

The "dream" to which Mr. Hoover referred in that speech is as old as Henry Clay, who in every way befriended and defended the southern republics which were then in their formative stages. He rendered so many services to them that his name is still revered among them. Almost a century ago he dreamed of breaking down the barriers between them and between them and us through the construction of an inter-American railroad.

Half a century later the dream was revived in Congress by James G. Blaine, and by others also. Under his leadership a Pan American Congress was held in Washington in 1888, the purpose of which was to further the construction of the Pan American railroad. It is a notable speech in which he welcomed the delegates, he hoped—

that at no distant day the railway systems of the north and south will meet upon the Isthmus and connect by land routes the political and commercial capitals of all America.

He expressed the belief that "hearty cooperation, based on hearty confidence," would flow from such intercommunication and would—

save all the American states from the burdens and evils which have long and cruelly afflicted the older nations of the world.

But the obstacles were then still too many to overcome. In the meantime a new form of travel and transportation has been developed in the world, the automobile and, associated with it, the airplane. This transportation is not only simpler and cheaper, on the whole, but more direct, and it brings the peoples into closer contacts. The automobile is democracy on wheels.

It will, of course, take many years to complete such an undertaking. But much has already been accomplished, more than is realized. A passable route through Mexico is promised within two or three years. Not only an educational movement but actual work of construction is under way in all of the Central American republics. South of the Isthmus both education and construction are well advanced and are under increasing momentum.

Associated with the proposed and projected automobile road is travel by air. The roads that will carry the motor cars will also serve as markers for airplanes. It will afford landing places in times of trouble and also for refueling. The inter-American highway will serve both forms of travel equally well.

The whole undertaking which will be served by the passage of this resolution is one that appeals to the imagination. It is in many ways the greatest quest of the American republics to-day. When realized, as it will be, it will be a conquest of world significance.

Mr. Pyke Johnson, executive director for the Pan American Confederation of Highway Education, has coined a phrase, "Southward ho," that may be accepted as the slogan for this movement. "Southward ho" will be to our generation what "Westward ho" was to the generations that preceded us.

BRIDGE ACROSS THE GRAND CALUMET RIVER

The next business on the Consent Calendar was the bill (H. R. 16126) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, Lake County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE ALLEGHENY RIVER

The next business on the Consent Calendar was the bill (H. R. 16306) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Allegheny River at Oil City, county of Venango, State of Pennsylvania, authorized to be built by the Pennsylvania Railroad Co., by the act of Congress approved Feb-

ruary 16, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 6, strike out the word "the" and insert the word "The."

In line 8, after the word "from," strike out the words "the date of approval hereof" and insert the words "February 16, 1929."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16382) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Burnside, Pulaski County, Ky., authorized to be built by State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9, strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE SOUTH FORK OF THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16383) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the South Fork of the Cumberland River, at or near Burnside, Pulaski County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9 strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16384) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Burkesville, Cumberland County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9 strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16385) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Canton, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 8, strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16386) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Smithland, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 8, strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER NEAR IUKA, KY.

The next business on the Consent Calendar was the bill (H. R. 16387) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River at or near Iuka, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, strike out the words "the date of approval hereof" and insert in lieu thereof the words "May 26, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER AT EGGNERS FERRY, KY.

The next business on the Consent Calendar was the bill (H. R. 16388) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Tennessee River at or near Eggners Ferry, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER AT MOUTH OF CLARKS RIVER, KY.

The next business on the Consent Calendar was the bill (H. R. 16389) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Tennessee River at or near the mouth of Clarks River, authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REGISTRATION OF NURSES IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have two amendments to offer. One is on page 9, line 2. After the period insert the following:

The records and accounts of said board shall be subject to the audit of the auditor of the District of Columbia.

My other amendment is on page 6, line 24. After the period insert—

Any applicant who is denied registration may appeal from the decision of the board to the Commissioners of the District of Columbia and the decision of said commissioners shall be final and binding on all parties.

Mr. FISH. I will ask the gentleman from New York before he submits the amendments to take the matter up with the gentleman from Nebraska, who has similar amendments.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, we are trying to agree on some amendments.

Mr. FISH. I will accept the amendments of either gentleman.

Mr. LAGUARDIA. There is no objection on my part.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, the amendment of the gentleman provides for an appeal to the Board of Commissioners of the District of Columbia. Would it not be better to provide for an appeal to the courts?

Mr. LAGUARDIA. The gentleman from Nebraska is going to offer such an amendment.

Mr. SIMMONS. I have an amendment which is acceptable to the gentleman from New York that provides that in the event a nurse is denied registration she may appeal to the courts of the District of Columbia.

Mr. SCHAFER. I agree with that amendment. I have one further question. I understood the gentleman from New York to state he had an amendment providing that the accounts of the board shall be reviewed by the auditor of the District of Columbia. Would it not be better to provide that the accounts shall be reviewed by the Comptroller General?

Mr. LAGUARDIA. I think all the District accounts are reviewed by the auditor of the District. I will ask the gentleman from Nebraska if I am right about that?

Mr. SIMMONS. Yes; in all matters of this kind the accounts are reviewed by the auditor of the District of Columbia and not by the Comptroller General.

Mr. SCHAFER. Would the Comptroller General also have authority to review them?

Mr. SIMMONS. I do not know.

Mr. O'CONNELL. What is the law on the question?

Mr. LAGUARDIA. The auditor of the District of Columbia.

Mr. O'CONNELL. Why not follow the law?

Mr. LAGUARDIA. That is what we are going to do.

Mr. SIMMONS. I will say to the gentleman from Wisconsin that the amendments I propose to offer were prepared by the auditor for the District of Columbia.

Mr. SCHAFER. I want to ask one further question. Has this bill been reported to the House by the unanimous vote of the committee, or has there been objection to the bill in the committee?

Mr. FISH. I understand it is a unanimous report.

Mr. SCHAFER. I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be read by sections.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after June 30, 1929, the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," be amended to read as follows:

"That from and after the 30th day of June, 1929, no person shall in the District of Columbia in any manner whatsoever represent herself to be a registered, certified graduate, or trained nurse, or allow herself to be so represented, unless she has been and is registered or is registered by the nurses' examining board in accordance with the provisions of this act.

"SEC. 2. The nurses' examining board shall be composed of five members appointed by the Commissioners of the District of Columbia. Those persons who are members of the nurses' examining board on June 30, 1929, shall continue to be members of the said board for the remainder of the terms for which they were appointed. The term of each member of said board shall be five years. All appointments shall be made so that the term of one member expires on the 30th day of June of each year. Each vacancy or unexpired term shall be filled by appointment from a list of three nominees submitted to the Commissioners of the District of Columbia by the Graduate Nurses' Association of the District of Columbia. Each nominee shall have had not less than five years' experience in the profession of nursing, be a registered nurse registered in the District of Columbia, and a member of the Graduate Nurses' Association of the District of Columbia. The Graduate Nurses' Association of the District of Columbia shall make such nominations to the said commissioners. No member of said board shall enter upon the discharge of her duties until she has taken oath faithfully and impartially to perform the same; and the said commissioners may remove any member of said board for neglect of duty or for any just cause."

Mr. SIMMONS. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

On page 2, line 14, strike out the word "three" and insert the word "five."

The amendment was agreed to.

The Clerk continued the reading of the bill, as follows:

SEC. 3. The nurses' examining board shall meet in the District of Columbia between June 30, 1929, and July 15, 1929, and organize the board in accordance with the provisions of this act, and annually thereafter shall meet in the month of April for the annual organization of the board. At each such organization meeting the board shall elect from its members a president and a vice president, and it shall also appoint an executive secretary of the board, who shall not be a member of the board, but who shall possess the requirements necessary for membership in the board. The secretary-treasurer of the said board who is acting in that capacity on July 1, 1929, for the unexpired term commencing in April, 1929, shall cease to hold office as secretary-treasurer of the board on and after July 1, 1929. The executive secretary shall ex officio act as treasurer of the board and as such shall furnish a bond in the penal sum which shall be fixed by the Commissioners of the District of Columbia. The said board shall adopt such by-laws as it shall deem necessary for carrying into effect the provisions of this act and may amend such by-laws from time to time at the discretion of said board. The executive secretary shall be required to keep a record of all meetings of the board and also a register of all nurses duly registered or reregistered under this act, and to furnish a certificate of registration or of reregistration to all such nurses; also to maintain a registry of nurses' training schools in the District of Columbia approved by said board. The board shall hold examinations not less frequently than once a year, and notice of each examination shall be given in one daily newspaper published in Washington and in one nursing journal at least 30 days prior to the examination. The executive secretary shall inspect all recognized schools of nursing in the District of Columbia and report to said board as to the sufficiency and quality of training afforded by such schools. The executive secretary may be removed by a majority vote of the said board for neglected duty or any just cause.

SEC. 4. That every nurse desiring to register in the District of Columbia shall make application to the nurses' examining board for examination and registration, and at the time of making such application shall pay to the treasurer of said board $15. Said applicant must furnish satisfactory evidence that she is over 21 years of age or that she will attain the age of 21 years within six months after the date fixed for the necessary examination to be held by said board after the date of such application. Except as otherwise provided in this act, an applicant shall not be registered unless she has passed an examination by the nurses' examining board. No nurse shall be registered in the District of Columbia who has not attained the age of 21 years. Said applicant must also furnish satisfactory evidence of good moral character, and further that she holds a diploma from a training school for nurses which has been registered by the nurses' examining board of the District of Columbia: *Provided, however,* That no training school shall be registered which does not maintain proper educational standards and give not less than two years' training in a general hospital, or in a special hospital with adequate affiliations, all of which shall be determined by the nurses' examining board.

SEC. 5. That any nurse who is at least 21 years of age and of good moral character and who presents satisfactory evidence that she has, prior to July 1, 1924, graduated from a school of nursing connected with a hospital, and that she has been engaged in nursing in the District of Columbia prior to July 1, 1929, shall be entitled to registration without examination upon payment of the registration fee of $15: *Provided, however,* That application for such registration must be made on or before June 30, 1932.

SEC. 6. That the nurses' examining board shall have power to register in like manner without examination any graduate or trained nurse registered as a nurse by examination in another State or Territory who holds a diploma from a nurses' training school outside of the District of Columbia which, in the opinion of said board, maintains a standard substantially equivalent to that provided for by this act.

SEC. 7. Each nurse who has been registered in the District of Columbia shall be reregistered each year on the 1st day of July upon application to the executive secretary of said board and the payment of a fee of $1: *Provided,* That such fee of $1 shall not be payable in case the applicant has been originally registered within the 12 months next preceding the day for reregistration. Application for reregistration may be made within 60 days preceding the day of reregistration. Registration of any nurse who does not thus apply for reregistration for any year shall be automatically canceled as of the beginning of such year. The by-laws adopted by the nurses' examining board shall define the conditions upon which the registration of a nurse may be restored. Schools of nursing in the District of Columbia may apply to said board for registration and, with the exception of schools of nursing maintained at Government expense, shall pay a fee of $25 at the time application is made. Each such school registered shall apply each year for reregistration, and, with the exception of schools of nursing maintained at Government expense, at the same time pay a fee of $25.

Mr. SIMMONS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 6, line 24, after the word "of," strike out "$25" and the period and insert in lieu thereof the following: "$1: *Provided further,* That on the petition of any applicant to whom registration or reregistration has been denied by the nurses' examining board, the action of the board may be reviewed by the Supreme Court of the District of Columbia on a writ of certiorari subject to appeal to the Court of Appeals of the District of Columbia in the same manner appeals are taken in similar cases."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk continued with the reading of the bill, as follows:

SEC. 8. No person shall file or attempt to file with the nurses' examining board of the District of Columbia any statement, diploma, certificate, credential, or other evidence when she knows, or when she might by reasonable diligence ascertain, that it is false and misleading. The Supreme Court of the District of Columbia, sitting as a court of equity, may suspend or revoke any certificate issued and any registration effected under this act upon evidence showing to the satisfaction of the court that the registrant has been guilty of misconduct or is professionally incapacitated. Proceedings looking toward the suspension or revocation of a certificate or registration shall be begun by petition filed in the Supreme Court of the District of Columbia in the name of the nurses' examining board, or of the Commissioners of the District of Columbia, or of the major and superintendent of police of said District, and shall be verified by oath. Proceedings shall be conducted by the United States attorney for the District of Columbia according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purpose and intent of this act. An appeal may be taken from the decision of the Supreme Court of the District of Columbia to the Court of Appeals of said District. Any such appeal on behalf of the Commissioners of the District of Columbia or of the major and superintendent of police of said District may be filed without bond. The Supreme Court of the District of Columbia may determine whether a certificate or registration shall be suspended or be revoked, and if such certificate or registration is to be suspended said court may determine the duration of such suspension and the conditions under which said suspension shall terminate.

SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected from registration or reregistration of nurses. The executive secretary of said board may receive a salary to be fixed by said board at its annual organization meeting not to exceed the rate of $250 per month. Each member of the board shall receive a per diem allowance at the rate of $10 per day for each full day such member is actually engaged in the performance of duties as a member of the board. The payment of such per diem allowance shall be made from any unexpended balance in the treasury of said board remaining on June 30 of the year during which the services have been rendered, and if the unexpended balance is insufficient to meet the total amount of such per diem allowance, the rate of compensation shall be reduced to a rate which will permit payment from such unexpended balance. All registration or reregistration fees shall be paid to the treasurer of the board, and shall be paid out under the orders of the board.

Mr. FISH. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 8, beginning at line 10, insert "from schools of nurses, and."

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. SIMMONS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 8, line 23, after the word "balance," insert a new sentence, as follows: "*Provided,* That such expenses shall in no event exceed the total of receipts."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. SIMMONS. Mr. Speaker, I offer another amendment:

The Clerk read as follows.

Page 9, line 2, after the word "board," insert: "That it shall be the duty of the auditor of the District of Columbia to audit the accounts of the Nurses' Examining Board at the end of each fiscal year and make report thereof in writing to the Commissioners of the District of Columbia; said auditor to have free access to all books and papers of the board. The Nurses' Examining Board shall make annual

report to the Commissioners of the District of Columbia containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 10. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $200 or by imprisonment in the workhouse for a period not exceeding 60 days.

SEC. 11. That nothing in this act shall be construed to prevent any person from nursing any other person in the District of Columbia, either gratuitously or for hire: *Provided*, That such person so nursing shall not represent herself as being a registered, certified, graduate, or trained nurse.

SEC. 12. That the word "she" and the derivatives thereof, wherever they occur in this act, shall be construed so as to include the word "he" and derivatives.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRADING WITH THE ENEMY ACT

Mr. NEWTON. Mr. Speaker, I ask unanimous consent to take up out of order Calendar No. 1222, S. 5452, to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take up out of order S. 5452. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (d) of section 25 of the trading with the enemy act, as amended, is hereby amended by striking out the term "one year" in clause (1) of said subsection and inserting in lieu thereof the term "two years."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS—CALL OF CONSENT CALENDAR ON THURSDAY NEXT

Mr. TILSON. Mr. Speaker, we have been in session for more than three hours since the House convened to-day and we have not completed more than one-half of the Consent Calendar. I understand that it is the purpose of the Speaker to now give recognition for suspensions, thus leaving half the calendar unfinished. In view of this situation I ask unanimous consent that on Thursday of this present week the Consent Calendar may be called.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Thursday of this week the Consent Calendar may be considered as being in order. Is there objection?

Mr. JONES. Mr. Speaker, reserving the right to object, can we assume then that no other bills on this calendar will be called this afternoon?

Mr. TILSON. It would not be quite safe to give that assurance, because some of the suspensions may not hold out. If they are completed in time, it would be natural for us to go back to the Consent Calendar. However, it is usual that after suspensions no more work is done on the Consent Calendar. It is seldom that we return to this calendar after suspensions are through, but we can not be entirely sure of it.

The SPEAKER. Is it the gentleman's request to continue the calendar from the point left off to-day?

Mr. TILSON. To continue the calendar from the point reached to-day, and that no suspensions be in order.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Thursday next it shall be in order to consider the Consent Calendar from the point reached to-day, and that no suspensions shall be in order on that day. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, has the gentleman given consideration to the possibility of a session this evening in view of the fact that we are so near the end of the session? Any bills that could be sent to the Senate to-night would be far ahead of those sent over on Thursday next.

Mr. TILSON. I believe the session next Thursday will serve all purposes. Besides, those who are considering these bills are not prepared to go through the entire calendar this afternoon.

Mr. O'CONNELL. Are we likely to have a session on the Private Calendar?

Mr. TILSON. Not before Thursday. It is not expected that the Private Calendar will be reached before Friday.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

CALL OF THE HOUSE

Mr. KETCHAM. Mr. Speaker, in view of the importance of the measures to be called up under suspension I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Abernethy	Dickstein	Johnson, Ill.	Ramseyer
Adkins	Doughton	Johnson, Ind.	Reed, Ark.
Aldrich	Doutrich	Kearns	Reid, Ill.
Allen	Doyle	Kendall	Schneider
Andresen	Eaton	Kent	Sirovich
Andrew	Estep	Kindred	Somers, N. Y.
Anthony	Fenn	Kunz	Stedman
Arnold	Fletcher	Kvale	Stevenson
Bacharach	Frear	Leech	Strong, Kans.
Beck, Pa.	Fulbright	Lyon	Strother
Beck, Wis.	Furlow	McClintic	Sullivan
Bowles	Garber	McKeown	Swing
Britten	Garner, Tex.	McReynolds	Taylor, Tenn.
Buckbee	Gifford	Maas	Temple
Bushong	Golder	Mead	Thompson
Byrns	Griest	Merritt	Tillman
Carew	Guyer	Michaelson	Timberlake
Carter	Hammer	Milligan	Treadway
Casey	Hawley	Mooney	Tucker
Chase	Hickey	Moore, N. J.	Underhill
Chindblom	Houston	Murphy	Underwood
Clarke	Hudspeth	O'Brien	Updike
Cole, Md.	Hughes	O'Connor, N. Y.	Watson
Cooper, Ohio	Hull, William E.	Oldfield	Weller
Crisp	Hull, Tenn.	Oliver, N. Y.	Welsh, Pa.
Curry	Igoe	Palmer	White, Kans.
Davey	Jacobstein	Parker	Yates
Dempsey	James	Quayle	
De Rouen	Jeffers	Rainey	

The SPEAKER. Three hundred and fourteen Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. SUMMERS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill S. 1462, which I send to the Speaker's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1462) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands that should be embraced within the boundaries of a reclamation project, heretofore commonly known, and hereafter to be known, as the Columbia Basin reclamation project, if authorized and constructed, and to determine definitely, and recommend, the best source of water supply for said lands, and which of the two proposed plans of placing water on said lands, the gravity system or the pumping plan, is the most practicable, feasible, and desirable, and the cost of the same; also to investigate the legal problem of water rights, plans for the settlement and cultivation of the land, and whether farmers on said land will be able to meet the construction costs of the project, and whether the said project is feasible and its construction is desirable at this time. The appropriation of one-half of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized from the reclamation fund, such appropriation to be available only when matched by equal amounts contributed by the State of Washington or by other sources: *Provided*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho or the State of Montana, or the residents, or the people thereof, touching any matter, or thing, or property, or property interests, relative to the construction of the Columbia Basin project. The Secretary shall report to Congress as soon as practicable, and not

later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

The SPEAKER. Is a second demanded?

Mr. McFADDEN. Mr. Speaker, I demand a second.

The SPEAKER. The Chair will say that a moment ago he agreed with the gentleman from Utah to recognize him to demand a second. Has the gentleman consulted the gentleman from Utah?

Mr. McFADDEN. I have conferred with the gentleman.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania to demand a second.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington is recognized for 20 minutes and the gentleman from Pennsylvania for 20 minutes.

Mr. SUMMERS of Washington. Mr. Speaker and gentlemen, first I want to emphasize the fact that this is not the adoption of a project. In the briefest possible time I want to give you a picture of the Columbia Basin project.

The Columbia Basin project lies in the central eastern part of the State of Washington.

The land is gently sloping or level.

The soil is from 2 to 50 feet deep.

A part of this land is now dry farmed for wheat growing every second year.

Sagebrush covers several hundred thousand acres.

About half a million acres were homesteaded and farmed many years ago but were abandoned for lack of rainfall. A rainfall of 6 to 8 inches a year will not insure crops.

Deserted cabins, schoolhouses, and churches in profusion fall to decay as mute evidence of blasted hopes, homes, and fortunes.

Many small towns dot the project. Five railroads cross and recross it.

Hundreds of miles of county and State surfaced highways traverse this area.

The climate is mild and salubrious. The growing season is unusually long and favorable.

Abundant water supply is available.

The State of Washington has shown good faith by appropriating $172,500 for surveys and investigations.

Our private citizens have contributed many times that amount in time and money during the past 10 years.

The Congress has appropriated $125,000 for surveys and investigations.

This is a large project. When finally adopted and constructed it must be a success. Every detail must be mastered. It must repay to the United States every dollar expended. For these reasons the Department of the Interior desires further studies, further investigations, further surveys, all of which will require several years. Water controversies must also be adjusted.

Mr. BACON. Can the gentleman tell us what the final cost will be?

Mr. SUMMERS of Washington. I can not yield at this time.

This bill provides for such further investigations. It does nothing more. It does not adopt the project.

The Columbia Basin project will not complicate the farm problem since it will, when approved by Congress, come under cultivation 20 to 40 years from now. Surveys, construction, and settlement of the first unit will require 20 years. When this unit is fully developed we plan to bond it and develop the second unit and later the third and then the fourth. This is not the work of a day nor a decade. We are looking far into the future. But to have the project when we need it and when you need it we must continue the investigations now.

The increased population of the State of Washington could absorb the products of this area.

Our expanding trade across the Pacific will demand many times the production of the Columbia Basin project.

When this area is fully developed the population of the United States will be 60,000,000 more than now. The Columbia Basin project would support but one-sixtieth of this increase.

Mr. Speaker, the development of this vast sagebrush empire of potentially fertile land concerns every State of the Union. Besides furnishing homes for your children and grandchildren it will from the beginning of construction create a great home market for your products.

In the State of Washington we are to-day driving 400,000 of your automobiles.

From New York, Maryland, Ohio, and Illinois we buy a million suits of clothing every year. From Connecticut and Pennsylvania as many hats. From Massachusetts and Missouri and New Jersey 5,000,000 pairs of shoes. Iowa furnishes our breakfast foods and washing machines by the trainload. Paints and farm machinery, tobacco, groceries, and women's wear come from many States. Eastern farmers feed these workmen. And yet history records that some of the greatest statesmen that ever hailed from the Mississippi Valley, New England, and the Southland many times declared in these Halls that the Columbia River country was inaccessible and undesirable. They were thinking of commerce—but distance blinded their eyes. Not a State east of the Rocky Mountains to-day that does not ship carloads or trainloads of its products into our State. This is true of Kansas, of Minnesota, of Maine, of Florida.

Foreign markets are costly to develop and difficult to hold. Home markets once developed are always yours. The Columbia Basin project will be worth $100,000,000 annually to your farms and factories.

President Coolidge says investigations should go forward.

The master of our State grange has often told me he had no objection to surveys.

General Goethals said:

> The Columbia Basin project will add more to the Nation's wealth than the Panama Canal.

Mr. Hoover said:

> I am decidedly in favor of the Columbia Basin project. It is economically sound and timely.

The American Federation of Labor and many other forward-looking organizations strongly indorse the project.

Gentlemen, to-day you will vote for sagebrush, jack rabbits, and stagnation or you will vote for homes, markets, and progress.

Sirs, I appeal to your statesmanship. I beg of you, look to the future and support this bill. [Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Washington reserves 13 minutes.

Mr. McFADDEN. Mr. Speaker, I desire briefly to call the attention of the House to this particular bill as untimely, particularly so in view of the fact that we are now engaged or about to become engaged in a plan for the protection of the farmers of the country. I desire also to direct attention to the fact that the cost of this project if we engage in this legislation will run into something over $300,000,000. I do not desire to take up the time of the House myself, except to have a letter read from a farmer in the irrigated section of the country which I send to the Clerk's desk and ask that it be read. I had my say on this particular matter in this House on January 23 last.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

ABERDEEN, IDAHO, *January 30, 1929.*

Hon. Mr. MCFADDEN, *Washington, D. C.*

DEAR SIR: I read your objection to bringing any more lands under cultivation by irrigation in the Salt Lake Tribune, January 23. You deserve commendation for taking such a stand.

The farmers' grange and all farmers that are aware of conditions are against any more new irrigation projects at this time. We have land enough now to last us another hundred years.

There is a craze to water more land. I am on the Aberdeen Springfield Canal Co. project; have 40 acres; it is going alkalied from too much water, and that is the case on many irrigated projects. Let them drain the projects they now have.

It is safe to say that not more than one-half of the land on most of the projects is being farmed. Farmers are being solicited from one project to another in the United States and Canada; they are moving from one project to another. We have such productive land and soil, improved seed experts in farming in all its branches, experiment stations, agricultural colleges with all their advice, and farm machinery that we can raise a surplus in any kind of a crop we wish.

Markets are all that we need. The European countries are coming along fast, too, with new methods of farming. Our market is getting smaller in that direction, too. I am very glad that you are taking the stand that you do and wish you success. I was born in New York City 65 years ago, and lived there 42 years until coming out here. I like the West.

Very truly yours,

HERMAN RUPP, *Aberdeen, Idaho.*

Mr. McFADDEN. I may say in addition that as to this proposal, the National Industrial Conference Board is opposed to any reclamation project at this time. The National Grange and the local granges and other farm organizations all over the country are also opposed to this project. I will say also that there is a provision in the present War Department appropriation bill

which authorizes the expenditure of $600,480, out of which $60,000 has been already allotted for surveys similar to this, and this very project is now receiving their attention, so that whatever surveys are being made are being carried on by the Federal Government. Why should also the Department of Interior duplicate what the War Department is doing?

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SELVIG].

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. It is unthinkable, Mr. Speaker and Members of the House, for Congress to rush into a tremendous reclamation project at the present time. I know the proponents term the bill (S. 1462) that we are now considering to-day a mere authorization for surveys and investigations, but the real fact is that they have marshaled their forces to hasten the day when actual work will be done on the Columbia Basin reclamation project.

Let us stop and think before this is done. From whence comes this demand? What present or prospective food shortage is so imminent or what prospective food-price level is so high and so attractive that we must rush into this undertaking?

Surely the organized farmers of the State of Washington are not sponsoring this movement. In the face of advice from the United States Department of Agriculture given out on February 15, 1929, in the Agricultural Outlook for 1929, no one can say that there exists a present need or prospective economic necessity for the authorization of this project now.

Throughout this Outlook report there runs one dominant thought, one leading admonition to the country, and that is for the farmers to adjust production to effective demand. "Do not overproduce" is the warning proclaimed.

This advice was so strongly presented and so urgently emphasized that even the Washington Post was constrained to declare that something must be done to remove, if possible, the price-depressing effects of the present surplus production.

I will place in the RECORD here the statement from the Post referred to:

FARM OVERPRODUCTION

Farmers are warned in a statement just issued from the Bureau of Agricultural Economics that there must be no overproduction of crops this year if the present level of gross agricultural income is to be maintained. The bureau cautions against expansion in dairying, raising of cattle, sheep, hogs, and fruit. Reduction of the volume of feed crops and potatoes is advised. Spring-wheat farmers are warned that they should not increase the acreage of hard wheat.

* * * The statement amounts to a notice to the farmer that there is no possible way under present conditions to increase his income. If he extends his acreage, or increases his yield per acre, he is faced with the difficulties of overproduction and consequent falling prices. In other words, the only means the farmer has of protecting himself is by limiting his output, which is no protection at all, because he is thus deprived of profits that he otherwise might realize through increased efficiency.

Under present conditions limitation of production of some crops is absolutely necessary to keep agriculture from demoralization. * * * The situation leaves little encouragement for the agricultural population.

While limitation is necessary as an emergency measure, it can never solve the agricultural problem. * * * It is impossible that agriculture should continue half producing merely because there is no machinery to take care of that part of the crop which is not consumed within the country. What would the manufacturers say to limitation of their output? They make their profits because they are able to operate on a large scale. If the farmer is to have an economic opportunity equal to that of industry, the penalty which is now exacted for increased efficiency, resulting in greater production, must be done away with.

The statement of the bureau, while intended only to assist the farmer in solving his difficult problem, is an eloquent argument for farm relief, and its meaning should be heeded by Congress. A system must be adopted that will dispose of surplus farm products.

In the face of the present surplus production the promoters of the Columbia River reclamation project are now asking us to take the step which would eventually add nearly 2,000,000 of additional acres to our present acreage.

It should not be done.

I am in full agreement with Mr. A. S. Goss, State master of the Washington State grange, that to foster irrigation expansion at this time is little short of a crime against the farmers now on the land and an absolute crime against those who may be induced to go on this land under promises of wealth and independence. Our belief is shared by not less than 95 per cent of the farmers of America, and by many, if not most, of our leading economists.

Nevertheless, if we are wrong—

Says Mr. Goss—

we are willing to be set right. What we ask is what any reasonable man would insist upon if his own private affairs were involved.

We ask that all the facts be ascertained, and that to those best able to obtain them be intrusted the task of doing so. We ask that an economic survey be conducted by the Department of Agriculture designed to develop the fullest possible information as to the prospective need, the chances for successful operation, and the effect of the farmers now on the land, and that no money be spent unless such a survey indicates that the project is economically sound.

Common sense dictates that this procedure be followed. The United States under the leadership of the new administration and the newly elected Congress will grapple with the outstanding problem brought us by the war. The improvement, the rehabilitation of agriculture, can properly be so designated.

Let us not take action to-day which will aggravate this problem. Let us rather, one and all, cooperate in every phase of the solution of the farm problem.

That is what the farmers of the country ask of us. That is what they demand.

To pass this bill to-day would be directly against the farmers' interests. Their authorized spokesmen have so declared. The American Farm Bureau Federation, the National Grange, the State of Washington branch of the grange, the special committee of land-grant colleges and universities, all have gone on record against new reclamation projects.

I do not have time to read their declarations, but will place them in the RECORD.

In its resolutions the American Farm Bureau Federation, which met in Chicago December 12, 1928, declared:

We recommend that no new reclamation areas be brought under cultivation at the present time and that the Bureau of Reclamation be transferred to the United States Department of Agriculture, so that correlation may be had between the bringing in of new productive areas and the demand for additional farm crops.

In its resolutions the National Grange, which met in Washington November 23, 1928, adopted the following resolution:

The grange favors the completion of reclamation projects now under construction, especially where farmers have located on such projects and are suffering from an inadequate supply of water. However, we strongly oppose developing any new projects until there is a reasonable indication of the need for larger farm production.

In its report on the agricultural situation the special committee of the Association of Land Grant Colleges and Universities, which met in Chicago in November, 1927, declared:

Sound national agricultural policy requires that no new reclamation projects be undertaken for a number of years except when international and interstate relationships make national participation imperative.

The business men's commission, which was appointed jointly by the Chamber of Commerce of the United States and the National Industrial Conference Board to study the conditions of agriculture and measures for its improvement, well said in its report:

Since farmers are now suffering from overproduction, it seems worse than futile to spend new millions on reclamation projects with the aim of bringing still more land under cultivation.

What facts have been presented by the proponents of this bill which would justify its enactment at this time?

The report on the bill shows that many surveys and investigations have already been made. There will likely come a time when it will be feasible and proper to secure additional information. But to-day and for a number of years to come, as long as our vexed surplus problem is unsolved, the authorization can wait.

If it were necessary to present additional evidence to this body in support of my position, I would refer you to a circular by Commissioner Elwood Mead, of the Bureau of Reclamation, Economic Problems of Reclamation, recently issued. The entire circular is worth reading.

I can only take time to give a few sentences from this study. On page 6, referring to one of the present projects, the report states:

In spite of this potential privilege, even the most active promotion by the Bureau of Reclamation, in cooperation with the local community and the railways, fails to draw settlers to the unimproved lands.

Every one of the projects visited needs more settlers.

Those who are induced to come to the projects and view the lands, although sometimes disposed to buy improved farms, shrink from the labor and hardship involved in developing raw land.

On page 10 Mr. Johnson, discussing economic aspects of certain reclamation projects, suggests a loan fund from the Government as an inducement to secure settlers. In other words, the Government is being urged not only to advance the money required for irrigation but to apply additional stimulants as well to secure settlers.

Let me quote:

The other proposal entails the creation of a loan fund under the reclamation budget to advance improvement loans to settlers on approval of development, the settler putting in his own money along with the borrowed money in approved proportion. Such a loan would be limited to $2,500 and would be a first lien on the improved holding. Together with the $2,000 possessed by the settler, it would offer the minimum capital required for a successful start. It would obviate the years of hardship the settler is now destined to undergo and bring forward the time of full production. It would bring to the projects many valuable farmers who are unwilling to put their families through a prolonged period of inhuman privation.

On page 14 the same Doctor Johnson states fairly the present situation with respect to food production. We can all agree that while the total of the potential competition from the proposed Columbia River Basin is not great, yet it means bringing into production, according to the report, about 1,800,000 acres.

Our big problem is to give our farmers the benefit of the home market for farm products now being produced in this country. Tariff legislation will assist us in doing this.

Adding 1,800,000 acres of land will tend to offset these tariff benefits, to annul them. It will be like going around in a circle—more land, more crops, more stock, a greater surplus, low prices induced by the necessity to dispose of the entire production at the price foreign markets bid for the surplus. American agriculture will never be rehabilitated under such conditions.

Now, let me read what Doctor Johnson states:

When the policy of reclamation was first instituted every economist anticipated a steady and fairly rapid increase in the national and world demand for food. Our own population was increasing at an extraordinary rate through the excess of births over deaths and through unrestricted immigration. In spite of emigration, the population of every country in Europe except France was growing steadily. It appeared, therefore, that both domestic and foreign consumption would put increasing pressure upon our food supplies. A sane national policy seemed to require us to make available for food production such parts of our arid lands as were suitable for irrigation.

To-day the world situation is quite different. We have reduced immigration to a small flow that is almost balanced by emigration, and our birth rate shows a marked tendency to decline. Throughout the country the technique of agriculture is improving and production per man increasing.

It is by no means certain that domestic demand will outrun production on our present area of farm lands in the next half century. The population of our principal foreign customers for agricultural produce—the countries of northwestern Europe—is increasing much less rapidly than it did before the war.

Statisticians assert that within a decade population will be virtually stationary in all Europe north of Italy and west of Poland. At the same time food production in Canada, Australia, and Argentina promises a great expansion.

Let us devote our time and energy, our constructive imagination, our research, and give our aid and support to solving the present, immediate, front-door problems confronting our basic industry—agriculture.

This is the crying need of the hour. I am opposed to this reclamation project at this time and trust that it will be voted down.

Mr. McFADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER. The gentleman from Texas is recognized for 10 minutes.

Mr. BLACK of Texas. Mr. Speaker, this is a Senate bill which authorizes the Secretary of the Interior to make studies, surveys, and investigations and do such engineering as is necessary to determine the lands which should be embraced within the boundaries of the proposed Columbia River reclamation project, and directs the Secretary to make his report not later than December 10, 1931, and authorizes the appropriation of such sums of money as are necessary to carry out the purposes enumerated in the bill.

The following amounts have already been spent in investigating this project: The State of Washington has spent $172,500. It is said that the citizens of Washington have spent $134,000, and the Federal Government appropriated $100,000 in 1923 and $25,000 in 1926.

While it is true that this bill only authorizes a survey and an investigation, it is well that Members should bear in mind that the real purpose is to ultimately get through a project which would seek to reclaim nearly 2,000,000 acres of land and if carried out will probably ultimately cost the Government half a billion dollars.

At a time when nearly all classes of farming are staggering under the burden of overproduction and when thousands of acres of good farm lands that do not need any irrigation and are situated where there is ample rainfall are being deeded over to loan companies because farmers are no longer able to earn the interest on the loans, is no time to be talking about bringing in, under the stimulus of Government subsidy, other millions of acres of new land. Without one single dollar of Government artificial stimulation, more land will be brought under the plow by the farmers themselves during the next generation than will be needed, if farming is to be a profitable business.

The best students of the farm problem are agreed that since one of the main difficulties of the farmer is overproduction, there should be no new irrigation and reclamation projects authorized by the Federal Government.

In its report on the agricultural situation, the special committee of the Association of Land Grant Colleges and Universities, which met in Chicago in November, 1927, declared:

Sound national agricultural policy requires that no new reclamation projects be undertaken for a number of years except when international and interstate relationships make national participation imperative.

And the Business Men's Commission, which was appointed jointly by the Chamber of Commerce of the United States and the National Industrial Conference Board to study the condition of agriculture and suggest measures for its improvement, said in its report:

Since farmers are now suffering from overproduction, it seems worse than futile to spend new millions on reclamation projects with the aim of bringing still more land under cultivation.

It is said that organized labor favors this bill. In fact, we have all received letters from William R. Green, president of the American Federation of Labor, urging Congress to pass this bill. Well, with all due respect to him, when did President Green become spokesman for the farmers? What farm organization, representing the real dirt farmers, has asked Congress to enact this bill? Not a single one that I know. On the contrary, some of the leading farm organizations oppose it, as I shall presently show.

I want to have read in my time the statement of a real farm organization upon this project—the statement of Mr. A. S. Goss, the master of the National Grange in the State of Washington, where this project is to be constructed; and I ask unanimous consent that the Clerk may now read in my time this statement of Mr. Goss, who is not only the master of the National Grange of the State of Washington, but is a member of the national executive committee of the National Grange of the United States. Some time ago he published an article entitled "Why the Grange Opposes Columbia Basin." This statement is from that article.

The SPEAKER. Without objection, the Clerk will read the article.

The Clerk read as follows:

NOT A FARM MOVEMENT

In our opinion, the whole project is not a farm movement, but an enormous real estate scheme. Should an emergency arise, the land can be put under water in 15 years. General Goethals declared it could be completed in 7 years. There is no indication whatever of the need for more crops. On the contrary, there is every indication of the need for the Government to give protection to the farmer now on the land. One of the supporters of the project recently assured us that we need have no fear, for it would be absolutely impossible to settle the project for generations after it was completed. "What we want," he said, "is to get the Government to spend the money here."

[Laughter.]

STOCK ARGUMENT NOT SOUND

The stock argument for the project is that it won't be completed for 20 or 40 years, and we will then need the crops to feed our surplus people. The estimates of increase in population given in the report are not in accord with present trends of birth rates and immigration, but if they were true, the fact remains that when there is some evidence of a food shortage becoming imminent, there will still be plenty of time to complete the project. We are now increasing production on reduced acreages faster than our growth in population. Modern farm practice

points to still further increase in production per acre and points definitely toward increased machine production on nonirrigable lands at costs which can not be met by the hand methods necessary to employ on irrigated farms. Economic pressure is daily placing the irrigated farm at a greater disadvantage, and the only thing to bring relief will be materially higher markets which are not in sight.

Mr. BLACK of Texas. Now, Mr. Speaker, Mr. Goss, who represents a real farm organization, in that article states that this is more of a land-boosting scheme than a plan for the relief of the farmer. To bear that out I want to have read in my time a letter that has been widely sent out by the New Washington Hotel, of Seattle, Wash., advocating this proposition and boosting it.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

Friends of the Columbia Basin project have consistently supported the Boulder Dam project, believing that it should have the right of way over the Northwest's reclamation project, due to its priority of conception.

The two projects have equal merit, and now that the Boulder Dam project is assured of a successful completion, the educational work necessary for the passing of this bill should be quickly capitalized for the benefit of the next big western project—the Columbia Basin project.

The owners of the New Washington Hotel, in Seattle, operating hotels in Olympia, Tacoma, Bellingham, and having an interest in the new Mount Baker Lodge, as well as engaging in the pulp, canning, and oyster-raising business, have endeavored for the past two years to give favorable publicity to this bill by the use of the map and data on the reverse side of this sheet.

To this end we are addressing this letter to you and asking that you investigate this worthy measure, and we feel sure that you will become a booster and endeavor to hasten it to an early and favorable vote.

Yours very truly,

NEW WASHINGTON HOTEL.
By ADOLPH D. SCHMIDT,
Managing Director.

Mr. BLACK of Texas. Yes; of course, if the Federal Government can be induced to spend $250,000,000 on this Columbia Basin project, it will be a big thing for the New Washington Hotel at Seattle, and its chain of hotels at Olympia, Tacoma, Bellingham, and Mount Baker Lodge. Therefore, start the propaganda. "Yes, we put Boulder Dam over by propaganda," says this letter, "now, let us get busy and put the Columbia Basin project over by propaganda." Propaganda? Yes. This Government is fast getting to be a government of propaganda. No wonder the economic position of the farmer is getting harder and harder every day. It is going to continue that way until those who represent him in Congress resist the wiles of propaganda and act upon their own judgment and common sense.

It seems to me that the dictates of good judgment and common sense speak in unmistakable terms against any new reclamation or irrigation project by Government aid or subsidy until there is at least some signs that overproduction of the basic farm products is no longer eminent.

Taking that view of the situation, I shall certainly vote against this pending Senate bill, and I sincerely hope it will be defeated. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Can the gentleman from Pennsylvania let me have enough time to enable me to finish?

Mr. McFADDEN. I am sorry I have not the time at my disposal, I yield two minutes to the gentleman from New Jersey [Mr. FORT].

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. FORT. Mr. Speaker, this bill in its present form purports to carry a provision for a survey of the economic possibilities of the region to be reclaimed but the language is not broad enough to require the type of survey we should have.

If there is one thing that has been brought home to everyone on the Committee on Agriculture, which has been considering the great problems of agriculture in the past few years, it is that such bills as this should carry a requirement for an economic survey as to the need of any further agricultural lands within the United States. Unless this proposal can be amended so that it shall include a survey of the need of the lands from a national viewpoint, I shall feel compelled personally to oppose it in the interest of agriculture generally. We need less rather than more agricultural lands in the country and will for many years to come.

Mr. Speaker, I yield back the remainder of my time.

Mr. McFADDEN. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. KETCHAM].

The SPEAKER. The gentleman from Michigan is recognized for three and a half minutes.

Mr. KETCHAM. Mr. Speaker, in the limited time at my disposal, of course, I shall be able to say just a word or two; but in the first place, may I make this point—that I believe the survey provided for in this legislation is unnecessary. I hold in my hand a survey completed some time ago and published by the Department of the Interior, which survey was made jointly by the Department of the Interior and the authorities at the Washington State College of Agriculture. I am very certain that every Member of the House who might desire to inform himself as to the possibilities and the probabilities in connection with this whole matter, either from the standpoint of the money involved in it or the returns that are to come from it to the settlers who may be persuaded to take up lands there, would be completely satisfied, upon an investigation of this report, coming, as it does, from friendly people, that the project is a very doubtful one, even if it were launched and the real definite work of construction were undertaken. In the second place, I want to indicate to those of you who are interested in the problem of surplus production some facts I have gleaned from this report having a bearing directly upon the surplus production of the country. Taking a very modest and moderate estimate of the lands that might ultimately be brought into production, there would be produced annually 2,800,000 tons of alfalfa, 6,000,000 bushels of wheat, 12,000,000 bushels of oats, 8,000,000 bushels of barley, and 26,000,000 bushels of potatoes, having a value, approximately, of $56,000,000 a year. Those are the potentialities of this great project.

Now, in view of the situation that is confronting us concerning surplus production and the multiplication of machinery in connection with agriculture which, as Mr. Goss has said, has already made it possible, with a declining agricultural population, still further to increase our agricultural production, it seems to me that every man who is viewing this question purely from the standpoint of what is best for American agriculture as a whole will not vote even for a survey because a survey, as everyone understands, is just the beginning of the project itself. If you have any doubt about that all you need to do is to go back one year and read the report of the committee itself which was favorable, not to a survey then but to the launching of the project immediately. When this project was frowned upon by the Budget Bureau, then, of course, the next best thing, namely, a survey, was undertaken. So I make the point that we should not favor this bill because the survey is unnecessary and because the report already made shows that the project is uneconomical. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SUMMERS of Washington. Mr. Speaker, I yield two minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Speaker and colleagues, this bill does not start any project. It merely carries on the investigations that have been carried on for the past 10 years, and it is no more than right to these people of the entire Northwest that we complete the project we have started investigating. We want to investigate the feasibility, the economic and legal phases of this important project. It starts the development of no project. It does not start a ditch or start a dam; it merely investigates the situation existing as to the water rights in Idaho, Montana, Wyoming, Washington, and Oregon. It investigates the economic situation as to whether or not there is a surplus being delivered by the developers of agriculture in the entire Northwest. It goes into the economic phases to determine whether or not this is justifiable, and if it is not justifiable, my friends, I am with all of you in believing that the thing should not be carried on, but I believe that after the investigation has been made we will be in better shape to determine the feasibility of this project than we are at the present time.

I hope this bill passes. I hope you will give this project the thorough investigation, legal, engineering, and economic, that it deserves, and if you do this you will find you have before you conditions that will justify you either in voting for it or against it when it may come up 5 or 10 years hence. [Applause.]

I yield back the balance of my time.

Mr. SUMMERS of Washington. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Speaker and gentlemen of the House, as has been stated, this is not an adoption bill. The

objections to this measure that have been voiced will be met by the investigation for which we are asking at this time.

We are asking for an investigation of the economic phases of this project and the question of whether or not it is desirable at the present time or in the near future to start construction.

I wish I had a little time to go into some of the statements made here by those who have opposed this measure. Our friend, Mr. Goss, has made some statements here, it is true, as read by the gentleman from Texas [Mr. BLACK]. It is the first time I have ever heard that Mr. Goss is a dirt farmer, and I want to call your attention to this fact, too. Some of the people who have opposed farm relief heretofore are against this bill. The farmer's trouble in the disposition of his products lies in the lack of proper marketing machinery. It is not so much a question of surpluses as it is a question of controlling the markets of farm products, and the same farm organization represented by Mr. Goss appeared before the Ways and Means Committee and told that committee that we are shipping the surplus into this country and that it was not the surpluses that were produced here that was causing the depression in agriculture, and they are seeking before that committee remedies through tariff rates to shut out the importation of these surpluses.

This bill would carry out and complete the investigation of one of the greatest projects in this country, a project of national concern which would increase the national wealth and bring in, through the completion of this project, productive lands that will be needed in the years to come.

Every economist who has investigated the matter has said it would not come into full production until 1960 if construction were begun now, and by that time we will have 60,000,000 more people in this country, and that this project will not produce one-half of 1 per cent of the increased production we will need at that time to feed the people of our own country.

It is mere camouflage to say that we are going to increase the production of the farming interests of this country beyond the point of absorption by our own people.

Every country on the face of the earth is developing its farm lands. Are we going to stand still in this country and let the Canadian people, the people of the European countries, of the South American countries, and of Australia bring into production their lands to feed the people of the world, while we stand dumb and motionless and make no progress in an agricultural way?

Why, it is absurd on the face of it. I sincerely hope you will support this measure. [Applause.]

Mr. SUMMERS of Washington. Mr. Speaker, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker and Members of the House, nearly all of the discussion so far in opposition to the bill has not been on the bill as it is before the House but on the bill as it passed the Senate.

The gentleman from New Jersey [Mr. FORT] said he would be forced to oppose the bill unless it contained a provision that would call for an economic study to determine whether or not, considering the entire situation of agriculture, this proposed study should be carried on and completed; and in the bill as it is before the House there is exactly that provision.

There has been written in on page 2, following the end of line 7, these words:

> And also to investigate whether the said project is feasible and its construction is desirable at this time.

This is now included in the bill as we are acting on it this afternoon, and there is also included in the bill as we are now acting on it another amendment, following line 2, on page 2, stating that this is an authorization for an appropriation out of the reclamation fund, such appropriation to be available only when matched by equal amounts contributed by the State of Washington or by other sources.

These things have been written into the bill as it is before you at this time and since it passed the Senate.

Now, as to the opposition of the National Grange, I would like to see that organization for something sometimes instead of always against what is proposed. [Applause.]

Since I have been in the Congress they have opposed the farm measures that have been brought out by the Committee on Agriculture by offering a counterproposal. And now they come before us in a statement gotten out by Mr. Goss, the State master of the State of Washington, a reprint from the Grange News of January 5, that they are opposing this bill unless it contains certain things. They are opposing the Senate bill. They are saying that—

> More important than this—the engineering study—is an economic survey to determine the prospective needs of such an enterprise, the possibility of settling it with farmers who could operate their farms under it successfully, and the effect on the farmers now on the land.

Now, this is exactly what has been written into the House bill, and the only contrary thing that they propose in this statement by Mr. Goss is that the study should be made by the Department of Agriculture rather than the Department of the Interior. But how are we going to take it from the authority of the department that is handling all reclamation matters under our present organization of the bureau?

Mr. CLARKE. Will the gentleman yield?

Mr. LEAVITT. I am sorry.

Mr. CLARKE. So am I. [Laughter.]

Mr. LEAVITT. I will yield if the gentleman has a question; make it brief.

Mr. CLARKE. Whom do you propose shall make this economic survey?

Mr. LEAVITT. It will be made under the direction of the Secretary of the Interior.

Mr. CLARKE. That means the organization of the Reclamation Service?

Mr. LEAVITT. Very likely.

Mr. CLARKE. Do you know in the history of all their surveys of that organization ever turning down such a project?

Mr. LEAVITT. Absolutely so. I am glad the gentleman has asked me that question, because objection was made on the calendar this afternoon to two such bills, one bill (H. R. 10309), to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River in Wyoming, upon which the Secretary of the Interior made an adverse report, and said:

> No record is available of any investigation made of conditions in this locality. It appears, however, that some years ago certain investigations were made of the so-called Bear Lake project farther down the river in the States of Idaho and Utah.

Then it goes on with an entirely adverse statement.

Then I have here the bill (H. R. 10308) that has to do with a proposed irrigation project on the Greybull River, in the State of Wyoming, in which they make a distinctly adverse report based on a study just such as is being asked for in this particular case.

Mr. CLARKE. I will put in the RECORD my apology.

Mr. LEAVITT. So they can not be charged with always bringing in favorable reports regardless of the proposals put before them.

We have before us this afternoon the one question of whether we are going to complete and supplement the study, already under way, of the engineers. There is no question but the project can be built, and the question is whether it ought to be completed now or whether it is soundly economical to build it at all. This bill merely calls for the completion of an economic study and of the legal situation, and to round up facts already assembled nearly $500,000 has already been spent; $134,000 came out of the people of the State as individuals and organizations, $125,000 out of the Government, $150,000 out of the State of Washington, and the only question now is whether we shall keep faith and complete the study of the project to determine whether it should be built. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SUMMERS of Washington. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, no gentleman who is opposing this bill to-day has voted for more measures for the relief of agriculture in the last few years than have I. I subscribe to the doctrine that the way to make the country prosperous and great is to make each part of it prosperous and great. [Applause.] If there is something in the project for the future of the great Northwest to make it more prosperous, I know my State will share in that prosperity. [Applause.]

This House knows that I have not been one to rush into the indorsement of new reclamation programs, and I am not committed to building this project, but I do submit that when the investigation of a great project has been under way for several years, and communities have put up tens of thousands of dollars for investigation, and are now asking you to authorize an appropriation to match what they are willing to contribute, to spend something for the benefit of their part of the country, I say it is narrow; it is mistaken policy of protection for agriculture to say to that section that we will not let you put up more of your own money for further investigation of this particular project.

The bill has been rounded out so as to safeguard it. It requires the department to report whether it is a feasible project, whether it ought to be built, and the money comes from this community. My friend from Pennsylvania seems to indorse such an investigation by the Army. What in the world does the Army know about investigating irrigation?

Mr. MCFADDEN. Will the gentleman yield?

Mr. CRAMTON. I can not yield in my limited time, but I can answer my own question: They do not know anything about it. [Laughter.] This money that the Army spends, every cent of it, comes out of the general funds from the Treasury. Any money that is to be spent under this bill to match the contributions of these people comes from the reclamation fund, a fund made up from the proceeds of the resources of the Western States. So far as competition with existing agriculture is concerned, let me observe that wheat and grain can not be profitably produced on expensive irrigated land. Sugar beets can. We do not produce half our own supply of sugar. Increased beet acreage in irrigated areas of the West means increased demand for proper tariff protection for the beet-sugar industry, and that would mean much to Michigan beet growers. I hope this measure will pass. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Washington to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. HILL of Washington) there were 130 ayes and 90 noes.

Mr. LEAVITT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 136, not voting 119, as follows:

[Roll No. 27]

YEAS—172

Allgood	Cullen	Johnson, Wash.	Reece
Almon	Dallinger	Kahn	Robsion, Ky.
Arentz	Darrow	Kemp	Romjue
Aswell	Davenport	Kerr	Rowbottom
Auf der Heide	Davey	Kincheloe	Rutherford
Ayres	Davis	Korell	Sanders, Tex.
Bankhead	Denison	LaGuardia	Sandlin
Barbour	Dickinson, Mo.	Lampert	Schafer
Beedy	Douglass, Mass.	Lankford	Sears, Fla.
Bell	Drane	Larsen	Sears, Nebr.
Berger	Drewry	Lea	Shallenberger
Black, N. Y.	Driver	Leavitt	Simmons
Bloom	Edwards	Lindsay	Smith
Bowman	Englebright	Lozier	Spearing
Boylan	Eslick	McCormack	Steagall
Brand, Ga.	Evans, Calif.	McDuffie	Steele
Briggs	Evans, Mont.	McKeown	Stevenson
Browne	Fisher	McMillan	Summers, Wash.
Browning	Fitzgerald, Roy G.	McSweeney	Swank
Bulwinkle	Fitzpatrick	Major, Ill.	Swing
Busby	Free	Major, Mo.	Tarver
Butler	French	Manlove	Taylor, Colo.
Byrns	Fulmer	Martin, La.	Thatcher
Canfield	Gardner, Ind.	Michaelson	Tilson
Carley	Garrett, Tenn.	Miller	Vinson, Ky.
Cartwright	Gasque	Moore, Ky.	Ware
Celler	Goldsborough	Morrow	Warren
Chalmers	Gregory	Niedringhaus	Weaver
Chapman	Green	Norton, Nebr.	Welch, Calif.
Clancy	Greenwood	Norton, N. J.	White, Colo.
Cochran, Mo.	Griffin	O'Brien	Whittington
Cohen	Hadley	O'Connell	Williams, Ill.
Collier	Hardy	O'Connor, La.	Williams, Tex.
Collins	Harrison	Oldfield	Wilson, La.
Colton	Hastings	Oliver, Ala.	Wilson, Miss.
Connery	Hill, Ala.	Parks	Wingo
Cooper, Wis.	Hill, Wash.	Patterson	Winter
Corning	Howard, Nebr.	Peavey	Wolfenden
Cox	Howard, Okla.	Prall	Wolverton
Crail	Hull, Morton D.	Quin	Wood
Cramton	Irwin	Ragon	Wright
Crisp	Jeffers	Rankin	Wurzbach
Crosser	Johnson, Okla.	Rayburn	Yon

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Ackerman	Foss	Ketcham	Ransley
Bacharach	Frear	Kiess	Robinson, Iowa
Bachmann	Freeman	Knutson	Rogers
Bacon	Gambrill	Kopp	Sabath
Beers	Garrett, Tex.	Kurtz	Sanders, N. Y.
Begg	Gibson	Lanham	Schneider
Black, Tex.	Gilbert	Leatherwood	Seger
Bland	Glynn	Lehlbach	Selvig
Blanton	Goodwin	Letts	Shreve
Bohn	Graham	Linthicum	Snell
Box	Hale	Luce	Speaks
Brand, Ohio	Hall, Ill.	McFadden	Sproul, Ill.
Brigham	Hall, Ind.	McLeod	Sproul, Kans.
Britten	Hall, N. Dak.	McSwain	Stobbs
Buchanan	Hancock	Magrady	Strong, Pa.
Burdick	Hare	Mapes	Swick
Burtness	Haugen	Martin, Mass.	Taber
Christopherson	Hersey	Menges	Tatgenhorst
Clague	Hoch	Michener	Thompson
Clarke	Hoffman	Monast	Thurston
Cochran, Pa.	Hogg	Montague	Vestal
Cole, Iowa	Holaday	Moore, Ohio	Vincent, Iowa
Connolly, Pa.	Hooper	Moore, Va.	Vincent, Mich.
Culkin	Hope	Morehead	Vinson, Ga.
Deal	Houston, Del.	Morgan	Wainwright
Dempsey	Huddleston	Nelson, Me.	Wason
Dickinson, Iowa	Hudson	Nelson, Mo.	Watres
Dominick	Jenkins	Newton	Whitehead
Dowell	Johnson, S. Dak.	Palmisano	Wigglesworth
Dyer	Johnson, Tex.	Parker	Williams, Mo.
Elliott	Jones	Perkins	Williamson
Fish	Kading	Porter	Woodruff
Fitzgerald, W. T.	Kearns	Pratt	Woodrum
Fort	Kelly	Purnell	Wyant

NOT VOTING—119

Abernethy	Doughton	Kent	Reed, Ark.
Adkins	Douglas, Ariz.	Kindred	Reed, N. Y.
Aldrich	Doutrich	Kunz	Reid, Ill.
Allen	Doyle	Kvale	Sinclair
Andresen	Eaton	Langley	Sirovich
Andrew	England	Leech	Somers, N. Y.
Anthony	Estep	Lowrey	Stalker
Arnold	Fenn	Lyon	Stedman
Beck, Pa.	Fletcher	McClintic	Strong, Kans.
Beck, Wis.	Fulbright	McLaughlin	Strother
Boies	Furlow	McReynolds	Sullivan
Bowles	Garber	Maas	Sumners, Tex.
Buckbee	Garner, Tex.	Mansfield	Taylor, Tenn.
Bushong	Gifford	Mead	Temple
Campbell	Golder	Merritt	Tillman
Cannon	Griest	Milligan	Timberlake
Carew	Guyer	Mooney	Tinkham
Carss	Hammer	Moore, N. J.	Treadway
Carter	Hawley	Moorman	Tucker
Casey	Hickey	Morin	Underhill
Chase	Hudspeth	Murphy	Underwood
Chindblom	Hughes	Nelson, Wis.	Updike
Cole, Md.	Hull, Tenn.	O'Connor, N. Y.	Watson
Combs	Hull, William E.	Oliver, N. Y.	Weller
Connally, Tex.	Igoe	Palmer	Welsh, Pa.
Cooper, Ohio	Jacobstein	Peery	White, Kans.
Crowther	James	Pou	White, Me.
Curry	Johnson, Ill.	Quayle	Yates
DeRouen	Johnson, Ind.	Rainey	Zihlman
Dickstein	Kendall	Ramseyer	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Nelson of Wisconsin and Mr. Carew (for) with Mr. Andresen (against).

Mr. James and Mr. Somers of New York (for) with Mr. Strong of Kansas (against).

Mr. Curry and Mr. Sullivan (for) with Mr. Johnson of Indiana (against).

Mr. Dickstein and Mr. Oliver of New York (for) with Mr. Arnold (against).

Mr. Quayle and Mr. Mead (for) with Mr. Buckbee (against).

Mr. Kindred and Mr. Sirovich (for) with Mr. Lowrey (against).

Until further notice:

Mr. Hawley with Mr. Garner.
Mr. Treadway with Mr. Rainey.
Mr. Timberlake with Mr. Hall of Tennessee.
Mr. Chindblom with Mr. Doughton
Mr. Crowther with Mr. Hudspeth.
Mr. McLaughlin of Michigan with Mr. Casey.
Mr. Watson with Mr. Abernethy.
Mr. Estep with Mr. Mooney.
Mr. Ramseyer with Mr. Peery.
Mr. Beck of Pennsylvania with Mr. Lyon.
Mr. Underhill with Mr. Sumners of Texas.
Mr. White of Maine with Mr. Igoe.
Mr. Atkins with Mr. Moorman.
Mr. Kendall with Mr. Combs.
Mr. Boise with Mr. McClintic.
Mr Merritt with Mr. Cannon.
Mr. Reid of Illinois with Mr. Mansfield.
Mr. Murphy with Mr. Pou.
Mr. Taylor of Tennessee with Mr. Douglas of Arizona.
Mr. Fenn with Mr. Kent.
Mr. Temple with Mr. Fulbright.
Mr. Golder with Mr. Kunz.
Mr. Eaton with Mr. Underwood.
Mr. Griest with Mr. Weller.
Mr. Chase with Mr. Connally of Texas.
Mr. Aldridge with Mr. Milligan.
Mr. Hickey with Mr. DeRouen.
Mr. Zihlman with Mr. McReynolds.
Mr. Leech with Mr. Cole of Maryland.
Mr. Reed of New York with Mr. Moore of New Jersey.
Mr. Palmer with Mr. Tucker.
Mr. Cooper of Ohio with Mr. Hammer.
Mr. Gifford with Mr. Fletcher.
Mr. Campbell with Mr. Doyle.
Mr. Allen with Mr. O'Connor of New York.
Mr. Hughes with Mr. Stedman.
Mr. Johnson of Illinois with Mr. Reed of Arkansas.
Mr. Sinclair with Mr. Tillman.
Mrs. Langley with Mr. Jacobstein.
Mr. Bowles with Mr. Kvale.
Mr. Garber with Mr. Carss.

Mr. CAMPBELL. Mr. Speaker, I came in the door and heard the name of Mr. BUSBY called, but did not hear any other.

The SPEAKER. The gentleman must have been present in the Chamber when his name was called in the first place.

Mr. CAMPBELL. I do not know whether I was or not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that those who spoke on the bill may have the privilege of extending their remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent that those who spoke on the bill may extend their remarks in the RECORD. Is there objection.

There was no objection.

TO CREATE A TENTH JUDICIAL CIRCUIT

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16658) to amend sections 116, 118, and

126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 116 of the Judicial Code, as amended (U. S. C. title 28, sec. 211), is amended to read as follows:

"SEC. 116. There shall be 10 judicial circuits of the United States, constituted as follows:

"First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico.

"Second. The second circuit shall include the districts of Vermont, Connecticut, and New York.

"Third. The third circuit shall include the districts of Pennsylvania, New Jersey, and Delaware.

"Fourth. The fourth circuit shall include the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

"Fifth. The fifth circuit shall include the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

"Sixth. The sixth circuit shall include the districts of Ohio, Michigan, Kentucky, and Tennessee.

"Seventh. The seventh circuit shall include the districts of Indiana, Illinois, and Wisconsin.

"Eighth. The eighth circuit shall include the districts of Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri, and Arkansas.

"Ninth. The ninth circuit shall include the districts of California, Oregon, Nevada, Washington, Idaho, Montana, Hawaii, and Arizona.

"Tenth. The tenth circuit shall include the districts of Colorado, Wyoming, Utah, Kansas, Oklahoma, and New Mexico."

SEC. 2. Section 118 of the Judicial Code, as amended (U. S. C. title 28, sec. 213; 45 Stat. L. 492; Public No. 664, 70th Cong.), is amended to read as follows:

"SEC. 118. There shall be in the sixth, seventh, and tenth circuits, respectively, four circuit judges; and in the second and eighth circuits, respectively, five circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. Each circuit judge shall receive a salary of $12,500 a year, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code."

SEC. 3. Section 126 of the Judicial Code, as amended (U. S. C. title 28, sec. 223; U. S. C. Sup. I, title 28, sec. 223), is amended to read as follows:

"SEC. 126. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston, and when in its judgment the public interests require in San Juan, P. R.; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, N. C.; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in St. Louis, Omaha, and St. Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; in the tenth circuit, in Denver, Wichita, and Oklahoma City, provided that suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States; and in each of the above circuits terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate, except that terms shall be held in Atlanta on the first Monday in October, in Forth Worth on the first Monday in November, and in Montgomery on the third Monday in October. All appeals and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting. All appeals and other appellate proceedings which may be taken or prosecuted from the district court of the United States at Beaumont, Tex., to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals as the terms of court held at New Orleans, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting."

SEC. 4. Any circuit judge of the eighth circuit as constituted before the effective date of this act, who resides within the eighth circuit as constituted by this act, is assigned as a circuit judge to such part of the former eighth circuit as is constituted by this act the eighth circuit, and shall be a circuit judge thereof; and any circuit judge of the eighth circuit as constituted before the effective date of this act, who resides within the tenth circuit as constituted by this act, is assigned as a circuit judge of such part of the former eighth circuit as is constituted by this act the tenth circuit, and shall be a circuit judge thereof.

SEC. 5. Where before the effective date of this act any appeal or other proceeding has been filed with the circuit court of appeals for the eighth circuit as constituted before the effective date of this act—

(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect of the case shall be had in the same manner and with the same effect as if this act had not been enacted.

(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, or other proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the circuit court of appeals to which it would have gone had this act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in said court.

SEC. 6. This act shall take effect 30 days after its enactment.

The SPEAKER. Is a second demanded? If not, the Chair will put the question. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AIR MAIL FROM UNITED STATES TO FOREIGN COUNTRIES, ETC.

Mr. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of March 8, 1928, entitled "An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes," be, and the same is hereby, amended to read as follows:

"SECTION 1. When in his judgment the public interest will be promoted thereby the Postmaster General is authorized to enter into contracts for air-mail service on routes between the United States and possessions or Territories of the United States, between possessions or Territories of the United States, between the United States or possessions or Territories of the United States and foreign countries, and in and between foreign countries, for the transportation of mails of the United States and its possessions or Territories both ways over the routes, and in addition thereto mails of other countries on the outbound or the inbound flights under arrangements he may make with such countries, for periods of not more than 10 years, and to pay for such service at fixed rates per pound and/or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided,* That the rate to be paid for such service for the load of mails provided by the Postmaster General to be carried in a plane shall not in any case exceed $2 per mile each way, plus not exceeding $1 per pound per thousand miles, or pro rata thereof for greater or less mileage, for any mails required to be carried in the same plane in excess of the specified load, and that, at the request of the Postmaster General, domestic mail shall be conveyed without additional charge on that part of the route in the United States to the border of the United States and to intermediate points: *Provided further,* That the Postmaster General may make arrangements with concessionnaires operating air-mail service in foreign countries for transportation by their service of mails of the United States and its possessions or Territories: *And provided further,* That in the award and interpretation of the contracts herein authorized the decision of the Postmaster General shall be final and not subject to review by any officer or tribunal of the United States except by the President and the Federal courts.

"SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 3. All contracts heretofore made by the Postmaster General under section 1 of the act of March 8, 1928, entitled 'An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes,' as originally enacted, may be amended under agreement of the parties thereto so as to provide for the transportation of excess mails and for transportation not covered by the existing contract of mails of the United States and its possessions or Territories or of foreign countries, at not exceeding the contract rate per mile and not exceeding the rates per pound provided in section 1 hereof for excess mails."

The SPEAKER. Is a second demanded? If not, the Chair will put the question. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

GRAND TETON NATIONAL PARK, WYO.

Mr. COLTON. Mr. Speaker, I move to suspend the rules and pass the bill S. 5543, to establish the Grand Teton National Park in the State of Wyoming, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the tract of land in the State of Wyoming particularly described by metes and bounds as follows, to wit:

Beginning at the northwest corner of township 44 north, range 115 west, of the sixth principal meridian; thence southerly along the west line of said township to the northeast corner of section 12, township 44 north, range 116 west; thence westerly to the northwest corner of the northeast quarter northeast quarter section 12; thence southerly and westerly, respectively, on quarter-quarter section lines to the southwest corner of said section 12; thence southerly to the southwest corner of the northwest quarter northwest quarter section 13; thence easterly to the northeast corner of the southwest quarter northeast quarter section 13; thence southerly on the east quarter-quarter section lines of sections 13, 24, and 25, to the southwest corner of the northeast quarter northeast quarter section 25; thence westerly and southerly, respectively, on quarter-quarter section lines to the northwest corner of the southwest quarter southwest quarter section 25; thence westerly to the northwest corner of the southwest quarter southeast quarter section 26; thence southerly to the southwest corner of the southeast quarter section 26; thence westerly to the southwest corner of the southeast quarter southwest quarter section 26; thence southerly to the southwest corner of the northeast quarter southwest quarter section 35; thence easterly to the northeast corner of the southwest quarter southeast quarter section 35; thence southerly to the southeast corner of the southwest quarter southeast quarter section 35, all in township 44 north, range 116 west; thence westerly to the northeast corner of the northwest quarter section 2, township 43 north, range 116 west; thence southerly on mid-section lines of sections 2, 11, and 14, to the northwest corner of the southeast quarter section 14; thence easterly to the northeast corner of the northwest quarter southeast quarter section 14; thence southerly on east quarter-quarter section lines of sections 14, 23, 26, and 35, all in township 43 north, range 116 west, to the right bank of South Fork Snake River; thence westerly along said bank to its intersection with the north line of township 42 north, range 116 west; thence westerly along said township line to the northwest corner of said township; thence southerly along the west line of said township to its intersection with the main hydrographic divide immediately south of Granite Canyon; thence southwesterly along said divide to its intersection with the main hydrographic divide formed by the crest of the Teton Mountains; thence northerly along said divide, between the headwaters of Moose Creek and Granite Canyon, Fox Creek and Open Canyon, Dirby Creek and Death Canyon, Teton Creek and Taggart and Glacier Creeks, Leigh Creek and Leigh Canyon, Badger Creek and Moran Canyon, to a point where said divide intersects the main hydrographic divide immediately south and southeast of Webb (Moose) Canyon; thence northeasterly along the last-mentioned divide to its intersection with the projected east quarter-quarter section line of what will probably be when surveyed section 7, township 46 north, range 115 west; thence southerly along said line to the northwest corner of the southeast quarter southeast quarter 7; thence westerly to the northwest corner of the southwest quarter southeast quarter section 7; thence southerly on projected mid-section lines of probable sections 7, 18, 19, and 30, to the southwest corner of the northeast quarter section 30; thence westerly to the southeast corner of the southwest quarter northwest quarter section 30; thence southerly to the southeast corner of the northwest quarter southwest quarter section 30; thence westerly to the southwest corner of the northwest quarter southwest quarter section 30, all of township 46 north, range 115 west; thence southerly on projected west line of said township and the west line of township 45 north, range 115 west, to the southwest corner of section 6, township 45 north, range 115 west; thence westerly on projected north line of what will probably be when surveyed section 12, township 45 north, range 116 west, to the northeast corner of the northwest quarter northwest quarter section 12; thence southerly to the southeast corner of the southwest quarter northwest quarter section 12; thence westerly to the southeast corner of the southwest quarter northwest quarter probable section 11; thence southerly to the northeast corner of the southwest quarter southwest quarter section 11; thence westerly to the northwest corner of the southwest quarter southwest quarter section 11; thence southerly on projected west lines of probable sections 11 and 14 to the southwest corner of said section 14; thence easterly to the northeast corner of the northwest quarter northwest quarter probable section 23; thence southerly to the southeast corner of the northwest quarter northwest quarter section 23; thence easterly to the southwest corner of the northeast quarter of the northeast quarter section 23; thence southerly to the southwest corner of the southeast quarter northeast quarter section 23; thence easterly to the southeast corner of the northeast quarter section 23; thence southerly on projected east lines of probable sections 23 and 26 to the northeast corner of the southeast quarter southeast quarter section 26; thence eastward to the northeast corner of the southeast quarter southeast quarter section 25, all in township 45 north, range 116 west; thence easterly to the northeast corner of the southeast quarter southwest quarter section 30, township 45 north, range 115 west; thence southerly on mid-section lines of sections 30 and 31, to the south line of section 31, said township; thence easterly to place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of the Grand Teton National Park of Wyoming: *Provided,* That no new roads shall be constructed and no hotels or permanent camps shall be established on such lands, except under authority of appropriations specifically made therefor by Congress, but nothing herein shall be held to restrict the establishment and construction of trails on said land.

SEC. 2. That the provisions of the act of August 25, 1916, entitled "An act to establish a national park service, and for other purposes," and all acts supplementary to and amendatory of said act, are made applicable to and extended over the lands hereby included in said Grand Teton National Park: *Provided,* That under rules and regulations to be prescribed by the Secretary of the Interior, any bona fide claimant or entryman claiming or owning lands reasonably adjacent to the lands in said park shall have the right to graze upon land in said park reasonably adjacent to the lands claimed or owned by him, such number of livestock as he has been accustomed to so graze in the past, or as may be reasonably necessary to the conduct of his business, and shall also have the right, subject to such rules and regulations, to secure dead or down timber from park lands for use in the conduct of such business.

SEC. 3. That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over the land hereby reserved and dedicated as the Grand Teton National Park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

SEC. 5. That the appropriations heretofore and hereafter made available for the administration, protection, and maintenance of the Yellowstone National Park shall also be available for these purposes for the Grand Teton National Park of Wyoming unless said park is otherwise provided for by act of Congress.

The SPEAKER. Is a second demanded? If not the Chair will put the question. The question is on the motion of the gentleman from Utah to suspend the rules and pass the bill as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ADDRESS OF HON. HAMPTON P. FULMER

Mr. DOMINICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by my colleague [Mr. FULMER] over the radio Saturday night.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. DOMINICK. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD, I herewith insert an address delivered by Hon. HAMPTON P. FULMER of Orangeburg, S. C., over the radio on Saturday evening, February 16.

The matter referred to is as follows:

I have always contended that the Congress of the United States should go very slow in passing legislation seeking to put Government into business or that would tend to set up machinery, boards and commissions to regulate private or public business, but what is the Congress to do when men in business and corporations openly and in a high-handed way, disregard the laws of the land, as well as God, and without regard for legitimate business ethics and the interests of the public? We read much of late, and especially during the recent campaign about the prosperity in the United States. It was shouted near and far over the radio by every campaign speaker of the Republican Party: "Prosperity, prosperity." You can hardly listen in on any of the large broadcasting stations owned and controlled by large corporations without hearing something about prosperity. I admit that there is much prosperity in the United States to-day, but, my friends, it is only in spots, and the recipients of this prosperity are small, well-organized groups—in many instances speculators and gamblers on the stock and produce exchanges.

What about the independent and small banking units of the country? Why, they are gradually being bought up and frozen out. It won't be long before this country will be in line with Canada—just a few mother banks, with thousands of branches all over the country. Every day you note from the press the merging of large banking institutions and the taking over of banks as branches, or opening branches where other banks have gone down. These small groups controlling these large banks and branches will not only in the near future control the finances of the country, the Federal reserve system, but they will be able to control, as they largely do now, the administration in charge of running the Government of the United States. Look what is being done in the way of merging the large automobile corporations, and how they are taking over other small concerns or forcing them out of business. The months will not be many before the large railroad interests will have the large lines merged and will either force out or buy up the short lines, and thereby, under special legislation, at the expense of the shipper, agriculture, and the consumer, will be able to continue fixing freight rates under the Interstate Commerce Commission—a board that seems to be owned and controlled by them—whereby they can extend their prosperity that the old-line roads have been enjoying since the passage of special legislation for them.

Why, my friends, in the last Congress, certain Members of the House tried very hard to put over a bill setting up a rubber corporation, stating that it was the intention to have this rubber corporation function in the interest of consumers of rubber goods so as to protect them from certain rubber combinations in Great Britain, whereas at the time this bill was up for consideration the price of rubber had declined from about $1.10 to 25 cents, and since that time rubber has had further declines, and I think to-day is selling for about 18 cents.

What I really want to speak to you about is the manner in which the speculators and gambling groups are merging, pooling their money and tricks in trade, sending out propaganda in every imaginable manner and form, over the radio and through other channels, that bid fair not only to bring disaster to legitimate business, but untold hardships and poverty to millions of people who invest in bonds and stocks for investment, and to those who have to borrow money for legitimate business and for agricultural needs, both producing and marketing farm products. I want to give you some far-reaching facts as to the above statement, and as to the effect it is having and will have when we allow the speculative and gambling interests, as we have during the past year, and especially during the past several months, to run wild on the exchanges, fixing prices and paper values on stocks, bonds, and agricultural products, regardless of their true value based on their actual values, according to the earnings of the corporations whose stocks and bonds they deal in and on actual supply and demand for farm products.

On February 1, when the first advance was made in rediscounts by the Federal reserve, following the 3½ per cent rate established the previous August in the interest of credit stabilization in Europe, the average price of a list of 75 railroad, public utility, and industrial stocks selected for this argument was 94. On July 10, when the maximum strictures of the Federal reserve on speculation were reached in a 5 per cent rediscount rate, the average price of these 75 issues was 105. It will be noticed that during the interval of over five months, which included the madly ascending markets of March and May and the collapse of June, there had been an increase in the average of only 11 points.

It might appear, therefore, that Wall Street had given heed to the voice of bankers raised against inordinate speculation and concretely hindered by an advance in discounts from 3½ to 5 per cent. But it is to be remembered that this was a period not altogether favorable to the promotion of speculation, for trade was dull in the first quarter of the year, there was a great deal of unemployment, gold was going out rapidly, and election uncertainties were looming on the horizon. The size of brokers' loans then was more seriously considered than it was some months later when they were 40 per cent higher.

If the governors of the Federal reserve had had the power to reverse their policy they would probably have made their discount rate in March 4½ per cent instead of 4 per cent, and that of July at least 5½ per cent and possibly 6 per cent. Some of them freely admit to-day that they were too timid and too fearful of the effect on commercial loans when they established the July figure. There is, however, serious doubt, in view of subsequent manifestations of speculative insanity on the part of the American public, whether a 6 per cent discount rate last summer would have been effective in curbing the market excesses of October and November.

"COOLIDGE" AND "HOOVER" MARKETS

What happened was that following the 5 per cent rate in July and within a period of the most stringent money conditions that the country had witnessed since 1920—call money 12 per cent, time loans 8 per cent—the average price of stocks, which was 94 in February and 105 in July, had risen to 145 at the end of November. It was then higher than ever before with a sheer rise of 125 per cent since the "Coolidge market" began to be later absorbed and overshadowed by the "Hoover market."

From the middle of August to the end of November there was a stock average advance of 37½ points, with a 353,000,000-share turnover.

At the end of 1927 brokers' loans were $3,717,000. In the second week of July they had risen to $4,242,000,000. From then to the first week of December there was a steady rise, growing more rapid as the movement culminated, until loans reached approximately $5,400,000,000, an increase in five months of nearly 30 per cent.

We are told that because of these attractive rates on call money, reaching 12 per cent, lenders of money from every important financial center in Europe have turned their money into these speculative and gambling channels. I admit it has been hard for the banking interest, especially in the South and West, to make money for the past eight years, because of the deplorable condition of agriculture; therefore, with the call money reaching such a high peak, naturally banks in these sections invest their money where demand is rampant, rates high, and income good. This is also true of men who have large savings deposits where they get from 3 to 5 per cent thereon; they draw down their savings and invest them in these stocks and bonds, because of the attractive paper value, as shown by the daily press, and by every conceivable means of propaganda. On one hand, this is a mighty fine business; but there is another side to the picture because of speculation being allowed to run wild, pushing rates on call money as high as 12 per cent. In the first place, as I have stated, it brought about an increase in rediscount rates in the Federal reserve bank, in 1928 over 1927, of about 43 per cent. This increase had to be paid by member banks and passed on or taken from their profits. It is generally understood that the Federal Reserve Board had in mind increasing rates 1 per cent higher, or to 6 per cent, but they were fearful of another 1920 deflation setting in and destroying completely business and finishing agriculture. I want to give you here some interesting figures as given out by John F. Sinclair and others about December 10:

"TWELVE STOCKS SHRINK $1,317,500,000 IN MARKET VALUE WITHIN SIX DAYS

"By John F. Sinclair

"NEW YORK, December 10.—To show more vividly how complete the smash was in Wall Street last week, losses in paper profits of one dozen corporations picked at random from the big board are here given:

National Biscuit	$32,200,000
Chrysler	37,400,000
Anaconda Copper	46,900,000
Kennecott Copper	67,400,000
Du Pont	90,500,000
Montgomery Ward	91,300,000
Consolidated Gas	96,100,000
United States Steel	97,800,000
Sears, Roebuck	120,200,000
Radio Corporation of America	124,400,000
General Electric	137,000,000
General Motors	376,300,000

"These 12 stocks in just five and one-half days shrank in market value $1,317,500,000. This is equal to the assessed valuation of the real estate of Butte, Mont.; Atlanta, Ga.; Birmingham, Ala.; Louisville, Ky.; and New Orleans, La., combined.

"This list of 12 stocks by no means covers any great percentage of the active stocks, but it is a fairly representative list out of the 1,500 traded in on the New York Stock Exchange.

"Has the bottom been reached? Already tens of thousands of market operators have been wiped out. An average drop of another five points would wipe out other thousands of small speculators in all parts of the United States and Canada.

"The bears are jubilant, for it is their first substantial feast in six months."

"STOCK PRICE RALLY SMASHED BY BEARS—EARLY GAINS OF LEADERS ARE WIPED OUT AS SELLING IS RESUMED

"By the Associated Press

"NEW YORK, December 10.—Violent breaks in the high-priced specialties unsettled the stock market again to-day after an opening outburst of strength in which nearly a score issues were elevated $5 to $23 a share.

"Unconfirmed rumors that organized buying support for the stock market had been arranged at a meeting of leading bankers Saturday afternoon started a spectacular rally in prices at the opening in which several issues quickly advanced $5 to $23 a share. Radio, which broke $72 a share in Saturday's brief session, opened $14 a share higher at $310 and rapidly moved up to $314.

"International Harvester, which dropped $61.50 a share on Saturday, opened with a gain of $23 a share. National Tea advanced $10 a share, Victor Talking Machine, $8, American Smelting and Columbia Graphophone, $5 each, Kennecott Copper, $4.62½, General Motors, $4.50, and General Electric, du Pont, International Telephone, American Can, Liquid Carbona and Commercial Solvents recorded initial gains of $2 or more. Montgomery-Ward dropped $4 on the first sale but quickly recovered its loss.

"There was still some evidence of forced liquidation, although there were comparatively few large blocks in the early trading. One block of 12,000 shares of Missouri-Kansas-Texas Railroad common changed hands at $47.87½, a drop of 50 cents.

"According to Wall Street gossip, the meeting of bankers was held at the offices of J. P. Morgan & Co., Saturday afternoon, but at the Morgan offices it was said nothing was known of such a meeting. Inquiries among officials of other leading banks also failed to throw any light on such a meeting, but it was pointed out that rumors of "bankers support" invariably crop out after every big crash in prices.

"Although many individuals undoubtedly had taken severe losses in the three days' reaction last week which wiped out billions of dollars in quoted values, no fears were entertained in banking quarters of any important financial casualties. Practically all the leading commission houses had raised their margins on speculative accounts to a minimum of 25 per cent before the crash, and several of the large ones are reported to have raised the average of their margins to close to 40 per cent."

"WESTERN TRADERS HARD HIT BY BREAK IN STOCK PRICES

"Special dispatch to the Star

"NEW YORK, December 10.—With Saturday's decline in the stock market the break in prices which began on November 30, after the high average of the year had been established, equals the only other slump in the market this year—that which occurred last June.

"The force of the selling movement, however, was more violent last week than it was in June, for it took the market from about the end of May to the latter part of June to bring about an average break of nearly 18 points, whereas since this decline started on the last day of November there was an average loss of approximately 17 points.

"This is explained in two ways. First, by the fact that the general average of stocks on November 30 was about 45 points higher than at the end of June, and, second, by the number of people speculating on the last great rise, which has been estimated as at least 50 per cent greater than when the market was in its earlier stages.

"Once more it has been the western public that has had to throw over stocks unless it had the resources to put up additional capital. The heaviest liquidation of the three days last week came from the stock-exchange houses with nation-wide wire systems and those especially active with clients from Chicago west to the Pacific coast. It was this same clientele that was most badly hurt last spring, when the market broke following the collapse in the Giannini bank and investment trust securities."

"FORBES HOLDS STOCKS STILL TOO HIGH

"By R. C. Forbes

"Very harshly it has been brought home to many that they really were suffering from speculative delirium tremens. When the writer sounded the warning, "the higher they rise the harder they fall," he was deluged with ridicule."

"LOW COMMERCIAL PAPER RATES IS AIM OF FEDERAL RESERVE

"Special dispatch to the Star

"NEW YORK, December 21.—The rate for bankers' acceptances yesterday was moved up to about a parity with the Federal reserve rediscount rate. This ordinarily would mean that the rediscount rate also might be raised, for in banking practice a spread of from one-quarter to one-half per cent is generally maintained.

"Between now and the end of December interest rates, not only in New York but in European money markets, are expected to advance sharply. The Bank of England has reported a heavy decline in its reserve ratio, due to withdrawals of gold, which suggested the possibility of an advance in its discount rate above 4½ per cent. This has been talked of for some time, but resisted by influential leaders in the English banking and industrial world. Such an advance would have a tendency to check the loaning of foreign capital in the New York market at the existing high rates."

Is it not high time for Congress to do something to curb these "big boys" who are robbing the public and bid fair to wreck business unless some regulatory measure is passed by the Congress?

Is it fair to put out propaganda that would tend to make the best of us bite, hoping that we may be able to make some easy money, so as to be able to be counted as one of those who are enjoying this prosperity that we hear so much about, which brings about millions of inflation in the way of paper values, only to put out another type of propaganda so as to bear the market and sweep in money invested as well as margins. You note that after they have gotten folks in the sky, and when they are ready for a bear raid, they call for an additional, extra margin from 25 to 40 per cent.

The Federal Reserve Board will tell you to-day that the increasing of rediscount rates was to curb speculation; but because, as stated a few minutes ago, bankers and investors flooding New York with their funds to take advantage of profits offered by these speculators and gamblers, the Federal Reserve Board's action did not seem to have any effect in these transactions. This is a sad situation, because this very money being centralized in New York makes less money available for commercial and agricultural needs, and to-day these lines are suffering as never before for proper financing and at reasonable rates. Business is slowing down and unemployment increasing.

In the next place, because of these high rates on money and the centralizing of the money of the country in New York for speculative purposes, there is quite a slowing down in the splendid building and construction record made in the last few years because of cheap money, and it bids fair to reach a low-record mark in 1929.

In November, according to a national survey, building and construction lines were 14 per cent less than November a year ago, and 9 per cent below last October's record. You will find a 20 per cent decrease in New York in November, 1928, and 35 per cent under two years ago; Chicago, 30 per cent; Los Angeles, more than 60 per cent; San Francisco, 35; and Buffalo, 50 per cent. What does this mean? Unemployment and increases in rents. On December 27 we have this information coming out of New York:

"MONEY STRINGENCY MAY BE PROLONGED—CONTINUED HIGH RATE FOR TIME LOANS IS FACTOR IN SITUATION

"Special dispatch to the Star

"NEW YORK, December 27.—The much-discussed year-end money stringency made its first definite appearance yesterday, when call funds, for the second time this month and, incidentally, for the second time in several years, went to 12 per cent.

"The renewal rate for call loans was announced in the morning as 9 per cent, but calling of loans by the banks took about $25,000,000 out of the market before noon, and thereafter the rate was stepped up, 1 per cent at a time, until it reached 12 per cent, 15 minutes before the close of the securities markets. The rate moved to 10 per cent at 12.13, 11 per cent at 2.19, and 12 per cent at 2.44.

"Time funds were unchanged from Monday's levels, the highest of the current year. Thirty-day funds were quoted at 8¼ bid, while other maturities up to four months were quoted at 7¾ bid. The time-money market, at least so far as 30-day loans was concerned, was a nominal affair, with a very small volume of funds in sight.

"The principal influences making for the tightening of call money are the calling in of loans by corporations in anticipation of first of the year requirements, the reduction of reserves on the part of member banks at the regional reserve institutions as a result of increased currency requirements, and preparations by State and national banks generally for end-of-the-year 'window dressing.' Neither the stock market nor the bond market was affected particularly adversely by the high money rates. From the standpoint of the latter market the most ominous portent in the money situation is the continued high rate charged for time loans. This, it is felt, argues against the probability of an easing of the credit situation after the turn of the year, an eventuality which hitherto had been regarded as foreordained."

We talk about prosperity; where is it? The aggregate value of common and preferred stock during 1921 was only a little over $4,000,000,000, whereas that of listed stocks on November, 1928, had reached above sixty-one billions. In 1924 total capital employed in American investment trusts was less than five millions, but in 1928 the total had grown to exceed eight hundred millions.

Here are some very interesting figures:

Seats on the New York Stock Exchange markets have advanced from $290,000 to $600,000, and are expected to reach the million-dollar mark soon. The transfer of some 100 seats last year yielded over twenty millions to holders thereof. The record will show that one party who bought a seat on these markets in 1872 for $6,000, sold same in November, 1928, for $475,000.

These speculators and gamblers, being well organized and well supplied with money that in many instances should be used in other needful channels, can at will ride the market up or down, extracting from innocent buyers of bonds and stocks and innocent, unorganized speculators scattered all over the country, their hard-earned money, thereby creating much prosperity in the hands of a few, at the expense of the many. These speculators and manipulators not only pool their finances, tricks in trade, but propaganda that is sent out as beautiful bait to catch suckers. Look how successfully they have used the Coolidge and

Hoover boom propaganda between the 1st and 10th of December. See what happened, as stated by Mr. W. S. Cousins:

"BULLS AND BEARS READY FOR BIG STOCK BATTLE

"By W. B. Cousins

"NEW YORK, December 10.—Bulls and bears in Wall Street counted their forces before the opening of the stock market to-day and lined up for the most gigantic battle in the history of big markets.

"It is a battle of big fortunes and skillful manipulation of the stock market against a powerful and determined bear party that has tasted the sweet fruits of victory in one of the most devastating fires of speculative selling that ever swept over the big board.

"PAPER PROFITS WIPED OUT

"In the last three days of last week the bears, by concentrated selling pressure against the inflated and ballooned "blue chips" of the stock market, the high-priced sky-rocketers of the Hoover bull market, have swept away the last vestige of market prestige of the bulls, wiped out hundreds of millions of dollars of paper profits of the small and big traders all over the country, and brought back a common-sense viewpoint to thousands of investors who had firmly believed there was no "roof" to the market's capacity to rise.

"With the ground from under their feet crumbling and sliding, thousands of small traders are blinking to-day and wondering what it is all about; for in three days of selling on the stock exchange the market as a whole and its representative industrial and railroad stocks have been swept back to the price level of the first week in November, before the so-called Hoover market had preened its wings for its sensational aerial fight.

"BOOM COMPLETELY FLATTENED

"Where are their stocks? Where are their profits? What have they to show for the spectacular uprushes in the prices of stocks bought about election time? For answer look at to-day's stock quotations, which show the major results of the Hoover stock boom to have flattened out like a pancake and disappeared like chaff before the high wind.

"Though Radio, around which the bulk of the bull market movement centered, sells to-day about 70 points above the first week in November, the stock has shrunk 124 points from the peak of the boom. Montgomery Ward is back to where it started, having in the meantime skyrocketed 100 points. General Motors, the old bellwether of many a bull campaign, refused to take any part in the Hoover fireworks, and as a result is down 35 points from its selling price in the first week of November.

"Such a combination should make for rising prices in the stock market, and that is exactly what has taken place. The trouble is that prices have been rising much too fast. Manipulated to the last degree by a band of powerful and skillful professional traders, aided by the avarice of a gullible public, which never knows when it has had enough, stock prices rose far above sensible hailing distances of the wealth and earning capacity of the corporations they represented. In the mad scramble for profits the so-called fundamentals were completely overlooked. Nothing mattered except that prices were soaring and would continue to soar.

"THEN COMES MONEY SQUEEZE

"Then came the squeeze in the money market. As everybody knows, ballooning of stock prices can not be accomplished without money. Money for margins, money for the investment trusts, money for the big brokerage houses."

The following editorials written by the editors of the Sumter Daily Item and the Columbia State, two of the best newspapers in my district, will give you valuable information on this subject:

"THE WORLD'S GREATEST GAMBLING HOUSE

"Where does legitimate trading in stocks cease to be legitimate trading and become speculation that merges into wild gambling inimical to the business interests of the country?

"Perhaps there is no practical answer to the question. And perhaps if it were possible to draw a line between 'business' and 'gambling' it would be practically impossible legally to prevent harmful gambling seriously interfering with legitimate trading. Yet it does seem that in a country like this, so devoted to 'business," there should be more protection for the innocent bystander. When people go crazy on land speculation, as they did in Florida, they can not be checked. When the bubble bursts, the speculators themselves are the direct losers, but those in large communities having no part in blowing up the bubbles are also victims. The same is true when a gambling riot occurs on the New York Stock Exchange, but in the latter case the contagion becomes country-wide, ultimate losses are vastly greater than the bursting of even a great land boom, and legitimate business throughout the whole country suffers directly during the period of speculation and from the subsequent reaction.

"Away back in 'the provinces' they catch the gambling fever. Writing from Joplin, Mo., to the Springfield Republican, a correspondent says the workingman 'out here in the Middle West' is having his attention distracted from his every-day duties by the girations of Radio and du Pont. He thinks a country that sat up the Louisiana lottery and that wouldn't countenance a Monte Carlo might regard the New York Stock Exchange as a bit wild. 'In all seriousness,' the writer continues, 'while the stock exchange performs its immense and necessary work in an honorable manner, the unbridled gambling in stocks which has spread over the whole country may easily develop into a demoralizing habit. Better wages, industry, and thrift tend to build up wealth in an even stratum among all the people, but the evil tendency of a lottery is to take from the many to give to the few. It is evident that neither Coolidge and Hoover nor the great industrial leaders ever believed in building one man's fortune upon other men's losses.'

"How does the wild gambling affect legitimate business throughout the country? How does it curtail the development of legitimate business enterprises? In a number of ways and through a number of channels. Tens of thousands of persons with small savings or capital are induced to speculate. They seldom 'go in' until worked up by the 'fever,' so they get in when prices are high and the values largely fictitious. If they bought the stocks outright, the returns therefrom would be small, but these seldom buy except on margin, and they buy at high prices for speculation. They can not protect themselves in reactions and are therefore sold out. Their money is lost to them forever and lost to the business of their communities throughout the country.

"But that is not the main loss to business. Brokers' loans—borrowings mostly 'on call' from banks and other sources, decreased during the week ending December 12 by the substantial figure of $219,000,000, but even with that reduction brokers' loans were $5,175,000,000 or nearly $1,700,000,000 greater than in the corresponding week of 1927. With this huge demand for money on call, interest rates advanced to 10 and even 12 per cent, and the banks of the country, from the 'provinces,' including South Carolina, poured their money into New York by the hundreds of millions. It is still there. Interest rates for money everywhere stiffened. The banks can not be blamed for taking care of themselves. Most of them have had a tough time with their experiences at home. But legitimate business at home does not find banks greedy about accepting their offers of 6 per cent for loans when the banks can get 9 per cent from traders in New York. That condition retards general development and home enterprise. Because of demands for gambling money is given a fictitious value that straight business can not afford to pay.

"But what are we going to do about it?"

NEW MILLIONAIRES—THOUSANDS CREATED BY GAMBLING IN STOCKS

Millionaires have increased from 7,000 in 1914 to between 30,000 and 40,000 in 1928, Carl Snyder, of the Federal Reserve Bank of New York, told the American Statistical Association.

"Possibly half or more of these (new millionaires) have been created by the violent debasement in the value of the currency which has taken place since the beginning of the war," he said. "A considerable part of the present number must be due also to the enormous rise in the value of securities since the war and to the colossal manipulation in security values, incomparably the greatest gamble the world has ever known.

"Years of unusual expansion are paid for by lean years of depression and unemployment, often involving widespread suffering.

"When fortunes can be made gambling in pieces of paper, of what attraction are the unique virtues of industry, sobriety, and thrift? These are temporarily thrown into the discard, reluctantly and discontentedly to be resumed when the house of cards has crumbled.

"The apparent gains of prosperity, or at least of booms, are largely illusory and in so far as they are a reality have been, in the past at least, too dearly paid for. Clearly true prosperity—that is, the general diffusion of comfort and well-being among the largest possible number of the population—is not dependent upon inflation and boom."

While thousands of broke speculators were caught in the net and thousands of our farmers are going broke—a great many of them without funds to buy the real necessities of life—let's see about the plans on the part of Wall Street for Christmas, as given by the Associated Press:

"WALL STREET IS PLANNING BIG CHRISTMAS CELEBRATION

"NEW YORK, December 20.—Wall Street expects, and is ready for, a merry Christmas.

"The great wave of speculation in the past few months has left the Street plentifully supplied with money. It is estimated that brokers' commissions will establish a new high record for all time this year, being placed at above $360,000,000, or more than $1,250 a day for each member. To that amount may be added an enormous sum representing the aggregate of extra dividends, paper profits converted into cash, increased salaries as the result of the busiest days in history, and, above all, bonuses.

"Bonus is almost a synonym for Christmas in Wall Street, and especially so this year when most good-hearted bosses will share their profits with employees. The sharing began days ago and the stores in the Street have been somewhat hard pressed to change a plethora of brand new $50 and $100 bills presented by workers who ordinarily present a quarter or a dollar bill to the cashier.

"The aggregate of bonuses alone will run into millions of dollars. Commission houses and other active organizations in the Street have paid as bonuses from 10 to 80 per cent of the year's salary. There have been a few cases where employees, usually those of long service, have received as a bonus a full year's pay. A few houses cling to the old custom of distributing gold coins as Christmas gifts, but most of them find their employees are quite as well satisfied with a crisp bill, especially when it runs into three or four figures.

"Christmas parties are being planned and held in hundreds of the larger offices. There will be, of course, the usual Christmas tree set up in front, song sheets will be passed, bands and choruses will surround it, and the Street will enjoy once again its own carol singing."

Here is some more of our prosperity:

"$250,000,000 EXTRA DIVIDENDS ORDERED—GENERAL MOTORS DIVISION OF $44,500,000 HEADS CHRISTMAS LIST—OIL FIRMS STAND HIGH

"NEW YORK, December 24 (A. P.)—Directors of 450 corporations in the United States played Santa Claus this Christmas, placing in their stockholders' stockings extra dividends totaling more than $250,000,000. Several hundred millions more were distributed in stock dividends, rights for purchase of additional stock and increased dividends.

"General Motors Corporation heads the list with a melon of $44,500,000 in extra dividends. A dozen other corporations have set aside a million and more dollars of their surplus for their shareholders. E. I. du Pont de Nemours & Co., which is a heavy shareholder in General Motors, is paying out $13,452,000, while the R. J. Reynolds Tobacco Co. is distributing $6,000,000.

"The Standard Oil companies are among the heaviest contributors. Standard of California is distributing $6,297,000; Standard of Indiana $2,307,000; Standard of New Jersey $3,039,000; Standard of Kentucky $342,000; and Standard of Nebraska $100,000."

It is my prediction that unless Congress does something to regulate these speculators and gamblers, or some genius who has the welfare of legitimate business and the country at heart can bring about a readjustment in the use of credit which will turn some portion of it to channels where it is most needed, we are headed for one of the most serious economic crises in the history of this great Republic.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Speaker, there are a great many bridge bills on the Consent Calendar, and many of them are for extensions of time for beginning the construction of the bridges. The committee has investigated each individual case and found there were proper reasons for delay and has favorably reported these bills for the extension of the time for one year for beginning the construction of those bridges. I have segregated the bills for the extension of time and now have them ready and wish to ask unanimous consent that they may be read by title, the committee amendments agreed to, and the bills passed. I will say these bills are all in practically the same form approved by the committees of the House and Senate and approved repeatedly in the House and Senate, and as far as I know there is no objection to any of them.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Reserving the right to object, is the Great Falls bridge on that list? I want to be sure.

Mr. DENISON. If it is, it is the last one on the list, and as there is objection to that bill it should be excluded from the list.

The SPEAKER. Is there objection to the request?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to know how many of these bills are contained in the gentleman's request?

Mr. DENISON. Quite a number.

Mr. SABATH. How many of these that provide for additional bridges?

Mr. DENISON. These are all bills granting an extension of time to begin the construction of bridges which Congress has already approved.

Mr. SABATH. Is it not a fact there are some people who ask for legislation to construct a bridge and finally they come to the conclusion they need a little more financing, and because of that they delay the construction of the bridge and foreclose other people who are in a better position to construct such bridge or bridges and estop the city or county in getting legislation for the construction of bridges?

Mr. DENISON. I will say to my colleague that is not the case, because none of these bills foreclose anyone else from coming to Congress and asking that permission be granted to build the bridge. Any city or county or State that wants to build a bridge may have a bill filed for that purpose and our committee will favorably report the bill, regardless of any other bill that may have been passed. In other words, no city or county or other public authority is ever prevented from building any bridge merely because a franchise has been granted to other parties to build a bridge at the same location.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Clerk will read the bills by numbers.

Mr. DENISON. We want them all printed in the RECORD.

The Clerk read as follows:

A bill (H. R. 16423) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across Lake Sabine, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., authorized to be built by H. L. McKee, his heirs, legal representatives, and assigns, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16425) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Rulo, Nebr., authorized to be built by John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, by act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16426) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved April 23, 1928, are hereby extended one and three years, respectively, from April 23, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16427) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1920.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16430) extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., at a point opposite thereto in or near the city of Point Pleasant

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved April 6, 1928, to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable for the interests of navigation, between a point in or near the town of Henderson, W. Va., and a point opposite thereto in or near the city of Point Pleasant, Mason County, W. Va., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or appeal this act is hereby expressly reserved.

A bill (H. R. 16431) extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Kanawha River between a point in or near the town of Henderson, W. Va., and a point opposite thereto in or near the city of Point Pleasant, Mason County, W. Va., authorized

to be built by Henderson Bridge Co., its successors and assigns, by the act of Congress approved March 2, 1927, extended by act of Congress approved March 14, 1928, are hereby further extended one and three years, respectively, from March 2, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va."

A bill (H. R. 16433) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16448) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved March 4, 1925, as amended by acts of Congress approved February 26, 1926, and February 16, 1928, to be built by the State of Minnesota and the counties of Sherburne and Wright across the Mississippi River at or near the village of Clearwater, in the county of Wright, in the State of Minnesota, are hereby extended one and three years, respectively, from February 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16499) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Kanawha River, at or near St. Albans, Kanawha County, W. Va., authorized to be built by the St. Albans Nitro Bridge Co., by the act of Congress approved May 1, 1928, are hereby extended one and three years, respectively, from May 1, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16524) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Potomac River from a point in the vicinity of Dahlgren, in the northeastern end of King George County, Va., to a point south of Popes Creek, Charles County, Md., authorized to be built by the George Washington-Wakefield Memorial Bridge, a corporation, its successors and assigns, by an act of Congress approved May 5, 1926, heretofore extended by an act of Congress approved February 16, 1928, are hereby further extended one and three years, respectively, from February 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va."

A bill (H. R. 16603) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Arat, Cumberland County, Ky., authorized to be built by State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16604) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Center Point, in Monroe County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16605) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Creelsboro, in Russell County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16606) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Cumberland River, at or near Neelys Ferry, in Cumberland County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16609) extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved February 20, 1928, to be built by the Sistersville Ohio River Bridge Co., its successors and assigns, across the Ohio River, at or near the city of Sistersville, Tyler County, W. Va., are hereby extended one and three years, respectively, from February 20, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16610) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Chester, Randolph County, Ill., authorized to be built by E. H. Wegener, his heirs, legal representatives, and assigns, by act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from March 10, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16640) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill., authorized to be built by B. L. Hendrix, G. C. Trammel, and C. S. Miller, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo., authorized to be built by the Washington Missouri River Bridge Co. by the act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16645) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark., authorized to be built by D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, by an act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from May 26, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16791) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Monongahela River, at or near Point Marion, Pa., authorized to be built by the Point Marion Community Club, of Point Marion, Pa., by the act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16818) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River, at or near Wellsburg, W. Va., authorized to be built by the J. K. Mahone Bridge Co., its successors and assigns, by act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16531) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Golconda, authorized to be built by C. J. Abbott, his heirs, legal representatives, and assigns, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17020) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across Lake Champlain at or near the city of Rouses Point, N. Y., authorized by the act of Congress approved May 14, 1928, entitled "An act granting the consent of Congress to the Gulf Coast Properties (Inc.) to construct, maintain, and operate a bridge across Lake Champlain at or near the city of Rouses Point, N. Y.," are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17024) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., authorized to be built by the Dupo Bridge Co., a Missouri corporation, its successors and assigns, by an act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Without objection, the House bills will be considered.

There was no objection.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to ask the gentleman from Illinois [Mr. DENISON] a question. I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINCHELOE. The gentleman from Illinois is very familiar with the bill (H. R. 16920), granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind. It is really in effect an extension for the construction of a railroad bridge over the Ohio River between the cities of Owensboro, Ky., and Rockport, Ind. Would the gentleman mind including that in his list?

Mr. DENISON. I made the statement to the House that all of these bills were in the usual form for extension of time. Personally I am not opposed to the bill that the gentleman mentions, but I wish to keep faith with the House and include in my request only strict extension bills.

Mr. KINCHELOE. It is not in the usual form. It is an extension in effect.

Mr. DENISON. I have no objection to adding that to the list.

Mr. KINCHELOE. In view of the fact that the bill H. R. 16920 is in effect an extension—and I am sure that the gentleman from Illinois will agree that it is—I ask unanimous consent that that be considered with these other bills here.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill H. R. 16920 be considered along with these other bills. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, what calendar number is that?

Mr. KINCHELOE. It is Consent Calendar No. 658.

Mr. BURTNESS. There is no such number on the Consent Calendar.

Mr. KINCHELOE. Then it is on the House Calendar.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have no objection to this particular bill, but I have a statement of the bills to be included in the unanimous-consent request made by the gentleman from Illinois [Mr. DENISON], and some of them have adverse reports from the Roads Bureau of the Department of Agriculture. I have been here all afternoon, and I had not been out of the House for 60 seconds before the gentleman made his unanimous-consent request. If the gentleman wants to adopt those tactics, I am not responsible.

Mr. DENISON. These are not new bridge bills. They are bills for extensions of time.

Mr. LAGUARDIA. That is the very time when the irregularities go on. The Roads Bureau in many of these cases say they were against the bridge bill originally and are against the extension.

Mr. DENISON. Our committee takes the position that when bills of this kind are in proper form, or are made so by proper amendments and meet the approval of the House and Senate committees as to policy, we ought to pass the bills, without regard to the views of a subordinate in the Bureau of Roads.

Mr. LAGUARDIA. If the gentleman is a supporter of the administration, he should conform to its wishes.

Mr. DENISON. Well, we think the two committees of the House and Senate represent the views of the administration just as much or more than does any subordinate official in the Bureau of Roads.

Mr. LAGUARDIA. Some of these bills are among those that abound in scandal.

Mr. DENISON. I do not want anyone to think I am taking any advantage. I made the request for unanimous consent at the request of many Members of the House and in the usual manner. I did not look to see whether the gentleman from New York was in the Chamber.

Mr. TILSON. Is the gentleman going to object to the request of the gentleman from Kentucky or not?

The SPEAKER. Consent has been given for the consideration of these bills. The question is whether the House will also consent to consider the bill referred to by the gentleman from Kentucky. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The bill is as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, E. T. Franks, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation approximately midway between the cities of Owensboro, Ky., and Rockport, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. E. T. Franks, his heirs, legal representatives, and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such

purposes; and there is hereby conferred upon the said E. T. Franks, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Kentucky, the State of Indiana, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 3 of this act and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. E. T. Franks, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Kentucky and Indiana a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said E. T. Franks, his heirs, legal representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. E. T. Franks, his heirs, legal representatives, and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said E. T. Franks, his heirs, legal representatives, and assigns, is hereby authorized to fix by contract with any person or corporation desiring to use the same for the passage of railway trains or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric-light or power lines, or for any other such purpose, the terms, conditions, and rates of toll for such use; but, in the absence of such contract, the terms and conditions and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said E. T. Franks, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Without objection the committee amendments will be considered as agreed to, the bills just reported engrossed, read a third time, and passed.

Mr. LAGUARDIA. I object to that.

The SPEAKER. The Chair thinks under the agreement the question is on the adoption of the committee amendments.

The committee amendments were agreed to.

The House bills were ordered to be engrossed and read a third time.

Mr. LAGUARDIA. Mr. Speaker, I demand the third reading of these bills.

The House bills were read a third time by number.

The SPEAKER. The question is on the passage of the bills.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. I recognize that unanimous consent has been given that these bills should be considered, but do I understand that they should be called up en bloc and passed?

The SPEAKER. The Chair so understands the effect of the consent given.

Mr. SABATH. Was that the request, Mr. Speaker?

Mr. SPEAKER. That was exactly the request.

The question was taken, and the bills were passed.

The Senate bill (S. 5066) was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bills were passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WELLER, for an indefinite period, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12538. An act for the benefit of Morris Fox Cherry;
H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;
H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; and
H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

The SPEAKER announced his signature to an enrolled joint resolution and bills of the Senate of the following titles:

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama;
S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;
S. 584. An act for the relief of Frederick D. Swank;
S. 1121. An act for the relief of Grover Ashley; and
S. 2821. An act for the relief of Capt. Will H. Gordon.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on February 16, 1929, present to the President, for his approval, bills of the House of the following titles:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;
H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;
H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;
H. R. 15809. An act to authorize a preliminary survey of Mud Creek in Kentucky with a view to the control of its floods;
H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; and
H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes;

THE LATE REPRESENTATIVE EDWARD J. KING

Mr. BRITTEN. Mr. Speaker, it is my sad duty to announce the passing of our dear colleague, Hon. EDWARD J. KING, of the fifteenth Illinois district, who has served his country and his State wonderfully for 14 years. I have sent a resolution to the Clerk's desk which I would like to have reported.

The SPEAKER. The gentleman from Illinois offers a resolution (H. Res. 328), which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWARD J. KING, a Representative from the State of Illinois.

Resolved, That a committee of 29 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee:

FRED A. BRITTEN, of Illinois; E. E. DENISON, of Illinois; LOUIS T. MCFADDEN, of Pennsylvania; THOMAS S. WILLIAMS, of Illinois; CLARK R. CHINDBLOM, of Illinois; JAMES G. STRONG, of Kansas; RICHARD YATES, of Illinois; M. A. MICHAELSON, of Illinois; ELLIOTT W. SPROUL, of Illinois; WILLIAM P. HOLADAY, of Illinois; MORTON D. HULL, of Illinois; WILLIAM E. HULL, of Illinois; FRANK R. REID, of Illinois; A. H. ANDRESEN, of Minnesota; CHARLES ADKINS, of Illinois; JOHN C. ALLEN, of Illinois; ED. M. ERWIN, of Illinois; NOBLE J. JOHNSON, of Indiana; WILLIAM R. JOHNSON, of Illinois; U. S. GUYER, of Kansas; J. T. BUCKBEE, of Illinois; HOMER HALL, of Illinois; HENRY T. RAINEY, of Illinois; ADOLPH J. SABATH, of Illinois; STANLEY H. KUNZ, of Illinois; WILLIAM W. ARNOLD, of Illinois; THOMAS A. DOYLE, of Illinois; J. EARL MAJOR, of Illinois; JAMES T. IGOE, of Illinois.

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That, as a mark of respect, this House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 5 o'clock and 17 minutes p. m.), pursuant to the resolution heretofore adopted, the House adjourned until to-morrow, Tuesday, February 19, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 19, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Sundries, February 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

To include henceforth under the designation storekeeper-gaugers all positions which have hitherto been designated as those of storekeepers, gaugers, and storekeeper-gaugers, full-time employees, and for other purposes (H. R. 16393).

To incorporate the distinguished service foundation of optometry (H. R. 16441).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

861. A letter from the chairman of the Foreign Service Building Commission, transmitting report to the Congress of the Foreign Service Building Commission, 1929; to the Committee on Foreign Affairs.

862. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $3,654,000 for the War Department, fiscal year 1930, to be immediately available, for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas, in repairing damages to roads and bridges on the highway systems of the respective States caused by the floods of 1927 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 17023. A bill to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.; with an amendment (Rept. No. 2582). Referred to the House Calendar.

Mr. KORELL: Committee on Foreign Affairs. H. J. Res. 383. A joint resolution to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at London, England; without amendment (Rept. No. 2583). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 390. A joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale; without amendment (Rept. No. 2584). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSPETH: Committee on Irrigation and Reclamation. H. R. 16647. A bill authorizing an investigation to determine the best methods and means of utilizing the waters of the Pecos River and its tributaries, in the vicinity of what is known as Red Bluff, in New Mexico, or south of same in Texas, for the purpose of ascertaining a suitable dam site for impounding the waters of said stream, in pursuance of an act of Congress (Public, No. 404, 69th Cong.) approved June 18, 1926, by which the sum of $2,000,000 was authorized for the building of a dam for the purpose of impounding waters of said stream, for the irrigation of lands in Texas in what is known as the Pecos Valley, in the vicinity of Pecos, Barstow, Grandfalls, Fort Stockton, and other places south of the boundary line between Texas and New Mexico; without amendment (Rept. No. 2585). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 15655. A bill to provide for the study, investigation, and sur-

vey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; with amendment (Rept. 2587). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. J. Res. 425. A joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York; without amendment (Rept. No. 2588). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 320. A resolution relative to an investigation of grave irregularities in connection with administration of Judge Francis A. Winslow, a Federal judge in and for the southern district of New York; with amendment (Rept. No. 2589). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under Clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 16364. A bill for the relief of Marmaduke H. Floyd; with an amendment (Rept. No. 2581). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.; without amendment (Rept. No. 2586). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15954) granting a pension to Mrs. James Newton Ramsey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13366) granting an increase of pension to Elizabeth Conklin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 5361) for the relief of Bertha Hanson; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 17159) authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS of Arziona: A bill (H. R. 17160) authorizing J. B. Roberts, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Colorado River at or near Parker, Ariz.; to the Committee on Interstate and Foreign Commerce.

By Mr. McKEOWN: A bill (H. R. 17161) authorizing the use of tribal moneys belonging to the Wichita and affiliated bands of Indians of Oklahoma for certain purposes; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 17162) to authorize the Secretary of War to lease the United States naval destroyer and submarine base, Squantum, Mass.; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 17163) making the 9th day of September of each year a holiday for Federal employees in the State of California; to the Committee on Expenditures in the Executive Departments.

By Mr. BOYLAN: A bill (H. R. 17164) to establish two United States correctional institutions for the confinement of persons convicted of offenses against the United States; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky: A bill (H. R. 17165) to create a department of public education, and for other purposes; to the Committee on Education.

By Mr. ZIHLMAN: A bill (H. R. 17166) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Solders' Home grounds, and for other purposes; to the Committee on the District of Columbia.

By Mr. KINDRED: Joint resolution (H. J. Res. 424) to adopt an official flag code of the United States; to the Committee on the Judiciary.

By Mr. GRAHAM: Joint resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York; to the Committee on the Judiciary.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 57) to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress; to the Committee on Printing.

By Mr. BLACK of New York: Resolution (H. Res. 325) requesting information from the Secretary of the Treasury; to the Committee on Banking and Currency.

Also, resolution (H. Res. 326) requesting information from the chairman of the Federal Reserve Board; to the Committee on Banking and Currency.

Also, resolution (H. Res. 327) requesting information from the President of the United States; to the Committee on Banking and Currency.

By Mr. RANKIN: Resolution (H. Res. 329) authorizing the printing of 2,000 copies of Soil Survey of Lowndes County, Miss.; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. SELVIG: Memorial of the Legislature of the State of Minnesota, memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWTHER: A bill (H. R. 17167) granting a pension to Ottilie Knapp; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 17168) granting an increase of pension to Harriett S. Blair; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 17169) granting an increase of pension to Martha J. Davis; to the Committee on Invalid Pensions.

By Mr. LANKFORD: A bill (H. R. 17170) for the relief of James Mathis; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 17171) granting an increase of pension to Alice Simons; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 17172) granting a pension to Patrick James McGrath; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17173) granting a pension to Sarah Sutton; to the Committee on Pensions.

Also, a bill (H. R. 17174) granting a pension to James Leatherwood; to the Committee on Pensions.

Also, a bill (H. R. 17175) granting a pension to Sterling G. Hunter; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 17176) granting a pension to Matilda Swartout; to the Committee on Pensions.

By Mr. YATES: A bill (H. R. 17177) for the relief of Charles N. Neal; to the Committee on Military Affairs.

By Mr. FURLOW: A resolution (H. Res. 324) to pay six months' salary and funeral expenses to Susie Minor; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11278. By Mr. BARBOUR: Resolution adopted by California Vineyardists Association, opposing Senate bill 3414, or any amendment or repeal of the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

11279. By Mr. CHALMERS: Petition signed by constituent of Toledo, Ohio, opposed to the Lankford Sunday observance bill; to the Committee on the District of Columbia.

11280. By Mr. CONNERY: Petition of the Cutters' Union of Lynn, Mass., asking for a tariff on shoes; to the Committee on Ways and Means.

11281. Also, petition of the city council of the city of Peabody, Mass., asking for repeal of clause (b) of section 11 of the immigration act of 1924, commonly known as the national origins clause; to the Committee on Immigration and Naturalization.

11282. By Mr. IRWIN: Letter in the form of a petition from Mary Armstrong, of Alton, Ill., second vice president Woman's Auxiliary, Diocese of Springfield (Ill.) Episcopal Church, that Congress abolish the present Capitol guide system whereby visitors are required to pay a fee for being shown through the Capitol building; to the Committee on Accounts.

11283. By Mr. McCORMACK: Petition of All Dorchester Post, No. 154, American Legion, Albert Ives, commander, Dorchester, Mass., unanimously favoring repeal of national origins

clause in immigration act; to the Committee on Immigration and Naturalization.

11284. Also, petition of Old Dorchester Post, No. 65, American Legion, Edward H. Newcomb, commander, Dorchester, Mass., unanimously favoring repeal of national origins clause in immigration act; to the Committee on Immigration and Naturalization.

11285. Also, petition of John J. O'Connell Post, No. 85, American Legion, John C. Clougherty, adjutant, Boston, Mass., unanimously favoring repeal of national origins clause in immigration act; to the Committee on Immigration and Naturalization.

11286. Also, petition of Francis G. Kane Post, No. 60, American Legion, Dorchester, Mass., unanimously favoring repeal of national origins clause in immigration act; to the Committee on Immigration and Naturalization.

11287. By Mr. MORROW: Petition of Bernalillo County (N. Mex.), Medical Society, Dr. L. B. Cohenour, secretary-treasurer, in opposition to Sheppard-Towner-Newton bill; to the Committee on Interstate and Foreign Commerce.

11288. Also, petition of Hollifield Trading Corporation, Midwest Supply Co., and other business firms of Melrose, N. Mex., indorsing the Ransdell-Jones bill providing for a 3-cent per pound duty on jute; to the Committee on Ways and Means.

11289. Also, petition of State Highway Commission, W. C. Davidson, State highway engineer, Santa Fe, N. Mex., indorsing Colton-Oddie bill providing an annual appropriation of $3,500,000, with amendments; to the Committee on Roads.

11290. By Mr. O'CONNELL: Petition of the Carthage Pulp & Board Co., Carthage, N. Y., objecting to the imposition of a duty on wood pulp; to the Committee on Ways and Means.

11291. By Mr. QUAYLE: Petition of American Federation of Labor, Washington, D. C., favoring the passage of Senate bill 1462, providing for a final survey and investigation of all matters connected with the proposed Columbia Basin reclamation project; to the Committee on Irrigation and Reclamation.

11292. Also, petition of Montizona Copper Co., of New York City, favoring the present tariff schedules upon manganese be maintained; to the Committee on Ways and Means.

11293. Also, petition of Carthage Pulp & Board Co. (Inc.), Carthage, N. Y., objecting to the imposition of a duty on wood pulp; to the Committee on Ways and Means.

11294. Also, petition of New York Conservation Association (Inc.), favoring the appropriation now contained in the agricultural appropriation bill for the purchase of nonagricultural lands in national forests; to the Committee on Appropriations.

11295. By Mr. SELVIG: Memorial of the Minnesota Council of Catholic Women, indorsing and recommending the enactment of House bill 13793, regarding the legal admission of aliens to this country who entered the United States prior to June 3, 1921, etc.; to the Committee on Immigration and Naturalization.

11296. By Mr. SWING: Petition of residents of San Diego, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

11297. By Mr. VINCENT of Iowa: Petition from the executive board of the Iowa Farm Bureau Federation, with reference to tariffs on lumber coming into the United States; to the Committee on Ways and Means.

SENATE

TUESDAY, *February 19, 1929*

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; and

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes.

The message also announced that the House had passed the bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 2449. An act authorizing the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; and

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming.

The message also communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. EDWARD J. KING, late a Representative from the State of Illinois.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 10664. An act for the relief of the State of Maine and the city of Portsmouth, N. H.;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 15330. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery, in Georgia;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse,' and to provide for the registration of nurses in the District of Columbia";

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes;

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River, at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 16431. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard;

H. R 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit;

H R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Carondelet, Mo.;

H. J. Res. 355. Joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways;

H. J. Res. 368. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; and

H. J. Res. 384. Joint resolution to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France.

CLAIM OF THE GULF REFINING CO.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of the Gulf Refining Co. against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from the secretary of the State Senate of Texas, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

AUSTIN, TEX., *February 19, 1929.*

Hon. CHARLES G. DAWES,

President of the Senate, Washington, D. C.:

Am directed to transmit the following resolution unanimously adopted by both houses of Texas Legislature:

"Whereas Texas furnished one-twentieth of the men used in active duty during the recent World War; and

"Whereas the units composed of Texans bore their share of the brunt of battle and suffered their share of casualties and disabilities; and

"Whereas there has never been located in Texas any large general hospital of the United States Veterans' Bureau for the treatment of general disabilities incurred in service; and

"Whereas there has never been located in Texas a hospital for the treatment of mental cases; and

"Whereas it is necessary to send Texas boys out of the State to United States Veterans' Bureau hospitals for treatment of such disabilities; and

"Whereas the subcommittee of the Veterans' Committee of the House has recently unfavorably reported the recommendation of Gen. W. T. Hines, Director of the United States Veterans' Bureau, to locate a hospital of 300 beds in Texas, at a cost of $1,200,000; and

"Whereas during each session millions of dollars are spent building hospitals with thousands of beds in other States: Now, therefore, be it

"*Resolved*, That the senate (the house of representatives concurring) do hereby memorialize Congress to follow Director Hines's recommendation before adjourning this present session that a general hospital of 300 beds, with a ward for mental cases, be established in Texas, at a cost of $1,200,000; and be it further

"*Resolved*, That it is the request of the House of Representatives of the State of Texas (the Senate concurring) that a prompt meeting of the full Veterans' Committee of both the House and Senate of Congress be called, and that said recommendation for hospital be favorably reported."

BOB BARKER,
Secretary of Senate.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

Senate Joint Memorial 2, memorializing Congress for the passage of necessary legislation providing for an increase of the tariff on manganese and related ores

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas during the period following the World War great strides have been made in the development of manganese ore and concentrates, and it appearing that the following features of the manganese industry commended it to tariff consideration, to wit:

1. Importance of the industry from the standpoint of military preparedness.

2. Desirability of the domestic supplies to insure commercial self-sufficiency.

3. Abundant natural resources in the form of low-grade ore reserves.

4. Possibilities of developing larger supplies of high-grade ores.

5. New processes developed for the economical utilization of available resources of both high and low grade material.

6. Definite progress made by virtue of moderate tariff protection during the past six years.

7. Assurance that adequate tariff would enable substantial proportion of domestic requirements to be obtained from domestic mines; and

Whereas it appears that increased tariff protection is necessary to protect and further the development of mineral lands producing manganese or related ores, and especially the lower grade of such ores, and it further appearing that during the past few years and largely during the last three years under tariff protection many processes have been discovered and developed to a commercial stage for the treating, refining, and preparation of said ores, including what is known as the Bradley process, leaching processes, flotation of carbonate ores, magnetic concentration of oxide ores, and magnetic concentration of carbonate ores, calcining and nodulizing processes, and at the present time extensive research and laboratory efforts are now being made looking to the commercial treatment and handling of lower grade manganese and related ores; and

Whereas large sums of capital are necessary to the development of the manganese industry in general and further tariff protection appearing absolutely essential and vital to the further development of said industry, but with adequate protection definitely assured the necessary money appears available, and American brains can and will do the rest; and

Whereas it appearing that the manganese industry needs tariff protection in order to survive and it can not develop untouched resources unless such protection is substantial. It appearing from submitted facts that Russian and other imports can and will jeopardize and possibly destroy American production of manganese and related ores and contents, and further that the present tariff rate upon such ores is wholly inadequate to afford proper protection and encourage future development and research: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Montana, That we do hereby petition the Congress of the United States for the passage of necessary legislation enacting a tariff schedule upon manganese ore or concentrates of all kinds according to the schedule hereinafter set forth as a minimum, and that paragraph 302 of the present law now in force and effect, known as the Fordney-McCumber Act, be amended to read as follows: "Manganese ore or concentrates of all kinds containing less than 10 per cent of metallic manganese shall be admitted free of duty; containing 10 per cent or more of metallic manganese and less than 20 per cent, one-half of 1 cent per pound on the metallic manganese contained therein; containing 20 per cent or more of metallic manganese and less than 25 per cent, 1 cent per pound on the metallic manganese contained therein; containing 25 per cent of metallic manganese or more, 1½ cents per pound on metallic manganese contained therein," and that such schedule be and become immediately effective and operative upon enactment and approval; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to both Houses of the National Congress and to the Senators and Representatives in Congress from the State of Montana; also to the Ways and Means Committee of the National Congress and to the Tariff Commission thereof, with the request that they, and each of them, exert every effort within their power to bring about the enactment of such tariff legislation.

Approved by—

J. E. ERICKSON, *Governor.*

FEBRUARY 11, 1929.

Mr. PHIPPS presented a joint memorial of the Legislature of the State of Colorado urging that Congress take appropriate action to relieve as far as possible territory devastated, as a direct result of an embargo imposed, by providing an outlet from the San Luis Lakes to the Rio Grande, etc., which was referred to the Committee on Irrigation and Reclamation. (See joint memorial printed in full when presented yesterday by Mr. WATERMAN, p. 3635 of the RECORD.)

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 1827) thereon.

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the bill (S. 5614) creating the positions of undersecretary and two assistant secretaries in the Department of Labor, reported it without amendment and submitted a report (No. 1829) thereon.

Mr. NYE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4325) for the relief of Arthur E. Rump (Rept. No. 1831); and

A bill (S. 4756) for the relief of Capt. William Cassidy (Rept. No. 1832).

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger, reported it without amendment and submitted a report (No. 1833) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 5781) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, reported it without amendment and submitted a report (No. 1834) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9385) for the relief of the estate of L. Gordon Leech, bankrupt, reported it with an amendment and submitted a report (No. 1835) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (H. R. 2137) for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck, reported it without amendment and submitted a report (No. 1836) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 2425) for the relief of Annie McColgan, reported it with an amendment and submitted a report (No. 1837) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department, reported it with amendments, and submitted a report (No. 1838) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3027) to increase the pay of mail carriers in the village delivery service, reported it without amendment and submitted a report (No. 1840) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley;

S. 2821. An act for the relief of Capt. Will H. Gordon; and

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BLAINE:

A bill (S. 5829) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Wis.; to the Committee on Commerce.

By Mr. GLASS:

A bill (S. 5830) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River in Hertford County, N. C.; and

A bill (S. 5831) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River in Gates and Hertford Counties, N. C.; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.; and

A bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.; to the Committee on Commerce.

By Mr. REED of Missouri:

A bill (S. 5834) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo. (with an accompanying paper); and

A bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Commerce.

By Mr. HAWES:

A bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; and

A bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 5838) to provide for research work in connection with the utilization of agricultural products other than forest products, and for other purposes; to the Committee on Agriculture and Forestry.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. KING submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following: "For payment to Bertha Hanson, widow of George M. Hansen, late American consul at Colon, Panama, one year's salary of her deceased husband, who died while in the Foreign Service, fiscal year 1919, $4,500."

FEDERAL RADIO COMMISSION

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 4937) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, which was ordered to lie on the table and to be printed.

CLOSING OF CERTAIN DISTRICT STREETS, ROADS, OR HIGHWAYS

Mr. CAPPER submitted an amendment intended to be proposed by him to the bill (S. 5121) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act as amended and supplemented, the pending amendment being on the amendment submitted by Mr. JONES to insert at the end of section 1 the following proviso:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Gerry	Moses	Steck
Blaine	Gillett	Neely	Steiwer
Blease	Glass	Norbeck	Stephens
Borah	Glenn	Norris	Swanson
Bratton	Goff	Nye	Thomas, Idaho
Brookhart	Gould	Oddie	Thomas, Okla.
Broussard	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Harrison	Pittman	Vandenberg
Caraway	Hastings	Ransdell	Wagner
Copeland	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ind.	Warren
Dale	Johnson	Sackett	Waterman
Deneen	Jones	Schall	Watson
Dill	Kendrick	Sheppard	Wheeler
Edge	King	Shipstead	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, and I ask that the announcement may stand for the day.

Mr. NORRIS. My colleague [Mr. HOWELL] is still detained from the Senate by illness. This announcement may stand for the day.

Mr. JONES. I wish to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

Mr. TRAMMELL. I desire to announce that my colleague the senior Senator from Florida [Mr. FLETCHER] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 14, 1929:

S. 3178. An act to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; and

S. 3771. An act vacating the alley between lots 16 and 17, square 1083, District of Columbia.

On February 15, 1929:

S. 4560. An act authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.;

S. 5301. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9, in Cocke County, Tenn.; and

S. 5377. An act granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River.

On February 18, 1929:

S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 10664. An act for the relief of the State of Maine and the city of Portsmouth, N. H.; and

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.; to the Committee on Naval Affairs.

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.; and

H. R. 15330. An act authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery, in Georgia; to the Committee on Military Affairs.

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term "registered nurse," and to provide for the registration of nurses in the District of Columbia; to the Committee on the District of Columbia.

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes; and

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; to the Committee on Irrigation and Reclamation.

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries; to the Committee on Post Offices and Post Roads.

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.; to the calendar.

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16205. An act authorizing the Fayette Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River, at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.;

H R. 16430. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 16431. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River, at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.; and

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.; to the Committee on Commerce.

H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States and to create a tenth judicial circuit; and

H. J. Res. 368. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; to the Committee on the Judiciary.

H. J. Res. 355. Joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, furthering the building of an inter-American highway or highways; and

H. J. Res. 384. Joint resolution to provide for the expenses of delegates of the United States to the First International Con-

gress on Sanitary Aviation, to be held at Paris, France; to the Committee on Foreign Relations.

THE LIGHTHOUSE SERVICE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5179) to improve the efficiency of the Lighthouse Service, and for other purposes, which were, on page 1, line 7, to strike out "to obtain" and insert "incurred in obtaining," and on page 2, after line 11, to insert:

SEC. 4. The Secretary of Commerce is authorized to purchase the necessary land to be used as sites for lighthouse depots at Newport, R. I., Portland, Me., and Rockland, Me.

SEC. 5. The Secretary of Commerce may detail superintendents of lighthouses and engineers in the Lighthouse Service to duty at the Bureau of Lighthouses at Washington without change of status.

Mr. VANDENBERG. I move that the Senate concur in the House amendments.

The motion was agreed to.

GILPIN CONSTRUCTION CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1530) for the relief of Gilpin Construction Co., which was, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to Gilpin Construction Co., of Astoria, Oreg., out of any money in the Treasury not otherwise appropriated, the sum of $104,747.79, in full settlement under Navy Department Bureau of Yards and Docks contract No. 4615, dated February 17, 1923, for the furnishing of all labor and materials and the construction of four timber piers, one timber bulkhead, two brush bulkheads, a railroad track, and for the dredging of the channel and turning basin at the Navy submarine and destroyer base at Astoria, Oreg., said sum to include liquidated damages assessed, reservations withheld, and compensation for any and all services, labor, and materials furnished thereunder or extra thereto.

Mr. MCNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DEWITT & SHOBE

Mr. REED of Missouri. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1839, the bill (S. 5055) for the relief of DeWitt & Shobe, which has been reported favorably by the Committee on Claims. It merely provides for the payment of an item of $8,296, which is just half of the claim as prayed for. It is for extra work done on the river. The bill has been approved by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$16,592.40" and insert in lieu thereof "$8,296," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to DeWitt & Shobe, of Glasgow, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $8,296 in full settlement for extra work performed under contract dated May 15, 1912, for revetment work at Providence Bend, Missouri River, for which work the Government has received the benefit, but for which no payment has been made, the facts in this claim being identical with the facts in the case of Fox & Bristol, allowed and paid by the Comptroller General (vol. 21, Comptroller General's Decision, p. 750).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WORLD PEACE

Mr. BLEASE. Mr. President, I have received two articles, which are entitled "The Way to World Peace" and "Analysis of the Way to World Peace," from a very able and distinguished official of the Government who has received the highest honor for his services.

I ask to have these articles printed in the RECORD and referred to the Committee on Foreign Relations.

I shall offer later an amendment to the Constitution if the committee in its judgment or a majority thereof are of the opinion that this plan is feasible.

Personally, I favored a vote of the people before going into the World War, and advocated that on the public rostrum in my State, and still do not believe we would have had any war if the people could have voted thereon. I am in favor of submitting all questions of such grave importance and all questions which cause any large expenditures of the people's money to a vote of the people themselves, unless in the campaign preceding the election of their Representatives the questions involved should have been an issue or discussed.

There being no objection, the articles were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE WAY TO WORLD PEACE

(1) Amend the Constitution of the United States now so as to require that before war can be declared or participated in (except only in the event of attack or invasion), (2) there must be a referendum; (3) that if the majority of the votes cast are for peace, there the matter ends; (4) that if the majority be for war every able-bodied citizen between the ages of 18 and 50 shall be drafted for service, either military or industrial, wherever he or she can be of the most use, and that all profits in excess of 5 per cent received by any person, firm, or corporation from the day war is declared until peace is finally concluded shall be turned over to the Government.

Our best contribution toward world peace ought to consist in making it most difficult for us to become involved in war, and with public opinion consulted in advance and with plans already worked out and well understood for effectually controlling both labor and capital and thereby eliminating the element of sordid self-interest by putting profiteering out of everybody's reach, the possibility of the United States engaging in another war should attain the irreducible minimum consistent with national honor.

Ours is a popular form of government—of the people, by the people, for the people—and the majority is supposed to rule.

If the Nation be at any time in actual danger, its citizens can safely be trusted to rally to its defense, but equally surely may they be relied on not to be suddenly stampeded by ill-considered war enthusiasm.

By amending its own Constitution as outlined and thus setting a practical example which every other nation could—and many, if not all, might—follow, the United States would be taking its place and doing its share toward preserving world peace.

ANALYSIS OF "THE WAY TO WORLD PEACE"

(Numbers keyed to above plan)

(1) If anything is to be done along this line the Constitution must be amended, because a mere statute could be repealed almost overnight.

(2) Capitol objectors will contend that—

A. A referendum would take too long.

B. Emergencies call for very quick action sometimes.

C. And it might not be safe to let the public know all that's going on behind the scenes.

The truth is that—

A. Referendum on who's to be President takes but one day.

B. The only possible emergencies—"attack" and "invasion"—are both specifically excepted.

C. If and when the time comes when the principal can not be taken in his agent's confidence, than it's time to call representative government a farce and quit cold!

(3) It's the people's country, and any Representative who, like yourself, so conspicuously on the prohibition travesty, is willing to subordinate his own personal opinion to his constituents' known, or easily ascertainable, wishes, ought to be glad to get the latest expression of their judgment before making so momentous a decision as to plunge the country into war and thereby condemn the flower of its young manhood to death!

(4) Remove all selfish incentive and nobody will want war.

MERGER OF DISTRICT STREET RAILWAYS

Mr. BLAINE, from the Committee on the District of Columbia, submitted minority views relative to the joint resolution (S. J. Res. 208) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, which were ordered to be printed as part 2 of Report No. 1652.

THE UNITED STATES A PARTY DEFENDANT

Mr. WALSH of Montana. Mr. President, I ask unanimous consent to submit a favorable report from the Committee on the Judiciary on the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases, I report it with an amendment, and I submit a report (No. 1830) thereon. As it is a matter of considerable urgency, I ask unanimous consent for immediate consideration, with the understanding that if it gives rise to any controversy at all I shall ask that the bill go to the calendar.

It is a bill giving the consent of the United States to be sued in an action for the foreclosure of a lien or mortgage upon real estate. A great deal of embarrassment has ensued by reason of the difficulty in clearing up the matter. There is a difference between the Senate and the House. We report a substitute bill for the bill of the House and hope we can get

the House to yield and thus have an adjustment of the matter in that way. It is a unanimous report of the committee.

The VICE PRESIDENT. The clerk will read the bill for the information of the Senate.

The CHIEF CLERK. The Senator from Montana reports from the Committee on the Judiciary House bill 13981, with an amendment, to strike out all after the enacting clause and insert:

That the consent of the United States be, and it is hereby, given to be named a party in any suit which is now pending or which may hereafter be instituted in any State or Federal court or the courts of any Territory or of the District of Columbia for the foreclosure of a mortgage or lien upon any real estate for the purpose of securing an adjudication touching any lien or claim the United States may have on the premises involved.

SEC. 2. That in all suits or proceedings that may be instituted under this act in which the United States has been made a party, the process of the court shall be served upon the United States district attorney for the district within which suit may be or may have been instituted, whose duty it shall be to appear and defend the interest of the United States in said real estate.

SEC. 3. After the entry of final judgment or decree by the court in any suit or proceeding in which the United States has been made a party under the provisions of this act pursuant to a finding in the court that a lien exists in favor of the United States the effect of any sale which may thereafter be made by writ of execution or otherwise under the terms of the said judgment or decree, shall be the same, as to the discharge from the property sold of liens and encumbrances, and otherwise howsoever, as shall be provided by the law of the State within which such real estate may be situated in connection with such sales in the courts of that State, and the lien of the United States upon such propery shall be subject to discharge from said property by such sale in the same manner as may be provided by the laws of such State as to other liens of a similar nature, and shall be relegated to the fund provided by such sale, subject only to such other liens and encumbrances as the court may find to be prior to the lien thereto.

SEC. 4. That upon the application of the Attorney General, the court, in which any such suit may be pending, may, for good cause, stay the sale of the property involved under any decree that may be entered in such suit until the expiration of the next succeeding session of Congress.

SEC. 5. That no judgment for costs or other money judgment shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this act, nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WALSH of Montana. I move that the Senate insist upon its amendment, ask for a conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NORRIS, Mr. WALSH of Montana, and Mr. WATERMAN conferees on the part of the Senate.

NANCY HART TABLET ON NATIONAL HIGHWAY AT HARTWELL, GA.

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GEORGE. I desire to offer an amendment. On page 1, line 4, I move to strike out the word "at" and insert in lieu thereof the words "between Hartwell, Ga., and."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, strike out the word "at" and insert in lieu thereof the words "between Hartwell, Ga., and" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to furnish for erection at some suitable point between Hartwell, Ga., and Alfords Bridge, which crosses Savannah River in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, a tablet or marker to commemorate the memory of Nancy Hart who during the American Revolution when a party of British Tories came to her home, which was located on what was then known as Fish Dam Ford on Broad River, single-handed and alone, captured these Tories, killing one, wounding another, the others surrendering, and the living ones thereafter hanged by Nancy Hart and a few of her neighbors.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That the stone for such marker or tablet shall be furnished by the Hartwell Chapter, Daughters of the American Revolution, of the town of Hartwell, Hart County, Ga., and bear all expenses of erection of such marker or tablet.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart."

LAND PATENT TO LUCILE SCARBOROUGH

Mr. BRATTON. Mr. President, from the Committee on Public Lands and Surveys, I report back favorably without amendment the bill (H. R. 13582) to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre, and I submit a report (No. 1828) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Lucile Scarborough, upon the payment of $1.25 per acre, for all of section 29, township 26 south, range 37 east, New Mexico principal meridian, the lands embraced in her homestead application 038429, filed in the Roswell (N. Mex.) land office on May 7, 1917.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT OWENSBORO, KY.

Mr. SACKETT. Mr. President, on yesterday the House passed a bill (H. R. 16920) which is identical with a Senate bill now on the calendar. I ask that the House bill may be laid before the Senate, and then I shall ask unanimous consent for its present consideration. It is a bridge bill.

The VICE PRESIDENT. The Chair lays before the Senate a bill, which will be read by title.

The CHIEF CLERK. A bill (H. R. 16920) authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky to proceed to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 5764, on the same subject, will be indefinitely postponed.

ALLEGHENY RIVER BRIDGE AT OIL CITY, PA.

Mr. REED of Pennsylvania. Mr. President, on the clerk's desk is House bill 16306, which is the duplicate of a bill on the Senate Calendar favorably reported from the Committee on Commerce. The bill simply proposes to extend the time for the construction of a bridge at Oil City, Pa., which Congress has previously consented to; and I ask unanimous consent for the present consideration of the House bill.

The VICE PRESIDENT. The Chair lays before the Senate a bill, which will be read by title.

The CHIEF CLERK. A bill (H. R. 16306) to extend the time for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania to proceed to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 5554, on the same subject, will be indefinitely postponed.

SUSQUEHANNA RIVER BRIDGE AT LIVERPOOL, PA.

Mr. REED of Pennsylvania. Mr. President, the Senate has previously passed a Senate bill authorizing the construction of a bridge across the Susquehanna River. The House has also passed such a bill, which has now been messaged to the Senate. It is House bill 15849. The House bill is the same as the Senate bill, except that it contains some additional safeguards put in by the committee in the House of Representatives. I ask unanimous consent for the present consideration of the House bill.

The VICE PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Pennsylvania, which will be read by its title.

The CHIEF CLERK. A bill (H. R. 15849) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE AT OR NEAR DAHLGREN, VA.

The VICE PRESIDENT laid before the Senate the bill (H. R. 16524) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.

Mr. SWANSON. Mr. President, there is a bill on the Senate Calendar, being the bill (S. 5548) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River, identical with the bill just laid before the Senate by the Chair. I ask unanimous consent that the House bill may be substituted for the Senate bill and that the Senate may immediately proceed to its consideration.

Mr. NORRIS. What is the bill to which my colleague refers?

Mr. SWANSON. It is a bill providing for the completion and construction of a bridge across the Potomac River at Dahlgren, Va.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 5548 will be indefinitely postponed.

RELATIONS BETWEEN UNITED STATES AND GREAT BRITAIN

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Karl H. von Wiegand concerning the relations between the United States and Great Britain.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KARL H. VON WIEGAND—"LUDENDORFF FORESEES WAR BETWEEN UNITED STATES AND BRITAIN"—"CONFLICT WITH AMERICA WOULD BRING REVOLUTION IN ITS WAKE IN ENGLAND," SAYS NOTED MILITARY STRATEGIST

By Karl H. von Wiegand, chief foreign correspondent of the Hearst newspapers

MUNICH, February, 1929.—"Wars between nations will end when peoples come to the realization that they are the tools and the fools of the hidden war makers; when the peoples become actually free, when they have shaken off the hidden powers and really govern themselves. Then, and not till then, will there be world peace."

Gen. Erich Ludendorff, ex-war lord and militarist, the brains of the imperial German armies in the world conflict, speaking.

FOR PEACE—"NOT INTERESTED IN WAR," DECLARES LUDENDORFF

I was sitting in the drawing room of his villa on Prince Ludwig Heights, on the outskirts of Munich, where I had sat many times before, chatting with the man who indisputably was one of the greatest figures in the World War—perhaps the greatest strategist in it—who had stood off so large a part of the world, and who only succumbed after America threw its tremendous energy, men, and money into the scale against him.

And this man had turned apostle of peace! Advocate and prophet of rule by the people! I had asked him what he—one of the greatest living experts on armaments and war, who had directed millions of men into battle as an orchestra director leads his orchestra—what he thought of the nervousness in Europe, the increased arming going on on all sides, the chances of war in 1929.

"I am not interested in war or armaments," he answered. "I am interested only in peace, in revealing to the peoples who the war makers are—the 'supernational powers.' Above all, I want to see the German people a free people again."

"Do I understand, General, that you are now against all war?" I asked.

"I am against war," he replied with all the vigor of his dynamic energy. "I can conceive a moral war on two grounds: By an oppressed people for their liberty and independence, in which your American Revolution against the English probably would come, and war in the defense of the preservation of a nation attacked."

Then with great vehemence Ludendorff declared: "Germany's war in the world conflict was a moral war, for we were attacked on all sides and were to be crushed. The Versailles treaty, the outlines of which had been decided upon long before, is ample proof. The plan was for the armies of the east, that is Russia, and the armies of the west, to meet in Berlin. We foiled that." Something of the old military ardor was stirring in Ludendorff.

HOW? HOW? WHAT CHANGED UNITED STATES OPINION OF GERMANY?

"Your entrance into the conflict, America's war against Germany, was a grossly immoral or unmoral war, for you had nothing against us.

"We were known to you as a gentle, industrious, hard-working people and progressive Nation. Your own statistics of the millions of our race that are in the United States show that they are among the most law-abiding, industrious, and thrifty elements in your population.

"How did we suddenly become to you Huns, Boches, beasts, who cut off children's hands, women's breasts, fried out in kettles the bodies of our honored dead and yours on the battle fields?

"I ask you, how could a people with our history and our culture so suddenly be transformed in your eyes into that which we were painted and the American people believed? It was the hidden powers—the secret forces—those forces which make for war and to the unmasking of which I shall devote the rest of my life."

Like a refrain, like the iteration of a man obsessed, came again and again from the great battle conductor—"supernational powers," "hidden forces."

"I know I am called a poor politician. Some say worse things of me. I have gone deep into this subject. I maintain that the greatest enemy of peace are the things politically and in statecraft done in the dark; secret diplomacy, secret pacts made by hidden hands and forces to the peoples invisible.

WAR TO END WAR—TURN GLARE OF PUBLICITY ON ALL DIPLOMACY

"The American people had nothing against the German people, and we certainly had nothing against you. Do you suppose that in the present Anglo-American tension the English people as such want to kill the Americans or make war on you or that the American people want to kill off any of the British?

"Certainly not. In this day and age civilized peoples do not want to make war on one another. Why should they kill one another? Because they are made to see 'red,' so to speak."

"Then your excellency believes in the possibility of war between England and America?" I suggested.

"Possible?" The famous military chieftain raised his eyebrows high. "More possible than war seemed possible between America and Germany years ago. For, between America and Britain, there are undeniable strongly conflicting interests and policies. There were none between America and Germany.

"But one thing the English people and the men behind the scenes in London may be quite certain of, that is war with America will bring revolution in its wake in England no matter what the outcome of the war may be. In the end the sword will be turned against England herself, just as it was with us after we had smashed Russia."

"Then, what is your idea that peace can best be maintained and wars prevented?"

"First. That the people really govern and have their will carried out. Governments of to-day and the democracies as they now exist are deceptions and too often just a mask for those who pull the wires.

"Second. The glaring light of publicity, ruthless publicity, focused on all acts of diplomacy and statecraft.

"Tear away the curtain that conceals the secret powers and hidden forces on the stage of secret diplomacy, secret lodges, secret statecraft. Drag out into the light the war makers and let the people see them!

"Why did Chamberlain and Briand make their Anglo-French naval pact in secrecy? If its intent was good, why should it have been secret? Both are representatives of so-called democratic systems where people live in the illusion that they govern themselves.

"Was Chamberlain carrying out the will of the British people when he made that pact obviously directed against America on the one hand and Germany on the other?

"Judging from the storm it raised in England, one must conclude that he was not and could not be, since the people knew nothing about it. Then whose will was he carrying out? Who are the hidden forces behind that pact?

"The act of the Hearst newspapers in dragging that secret naval pact into public light was promptly followed by popular repudiation in England. That was a spendid journalistic achievement in the interest of peace.

"Why, if they are but carrying out the will of their peoples, must Stresemann, Briand, and Chamberlain meet in secret behind closed doors in Geneva, Lugano, or elsewhere? If they are carrying out the will of the peoples, why may those peoples not know what their representatives are doing? And if they are not carrying out the will of the peoples who elected them, then whose will are they carrying out?"

"What is your view of possible great events in the new year?" I asked.

"I greet every new year with welcome, for it will mean another year in which the peoples will learn to think more. The more they think the more they will realize how they are being deceived, made tools and fools of."

"That sounds very revolutionary, General."

"I do not want the shedding of blood. But if a people arise as one man there will be no bloodshed. Those who have deceived and exploited the people will run for their holes and be glad to get away.

"Rumania is an example of what I mean when a nation is ripe for throwing off the yoke that is on the people. There was no bloodshed when Maniu so splendidly and peaceably overthrew the régime there. So it will come in other countries, too. First, we must learn to think differently. That is hard. It takes time."

"Do you think the coming year will bring war?"

"War against Russia is in the foreground of the hidden powers. Externally they are seen in certain elements in France and England. But we will prevent it; we will prevent it." The last he added with great vehemence.

"But, General"——

"Yes; I know what you are going to say—that you are amazed and that I myself told you I wanted war with Russia and would be willing to help.

"That was in 1920. I did not know then what I know now. At that time I wanted to stop the butcheries going on in Russia. To-day I know that Russian peasants would be no less oppressed by a change in Moscow and not be made free by a war.

"Advantage would be taken by France of such a war to make Germany the battle ground, at least through which her armies would march. Every drop of German blood shed in a war against Russia would be deeply deplorable. It must be prevented. It will be prevented." (Copyright, 1929, by New York American.)

IN ROMAN BONDAGE

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Fellowship Forum entitled "In Roman Bondage," with relation to the agreement recently entered into between the Vatican and Mussolini.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Fellowship Forum, February 16, 1929]

IN ROMAN BONDAGE

The agreement expected for several months between the Vatican and Premier Mussolini has at last been reached and the Pope, so long known as the "prisoner of the Vatican," steps forth a temporal ruler. No longer is he merely a spiritual ruler, the head of an ecclesiastical body, but he is the ruling sovereign of an independent, autonomous state, with power to levy taxes, maintain an army, establish a postal system, coin money, make laws, and exercise all of those powers and enjoy all of the rights which belong to any other sovereign ruler.

By a stroke of the pen, Mussolini and the Pope's Secretary of State, acting for their respective governments—for the Vatican state must now be considered as such—undo all that the first Victor Emanuel, Garibaldi, and their heroes wrought more than a half century ago. By a stroke of the pen the Vatican state, abolished in 1870, is re-created, the Pope, instead of being a prisoner, becomes an earthly king, and the Italian people are reduced to slavery, for under the agreement which has been reached, under the arrangements which have been effected by the Pope and Mussolini, liberty in Italy is now a memory. With Mussolini a dictator in civil matters and the Pope absolute in affairs spiritual, the people of Italy are subjected to a bondage as absolute as the world has ever known—because not only their bodies but their souls, under the Roman theory, are the property of the Italian state and the ruler in the Vatican.

Judging from the unofficial version of the agreement between the Pope and the Fascist Government, the most far-reaching feature contained therein is the application of canon law to the Kingdom of Italy. Acceptance of this law is in direct opposition to the principle proclaimed and maintained by the Italian liberators who accomplished the unification of Italy in 1870. It is so terrible a thing from the viewpoint of American people, who believe that men are created free and equal, and that under the law all men are on the same level and shall be accorded equal and exact justice, that we believe few appreciate just what it means.

Under the acceptance of canon law by the Kingdom of Italy, civil laws in that Kingdom will be modified to conform with Roman church law. Under this law, ecclesiastics will be amenable only to the church law. Since the unification of Italy and her liberty from papal thralldom, the priests have been in the eyes of the law just as laymen. If they were accused of crime, they were treated as other human beings. Now, under canon law, the civil authorities may not arrest priests or cause them to be tried in the civil courts as common men. The civil authorities may only report such offenses to the priest's bishop. In case of arrest, a priest, instead of being placed in jail, must be detained separately. If convicted, he will not have to serve in a common jail, but may be placed in a monastery or, in case of a woman, in a convent. Moreover, the full power of the civil government may be invoked by the church to enforce its decrees, and especially will this be true in the case of a priest who has been deprived of his robe. Moreover, the priesthood are exempt from any form of military service, except that in case of war they may be employed as chaplains or in the Red Cross. Other measures of the canon law include severe rules against and penalties for heresy, simony, blasphemy, and sacrilege.

Thus we are to see in Italy what life is to be as actually lived under Roman Catholic dominance. We have heard protestations on the part of Romanists that the church does not seek temporal power—that it merely wishes to have its claim to temporal authority admitted, but has no disposition to employ it. In Italy the lie is given to-day to that false protestation. We are to see what conditions in America would be were America a Roman Catholic nation. We are to see in Italy a people reduced to absolute slavery, more complete than the mere bondage of the body, because it is at the same time a bondage of the soul. We are to see the Roman Catholic Church with power over the everyday life of human beings, with control of the schools, with men told what they may think as well as do, what they may believe, what they must reject, and how they must worship.

We are going to see a small army of ambassadors go out from Rome, representing the Pope, empowered to negotiate treaties, and demanding recognition for their master just as a representative of the King of England expects recognition by other governments of the independence and the sovereignty of the British people. And that question is going, sooner or later, to be put up to the American people through its chosen officials. Undoubtedly, it is an issue Mr. Hoover will have to face in his administration, soon to begin. The time is not far distant when a representative of the Pope will come knocking at the doors of the White House, seeking recognition of the temporal authority of the Roman Pope. Pressure, strong pressure, will be brought to bear upon the new administration to send a representative of the American people to the Vatican.

It is regrettable, but true, that this issue is soon to be before this Government. We trust that the chosen representative of the people will have the courage to meet it squarely and settle it in the only way it can be settled if the wishes of the American people are to govern. In America, religious freedom is a priceless possession. Under the Constitution, there can be nothing else, and in harmony with the spirit of that Constitution, the American Government can have no diplomatic negotiations with any church power.

To Catholicize America is the wish dearest to the heart of the Pope of Rome, now that his status as an earthly ruler has been recognized. Such recognition he no doubt regards as a step toward the Romanization of the world, including America, and it would be part of the duty of a papal ambassador to Washington to further the church's cause in America. Establishment of diplomatic relations between Washington and the Vatican would be but a step toward the ultimate goal. The people of the United States will resent such step being taken. We want no supergovernment here, spiritual or otherwise, and we want no government that places its priesthood on another plane than other men. Of what clay are priests made that they are above and outside the law? If a priest commits a murder—or a worse crime—why should he be confined to a monastery, which to them is a sort of heaven on earth, while common men must enter a prison or mount a scaffold? In America we respect the ministry, but under the law all men are equal, whether they serve in the pulpit, in shop, in field, or in factory, and nothing will be tolerated that will make for any degree of distinction under the law.

What has happened in Rome may truly be called the rape of the Italian people. The freedom for which Garibaldi and his famous band fought has vanished like mist before the morning sun.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. CURTIS. Mr. President I present a proposed unanimous-consent agreement for a meeting Monday night, which I ask to have read.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be stated.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on Monday, February 25, 1929, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock

p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of House bill 11725, an act for the reapportionment of representation in Congress.

Mr. BLEASE. I object.

Mr. BRATTON. Mr. President, may I ask the Senator from Kansas when we may expect a call of the calendar for unobjected bills?

Mr. CURTIS. After to-night's session I am going to see if I can not arrange, to-morrow or the next day, for an evening session on unobjected bills.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act as amended and supplemented, the pending question being on the amendment submitted by Mr. JONES to insert at the end of section 1 the following proviso:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. BRUCE. Mr. President, yesterday I took occasion to call attention briefly to the shocking conditions as respects temperance which exist in the State of Idaho, and I am sure that any Member of the Senate who followed me when I was speaking will find it difficult to understand how the distinguished Senator from Idaho [Mr. BORAH], in view of those conditions, could think of any method of handling liquor abuses worse than prohibition.

I now desire to follow up what I then said by a brief reference to an article which appeared in the New York Herald-Tribune of Saturday, July 24, 1926, headed "Idaho Drowns Dry Problem in New Moonshine." Among other things, the writer of that article states:

The Federal judge in Idaho asserted that the cases involving liquor that come before him for adjudication exceed all the other combined cases. It may be sufficient from the actual statistical phase to point out that the Federal forces seized 102 stills in dry Idaho in the period between September 1 of last year and June 1 of this year. All of which should be considered in connection with the fact that the 1920 census gives Idaho slightly more than 430,000 inhabitants. If the number of captured stills represents, as Gen. Lincoln C. Andrews, the prohibition chief, says, but 10 per cent of the number in existence, Idaho has a still for every 400 inhabitants within its borders.

That is to say, just about the same number that the State of South Carolina has.

LIQUOR AVAILABLE EVERYWHERE

So much for the figures; they give but a lame suggestion of the actual situation. The fact is, as the officials themselves will tell you, liquors of various qualities are accessible to those who desire them in any town or hamlet of the State. For those who have a penchant for the outdoor fresh and green variety, the mountain sides and river banks fairly teem with fermenting vats and steaming cauldrons.

And so on. If there be no objection, I ask leave of the Senate that the entire article may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

[From New York Herald Tribune, Saturday, July 24, 1926]

IDAHO DROWNS DRY PROBLEM IN MOONSHINE—BORAH'S STATE SHOWS NEITHER DISAPPROVAL NOR RESENTMENT OVER PROHIBITION AS FLOW IS STEADY—HARD CIDER CHOICE OF MANY FARMERS—CITIZENS BOAST OF SUNSHINE 365 DAYS IN YEAR, MOONSHINE 365 NIGHTS

(This is the seventh article of a series by a Herald Tribune reporter who investigated liquor conditions in the Western States. It deals with the situation in Idaho.)

By M. Jay Racusin

(Copyright, 1926, New York Tribune, Inc.)

BOISE, IDAHO, July 11.—The stranger alighting at Boise, the capital of Idaho, is at once struck with a noticeable air of pride and contentment about its people. This, it has been humorously said here, is attributable to two things: The exquisite beauty of their railroad station and the extraordinary quality of their moonshine. The station is the idea of Calvin Cobb, publisher, and one of Idaho's most esteemed citizens. Their moonshine is the fine handicraft of a Tennessean who brews this highly prized liquid in the mountain environs of the town of Mackay, from which it derived its celebrated name.

In consequence of the widespread and thorough approval of this beverage and sundry other delectable liquors, one is informed there is no prohibition problem in Idaho, because the inhabitants settled the question to their complete satisfaction some time ago. The people appear to have all the intoxicants they want. What they do not obtain through purchase they manufacture themselves, and I am reliably told there are more making than buying.

ATTEND TO OWN BUSINESS

There is no mystery, then, about the general apathy toward the liquor question met with in this State on every hand. The people show neither resentment nor excitement about it from any point of view. They tell me that in Idaho they have a habit of minding their own business, and hope the enforcement officials mind theirs.

It is not surprising, then, to learn that here, indeed, in the home State of United States Senator WILLIAM E. BORAH, prohibition has passed out of the conversation of the inhabitants, because, as I have seen, it has ceased to trouble them. Nor has it ever figured in any of the State's internal political conflicts, nor is it, I am advised, ever likely to. It is noteworthy that no national representative of the people of this community has ever been clothed with the opinion of a constituency on this point.

DRINKS OF HIGH QUALITY

Idahoans, like Coloradoans, will tell you at once that you are in the driest of dry deserts, alcoholically speaking, but the beverages offered one immediately thereafter are immeasurably superior to the Coloradoan product, both as to quantity and quality. It is true that Idaho has a severe dry law and is as helpless in enforcing it as are Iowa and Colorado and Kansas and any number of other States, because of utter lack of State agencies. It is true, too, that Idaho has a very wet palate. The one seems to be a concession to a certain mass psychology, the other a surrender to a genuine appetite.

A prominent person in the capital confided to me that if Idaho was in fact dry, the New Yorkers must be traveling down Broadway in steamboats. It was common knowledge, he said, that Idaho had sunshine 365 days in the year and moonshine 365 nights.

The statistics one could bring to bear on the situation in this State have been offered me by officials with the warning that, although impressive enough in their cold sort of way, they scarcely present the lively picture of Idaho's drinking propensities. I shall permit these officials whose duties revolve about the liquor problem to fill in the deep coloring of the scene with their own observations.

Perhaps it is striking enough to learn that the Federal judicial machinery in the State handles from 400 to 500 liquor cases a year and that the number has been increasing about 50 cases annually. In the 6-month period from January 1 of this year to July 1, I am told that the 10 agents of the Federal enforcement squad here made 367 arrests for various violations of the Volstead Act, mainly touching on the conduct of stills and the transportation of liquors. In addition to this, these agents turned over for prosecution in the State courts in the same period 250 more cases.

What the harvest of the county authorities amounts to can only be conjectured; an idea may be gleaned from the books of the sheriff of Ada County, containing the capital, which show that out of 213 arrests for all causes since the first of the year to July 1, 111 revolved about the liquor traffic, or more than half. There are 44 counties in the State.

The Federal judge in Idaho asserted that the cases involving liquor that come before him for adjudication exceed all the other combined cases. It may be sufficient from the actual statistical phase to point out that the Federal forces seized 102 stills in dry Idaho in the period between September 1 of last year and June 1 of this year. All of which should be considered in connection with the fact that the 1920 census gives Idaho slightly more than 430,000 inhabitants. If the number of captured stills represents, as Gen. Lincoln C. Andrews, the prohibition chief, says, but 10 per cent of the number in existence, Idaho has a still for every 400 inhabitants within its borders.

LIQUOR AVAILABLE EVERYWHERE

So much for the figures; they give but a lame suggestion of the actual situation. The fact is, as the officials themselves will tell you, liquors of various qualities are accessible to those who desire them in any town or hamlet of the State. For those who have a penchant for the outdoor fresh and green variety, the mountain sides and river banks fairly teem with fermenting vats and steaming cauldrons. The farm house on the plains often houses a still and the old homestead often quakes with the glee of those who gather there to taste of its illicit concoctions.

The output of the renowned Mackay moonshine boilers is found and praised wherever one goes, while hardly less esteemed for its aged qualities is the Jarbridge stock from a neighboring State. Bootleggers abound in city and village and limousine and truck stand ready to disgorge any quantity of potent beverage for pantry shelf or pocket flask.

For those of a more discriminating taste, who desire stocks of a dependable quality, the 60-mile Canadian border is within easy reach, and caravans of authentic rye, Scotch, and wine wind nightly down from British Columbia, destined for those who can offer sufficient coin.

The thirst of these Idahoans, however, is slaked from other sources. There is home-brew aplenty and wines—prune wine, fig wine, cherry wine, grape wine, raisin wine, dandelion wine, rhubarb wine, and wine of

whatnot—crowding master moonshine mighty close for first illicit honors in many homes.

And there are revivals of beverages that had their day of glory while Queen Victoria yet lived—root beers and ginger mixtures. In those days they were as harmless and proper as the good queen herself, but now they are being given a new kind of life and are kicking in tune with the Idaho times.

And there are lively scenes about the windows and shops of the grocers and hardware dealers, who, touched with the tippling pulse of their neighbors, offer great stocks of malt and extracts of this and that and hops and bottles and caps and cappers and boilers and cookers and spigots and all the varied apparatus without which no brewery is complete.

The constant display of these goods is said to be putting ideas into the heads of many people who never before dreamed of going in for home-brewing, so that the quantities of these materials disposed of is one of the most amazing facts developed in this community by the author of these articles.

I learned from one grocer in Boise, at Eighth and Main Streets, that he sold enough hops in one week to make 50,000 gallons of home-brew, and from a hardware merchant across the street I heard that the sale of the articles referred to constituted one of the chief phases of his business. It was a fact worthy of note disclosed by both these merchants that half their patronage for this home-brew material came from the farming districts, usually considered the chief forces of the dry movement.

HARD CIDER ABUNDANT

Nor must I overlook that special amenity of many a country table and fireside—hard cider. It is more often found in upper than lower Idaho because of the excellence of the fruit in the northern end of the State. The presence of fine apples has given rise to many vinegar factories here, and as cider must pass through a process of hardening before its eventual transformation into vinegar, cider making has become quite a common and fashionable industry in many an Idaho household.

Under the circumstances it is to be expected that there would be observed all the disturbing excrescences experienced by other communities we hear that tippling has increased among the youth of both sexes, that youngsters have begun to clog the police and sheriff dockets with the escapades and serious delinquencies, that scandals have cropped out from time to time about wild life and unsavory dilemmas among high-school students, that boys have been drawn into bootleg traffic for the rich rewards held out to them, that women have taken to the illicit trade, that drunkenness has increased from year to year, that the offense of driving automobiles under the influence of liquor has risen in many communities to an alarming degree, that many public and semipublic gatherings of a social nature are marked with the presence of intoxicants in some form or another, and that representatives of some of Idaho's best families have faced the judge for defiance of the Volstead Act.

The attempts of the various authorities to deal with the situation in this State is confessed by them to be a mere gesture, with little effect on the general flood. There can be no quarrel with the statutes. They are severe enough; no physician is permitted to prescribe so much as a drop of whisky; it is a penitentiary offense to possess or make any apparatus that may be employed in the manufacture of intoxicants; fines of $100 and $500 are imposed for first offenses for possession of liquor, while 90 days to 6 months and a year are the penalties for second offenders. So drastic are the State laws that the Federal agents frequently prefer to have their cases tried in the State courts for speedier and more vigorous handling.

LOCAL OPTION ONCE RULED

And it should be recalled that most of the State had years of experience with dry regulations under local option before the entire community went bone dry by legislative enactment in 1916, a few years before the advent of the Volstead Act.

The experience of the wise men of Idaho, however, seems to have produced little in the way of an inspiring idea for damming the liquor flood at their doors. There are counties where the laws are defied with a brazenness that would put a New Yorker to shame. There are districts where juries flatly refuse to fine or to jail their neighbors for liquor offenses though there is evidence enough to convince the blind and deaf. In areas such as Custer County and Owyhee and Valley and Elmore Counties, the authorities have found themselves absolutely helpless before the wet temper of the people, and have thrown up their hands in disgust. They have never sent a Federal agent into Custer County because, they told me, they considered it futile to attempt to enforce the eighteenth amendment there. It is here that the generous stream of Mackay moonshine has its source and is permitted to flow out to irrigate Idaho's many thirsty throats apparently without obstruction. Here, indeed, alcohol is king.

And the towns and cities which might be described as wide open are to be found at all points of the compass. Tipplers whose business carries them to various parts of the State know what a haven of choice liquors Coeur d'Alene, in the north, is, and what potent beverages may be secured without the slightest difficulty in such places as Wallace and Moscow and Sandpoint and Lewiston. Special honors, too, should go to Hailey, upon which the Federal agents thought not long ago to make an effort to clamp the lid, sweeping in eight stills, and arresting 14 persons at one blow. The next day, however, the cauldrons were running full blast again.

For those who prefer the quality of the product farther south the wide-open booze train may be taken up at Weiser and on through Payette and Emmett and Caldwell and Nampa and right into Boise, the capital, where were born and now respose the State laws so boldly defied. Nor is there a lack of stimulating liquors at Twin Falls or McCall or Pocatello, and those who seek will find much at Oakley and Blackfoot to bring the blush to their cheeks.

OFFICIALS CAN'T COVER AREA

When asked about enforcement progress, officials laugh and say they do all that can be expected of 10 Federal agents in a mountainous area big enough to tuck a couple of New England States away in one of its corner pockets. The one lone agent of the State, Jim Foster, is a fine fellow, they say, and is an enthusiastic worker, but it's all like King Canute trying to stem the ocean tide. It's upon the shoulders of the county sheriffs that most of the work of enforcement falls, and their books show that the greater portion of their business is the offspring of the liquor traffic. The local police, usually but a handful, do what comes in their way, but they are too busy regulating traffic and keeping their towns clean of crooks to pay much attention to the moonshine trade.

This, of course, makes the situation in the cities extremely rosy for the rum runner. The Federal agents insist that they can't police the towns that they are not expected to, and that their chief aim is to apprehend the still operator and check the big transporters. The police say they have little time or inclination to go snooping around for home-brew vats.

There is no disposition among the officials here to trouble the individual who takes his drink in his house or putters around with his home brew in his own castle for his own consumption, so that the Boisean is permitted to do pretty much as he pleases. And he does. There are, of course, many places, little back rooms upstairs, where one may obtain wines and hard spirits for as low as 25 cents and 50 cents a draught. Along Main Street I counted 20 such places. But the Idahoan as a rule does not relish this drink. He prefers to have his bottle on the shelf or hip. He can get his favorite Mackay or Jarbridge for $6 to $7 a quart. There is little alcohol or gin sold hereabouts, because it can stand little competition with the excellent moonshine.

The Boisean bootlegger will offer one liquors of quality from Canada, which he proffers with a guaranty of authenticity for $50 per case or $8 to $10 per quart. There is a choice of Bourbon, Grand Dad Hermitage, John Dewar & Sons, Three Star Jameson, etc. And many a case is left at many a door, along the streets of the rich, Idaho Avenue and Jefferson Street and Warm Spring Avenue, as a certain plasterer in the town can testify. This subcontractor revealed that for the last six months his time has been entirely taken up with installing concrete vaults with iron doors in many cellars along Warm Spring Avenue, which were destined to be the resting places of choice stores of stimulants.

Boise, one should remember, has but 25,000 inhabitants, yet James W. Briggs, its chief of police told me that if all the persons in this city who possessed illicit liquors were taken into custody, it would require a building several blocks square and a dozen stories high to contain them.

NO PLACES PADLOCKED

But hear more from this frank officer of the law. He complains that no places in the city are padlocked. There is something the matter with the legal machinery. Some place the blame upon the reluctance of judges to issue the closing orders, he explains, others put it to the discredit of the prosecuting attorneys.

"Of course, there are loads and loads of liquors around Boise City and throughout the State," he says. "It would be ridiculous to deny it. And a lot of this fever for making and drinking intoxicants is brought about by the suggestion and advertisement flashed before the people's eyes wherever they go. The store windows and the streets are filled with malt ads and extracts of one kind or another and hops and caps and cappers and boilers and coils and all the other machinery used for brewing purposes, and people that never thought of doing such a thing before have it finally put into their heads to try and make these things themselves. The persistent display of cocktail shakers and spigots and flasks is bound to have its effect, and it does, and those things are sold by the hundreds. It has affected the entire social life of the people. I see it under my eyes.

"Young girls are going out and getting drunk with young boys in numbers and with a persistence such as we have never seen or heard of before. There have been outbursts of immorality among them that is directly traceable to the consumption of liquor. The excesses that have bobbed up every now and then among our high-school pupils have been one of the most alarming phases of the situation in this city, and, I take it, in other cities of the State.

"These young people get their bottles of hooch and rush out to some farmhouse on the outskirts of the city and there indulge themselves to their heart's content.

"Of course, the bootlegger is to be found pretty near everywhere, and there are so many stills in the hills and valleys of the State that they are producing more 'moon' than there is a market for here and they are exporting to other communities. Now and then we catch one of these tin-boiler factories right in our midst here.

"There is plenty of wine making in the homes here. They are making wine out of anything, but I see no reason why we should disturb these people. If the Federal people want to get after them, let them do it. We haven't the time or inclination to bother these people.

"There is a certain amount of stuff coming in from the Canadian border and this is the stuff that the people of means in Boise consume. I know what I am talking about because I was assistant director of Federal prohibition enforcement here not long ago. Generally speaking, the situation in the other towns is just about the same as it is here and I don't think we are any worse off than cities in other parts of the country. It's a strange thing and I have observed that people who never drank before are drinking now. Here we find the women reviving old beverages that we thought had gone to bed ages ago; like beer from herbs and roots and concoctions that your grandmother used to make out of ginger; but now they are brewed with a kick in them. And this is supposed to be one of the dryest communities in the Union. At least, we have some of the strictest laws.

NUMBER OF DRUNKS GROWS

"We get a few more drunks than we used to, and the docket shows that we are picking more cases of driving while intoxicated than ever before. The figures, however, don't begin to give the facts."

The experience of Sheriff Pfost, of Ada County, with a population of 60,000, and numbering Boise among its cities, is perhaps the most illuminating that has come out of the whole community.

"More than half of the work of my four deputies," he says, "has to do with liquor cases. I am a prohibitionist and in favor of some form of control of the liquor industry. I have never taken a drink in my life, and I shudder to see what is happening under my eyes. As it is, this whole business is making crooks out of a lot of honest men. The enforcement of the liquor laws to-day in Idaho is a farce. Our higher ups, who are supposed to do some tall thinking for the community, are getting nowhere. The number of men that the county, State, and Federal authorities allow for the enforcement of the laws is ridiculous.

"In the period between 1914 and 1916, when Idaho went bone dry, we didn't have one-third the number of prisoners in the county jails that we have there to-day. In the period before state-wide prohibition we never heard of driving while under the influence of liquor; at least, the dockets don't show it.

"The number of women we arrest for participation in the bootleg game is surprising even to me. At one time we had 13 here in the county jail for this offense. They say they go into it for the money. And boys are drawn into the business by offers from the older fellows of big rewards.

"But probably the most alarming thing about this whole business is the number of young boys and girls that have been enmeshed in the strains of this traffic. Our docket shows dozens of minors—school boys and girls—who were picked up intoxicated or for reckless driving while under the influence of liquor. The number of these cases is really astounding.

"Every now and then a scandal breaks out of a serious nature and a dozen or more of the high-school girls and boys are sent off to some private institution outside the city and every precaution taken to protect the names of the pupils and families. This situation exists not only in Boise but in other parts of the State, and in other States, if this was a condition peculiar to Idaho. I have questioned the youngsters on why they indulged in these excesses, and they told me, 'We just wanted to see what it was like and get the thrill, and it felt all right, so we just kept on doing it.'

BEST CITIZENS SELL BOOZE

"And it may be news to a lot of people, but some of our finest citizens are in the bootlegging business, and the impression that most of the rum runners are cheap, poor people is all wrong. I know what I am talking about. And there are lots of places in the State of Idaho where the people simply can't see the Volstead Act at all, and won't find offenders guilty. For instance, there is Owyhee County, where most of the liquor used in southern Idaho is made. There are 4,694 people living in this county and it is the biggest district in the State.

"The Federal agents have captured still after still in this area, but simply can't get a conviction from the juries there. There people simply don't believe it's a wrong thing to do and won't find guilty.

"I had a personal experience on this point. I arrested a man named John Basco with 160 quarts of moonshine recently in a car in the county. We had the goods on him and he virtually confessed, but the jury brought in a verdict of not guilty. In another instance we found an immense still and brought it into court. It was very impressive, so the jury brought in a verdict that carried a small fine with it. There are many such counties where this situation obtains.

"What are you going to do?"

Judge F. S. Dietrich, the Federal judge for Idaho, asserts that the liquor cases that come before him exceed the total of all other cases. It is his impression that there were not many big fellows in the trade, and that many of those caught seem to be poor fellows who wanted to make a killing and get out of it. They frequently are unable to pay the fines imposed, he says, and are compelled to serve their fines out in jail at the rate of $2 a day.

MANY WOMEN BOOTLEGGERS

George W. Oyler, the chief of the Federal forces in Idaho, is nothing if not frank. He says: "If we could get padlocks and confiscation of automobiles, I think we could eventually make Idaho dry.

"Somehow we can't get legal processes for these things as other communities do. Since January 1, just the same, we picked up 67 stills in the State and arrested 367 persons for various offenses.

"It's true that we have a large number of women bootleggers, and if we wanted to we could arrest more of them. They are usually the wives of the men with whom they cooperate. We've some bad spots in this State to deal with. Owyhee Valley, Custer, and Elmore Counties simply will not produce convictions, and we do not send a man to Custer at all because it's useless. And, you know, we have had to put some sheriffs here in jail for bootlegging themselves."

In connection with the activities of the Federal agents, the capital recently was churned into an uproar over the manner in which these agents would enter homes under the subterfuge of State warrants, and digging out single bottles of spirits, would arrest their occupants. Local attorneys contended that as there was no sale, the Federal agents had no authority to enter these homes or make arrests, and that as a matter of policy it was ridiculous for these agents to be snooping around for a bottle here and there when the hills were swarming with bulging stills.

The Idahoans simply will not be disturbed; we need only point out what is happening in the smaller communities with a reference to Pocatello, where the sheriff informs me that he has had a hundred liquor cases a month, that 80 to 90 per cent of the occupants of the county jail are offenders against the liquor laws, and that nine-tenths of the cases handled by his office revolve about the liquor traffic.

Nevertheless, prohibition has passed out of the conversation of the Idahoans, and they consider their habitat one of the driest corners of the Union.

Mr. BRUCE. One very significant thing about this article is——

Mr. BORAH. Mr. President, I ask the Senator by whom was that article written?

Mr. BRUCE. I forget at this moment who the individual was. The Senator knows journalism is a very impersonal thing. It is enough for my purpose that it appeared in that great newspaper, the New York Herald Tribune. One of the most significant things about the article is the fact that it refers to the influx of liquor from Canada into Idaho. Of course, that influx at once suggests one of the reasons why so much hard liquor is being manufactured in the Dominion of Canada at the present time. A very great proportion of it is manufactured not simply for the delectation of American tourists who go to Canada but of American consumers in the United States.

As to what the Senator from Idaho said about bootlegging in the Dominion of Canada and the lack of efficiency with which Canadian systems of liquor control are working, it is sufficient to assert that anyone could come to the United States and obtain a great volume of deeply biased testimony either favorable or unfavorable with reference to the practical workings of prohibition in the United States. So it was the easiest task in the world for the Senator from Idaho to go to Canada and without difficulty secure from partisan sources, journalistic and otherwise, a mass of impressive testimony adverse to the virtues of government control in the Dominion of Canada. It should be remembered that only a short time ago every solitary Province of the Dominion of Canada was under the sway of prohibition legislation, but that now every one of those Provinces, with the exception of little Prince Edward Island and the relatively unimportant Province of Nova Scotia, has revoked its prohibitory legislation. Why did they revoke it? In part, because bootlegging in Canada, as in the United States, had become an abuse of fearful proportions.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BRUCE. I am sorry, but my time is so limited that it is impossible for me to yield.

It was not to be expected, Mr. President, when bootlegging had sprung up in every nook and corner of the greater part of the Dominion of Canada under the fostering influence of prohibition, that just as soon as prohibition was repealed bootleg liquor would disappear. Of course not. The human blood can

not be innoculated with disease and work it off in a moment or in an hour or in a day. What Canada is suffering from to-day in so far as her system of government control is not effective is but the morbid sequels of prohibition; and another thing to be borne in mind is that after all the best customer of the Canadian bootlegger is not the Canadian patron, it is the American patron.

Mrs. Willebrandt calls attention to the fact in her very last report to the Government, a report made only a few days ago, that within the last three years clearances of liquors from Canada to this country have increased 75 per cent, and that computation does not take into account at all the vast rivers of liquor that have been clandestinely poured into the United States during the same period. The problem of drink reform in Canada can never be brought completely to a successful solution until prohibition in this country shall have come to an end and the bootlegger with it.

I also called attention yesterday to the fact that, while the consumption of hard liquor in the Province of Quebec has increased only 25 per cent in the last four years, the consumption of wine and malt liquors has increased 100 per cent. That, mind you, was during the last four years. If we go back to the first four years of this Canadian experiment what do we find? I turn for a moment to a paper written some years ago by Arthur St. Pierre, a member of the Canadian Liquor Control Commission, for the Independent of October 10, 1925, which showed not only that arrests for drunkenness in the city of Montreal under the operation of the Canadian system of liquor control had declined 50 per cent, but also this:

> In 1924–25 the sales of wine by the commission exceeded its sales of spirits by 23,814 bottles, while in 1923–24 they were less by 864,960 bottles.

So there, I say, we have incontestable proof of the beneficent way in which the Quebec system of liquor control is operating. Arrests for drunkenness are being reduced and the ideal of Thomas Jefferson is being realized, in that wine and malt liquors are being steadily substituted for hard liquor.

With such a record for the Quebec system of liquor control as that, why should I trouble to inquire closely into conditions that prevail in British Columbia or in Saskatchewan or in Manitoba or in Ontario or in any other Canadian Province that has thrown off the yoke of prohibition? What my proposed amendment to the Federal Constitution is based upon is the Quebec system of liquor control; and what it proposes to do is by proper modification of the eighteenth amendment to empower Congress to adopt a system of liquor control akin to the Canadian system of liquor control. Therefore if the Senator from Idaho is really desirous——

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. DILL. Mr. President, I had not intended to discuss this proposed legislation, because I had hoped that this bill might pass without lengthy discussion, but when the Senator from Maryland [Mr. BRUCE] attempts to talk about conditions in those parts of Canada where the so-called liberal liquor legislation has been enacted, and disputes the statements of the Senator from Idaho [Mr. BORAH], I desire to be heard for a few moments.

It has been my experience to cross the line into Canada during the past two years repeatedly. I have gone into those districts where the beer parlors are licensed; and the fact of the matter is that to-day there are more "blind pigs" and "speakeasies" on the Canadian side than there were before the beer parlors were licensed, and a large number of the Americans who cross the line buy their hard liquor from these men who run places for selling liquor in violation of law, and are regularly arrested and fined, and pay a substantial fine, instead of having a license in the ordinary way. The fact of the matter is that the people who get beer at the beer parlors are not satisfied with it. They go to the places where hard liquors are sold in violation of law and buy the liquor there. The men who run those places are then arrested regularly, about once a month, and fined from $250 to $500.

The experience of the communities of Canada bordering the State of Washington at least by no means proves the claim that a more liberal privilege of using beer causes people to want less hard liquor. In fact, they want more hard liquor, and instead of decreasing bootlegging, as it was claimed would be done, the fact of the matter is that there is a greater amount of bootlegging in hard liquor.

I shall not take much time in discussing this proposed legislation, but I do not believe it is any argument on the part of those who oppose it, to get up on this floor and make threats about exposing Senators who drink wet and vote dry.

In the first place, my experience in the House and Senate over a period of years leads me to believe that the Members of both bodies are sober men. I believe that very few of them ever drink to excess—so seldom, in fact, that if one ever does, it is talked about as a striking and disgusting example.

It may be that they occasionally take a drink. I do not know. I come from a State that had prohibition since before the national amendment was even seriously considered. The people of my State by the referendum voted a bone dry law, and on two occasions, when attempts were made to modify that law and make it more liberal, it has been sustained by the electorate of the State by a bigger and more overwhelming majority in favor of the bone dry law than had previously been given at the election. So, for my part, I am not personally concerned about that question.

It is not, however, a question of whether men happen to take a drink occasionally. The question is whether or not they are carrying out the will of the people who send them here.

Every time this question has gone to the American people in a national way the prohibition side of it has been overwhelmingly supported; and certainly there is nothing in the returns of the last election to justify anyone in claiming that the people of this country are less loyal than formerly in their support of prohibition.

I am in favor of this legislation because it proposes to allow judges to impose heavier sentences upon those who violate the prohibition law. Most of the men engaged in commercial business in violation of the prohibition law are in it to make money, and in some communities they make enormous sums of money. I believe that the judges should have wider powers. I believe it meets the approval of the American people to increase these penalties. Certainly if any interpretation can be placed upon the votes of the people in the last election, when prohibition was made one of the dominant questions, it is that the people are more determined than ever before to retain prohibition legislation.

So, for my part, I shall gladly support this bill.

Mr. BLAINE. Mr. President, if I may have the attention of the Members of the Senate, I desire to direct some criticism to the amendment proposed by the Senator from Washington [Mr. JONES].

A distinguished jurist has said that "crimes are more effectually prevented by the certainty than by the severity of punishment." Those of us who have had the responsibility of administration of the laws appreciate the soundness of that doctrine.

The amendment proposed by the Senator from Washington is unique as a legislative proposal. It is without precedent. I will read it:

> *Provided*, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Here is a proposal in the form of an amendment not framed in language that has any force or effect in legislation, but rather expressing a sentiment of Congress; and this advice is to be given to the several judges of the United States, and the judge is to be told that he is advised by Congress to be a little more lenient, to be a little more generous in handing out his sentence where, in his opinion, there can be a discrimination between casual or slight violations and so-called regular "bootlegging."

That is the effect of the language of the amendment proposed by the Senator from Washington. It is asinine; it is ridiculous and not worthy the support of a great deliberative body such as is the Senate of the United States. Write that into the law, use that language of gangland, and you at once bring this body into disrepute. There will be a question as to our intelligence—yes, and a question as to our purposes.

Therefore, Mr. President, in order to help out the situation, in order to give less intensity to the severity of fanaticism, I have endeavored to draft an amendment that at least is framed in the language that is known to courts and legislative bodies which I shall submit, if it is in order, as a substitute for the amendment proposed by the Senator from Washington.

Who is a "bootlegger"? What constitutes "bootlegging"? What is "regular bootlegging" and what is "irregular bootlegging"? It is not very difficult to express the purpose of the committee reporting this bill as I find it from their report. The committee state, referring to the present penalties:

> These penalties are adequate where the commercial element is not present, but they are absolutely inadequate when applied to professional bootleggers and other large-scale operators. * * * Such an amendment should not operate harshly upon the casual violator. Its object

is to reach the professional commercial operators who profit financially by their criminal defiance of the law.

Therefore, the question of sale is the only question involved in the consideration of the committee, according to their report; and the substitute that I propose to offer, and shall offer at the proper time, rests the proposition on the question of sale, in order to reach the very thing complained of by the committee in the committee report.

Mr. President, I am opposed to the eighteenth amendment as a matter of principle. I am opposed to the Volstead Act because it does not comport with the eighteenth amendment. I am not going to enter upon a discussion of the prohibition question this morning. I set forth my views the other day in this body. I do not propose to repeat what I then said, but I do propose this morning to refer to some of the argument that has been made on behalf of this bill.

Much has been said about Canada, Mussolini, and Great Britain. The distinguished Senator from Idaho [Mr. BORAH] yesterday stated that in Great Britain only 17 cents remained out of a daily wage of 50 cents of an English workman, the 33 cents going for English ale. I want to say to the Senator from Idaho that when the economic conditions of Great Britain are so depressed, when men are driven into penury and poverty, when they have no fire with which to warm themselves and no food with which to feed themselves, why damn a man when he endeavors to forget his poverty and his privation? That proves nothing for or against prohibition. But that is not the difficulty in Great Britain. It is not the English ale that afflicts the British workingman to-day. It is the economic condition that exists in Great Britain, and whatever misuse or abuse there has been of ale by the English workingman, that is not what has brought him to his distress.

Mr. President, with millions of men unemployed, poverty and distress stalking about the British Isles——

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Senator's time on the amendment has expired. He has 10 minutes on the bill.

Mr. BLAINE. When the British Government is laden with a tremendous war debt, when the British Government is building up a naval and military strength as against the world, search for the cause for poverty in Great Britain and you will find it in the economic condition of that nation. Successful though she was in the war, that very success will perhaps bring her defeat in the future. Mr. President, reference was made to a single isolated case of some Cornish workingman who chose to have his few glasses of ale. To charge the present economic condition, the privation and poverty, of the English workingman to his use of ale is perfectly ludicrous and ridiculous.

Then we were taken to Canada yesterday, and we were taken to Canada again this morning. We were told that Canada still had her bootleg problem on her hands. Yes; she has. Canada is in exactly the same position occupied by every nation that has ever undertaken prohibition. Canada never had the bootlegger until Canada introduced prohibition. Canada never had her "speakeasies," Canada never had her "blind pigs," Canada never had the misuse, the abuse, or the excessive use of hard liquor until Canada had prohibition.

Hard liquor is easily made and easily distributed. In Canada the people learned how to make it and how to distribute it under prohibition, and it is going to take some time before the Canadian people learn how to do away with the evil that originated under her prohibition laws.

Norway had exactly the same experience. Norway introduced prohibition—rigid, strict prohibition. She found that bootlegging and the illicit manufacture of hard liquor became the general thing in that country. Norway changed, and adopted a moderate program. Yet Norway has her problems growing out of the period of time when she had prohibition. So in every other country that has ever undertaken prohibition there have been developed these sources of illicit manufacture, illicit distribution of hard liquor, and it takes years to do away with that which prohibition engendered, promoted, fostered, and developed. So, here in America, repeal the eighteenth amendment, repeal the Volstead Act, and we will still have the bootleggers and the moonshiners for some time, because they have been trained under prohibition.

That should not blind us to the fact that the questions arising out of prohibition must be solved. Yet the distinguished Senator from Idaho in his debate said that until a better system was found he was unwilling either to modify or relax the intensity of the Volstead Act, or repeal the eighteenth amendment. What are the present conditions? I am going to read briefly from a report of the Associated Press dated Chicago, February 14. This describes the present condition growing out of prohibition. It describes the liquor-running syndicate, a product of the Volstead Act:

Chicago gangsters, posing as policemen, invaded the North Side stronghold of the George Moran ("Bugs") gang, lined up seven helpless, unarmed victims with their faces to a brick wall and mowed them down with automatic pistols and machine guns.

The wholesale execution was carried out at 10.30 this morning. It was an innovation in Chicago gang history, and was done with all the precision of an army firing squad. The raid brought the total of gang victims to more than 135 in the last few years.

And the period of the last few years has been during the prohibition period. That is the condition to which the Senator from Idaho referred, and which he is unwilling to cure.

Mr. President, for one, I do not know what may happen in the future, but, so far as the present is concerned, the evidence is overwhelming that prohibition has brought its gangsters, its profiteering, its crime. It has been hooked up with crooked politics. In fact, prohibition, crime, and crooked politics are triplets.

Mr. BARKLEY. Mr. President——

Mr. BLAINE. They develop from the same source, they are organized for the purpose of profit.

Mr. BARKLEY. Mr. President——

Mr. BLAINE. I can not yield, Mr. President, because my time is short. I am sorry.

Again, the Senator from Idaho referred to Italy, saying that the dictator had issued an edict that had closed several thousand saloons in Italy. I dare say that this morning the sun-kissed slopes of Italy still bear the grapes, and the wine presses of Italy are still turning out their deliciously flavored wines, notwithstanding the dictates of the dictator.

Everywhere, Mr. President, we will find exactly the same condition resulting from prohibition. Every civilized nation in the world, every nation outside of the western Asiatic nations, which has had prohibition in the last centuries, every one of them excepting America, has repudiated prohibition because it has not worked and can not work.

We can not successfully legislate against science; we can not successfully legislate against nature. Even the springtime that is about upon us will cover the fields with the beautiful, golden dandelions, as a protest of nature. The California grapes still grow, the Michigan grapes still grow, the wine presses are at work, fruit juices still ferment, and so long as those processes are possible so long are people going to produce that which stimulates. Legislate as you will, heap the penalties higher and higher, make them more severe—notwithstanding all of that you can never defeat the processes of nature.

Moreover, Mr. President, referring again to the conditions in the city of Chicago, where 135 men have been murdered, all connected with the liquor interests, does severity of punishment deter crime? No. Men commit murder even though they subject themselves to the electric chair. So the severity of the punishment does not make any more certain the enforcement of the prohibition law.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The Senator's time has expired.

Mr. REED of Pennsylvania. Mr. President, as this bill first stood, I expected to vote against it. With the Jones amendment adopted as a part of the bill, I expect to vote for it. While I do not think that my remarks will mark any new era in American thought, I want the RECORD to show my reason for that position.

I do not think the question involved is one of the wisdom or unwisdom of the prohibition law. The proposal is not to repeal it, and therefore the wisdom of its adoption does not seem to me to be the controlling factor in our decision now. Prohibition is here. It seems to me that it has passed beyond the realm of opinion. I regard my own opinion of its possible success or failure as entirely worthless now that we have launched on the experiment. The outcome of the experiment will be more convincing than the opinion of the wisest man. While the experiment is being carried on we owe to the Constitution, which we respect, and the laws we are sworn to enforce, to give it a fair trial.

I do not think that, generally speaking, we improve a law by merely piling on penalties. I doubt very much the wisdom of the process of increasing penalties to meet a condition of widespread violation of law. Certainty of punishment is a far more effective deterrent than is severity of punishment.

Back in 1765 a wiser man than most of us wrote the greatest book ever written on the law of the men of our race. Blackstone's Commentaries embody more wisdom, perhaps, than any other law book in the English language. Blackstone never heard about prohibition, and I want to read into the RECORD at this point his words on the wisdom of increasing the severity of punishments. Everyone must admit that his opinion was not discolored by prejudice against or in favor of the prohibition law.

I read from his fourth volume. He said:

Punishments of unreasonable severity, especially when indiscriminately inflicted, have less effect in preventing crimes, and amending the manners of a people, than such as are more merciful in general, yet properly intermixed with due distinctions of severity. It is the sentiment of an ingenious writer, who seems to have well studied the springs of human action, that crimes are more effectually prevented by the *certainty* than by the *severity* of punishment.

Then he quotes from Montesquieu at some length.

The laws of the Roman Kings and the Twelve Tables of the decemviri were full of cruel punishments; the Porcian law, which exempted all citizens from sentence of death, silently abrogated them all. In this period the Republic flourished; under the Emperors severe punishments were revived; and then the Empire fell.

He follows that with several pages of illustrations from the laws of France, of China, and of England, and finally tells of the manner in which murder was done away with as an accompaniment of robbery when the English law was changed to permit a milder sentence than death for robbery. After that men were often robbed but seldom murdered. Previously they murdered as well as robbed when both crimes were punishable by death. Then Blackstone concludes in this way:

Yet, though in this instance we may glory in the wisdom of the English law, we shall find it more difficult to justify the frequency of capital punishment to be found therein; inflicted (perhaps inattentively) by a multitude of successive independent statutes, upon crimes very different in their natures. It is a melancholy truth that among the variety of actions which men are daily liable to commit no less than a hundred and sixty have been declared by act of Parliament to be felonies without benefit of clergy; or, in other words, to be worthy of instant death. So dreadful a list, instead of diminishing, increases the number of offenders. The injured, through compassion, will often forbear to prosecute; juries, through compassion, will sometimes forget their oaths and either acquit the guilty or mitigate the nature of the offense; and judges, through compassion, will respite one-half of the convicts and recommend them to the royal mercy. Among so many chances of escaping the needy and hardened offender overlooks the multitude that suffer; he boldly engages in some desperate attempt to relieve his wants or supply his vices; and if unexpectedly the hand of justice overtakes him, he deems himself peculiarly unfortunate in falling at last a sacrifice to those laws which long impunity has taught him to condemn.

We who have to legislate on the prohibition law, which is so widely flaunted, ought to bear those words well in mind. The temptation to meet each increase in the number of violations with an increase in severity of punishment is a most natural human reaction, possibly, but as legislators attempting to be wise we ought to do our best rather to increase the certainty of the punishment than its severity.

We have heard a good deal about conditions in Chicago. I think I owe it to the Senate to say that about a year ago I thought it was high time that I quit taking the opinion of my social acquaintances on the success or failure of prohibition or basing my conclusions on the very limited experience that one individual can have, and I tried, through the heads of the larger companies which employ many men in Pennsylvania and through governmental authorities there, to get a sort of confidential questionnaire circulated to find out what really, in their judgment, was the effect of the prohibition law. They were almost unanimous in saying that conditions throughout the country districts of Pennsylvania are vastly improved since prohibition. They are not quite unanimous, but a vast majority concur in saying that in the larger cities, particularly where there are slums, conditions are rather markedly worse. If we have improved conditions for the entire country population, if we have confined the chief transgressions against the law to comparatively small urban areas, something has been accomplished in the 10 years that have elapsed since the experiment began.

I venture to say that prohibition, whatever we may think of it, has succeeded as an experiment as well in the past 10 years as did the fourteenth and fifteenth amendments succeed in the first 10 years after their adoption. I think I remember hearing it said that the condition of the negro was very markedly worse 10 years after slavery ceased than it was before the Civil War.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania on the amendment has expired.

Mr. REED of Pennsylvania. I will speak now on the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Briefly, if the Senator please.

Mr. BARKLEY. I would like to call attention to the fact that it was 60 years after Congress enacted a law prohibiting the importation of slaves into the United States before that law was absolutely enforced. For more than 60 years after that law was enacted men still smuggled slaves from Africa into the United States.

Mr. REED of Pennsylvania. Yes. Men of our race have always been smugglers of one commodity or another, and they have always been bootleggers, and they have always chafed at the restraint of laws that interfere with their personal preferences. Our people are not docile, and sometimes I thank heaven that they are not, as are the people of other races who have been trained under a more despotic rule. But everybody realizes the wrongs that there were before prohibition. Every man who ever saw the inside of a saloon knows that nowhere does human nature sink lower than inside of those swinging doors. If prohibition has not done anything else, it has got rid of most of the wide-open saloons.

I did not mean to talk about the merits or demerits of the prohibition law, but I started by saying that I would have voted against the bill because of the philosophy of penology that I have tried to outline. But now, if the Jones amendment is adopted, with its expression of the intent of Congress in distinguishing between the degree of these crimes that may arise under the Volstead law, I feel justified in voting for the bill, and I shall vote for it.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. REED of Pennsylvania. I yield.

Mr. EDGE. There has been some suggestion that the proposed Jones amendment, merely expressing the intent of Congress, would have no binding force on a judge passing sentence. I imagine that is a correct interpretation; but the Senator is an able lawyer, and I would like to have his view as to the actual result should a judge ignore the plain intent of Congress and impose a very heavy sentence on a casual offender for a slight violation as set forth in the amendment. If the case were appealed to any appellate court, would it not be as nearly certain as anything can be in law that the appellate court must consider the announced intent of Congress as proposed in the amendment?

Mr. REED of Pennsylvania. I think so, Mr. President; and it is conceivable that a maximum sentence imposed for the most trivial of conceivable offenses would constitute such an abuse of judicial discretion as to lead to a reversal.

Some of the Senators seem to be worried by the use of that phrase, that "it is the intent of Congress that" the court should do so and so. When we stop to reflect upon it every statute implies that phrase. The intent of Congress is the thing that is expressed legislatively in every statute, and that phrase, although it does not occur in all of them, might as well be put at the beginning of every law that we enact. The court in construing the law will seek to get the intent of Congress in every statute, whether that phrase is in it or not. When we say here that it is the intent of Congress that so and so shall be done, that is just as imperative and dogmatic a command as it would be were the words omitted or were any other form of words used.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. REED of Pennsylvania. I yield.

Mr. BINGHAM. Would the Senator favor an additional amendment to the amendment which he has just spoken in favor of which would provide that the penalty imposed for each such offense after the first offense should be as provided in the bill; in other words, to insert the words "after the first offense"?

Mr. REED of Pennsylvania. I think that is implied in the use of the word "casual." Certainly an isolated single first offense is casual in the utmost degree in which anything can be casual, and I think it is plainly directed by the use of the word that for an offense of relatively little gravity occurring for the first time the court should administer the minimum sentence. I should so read the statute. I would not object to any amendment which would make that more clear, but I do not think it is needed.

Mr. BINGHAM. Would it not be true that in the case, let us suppose, of a poor and rather ignorant person who, having come from a country where it is not considered wrong to make or consume wine——

Mr. REED of Pennsylvania. We all came from that kind of a country. All of us who are more than 10 years old were born in a "wet" country. So I do not think the immigrants deserve any special sympathy.

Mr. BINGHAM. Let us then include all of us.

Mr. REED of Pennsylvania. Mr. President, how much time have I left?

The PRESIDING OFFICER. Four minutes.

Mr. REED of Pennsylvania. Will not the Senator indulge me then because of the shortness of my time?

Mr. BINGHAM. Certainly.

Mr. REED of Pennsylvania. One thing more I want to say to the Senate, and it has influenced my decision on the bill. I have found, as we all have, that when people get in trouble for violating the Volstead law they come running to us who are Senators or to Members of the House, but principally to Senators, as if we were sort of a pardon board and could get them out of trouble. Like most of my colleagues, I have refused to intercede in any such case. I always shall. Anybody who comes to me for that service is wasting his effort, but I know I am not unique in that respect. One thing has struck me very vividly, and that is that those people do not in the least mind the imposition of a fine, they do not seem to lose caste in their own circles if they have to pay a fine, but they do dread a prison tremendously. The only bribe I was ever offered in the whole of my public life—it was not technically a bribe, but in effect it was a bribe—was when I was offered $20,000 if I could get a sentence of a year's imprisonment changed to a fine, no matter how big. This gentleman suggested that I be employed as his lawyer and not appear publicly, but I would get paid according to results. Of course all I did was to tell the judge about the offer and that gentleman served his sentence.

That incident illustrated the dread that these people have of a prison sentence and the contempt that they feel for a mere order to pay a money fine. Any fine permitted by the Volstead Act is so small in comparison with the profits of this business that it is a mere license fee, but to stay in the penitentiary or in jail can not be treated as a license fee by any means. It is the realization of that fact that leads me also to feel that perhaps it is wise in this case to increase the penalties as we are doing. But as a statement of future intention, I want to say now that I shall oppose in the future all efforts to meet crime of this or any other kind by constantly increasing the penalties. It is not consistent with a sound philosophy of penal legislation.

Mr. EDGE obtained the floor.

Mr. BRUCE. Mr. President, will the Senator yield to enable me to offer an amendment?

Mr. EDGE. I yield for that purpose.

Mr. BRUCE. I offer the following substitute for the amendment of the Senator from Washington. It is an amendment I have already offered and is now on the table, but I now desire to call it up.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. BRUCE. Will not the Senator let the amendment be stated?

Mr. EDGE. The amendment can be stated when I shall have concluded my remarks. My time is rather limited, as the Senator must appreciate.

Mr. BRUCE. Very well.

Mr. EDGE. Mr. President, my position and conviction on the general subject of prohibition has been very clearly defined on many occasions both in this Chamber and in the country.

My conviction has been that some provisions of the Volstead Act were not warranted by the terms of the eighteenth amendment, or, in other words, it has prohibited privileges that the eighteenth amendment permits. However, I have, as a Member of this body, never failed to vote for every appropriation that has been presented in the regular manner in order to assist enforcement, with one exception, the exception being the $24,000,000 proposal which, I may say, was not proposed in the usual manner.

With the assurance that has been given from a legal standpoint by the Senator from Pennsylvania [Mr. REED] as to the probable effect of the Jones amendment, I have determined likewise to vote for the pending bill, providing the amendment or one equally effective in protecting casual violators shall be adopted; in other words, I agree entirely with the Senator from Idaho [Mr. BORAH] in that part of his eloquent speech on yesterday wherein he stated that it is our duty in every possible manner, within reason, to try to assist enforcement. The present situation must be and is not only intolerable but unsatisfactory both to those who believe that the eighteenth amendment and the Volstead Act were wise legislative measures and to those who do not so believe.

I was glad to hear the Senator from Idaho yesterday indicate that he was not opposed to a revision of or amendment to either the eighteenth amendment or the Volstead Act providing it could be demonstrated to him, speaking personally, that such an amendment or revision would bring about a better condition than now prevails. Personally I am convinced that an amendment to or revision of both the eighteenth amendment and the Volstead Act are absolutely essential and necessary if we are ever, satisfactorily, to improve present conditions.

I do not agree that the situation in Canada is so bad as it might be represented by some analysis or interpretation of the official reports of that country. While it is no doubt true that the bootlegging industry thrives in Canada, it is perfectly obvious it is for the purpose of supplying the United States, because the people of Canada can legally secure in one form or another all the liquor they desire to secure. That situation prevails practically in every Province in the Dominion of Canada. Why, then, would Canadians or United States visitors patronize bootleggers, with inferior goods at higher prices, when I repeat they are legally permitted to purchase from Government stores?

I hold in my hand a synopsis of the official report of the Liquor Commission of the Province of Quebec, which, in my judgment, conclusively demonstrates that governmental control is a great improvement over present conditions prevailing in the United States. Further, it likewise clearly indicates that the demand for hard liquor in comparison with the demand for wines and beers is rapidly decreasing in that Province. I ask permission that a paragraph from the report may be printed in the RECORD at this point without reading.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

[From the Montreal Daily Star of Friday, February 1, 1929]

TOTAL REVENUE

The total revenue of the commission for 1927–28 exceeds that for 1926–27 by $831,688.

Touching on the comparative popularity of wines and spirits in the Province of Quebec, the report shows that the sale of wines increased from 716,000 gallons in 1924–25 to 1,433,000 gallons in 1927–28, or slightly over 100 per cent in four years, while during the same period, the sale of spirits increased from 718,000 to 910,000, or only slightly less than 27 per cent.

Attention is also drawn to a marked falling off in the consumption of alcohol and "whisky blanc," a favorite drink of the working class, which amounted to 11 per cent in the past four years.

Commenting on the sales of spirits, the report says:

"Another fact no less important is that the greatest increases in the sale of spirits have occurred in those varieties which are the more expensive, and which might properly be termed "de luxe" liquors, as, for instance, brandies and cognacs, liqueurs, Scotch whiskies, and rye whiskies, which show increases of 24 per cent, 95 per cent, 50 per cent, and 52 per cent, respectively; and these are the liquors which find favor with people of means and with our tourist trade.

"The conclusions would indicate that our local population is gradually interpreting the spirit of the law by showing a preference for wines as against spirits. This presumption is also supported by the fact that the increase in the sale of spirits is more or less proportionate to the normal increase of population, both resident and transient.

Mr. EDGE. Mr. President, I believe that sooner or later we shall adopt some form of governmental control or distribution as against the present system. I am convinced that the debate of yesterday and the day before, going out to the country, will strengthen the feeling of the necessity for such a revision of the present law. I look forward with great hope to the outcome of the proposed nation-wide or international inquiry not only on the subject of prohibition but also on the broader subject of all crimes. I have been convinced for years that we shall never accept a remedy for the present intolerable situation either from what might be termed, for the purpose of discrimination, the extreme "dry" or the extreme "wet." In other words, they are intolerant of each others viewpoint. A solution must be found, for no one will defend present conditions. I repeat, it is my hope that the result of the studies of a nonpartisan, nonbiased, high-standard commission of men and women appointed by the incoming President may furnish a solution. Whatever their report may be, whatever their recommendations may be, I am confident it will have an effect upon Congress and upon the country that could never be secured through any legislative investigation of any kind or character.

We have listened to two wonderful speeches during the last two days; one a terrific indictment of the present conditions, and, in my judgment, not overpainted; the other a defense of the law and the necessity to enforce the law. Then we are faced with the question: What are we going to do about it? After 10 years of more or less debate and consideration in this Chamber and in the other we have been unable to do anything about it. Those who conscientiously believe that the attempt to absolutely prohibit was a mistake and not in the interest of real temperance have not succeeded in any measure in having their suggestions for modification or revision adopted. On the

other hand, there has been very little legislation of a more drastic nature enacted by those who hold the other opinion. We have drifted along, with conditions, I repeat, becoming worse and worse.

I am quite convinced that Congress, irrespective of party division, will look with great hope and anticipation upon the result of the promised inquiry, whatever its recommendations may be. As I understand it, the inquiry will not be confined or limited in any particular, but presumably as a result of the proposed investigation, recommendations will be made, perhaps for modification, perhaps for more drastic legislation, perhaps for amendments, perhaps for repeal, and I am convinced that this country will react, and I trust that Congress will react, to whatever those recommendations may be.

Mr. FESS. Mr. President, I have assumed that at this stage the debate does not go to the merits of the prohibition question. I have assumed that that is an issue which has been settled by the country. The only question is how can enforcement of the prohibition law be made more effective.

The reform which we are discussing did not come about in a momentary manner. It came just as other reforms have come after years and years of agitation. The temperance movement began as early as the twenties of the last century, various organizations undertaking to promote the cause. It continued to grow until finally the agitation period was supplemented by a period of educational efforts along this line. For years the chief concern was to educate public sentiment to the evil of the liquor traffic. Any intelligent man who will study the progress of and growth of this movement will recognize that numerous associations were formed to make more effective the educational features of the reform movement.

Following that came effective organization. First, it was local. In my State it was limited at first to the township. Then it extended to a district in a city, giving such a district authority to drive the saloon out of any particular residential section. Later on the movement extended to the county and even comprehended in time to municipalities. Then the next normal step was the State. So it was not an overnight movement, but it extended over scores of years, and naturally when various States had written the prohibition law on their statute books the next step was national prohibition.

There may be some question raised as to whether the movement toward nation-wide prohibition proceeded faster than public opinion would indorse; and in that particular situation we have difficulty in enforcement. However, anyone who thinks that the eighteenth amendment is going to be repealed or even in any way amended has not taken the time to study American public opinion on that question.

The amendment is in the Constitution; it certainly will never come out of it; and it is just as certain that it will not be amended. Like every other moral reform, its strength will increase from year to year.

As to the Volstead Act, which simply provides the machinery to enforce the decree of the eighteenth amendment, there may be some modification; in fact, the particular measure now pending looks to its modification; but I repeat that there can be no question as to whether we are going to make an effort to repeal the eighteenth amendment. Nobody in authority has ever made any suggestion of that sort with reference to the commission of investigation that it is presumed will be appointed by the President elect after he shall have been inaugurated. Rather, I imagine, the efforts of the proposed commission will be devoted to the study of the effectual enforcement of the organic law, which is certainly going to remain as it is. Anyone who is taking the view that the commission of inquiry which is reported to be appointed will consider the wisdom of the repeal of the eighteenth amendment—I am not now referring to modification of the law—certainly has no foundation whatever for such an opinion.

Mr. President, I agree in part with those who are afraid that severity of penalties will not be conducive to effectual enforcement. That question was discussed at the very time the Volstead Act was passed. A Senator who sits on the other side of the aisle at the present time was then in the other body, as I was. When the Volstead bill came up there for consideration and discussion he offered an amendment to the bill having in mind the thought I have expressed. The question was how severe should the penalty be for the violation of the law. I think the Senator from Pennsylvania [Mr. REED], in pointing to the danger, which he reenforced by reference to Blackstone, was warranted in his conclusions as to conditions prevailing in that day, because then 160 offenses were punishable by death. Even the stealing of a loaf of bread by a poor starving man was punishable by death. Such extraordinary penalties, of course, would defeat effective enforcement. So it was not at all strange that when the Volstead Act was originally passed the question came up, Should there be a penitentiary offense provided for the violation of the law? Those who were concerned about effectual enforcement thought it would be better not to provide such a penalty, and it was not written into the law largely because the friends of the measure thought it unwise to do so.

But, Mr. President, after 10 years of effort to enforce the law a new danger has come up, and that is the danger of bootlegging, which is making profit out of the violations of the law and prospering over the miseries of the people. When you fine a bootlegger, you may fine him $10,000; his profits may be so exorbitant that he will willingly pay the $10,000 and go on with his violations.

I am firmly convinced that we have now reached the point where we must resort to the penitentiary offense to reach these offenders who are profiting in large measure by the violation of the law, although in past years I have opposed such a penalty; and I am so convinced that I do not hesitate for a moment in voting for a measure that will imprison the violator who is making profit out of the business. I think it was wise to offer the amendment that the author of the bill has presented to make some gradation here. I have felt the danger of the possible imposition of a severe penalty for some slight offense by a judge who might be narrow and quite prejudiced. Nobody wants to have that done, and for that reason I think this amendment is a wise one; but, so far as I can see, this is one of the advance steps in effective enforcement and ought to receive the support of every believer in the enforcement of law, because to my mind the greatest danger that could confront our country would be to get into the habit of disobeying law.

For that reason I shall, without hesitation, support the amendment offered by the Senator from Washington, and back with whatever influence I have the bill that is now before us.

Mr. HARRIS. Mr. President, from the time the barroom held sway until the enactment of the eighteenth amendment to the Constitution every effort to advance the cause of prohibition has met with the determined opposition of most of those who were opposed to its enactment originally. The speech of the able Senator from Missouri and others who believe as he does proves conclusively that the enemies of this law are still doing their utmost to discredit the good it has accomplished; also to prevent more stringent laws for its enforcement and increased appropriations to employ enough men for this purpose. Many newspapers that opposed the enactment of this law are still trying to mislead their readers with misinformation about the good accomplished by this legislation and seem afraid for it to have a fair trial. The enemies of this law oppose my amendment to appropriate money sufficient to really enforce it properly.

Mr. President, in my judgment, the eighteenth amendment will not be repealed within the lifetime of anyone now present in this Senate. In fact, I do not believe it will ever be repealed. This law has been enacted by the untiring efforts of millions of people who were interested in this great moral question. There are more people in this country who would leave their political party because of prohibition than any other public question and they are demanding its enforcement.

Prohibition should not be made a partisan question. It is a great moral issue and it should be supported by the members of both parties. It is unreasonable to expect this law, which has been enacted only a few years, to get perfect results without sufficient funds when it changed a law that had been in existence more than 100 years allowing the sale of liquor. The good that has been accomplished since this law went into effect with the very limited funds that have been available is small as compared with what could be done with a sufficient appropriation.

In my judgment, the only way it will be properly enforced is by reasonable appropriation for all the departments having control of the enforcement of the law. To show the good it has accomplished, I have talked with many conductors on trains in my State who inform me that before the prohibitin law was enacted many drunken men would ride on their trains while this seldom happens since the passage of this law. Without it I believe there would be 10 times as many automobile accidents and people would not be willing to trust themselves in cars on the public highway.

Mr. President, the debate in the Senate the past few days has awakened the people of this country to the fact that enemies of the law are still active and will do everything they can to make it unpopular with the hope of repealing it. Mr. JONES has done a fine thing for the country in urging this law, which, while not increasing the minimum penalties, does give longer terms in the penitentiary for the regular bootleggers. I predict that the next Congress elected will come here obligated to appropriate whatever sum is necessary to enforce this law.

Mr. HEFLIN. Mr. President, the amendment offered by the Senator from Washington [Mr. JONES] is right in line with my position on this subject as it was outlined in a speech that I delivered here a few days ago, in which I said that I did not think a person who had violated the law once, who had been drawn into a net, or who had been "framed" by somebody, should have to pay as much penalty as some hardened criminal.

The bootlegger who is deliberately in the business as a business and who defies the statutes and the courts is the fellow who ought to be made to pay a severe penalty when he is caught the second time. I should be willing to give him an opportunity to repent and mend his ways for the first offense. I think that is a good plan. But I would teach him a lesson when he was convicted the second time.

The amendment which the Senator from Washington has offered reads:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Why should we not do that? That is a good amendment. Why should we not lodge this discretion with the judge, and enable the judge to say, if he wants to, "This boy or this girl, drawn into this net, I think should not be punished as much as this one or that one; and therefore I am going to dismiss their cases." Let him do that outright if he wants to, or let him say, "I am going to impose a nominal fine on them," and then lecture them, and tell them to stay out of such company.

Mr. President, as the Senator from Maryland [Mr. BRUCE] was discussing the matter this morning, I turned to an item in the Washington Post about Pat Crowe, who kidnaped Jack Cudahy several years ago. The paper on yesterday reported that Pat Crowe had killed himself, and Pat turned up to-day and denied the statement. Let us see who this Pat Crowe is—this miserable wretch who went into an American home several years ago and stole a 4-year-old child—kidnaped him and held him for a $25,000 ransom, while the child's father and mother were frantic with grief. Think of this miserable thief stealing and carrying away the first-born of an American father and mother, and holding it for ransom, and finally returning the child and receiving $25,000 for his infamous crime!

Who is this Pat Crowe? He is on the side of the bootlegger. Here is what the paper says about him:

Crowe, 62, to-night picked up a newspaper and read the story which told how Pat Crowe's body lay unclaimed in the morgue at Buffalo, and faced burial in the potter's field.

Listen to what this man Pat Crowe has to say:

I am far from dead. I have been living on the Bowery for nine years. I just sold my overcoat for the price of a drink. I am agin' prohibition, and take good liquor whenever I can find it.

Pat Crowe is a fine example of the bootlegging business! He is the miserable wretch who drank and debauched in the evil days when he stole little Ed Cudahy and held him until he almost drove his father and mother mad! This old villain, hardened in sin and crime, sells his overcoat for a drink, and comes out against prohibition. His thirst for strong drink has possessed and mastered him. It has made him penniless and a pauper, and it drives him to-day like a slave into the blind tiger's den, and he sells the overcoat off his back for a drink.

Ah, Mr. President and Senators, instead of our standing here and giving warning to the young men of the country to touch not, to handle not, to taste not the vile stuff some are telling them that it is a personal right, a matter of personal liberty to debauch themselves, to ruin their own happiness and the happiness of their families, to make themselves drunk, and go home and kill their families in their drunken, crazed condition. We say to them, "You have a right to do these things, because you are enjoying personal liberty in this country."

We are told that when men drink whisky all their lives in this fashion they get to a point where, as they get older, they have to drink more and more to feel the effects of it. Take this miserable wretch Pat Crowe as an example. He has reached that time, tottering on toward the evening and the sunset of life, he goes into a blind tiger and takes the overcoat off his back and barters it for a drink.

Mr. President, I once served in the House with a man who has since gone to his reward. We were dear friends. He sat down one night with me in the Willard Hotel and he said, "Tom, I will not be here long. I wish I had my life to live over. There is but one thing that I know now that I would change." I said, "What is that?" He said, "I would not touch a drop of whisky. That stuff has caused me many pains and a lot of trouble, and it is not worth five cents. If I had my life to live over I would never touch a drop of whisky."

Yet we have speeches made here that invite boys in this gallery who hear them, and girls, too, to think it is right, nice, and romantic to go out and revel around in these devilish, debauching whisky parties, dragging fine young men and young women down to hell in a hurry. That class of people are not the ones who are going to control this country in the years to come, and such women, they are not going to be the mothers of men who are going to build American homes and control this Nation in the years to come.

Will the other class, the sober class, the law-abiding class, surrender to that class or will we tell them they will have to obey our law or get out? We are not going to surrender these moral strongholds of right and virtue to the dens of iniquity in this Nation.

Mr. BRUCE. Mr. President, I have offered a substitute for the amendment of the Senator from Washington [Mr. JONES], and I ask that it be brought up.

Mr. JONES. I ask that it may be read.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out the word "wherever," in line 3, and substitute therefor the words "so far as"; in line 6, after the word "exportation," to insert the words "for commercial purposes"; and to add at the end of the amendment:

and it is the intent of Congress that the court, in imposing sentence hereunder, shall properly discriminate between the graver and the less grave offenses hereunder.

Mr. JONES. Mr. President, with all due deference to the Senator from Maryland, I feel that that amendment is really subject to a point of order in that it is not a substitute. The first part of it is an amendment to the main text of section 1, and could be very properly considered in that way; but I do not think it should be held to be a substitute for the amendment which I propose.

Mr. BRUCE. It is absolutely germane. My point could not possibly be accomplished unless I took within my purview the text of the bill as well as the amendment proposed by the Senator from Washington.

The situation, Mr. President, is this:

The amendment offered by the Senator from Washington makes no real change—

Mr. President, I note the absence of a quorum. It is perfectly idle to be speaking in a vacuum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Gerry	Moses	Steck
Blaine	Gillett	Neely	Steiwer
Blease	Glass	Norbeck	Stephens
Borah	Glenn	Norris	Swanson
Bratton	Goff	Nye	Thomas, Idaho
Brookhart	Gould	Oddie	Thomas, Okla.
Broussard	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Harrison	Pittman	Vandenberg
Caraway	Hastings	Ransdell	Wagner
Copeland	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ind.	Warren
Dale	Johnson	Sackett	Waterman
Deneen	Jones	Schall	Watson
Dill	Kendrick	Sheppard	Wheeler
Edge	King	Shipstead	

The PRESIDING OFFICER (Mr. ASHURST in the chair). Eighty-seven Senators having answered to their names, there is a quorum present. The question is on the amendment proposed by the Senator from Washington [Mr. JONES], which the clerk will now read.

Mr. BRUCE. Mr. President, I think there is some misapprehension. The question before the Senate now, it seems to me, would be on the substitute offered by me for the amendment offered by the Senator from Washington.

Mr. JONES. Against which I raised the point of order that it was not really a substitute.

Mr. BRUCE. I suppose we can discuss that point of order.

The PRESIDING OFFICER. Let the Chair ask the clerk to read the amendment.

The CHIEF CLERK. The Senator from Washington [Mr. JONES] has moved to insert at the end of section 1 the following proviso:

Provided, That it is the intent of Congress that the court in imposing sentence hereunder, should discriminate between casual or

slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Maryland pardon the Chair while the Chair observes that the amendment of the Senator from Maryland is not directed to the amendment of the Senator from Washingon but is directed to the main text of the bill, and would be in order after the amendment offered by the Senator from Washington had been disposed of.

Mr. BRUCE. With great respect to the Chair, I think the Chair is mistaken. It is directed at the amendment offered by the Senator from Washington, and also at the text, because if the substitute had no reference to the text, it would make really no effective application to the amendment of the Senator from Washington.

The PRESIDING OFFICER. The Chair will ask the Secretary to read the amendment of the Senator from Maryland.

The CHIEF CLERK. The Senator from Maryland offers the following amendment:

Strike out the word "wherever," in line 3, and substitute therefor the words "so far as"; insert in line 6, after the word "exportation," the words "for commercial purposes"; and add after the word "purposes" the words "and it is the intent of Congress that the court in imposing sentence hereunder shall properly discriminate between the graver and the less grave offenses hereunder."

Mr. BRUCE. Mr. President——

Mr. JONES. I make the point of order that the amendment is not really a substitute for my amendment. It contains really two amendments to other parts of the bill. The latter part offered as a substitute might properly be a substitute, though I am not sure of that; but it is all offered, as I understand the Senator from Maryland, as a substitute. It is not properly a substitute.

Mr. BRUCE. But the amendment——

The PRESIDING OFFICER. The point of order is not debatable; but, of course, the Chair, with great respect for the Senator from Maryland, will hear him for a moment on the point of order.

Mr. BRUCE. I was going to observe that the amendment of the Senator from Washington is utterly ineffective unless it is connected up with the whole text of the bill. That is the point. It is impossible for me to offer a substitute for his amendment that does not apply to the text of the bill as well as to his amendment. In other words, Mr. President, as I see it, the amendment of the Senator from Washington works no substantial change of any kind in the text of the bill. It still leaves wholly obliterated all distinctions between first and second offenses under the proposed act, and that is the important thing to bear in mind. The amendment of the Senator from Washington leaves absolutely intact all distinctions between first and second offenses. Then, his amendment includes any and all offenses against the Volstead Act, whether of a commercial nature or not; that is to say, it includes the offense of a youth who is arrested with a hip flask in his pocket as well as the bootlegger with a capital of millions of dollars. The whole object of my substitute——

The PRESIDING OFFICER. Will the Senator suspend?

Mr. BRUCE. Certainly.

The PRESIDING OFFICER. The Chair is disposed to hear the Senator, but will ask the Senator to let the Chair submit the point of order to the Senate for the Senate's decision. The pending amendment has been offered by the Senator from Washington, and the Senator from Maryland has offered an amendment to that amendment. The Senator from Washington has raised a point of order against the amendment offered by the Senator from Maryland. The question is, Is the point of order well taken?

On a division, the point of order was sustained.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. KING. Perhaps it may be regarded as not relevant, but it occurs to me that an amendment by way of a substitute which attacks the amendment offered by the Senator from Washington would be entirely proper, and that the amendment offered by the Senator from Maryland as a substitute to the amendment offered by the Senator from Washington would be entirely proper. The parliamentary inquiry now is, Would not the amendment offered by the Senator from Maryland, which challenges only the amendment offered by the Senator from Washington, be in order?

The PRESIDING OFFICER. The present occupant of the chair, of course, thinks that any amendment which ran directly to the pending amendment would be in order.

Mr. KING. While I have the floor, if I may be pardoned——

Mr. JONES. Is the Senator speaking on the bill or the amendment?

The PRESIDING OFFICER. The Senator is raising a parliamentary inquiry.

Mr. BRUCE. Mr. President, addressing myself to the amendment of the Senator from Washington——

Mr. JONES. I make the point of order that the Senator from Maryland has already spoken on the amendment, and also on the bill.

Mr. BRUCE. Not on that amendment; I spoke on the first committee amendment.

Mr. JONES. I was under the impression that the Senator had spoken on the pending amendment.

The PRESIDING OFFICER. The Senator's time on the pending amendment has been exhausted.

Mr. BRUCE. Then I was under a misapprehension.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES].

Mr. REED of Missouri. Mr. President, let the amendment be reported again.

The PRESIDING OFFICER. It will be again read.

The CHIEF CLERK. The Senator from Washington moves to add, at the end of section 1, the following proviso:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. REED of Missouri. Mr. President, the Senate has been so considerate of me that I feel that I ought to be very considerate of it; but this is the strangest provision ever proposed to be written into a law, to my knowledge.

It amounts to passing a law and then passing a Senate resolution asking the court please to follow a certain course in enforcing the law. I do not know of any precedent anywhere for this form of legislation. I beg to suggest to the Senator in charge of the bill that the proper way to carry out the purpose which he has in mind is to change the language of the bill and make it read in substance that "whenever a penalty or penalties are prescribed in a criminal prosecution under the national prohibition act and it appears to the court, or that the defendant is found guilty of regular bootlegging or attempts to commercialize the business of the transportation or sale of liquor, in that case the court shall impose the following penalties." I have not undertaken to phrase that in exact legal terminology, but that would make the language a part of the substance of the act, and it would be mandatory upon a court, whereas the proposed amendment of the Senator, while its purpose may be humane, nevertheless is not a part of the statute. It is merely a recommendation.

I have read a good many laws in my lifetime and I never saw one with a clause like this. I suggest to the Senator that he reform his amendment by proposing a substitute for the bill containing the language which he now puts into the amendment, not as a recommendation but as a substantive part of the act itself. I say that in furtherance of proper legislation. I will say to the Senator that I shall probably vote against the bill anyway, but in its present form, it seems to me, though I dislike to say it, that it amounts to an absurdity in our legislative procedure.

Mr. BRUCE. Mr. President, may I interrupt the Senator a moment?

Mr. REED of Missouri. I yield.

Mr. BRUCE. I would like to call the attention of the Senator from Missouri to the fact that the amendment is not limited to commercial violations of the Volstead Act. It leaves the bill just as fully applicable as ever to the smaller as well as the graver offenses under the Volstead Act.

Mr. REED of Missouri. The bill could be reformed to embrace this thought, but I do not want to undertake to do it in this way without more careful consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

Mr BROOKHART. Mr. President, this discussion has been remarkable in many respects. It has elicited about the greatest eloquence heard in the Senate during my period of service here. It has elicited some of the most remarkable arguments that I have ever heard in the Senate. One which has especially attracted my attention was made by the Senator from Wisconsin [Mr. BLAINE], who said that prohibition had been repudiated by every country that had ever adopted it. I think that is the

substance of his statement. I regret that he is not present at the moment so I might be corrected if I am in error.

Mr. President, I had a little experience in the recent campaign in reference to the repudiation of prohibition. I was in the State of Wisconsin and went clear across it and practically all over it. Instead of repudiating prohibition Wisconsin indorsed it by her vote in the election by some 130,000 majority. I was in the State of Missouri during the campaign, and I was clear across that State. The great State of Missouri, which is the proud home of my own birth, did not repudiate prohibition, but indorsed it by some 140,000 majority. I was in the State of Maryland, and the great State of Maryland did not repudiate prohibition, but indorsed it by some 44,000 majority and more than that as to some candidates. Yet we hear the discussion and the assertion that prohibition is being repudiated where it was adopted.

And more remarkable perhaps than these election results were the other developments of the debate to-day. Here was the distinguished Senator from Pennsylvania [Mr. REED], who came in and surrendered to-day and admitted that he was opposed to the idea of prohibition in many ways, but is now going to vote for this bill to increase the penalties. Here is the distinguished Senator from New Jersey [Mr. EDGE], after an election result of some 300,000 on the dry side, who comes into the Senate debate and surrenders to-day, and is now going to vote for the bill. From this we can expect almost anything. The next thing I expect to hear is that Al Smith is on the water wagon. [Laughter.]

Mr. President, the evils of prohibition have been pointed out most eloquently by the great Senator from Missouri [Mr. REED]. Many of them have been admitted by the even greater speech of the Senator from Idaho [Mr. BORAH]. But neither of them has furnished us a bill of particulars as to the specific things that are causing these evils. They have dealt largely in glittering generalities. The Senator from Alabama [Mr. HEFLIN] brought in one illustration of Pat Crowe selling his overcoat in the last few days before his suicide for a drink of booze. Despicable as that may be and severely as we may condemn it, I want to say to you, Mr. President, and to the Senate that the evils of prohibition are not caused by the Pat Crowes of the country. I hold in my hand a copy of the morning Herald, on the front page of which, in big, bold, black type, are the words:

Drys charged with corrupting youth. Girls "guzzle" as drys rant, REED says in BORAH debate.

I want to know where those girls are who are doing the guzzling in this country? Those girls are not the farmer girls of the country. There is not one of them in 10,000 guilty of that charge. Those girls are not the laboring girls of the country. There is not one of those girls in 10,000 guilty of that charge. Those girls are not the Government clerks and employees. There is not one of those girls in 10,000 guilty of that charge. But if that charge be true, it is the girls who belong to the high society of the city life who are guilty, if anybody is guilty.

I want to point out now who I think are primarily responsible for the failure to enforce this law. It is the people who occupy the big places, the high places. We have in the United States a class of people of that character who hold themselves to be above all law. The Senator from Idaho [Mr. BORAH] has most eloquently pointed out that other laws are violated. We have that aristocratic class which regards itself as the financial autocracy in our country and it has no respect for law. We had a Daugherty in the office of Attorney General of the United States, we had a Fall as Secretary of the Interior, and the Dohenys and the Sinclairs go unpunished under our laws because this upper crust of American society refuses to abide by and to obey the law.

I want to say that nearly all of the big hotels of the country are violating the law right now and they are going unpunished. Gen. Smedley Butler would have cleaned up Philadelphia until it would have been as dry as any little town in my own State of Iowa if he had had the support of the high society of the city of Philadelphia. But when he came to lock up the hotels and the aristocratic clubs his support oozed away and his crusade was partly a failure. The same situation is true in all the cities of the country.

Mr. President, right here in the city of Washington the trouble is the violation of this law by the high society of this city. I do not know much about it because I do not get very much into that society. But I know a little about it. I know how a Wall Street gang can invite a crowd of United States Senators to a dinner and can set out a hip flask of whisky for everyone who wants to take it, and all that sort of thing, in violation of the law of the United States, and yet this is the same crowd of people that calls upon the Congress and upon the country to protect the greatest wealth in the history of the world with law. This is the same crowd that denounces everyone as Bolshevik who stands for economic equality with labor and the common people.

The PRESIDING OFFICER. The time of the Senator from Iowa on the amendment has expired. He has 10 minutes on the bill.

Mr. BROOKHART. Mr. President, that is the class that is dangerous to the Constitution of the United States. The Pat Crowes, the little criminals, the little drunkards, will never overthrow the Government of the United States; it is in no danger from that class of criminals; but the other class, with its great and far-reaching economic power, spreading out into every industry and into every enterprise in our country, with its disregard for law, is dangerous to the Republic itself.

Mr. President, I say to you if the Secretary of the Treasury had proceeded against high social violations, he could have enforced the prohibition law much better than he ever has done during the present administration; but he has winked at this element of high society; no attempt has been made to bring these financial autocrats to account for their violations of the prohibition law. Anything that has happened to any of them has been purely incidental and usually smoothed up and whitewashed over. It is the Pat Crowes and the little criminals who have been punished instead.

Mr. TYDINGS. Mr. President, will the Senator from Iowa yield just a moment for an inquiry?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Maryland?

Mr. BROOKHART. I yield.

Mr. TYDINGS. I should like to ask if any Senator can inform us when we shall begin voting? A vote has seemed imminent four or five times, and if a vote is going to be deferred for some time, I think there are many Senators who would like to know it.

Mr. BROOKHART. The only thing I can say is that we shall probably vote when the debate ends. I have no inside information on that question.

Mr. TYDINGS. I was wondering if there were any other Senators who desired to speak when the Senator from Iowa shall have concluded?

Mr. BROOKHART. I can not answer that question.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. BROOKHART. Mr. President, I think it is time to stir up a real row on this prohibition question. That is the reason I am speaking during these few minutes upon it. I was proud to listen to the eloquent arguments in favor of prohibition, but I want some arguments made in favor of enforcing the prohibition law against the most guilty criminal class that is violating it. It is not the common people who are paying the high prices for bootleg whisky; it is not the ordinary person who indulges in the violation of the law; it is the persons who take an extraordinary toll profit from those same common people, and then will be exempt from the prosecution which they so justly deserve.

I have some hope of the new administration. I have some hope that a real effort will be made when the new President assumes his office. I think the greatest point of inefficiency in the enforcement of the prohibition law has been the failure even to try to set up a machine big enough and adequate to enforce the law of the whole country. Instead of that our appropriations have been held down. The enforcement has been but part way done. There has been only a partial success for prohibition. In spite of that, Mr. President, in spite of all these defects and all these troubles, in spite of the widespread violation by the aristocratic class of our country, it is still being enforced among the great body of our people. They are gladly submitting to that enforcement, but they do not mean to stop with their own submission. They mean that this law shall be enforced as to all; they mean that in the end the rich and the powerful shall abide by the law in the same degree that the lowly and the ordinary person must submit. When that day comes—and it is not far distant—prohibition will remain the greatest victory of this age. It is the greatest victory for civilization that came out of the World War. I think we will all admit that the World War hastened nation-wide prohibition in the United States. But for the war and for the necessity for efficiency, which must go hand in hand with the prosecution of war, the eighteenth amendment would not have been adopted so soon. That amendment and the Volstead Act constituted the great American victory growing out of the war.

Some people talk about the modification of the Volstead Act. I am ready to modify it any minute; I will vote to modify it when this bill is voted upon; but any modification I shall vote for will be to strengthen it, to increase its power, to increase its effectiveness; and especially will I vote for any amendment

or any modification that will enforce this law against the super-American aristocracy.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. JONES].

Mr. BINGHAM. Mr. President, I had hoped when I heard of the amendment offered by the Senator from Washington [Mr. JONES] that it actually modified the bill and would make some provision so that a first offender might not receive the full penalty proposed by the bill, which, as I pointed out the other day, is a greater penalty than is now provided for those who break the white slave act or the law relating to slavery or kidnaping or the importing of kidnaped persons. As I said then, it seems to me we are in danger of losing our sense of proportion when we provide a more severe penalty for a man who sells a dozen bottles of wine to his neighbor, as he and his ancestors may have done for countless generations without anyone of his race or nation thinking it to be wrong in the slightest degree, than we have provided for such universally recognized crimes, morally as well as legally, as are embraced in the terms white slavery, kidnaping, and the slave trade.

Mr. President, I am informed by those who favor the bill and who favor the amendment that the proviso offered by the Senator from Washington does not modify the law and does not legally modify the amendment to it. I should like to ask the Senator from Washington whether I am correct in that understanding.

Mr. JONES. I do not know exactly what the Senator means when he says that it does not even modify the amendment.

Mr. BINGHAM. I understood the Senator to say in private conversation that his amendment was not in the nature of a legal modification of the provisions of the measure which is now pending.

Mr. JONES. No; it has not the force of a real legislative provision; but the Senator from Pennsylvania [Mr. REED] stated the reasons for the proviso very clearly and very definitely and also pointed out its importance in the courts and what the effect would be if a judge should disregard it. In a strict legal sense it has not the force of law, but, in my judgment, it will accomplish exactly what we desire it to accomplish.

Mr. BINGHAM. Mr. President, in view of the fact that the Senator who has offered the proviso states that in a technical, legal sense it will not have the force of law, I do not see how personally I can vote for the bill even if the proviso shall be attached to it. May I give one instance of what I have in mind that might happen under the bill? There might be two offenders, one a wealthy bootlegger engaged in the business of defying the Constitution and laws of the United States. There might be, on the other hand, a more or less recently arrived foreigner engaged in doing something which his ancestors have done for generations, making wine and selling it to his neighbors in small quantities, an act which he does not believe is wrong and with the penalty for doing which he is not familiar. The two come before the same judge. The judge chances to be one of those who believe that the prohibition law is more sacred than any other law on the statute book and one of those who happens to believe that the selling of wine is a greater offense against the United States than the slave trade or kidnaping, and consequently the judge, using the complete legal power of his office, gives the full penalty to both offenders—five years in jail and a fine of $10,000. The poor man must take his medicine, for he has no money with which to appeal the case. The rich bootlegger may appeal the case, and if he is able to prove to the court of appeals that his offense is merely a casual violation, that the offense for which he was caught and tried was the transportation of wine in a truck from one warehouse to some one's house and that that was a casual act, he may secure his freedom, whereas the poor man, who is not able to afford the bringing of an appeal to the higher court, must suffer the full penalty of the law.

Mr. President, I had hoped that this amendment might provide for a lenience to first offenders, but since it does not so provide and since, as I have pointed out, it still makes it perfectly legal for a judge who is partially disposed in this matter to inflict the full sentence of the law upon an humble first offender, I shall have to vote against the bill even if it contains this amendment.

Mr. WHEELER. Mr. President, I know that I can not add anything to what has already been said with reference to this measure, but I do want to explain my position on the matter.

I think the bill is objectionable for two reasons. First, I can not conceive why those who have charge of prohibition enforcement in this country should feel that by making the penalty five years they are in any wise aiding the cause of prohibition. In my humble judgment—and I have had considerable experience in prosecuting cases—if we make this penalty five years we are going to get less convictions under the law than if we leave it as it is to-day.

The trouble with prohibition is not that the penalties are not sufficiently severe. The trouble to-day is that there is not, in most of the communities in this country, any attempt to enforce the law. Let me say that in my experience in prosecuting cases I found that where a severe penalty is provided for, and it is left up to the court to impose that penalty, as it is in all cases in the Federal courts, the jury very frequently say, "We are not going to find this man guilty and leave it up to the judge to send him away for five years." Consequently, regardless of whether or not the jury should do that, the fact is that they do it in innumerable cases.

Where there is a State statute, in many of the States, or at least in Montana, it is left up to the jury to fix the penalty. In the Federal courts that is not so; and while in the Federal courts the jury are not supposed to know anything about what the penalty is and are not supposed to take that into consideration, yet any lawyer who has ever prosecuted any cases knows that almost always the jury do take into consideration, as one of the elements in determining whether or not they are going to find the defendant guilty, the question as to whether there is a severe penalty or a light penalty.

In view of what has taken place in the city of Chicago recently, and in view of what is going on in other parts of the country with reference to bootleggers and with reference to corruption and with reference to the debauchery of our public officers, I appreciate that one hesitates to stand upon this floor and say anything against a bill of this sort, as his statements are bound to be misconstrued. It does seem to me, however, that the Senate of the United States ought not to pass a law saying that when a man comes up for selling a glass of beer or for selling a glass of wine we are going to authorize some court to say that that man can be sent to the penitentiary for five years, whereas if Secretary Fall had been convicted he could have been sentenced to only two years.

Much as I should like to see this law enforced, and much as I should like to help the enforcement officers enforce it, I am unable to bring myself to believe either that we are helping it by raising the penalty to five years or that we are doing a right or a just thing by giving into somebody's hands the power to put some man away for five years.

I know a good many of the prohibition officers, and I know what everybody else knows—that until quite recently, at least, the prohibition department was reeking with graft and corruption. The Senator who occupies the chair at the present time [Mr. ASHURST in the chair], who took part in the investigation that went on for some time into the Department of Justice, knows that we had evidence before that committee showing shocking conditions of how men got tremendously rich by engaging in the bootlegging business. We had before us the evidence of how George Remus started out as a police-court lawyer in the city of Chicago, and how he gradually took over one distillery and then another, until finally he became the owner of 17 different distilleries in the United States of America, and became a multimillionaire. We also had before us in that case the evidence of how he had bribed officials in various States of the Union.

Of course, Mr. President, if this law were directed at men of that type, I should say that we not only ought to give them five years but, if possible, we should give them 10 years in the penitentiary; but men of that type can be reached at the present time. They can be reached under the bribery statutes. They can be reached under many other laws that are upon the statute books at the present time, if we want to get at them. But I am unwilling to vote for a law that is going to say to some court, "You can send this man away for five years because he has given or sold his neighbor a glass of beer or a glass of wine," unless it is amended in such a way as that the evidence must show conclusively that the man is engaged in that business for profit.

Mr. GLENN. Mr. President, I have listened with interest to this debate, and especially to the two leading speeches, made by the Senator from Idaho [Mr. BORAH] and the Senator from Missouri [Mr. REED].

I was somewhat disappointed that the particular measure before the Senate was not gone into more specifically and at greater length by those distinguished Senators.

I regard for the moment, at least, the virtues or the defects of the Volstead Act and the eighteenth amendment as not specifically and particularly involved in the particular matter now before the Senate.

There are in the Senate earnest and sincere men who desire to see this act enforced who are not in sympathy with the idea

that this body should enact any legislation which might possibly result in the severe punishment of five years' imprisonment and a $10,000 fine for a comparatively trivial offense.

It was stated by the proponent of this legislation that he desired to reach not the casual offender, not the occasional offender, not the young man who obtains a pint or half pint of home-made wine and carries it across the street to his neighbor's house, but that he desired to reach a great evil, namely, commercialized traffic in liquor.

Is the Senate so utterly devoid of legal capacity and of ability to use legal terms and the English language that it can not frame an amendment or a bill stating in better fashion and reaching more effectively the evil complained of and sought to be remedied than does this amendment?

I have a regard and a love for the legal profession and the practice of the law and the accomplishments of that great profession. I say that we are poor, indeed, here this afternoon if we send forth from this body, to reach this great evil, this amendment.

What is the last amendment?

The amendment to the amendment says:

> That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempt to commercialize violations of the law.

What the Senator from Washington desires to reach is the great organizations and directors of commercial traffic in liquor; and he says himself, as does the report of the committee, that the penalty against the casual and the slight violation is already severe enough. Can we not write into the body of this law a distinction in fact and in effect and in penalty between the boy 16 or 17 years of age who walks across the street with a bottle of wine in his pocket, without any desire to profit financially, and the great organized rings of bootleggers who go about this land with murder in their hearts? Can we not distinguish between those two violations in language clear and distinct, and in penalties? I think we can.

What is it that we ask in this last amendment? We say to the Federal courts of the United States, "We ask you in this particular case to take into consideration the facts in arriving at and fixing the penalty."

Are we to assume, then, that the Federal judges of the United States, appointed for life, have not enough intelligence, have not enough discretion, have not enough humanity in their character and in their hearts to discriminate between the casual violator and the great commercialized ringster, unless we ask it here? And if we adopt this precedent and say to the Federal courts in the case of this particular crime and under this particular act, "We pray of you to look into the facts before you fix the penalty," should we not then go back into every one of all the criminal laws of the United States and write a similar provision into each one, and say to the Federal judge, as here, "We beseek you that before you fix the penalty you look into the facts, and that you not punish the first slight violator as extremely as you do the corrupt and the continuous and the great violator." Why not say the same thing as to the violations of the banking act, and of all other acts on the statute books of the United States, if it is necessary and proper to say it in this act? Why not define the crimes covered by those other laws, and distinguish between them?

The Senator from Washington says he does not want to reach, and that it is not necessary to increase the penalty for, the casual violator, that he desires to reach those only who are in the business for commercial purposes. Why not make it a substantive part of the offense and say so in the act, and not do a thing that has never been done, so far as I know, in any State of this Union, or in the Congress of the United States, in any criminal statute that has ever been enacted at any place to punish any offense?

The report of the committee reads as follows:

> These penalties are adequate where the commercial element is not present, but they are absolutely inadequate when applied to professional bootleggers and other large-scale operators. This fact makes advisable an amendment to the prohibition act. Such amendment should not operate harshly upon the casual violator.

This will operate harshly upon him if he is sent to the penitentiary and imprisoned for five years, or fined $10,000. But this report upon which the Senator from Washington relies recommends that this provision which we are asked to enact should not apply harshly to the casual violator. It goes on to say:

> Its object is to reach the professional commercial operators who profit financially by their criminal definance of the law.

Yet in the proposed amendment there is inserted no requirement that before the maximum penalty is applied the commercial element must be present, or that it must be a second or a subsequent offense.

Let us take a few moments to consider this. There are able lawyers in this body, some of whom have devoted 10, 12, 14, or 15 years of careful thought to this subject—men rich in brain and mind and education. Let them hesitate here for a few moments and think of the casual violator, in order that they may write into this law the protection which the committee itself recommends and which the Senator from Washington himself says he is a believer in.

The VICE PRESIDENT. The Senator's time on the amendment has expired. He has 10 minutes on the bill.

Mr. GLENN. Suppose this bill should be enacted into law, and suppose there were an attempt to apply it. It is said that we can rely always upon the discretion of a Federal judge and a Federal court. We all know that we have occasionally on the Federal bench men who are not of the highest character in judgment and in education. Let us think of the young men and the young women in America for a moment, casual violators, who may be sent to prison for five years and fined $10,000. Let us throw a protection and a safeguard around those people. We can do it. If not, we confess ourselves bankrupt in intellect, in legal knowledge, and in legal training.

I suggested an amendment, not upon the floor, but privately, that we insert after the word "offense" in line 9 on page 1—but let me read the bill as it is. It provides as follows:

> That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

I propose in line 9, after the word "offense," that there be inserted the words "when such offense is committed for financial gain, or constitutes other than a first offense."

In other words, it would change this amendment so that those who do not commit an offense for financial gain——

Mr. BORAH. Mr. President, would not the Senator be willing to strike out the first part, "for financial gain"? Does not the Senator think that would be a very difficult thing to prove, and would he not be willing to insert simply the language with reference to the first offense? Nine times out of ten it would be almost impossible for the Government to prove that a transaction was for the purpose of financial gain.

Mr. GLENN. I do not think it would be very difficult; it might occasionally be difficult, but, for instance, the agents who were mentioned the other day go into a bootlegging place, a soft-drink parlor, find someone selling liquor over the bar, and money changing hands—that is the usual operation; that would suffice to prove financial gain.

Mr. BORAH. In that particular case it would. The Senator is an able and experienced lawyer, and while I admit it would suffice in some simple case, it would be very difficult in a great many. I myself would like to see the first-offense provision cut out.

Mr. GLENN. I think it ought to be.

Mr. BORAH. I am aware that in cutting it out the bill would be weakened to some extent, because there are first offenders who are just as flagrant offenders as are any others. On the other hand, there are many instances in which injustice might be done to a first offender. It strikes me that when we have eliminated the first offender, we have then made the bill sufficiently safe, in view of the fact that the discretion of the Federal judges so far in the history of the United States has been exercised always upon the side of the minimum punishment.

Mr. GLENN. I think I realize the strength in the position of the Senator from Idaho, and I believe he realizes some strength in the position which I take, and if the Senator would join with me in advocating my suggestion, as modified by his suggestion, I would be willing to accede.

Mr. REED of Missouri. Mr. President, if the Senator will pardon an interruption; I am not entitled to the floor, but I am interrupting in the Senator's time——

Mr. GLENN. I yield to the Senator from Missouri.

Mr. REED of Missouri. I suggest allowing the measure to stand as it now is, and then to add a separate section applicable to this particular class of cases, so that a man could be indicted and tried for the particular offense we have in mind. Very roughly I have prepared this:

> That whoever shall engage in the business of illegally manufacturing, transporting, or selling liquor for profit shall be fined not to exceed $10,000 or imprisoned not to exceed five years.

That brings it to the question of the offense. They engaged in the business, and they engage in it for profit. That is the class of people we are told there is a desire to penalize.

There is this to be said, even as to that provision, that some boy may be working in a soda fountain somewhere and may sell a bottle of 1 per cent beer, and he might be in the business for profit. So hardship is liable to come.

I agree with the Senator from Illinois—I think I had said practically the same thing—that to write a law that has a general provision that catches everybody, and then ask the court not to apply that law to certain people, is, in effect, to endeavor to distinguish between two offenses in the same indictment and to fix a different penalty under a different state of facts, although the indictment in each instance is the same.

I will add this, with the Senator's permission, that I believe that if a law of that kind were enacted in the form now proposed, it could be defeated on appeal on the ground that one indicted under it was not indicted for the actual offense for which he was punished; that is to say, the court had imposed an additional penalty in his case over the one that he would have imposed if it had not been for the fact of this qualified recommendation of Congress. I am not saying that is a sound position, but it occurs to me at the time as a very dangerous situation.

Mr. CARAWAY. Mr. President, I think the indictment would have to allege that the alleged violator was engaged in the business for profit, because everything you want to prove must be alleged; and, having alleged it, if you do not prove it, you fail. It is an invitation to a judge who does not want to enforce the law not to do it.

Mr. GLENN. It is correct, of course, that the Government would have to allege that, but that is done frequently in Federal prosecutions.

There is a substantial element in this body that is very anxious to see these real criminals, arch conspirators, and constant violators punished. Five years is not too much of a sentence, and they are anxious to vote for that. At the same time they feel sincerely and honestly that the measure is a very dangerous one in the form in which it now is. I hope that some of those who have been active in framing this amendment will consider this matter in order that the evil which is sought to be reached can be reached and punished without undue danger to those whom we ought in a measure to protect.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. BARKLEY. If it becomes necessary under this or any amendment to charge that a man is engaged in the business of selling liquor for profit, in order to obtain a conviction, would it not be necessary to prove not only that he was engaged in the business for profit but that he obtained profit?

Mr. GLENN. No; I do not think so.

Mr. BARKLEY. That is a very difficult thing to prove.

Mr. GLENN. You prove he received the money, when there is an offer to sell liquor for money. That is a very simple thing to prove. Now, when a sale is charged, you have to prove the sale.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. BARKLEY obtained the floor.

Mr. WHEELER. Mr. President, if the Senator will yield to me a moment, I want to say this: That if you indicted a man, for instance, and charged in the indictment that he was in the business of selling liquor for profit, you would not actually have to prove by direct, positive evidence that he got a profit out of it, but you could prove it, of course, by circumstantial evidence. The fact that the man, for instance, had a place of business, had a large supply of liquor on hand, and that people frequented the place would of itself be evidence upon which a jury could base a conviction on a charge that he was engaged in the business for profit.

Mr. BARKLEY. Mr. President, I am somewhat in doubt about the necessity or the desirability of the amendment in any form, for the very reason suggested by the Senator from Illinois [Mr. GLENN]. It may be an invitation to lenient Federal judges to deal too leniently with criminals in cases where they might not otherwise feel justified in doing it. They might use this provision as a justification for light sentences in communities where they thought such an excuse was necessary.

The whole question involves the matter of the best way in which the eighteenth amendment and the law enacted for its enforcement can be observed and enforced. There have been many reasons assigned by those who have opposed not only this bill but the whole policy involved in it, for the violation of the law. It has been asserted by vehement gentlemen that it can not be enforced, that it never has been and never will be enforced. I am inclined to believe that many criminals throughout the country have been encouraged to violate it in order to fulfill the prophecies of men who have from the very beginning announced that it could not be enforced.

There are many reasons probably for the existence of the conditions which have been described during the debate on the pending question. As the Senator from Ohio [Mr. FESS] said earlier in the day, the eighteenth amendment was placed in the Constitution as a result of nearly 50 years of agitation and education among the people on the subject of the evils of intemperance. It was placed in the Constitution in the only way that any amendment can be placed there, by receiving two-thirds of the votes of each House of Congress and the ratification of three-fourths of the States. It so happens that this particular amendment was ratified by a larger proportion of the States than I think ever ratified any amendment of the Constitution subsequent to the first 10.

One of the difficulties in which we found ourselves in the country was due to the fact that when the amendment had been proposed by Congress and had been ratified by the States and had been proclaimed by the Secretary of State as a part of our Constitution, many enthusiastic and sincere advocates of the amendment concluded that the fight was over for all time. They had the amendment and they celebrated throughout the country the death of John Barleycorn and baked their feet at a warm fire, retired to bed, and thanked the Almighty that it was all over. They were aroused very soon to discover that it was not all over because immediately many of those who had opposed the amendment from the beginning inaugurated an organized effort to prove that it could not be enforced. Dozens of organizations all over the country sprang up under various names, all of them more or less well financed and ably organized with instruments of publicity and propaganda, and started out to prove, before the law had a chance, that it could not be enforced.

In order to prove that it could not be enforced they proceeded forthwith to violate it and then use their own violations as evidence of the nonenforceability of the statute or the Constitution. Of course, such evidence is not entitled to credit anywhere; it is not entitled to credit here and it is not entitled to credit in the public opinion of the United States. It is not entitled to credit in any court. It is entitled to no credit where men look with judgment and discretion upon reason and propaganda advanced for or against any constitutional provision or amendment.

It has been complained over the country that the eighteenth amendment can not and ought not to be enforced because it was never submitted to a vote of the people and that the people have never passed upon it as a part of their Constitution. The same reasoning would apply to every other amendment of our Constitution. It would apply to the income tax amendment. It would apply to the nineteenth amendment granting women the right to vote throughout the country. It would apply with equal force to the amendment providing for the direct election of United States Senators. Yet I imagine that if any man should appear here with a commission in his hands from a legislature of any State as evidencing his right to a seat in this body, he would not even be permitted to enter during recess, to say nothing of entering during a session of the Senate.

It is begging the question, however sincere any man may be as to the unwisdom of the policy in the beginning. I am not one of those, for I not only voted in the House of Representatives for the submission of the amendment, but I voted for the Volstead Act which was designed for its enforcement, and I have not yet reached the time when I regret either of those votes or that I would change either of them if the proposition were put up to me as a new one now to be passed upon. So that we have the amendment in the Constitution as much a part of it as if it had been included at the Philadelphia convention presided over by George Washington, when the Constitution was written in the first instance and submitted to the thirteen Colonies.

Various proposals have been suggested as to a form of evasion or modification. There are those who are advocating throughout the country the amendment of the Volstead Act so as to provide for the sale of what is called light wine and beer. Let us see what the legal effect of that would be. The Constitution, in the eighteenth amendment, prohibits the manufacture, sale, or transportation of any intoxicating liquor as a beverage. There may be differences of opinion as to what is intoxicating liquor. For four years in my home State I was prosecuting attorney in a county where the licensed saloon existed, and yet there were then bootleggers by the hundreds and it was my duty to prosecute them. It was always a difficult thing to prove that any given liquor was actually intoxicating. It had to be submitted to the scientific analysis of chemists to determine the actual alcoholic content, and then

we had to determine by that content whether in all probability it was capable of intoxicating.

I think every man will admit, whether he is for the policy or against it, that Congress has no power to enact any law that will legalize or attempt to legalize the sale of any liquor that would be actually intoxicating.

The VICE PRESIDENT. The time of the Senator from Kentucky on the bill has expired. He has 10 minutes on the amendment.

Mr. BARKLEY. We know as a matter of common knowledge that wine, in order to be preserved as a beverage and to be fit for use or consumption, must contain in the neighborhood of 10 or 12 per cent of alcohol. We also know as a matter of common knowledge and observation, if not experience, that any beverage which contains as much as 10 or 12 per cent alcohol is intoxicating. Therefore a desirable wine for beverage purposes must contain at least 10 to 12 per cent of alcohol, and if it be true that any such beverage is intoxicating, then the Congress of the United States has no legal power to modify the Volstead Act or to enact any independent statute that would attempt to legalize the sale of a liquor which is actually intoxicating in fact, as wine is and must be.

Let me now consider the question of beer. There has been a good deal of agitation in the country for a beer that would contain 2.75 or 3 per cent alcohol, and there may be room for honest difference of opinion as to how much alcohol is necessary in beer in order to make it intoxicating. But we know that those who desire the beverage will not be satisfied with any kind of an amendment that does not provide for a beverage that will, to use a common expression, have a kick in it. Even the Supreme Court of the United States has declared beer as a matter of law to be intoxicating in affirming a decision of the Supreme Court of Wisconsin, which held that beer as a matter of law is intoxicating. I have no doubt that if there is a court in the United States in any State which has expert knowledge in that respect, it ought to be one in the State of Wisconsin. So I think we might take it as a matter of fact as well as a matter of law that wine and beer are both intoxicating and their manufacture or sale are in violation of the Constitution.

Mr. BLAINE. Mr. President——

Mr. BARKLEY. I meant no reflection upon any of the courts of Wisconsin.

Mr. BLAINE. Mr. President, I rise to a question of privilege. I want to inform the Senator from Kentucky that Wisconsin has always been a temperate State, that it has less violations of law than any other State in the Union, that in the enforcement of prohibition Wisconsin is second to none, and that if it were not for the illicit hard liquor from some of the prohibition States we would be less troubled with the enforcement of the prohibition law.

Mr. BARKLEY. The Senator from Wisconsin I fear is oversensitive. I did not mean by my remarks to suggest that the court, or its personnel in Wisconsin, by reason of its habits, was more qualified to pass upon the subject, but the State of Wisconsin, or at least one great city in that great State, had become widely known for the character as well as the quantity of its beer, and it ought to have expert knowledge as to what is actually beer in that State and other States.

Mr. BLAINE. If the Senator will permit an interruption——

Mr. BARKLEY. I do not want this taken out of my time because I have one or two other sentiments I want to utter.

Mr. BLAINE. If the Senator will permit me, I want to suggest that if we had to-day that which made Milwaukee famous we would not have the vices and crimes which we now have under prohibition.

Mr. BARKLEY. So long as the State of Wisconsin and the city of Milwaukee have the distinguished Senator here in this body there is no need why it should not be famous.

Mr. President, if we are prepared to admit that wine and beer are actually intoxicating not only in fact but in law, no matter how much agitation there may be or how much pressure may be brought to bear, there is no way by which Congress can amend the Volstead Act so as to legalize their sale. The only other alternative suggested by the law's opponents is to bring about what has been described as the Canadian system by having the United States itself engaged in the manufacture and sale and distribution of intoxicating liquor. If the eighteenth amendment to the Constitution forbids any citizen in the United States from engaging in the manufacture or sale of intoxicating liquor how can the Government itself engage in that thing which it forbids all its citizens to engage in? As a lawyer I do not believe there can be any amendment adopted to the Volstead law that could legally authorize the United States as a Government to do what it denies all its citizens the right, to wit, to manufacture and sell and distribute liquor. But if it could do it, I would be opposed to it because if we have discovered in Philadelphia and in Chicago and here in Washington and elsewhere throughout the United States, as has been charged in this debate, from time to time, and is no doubt true to a large extent, that the police department and the enforcement officers are subject to corruption and bribery by reason of the pressure brought to bear upon them to permit violations of the law, how much more of a saternalia of corruption and bribery would we see in every part of the United States if the Government is going to be the manufacturer and distributor and seller of intoxicating liquor at every crossroads in the country and in every block in every city in the United States, because we can not have it in one place and deny it in another place because the Constitution provides, at least in the taxing clause, where the laws must be uniform throughout the United States.

But when efforts were made in the past to provide that no Government license should be issued in a State where the people had outlawed liquor by popular vote, the courts even held that that could not be done because the Constitution required that taxes should be uniform throughout the United States. If under such a program as that we are to have Uncle Sam standing at every crossroads and on every block in every city and in every community manufacturing and selling and distributing this thing which we call intoxicating liquor, that can not be now sold under the Constitution, we have not seen or heard of any corruption compared to that we should see if the United States itself should go into the liquor business.

So, Mr. President, while I admit the right of every man to advocate the repeal of any law, I do not agree that any man or any set of men, whether they be in office or out of office, whether they belong to an organization or simply be individuals, have the right to encourage the violation of the prohibition law or any other law in order to use their own violations or the violations which they have encouraged as evidence of the fact that the law can not be enforced.

Therefore, I not only favor this bill but I am in favor of any amendment that will strengthen the hands of the United States Government not only in its effort to enforce the law but that will compel those who are responsible for the appointment of public officers to appoint men who will in the performance of their duty stand up like stone walls against every pressure and all propaganda that would seek to induce them to condone the violation of the law so as to create even worse conditions than now exist throughout the United States due to its violation. This question involves the very question of self-government. It involves the question whether the people and their Government are to surrender to the violators of a law which has not yet had a fair chance to demonstrate its full benefits or its enforceability.

Mr. BRATTON. Mr. President, I shall not engage in any discussion of the method through which the eighteenth amendment to the Constitution was adopted. It would be trite to do that; it would be recultivating soil already cultivated many times. It is sufficient to say the amendment is a part of the solemn law of the land, and will in my judgment remain so during your lifetime and mine.

The only question with which we are dealing to-day is the punishment to be imposed for infractions of the prohibition law; that is to say, the maximum and the minimum permitted under the law, and the exercise of discretion vested in the judiciary of the country in administering the punishment. Mr. President, that question is embodied in the original bill sponsored by the Senator from Washington [Mr. JONES].

It proposes to vest in the presiding Federal judge of the court in question the power to impose a fine in any sum from $1 to $10,000, a fine of $1 and one day in jail, a fine of $1 and five years in jail or both, or a $10,000 fine and five years in jail. The punishment may be fixed anywhere within those limits. The amendment now pending undertakes to advise the court how that discretion should be exercised. As a believer in prohibition, and as one who has supported and respected the law, it is against that amendment that I raise my voice.

I do not believe the legislative branch of the Government should advise the judiciary how the vested discretion should be exercised. If a judge is unable to understand the theory on which a law providing a maximum and a minimum punishment is based, he is wholly unfit to serve as judge of a court and to exercise the discretion underlying a law of that kind. If a judge does not understand that he is vested with the discretion of taking into account elements, factors, and conditions that call for mitigation in a given case, and consequently fix the punishment accordingly, he is unfit to wear the toga of his office. On the other hand, if he is unable to understand that the more severe elements of the law are to be employed and brought into play when dealing with professional violators or those who engage in the business upon a large scale, and should

differentiate between men in that class and a boy or a first offender, I have no words with which to express the contempt in which I hold that judge so utterly devoid of judgment and discretion.

However, Mr. President, to say—

That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law—

it not only ventures to advise the judiciary what should be done, but it also offers an excuse which may be employed by a judge unworthy to be a judge to evade the discharge of his duty under the law of the land by shielding himself behind the advice thus given.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. BARKLEY. Is there any legal definition of a casual violator of the law? How often would one have to be a violator in order to become an habitual violator, or would a casual violator be a man who unintentionally violated the law, and not one who intentionally violated it; and if he intentionally violated it, is he a casual violator; and should there be any distinction made between him and some other offender who may have been offending for many months but perhaps has not been caught?

Mr. BRATTON. Mr. President, I should dislike very much to undertake to define the difference between the two, and yet I doubt if there is a Member of the Senate who does not have in mind clearly the difference between the two classes; neither do I believe there is a judge in the country who would have any trouble in distinguishing between them.

Mr. BARKLEY. I am in sympathy with the Senator's viewpoint on this matter. I am wondering, however, if we are going to insert in the bill a provision that the courts shall be more lenient with the casual violator whether we should not also give the court directions as to who are casual violators.

Mr. BRATTON. That would lead us still further into troubled paths. The Senator from Kentucky and I are in accord with regard to the legislation. It is the unwisdom of embarking upon the policy of attempting to advise a coordinate branch of the Government in the exercise of a discretion vested in that department against which I complain. I think the Congress has discharged its whole duty when it prescribes a maximum and a minimum punishment under the act, and then leaves it to the judiciary to exercise that discretion without any advice or any expression of policy upon the part of Congress.

Mr. President, I do not care to discuss this subject more at length. It has been my observation that under existing law the Federal judges of the country have exercised discretion as between the maximum and the minimum penalties with care and with judicial credit. I do not believe the time has come when it is necessary or even advisable for the Congress to undertake to advise the judiciary as to the exercise of a discretion. That is all the amendment does.

Mr. CARAWAY. If we can not trust a judge, we ought not to put the provision in.

Mr. BRATTON. Exactly; if we can not trust a judge, we should employ methods to get rid of the judge and get a man in his stead who can and will exercise discretion with some degree of fearlessness and fidelity to his trust, and with some conception of the pulse beats of a human being who can administer justice tempered with mercy.

Mr. REED of Pennsylvania. Mr. President, I send to the desk an amendment to the pending amendment, and ask that it may be read.

The VICE PRESIDENT. The clerk will read, as requested.

The CHIEF CLERK. The pending amendment reads as follows:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

The Senator from Pennsylvania proposes to modify the amendment so as to make it read as follows:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor or attempts to commercialize violations of the law.

Mr. REED of Pennsylvania. Mr. President, the only change proposed by my amendment to the amendment is to strike out the words "so-called regular bootlegging" and substitute what seems to be the more correct English, namely, "habitual sales of intoxicating liquor."

Mr. JONES. Mr. President, with reference to that amendment, let me say, I have no serious objection to it. It probably is couched in a little more polite and nicer language than I used. I think the language used by me is the common, everyday language, the appellation by which the business is known. However, if it would please any Member of the Senate to have more polite and possibly more correct English employed, I have no objection at all.

I think, Mr. President, I will take this opportunity to say a word with reference to what the Senator from New Mexico [Mr. BRATTON] has just said. I have the same view that he has. I expressed on the floor my confidence in the courts and in the judges, and that we could very safely leave this matter with them, but I have found that in this body, as well as in other bodies, there is much difference of opinion among equally honest and sincere men with reference to what might appear to be the most simple proposition. I found the other day that there are several Senators here who are just as sincerely for prohibition as I am, who are more able than I am, who are better fitted to discharge legislative duties than I am, who would prefer to have some provision of this kind. They were fearful of the action of the judges, or of some of the judges, and so, simply to allay that fear, and to meet that situation in a spirit of concession and compromise—which I do not think does any harm—I prepared this amendment and conferred with probably a half a dozen or a dozen Members of the Senate with reference to it, and with reference to its language, and the friends of prohibition, and some of those who thought that they could not vote for the bill as it was originally reported, were satisfied with the amendment as it is now proposed.

As I have said, personally I have no fear as to the judges and the judiciary of the country, but I can see no harm to come from the pending amendment; in fact, I think the Senator from Pennsylvania [Mr. REED] earlier in the day pointed out very clearly the distinct advantages that may possibly come from its adoption. That is all, Mr. President, I care to say with reference to it.

The VICE PRESIDENT. Does the Chair understand that the Senator from Washington accepts the amendment proposed by the Senator from Pennsylvania to his amendment?

Mr. JONES. I am perfectly willing to accept the amendment of the Senator from Pennsylvania.

The VICE PRESIDENT. The amendment will be so modified.

Mr. BRUCE. Mr. President, I ask that the amendment be read.

The VICE PRESIDENT. The clerk will read the pending amendment as modified.

The CHIEF CLERK. It is proposed to insert at the end of section 1 the following, as modified:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquors or attempts to commercialize violations of the law.

Mr. HAWES. Mr. President, unless this bill is amended, in my judgment, it will defeat its principal object.

Fortunately, the Constitution gives each defendant the right to summon a jury. We know to-day that in actual practice many thousands of men plead guilty, so that the Government is not put to the expense or the courts to delay in the trial of thousands of prohibition cases. But if, in the case of each offender who is brought into court for the first time, a discretion is left in the hands of the judge to send him to the penitentiary for five years or impose a fine of $10,000, each defendant will call a jury and the machinery of justice will be clogged.

So the very extreme to which this bill goes will, in my opinion, defeat the primary object of the bill, which is to punish the habitual offender, the man who frequently violates the law, the conspirator, the professional bootlegger.

The word "casual" and the words "slight violation" are new legal terms. If any Senator can tell what a "casual violation" of the law means, I should like to hear it; or if any Senator can tell what a "slight violation" of the law means, I should welcome an explanation.

There is no such thing as a casual violation of the law. There certainly is no such thing as a slight violation of the law.

If the Senate means one thing, and the chairman of the committee reporting this bill says that it does mean a certain thing, that this extreme penalty shall apply to the habitual violator of the law, why can we not write that clearly in the law?

I know of no statute upon our books which is followed by another statute saying to a judge, "You shall construe the preceding words in this way." I know of no statute at the present time that states that what Congress meant was not what it said and advises the judge in the matter of the exercise of his discretion in construing a law.

I agree with the Senator from Illinois [Mr. GLENN]. If we understand that this extreme penalty is to be applied only to frequent violators of the law, we can write it in there. If we desire to exempt from this law the first offender, we can so state; but to state the extreme penalty of the law and then say that this is a thing that Congress does not desire, and follow it by the statement that a judge shall not consider casual or slight violations of the law, I am sure will create confusion in the minds of all the district attorneys in the United States, it will create confusion in the minds of the judges, and it will be a distinct departure from the form of any statute heretofore written by Congress.

Mr. WHEELER. Mr. President, I understand that the Senator thinks that if we add this interpretation to the law we ought to add also another provision interpreting the interpretation. Is that right?

Mr. HAWES. Yes; and then, right after that, another interpretation interpreting the second interpretation. Then possibly a court may understand what we mean.

Mr. CARAWAY. Mr. President, the thing that would be amusing, were it not serious, is that every declaration made here upon the floor that the law is unenforceable comes from some one who does not want it enforced.

Not a Senator on the floor has expressed any doubt about the power to enforce this law who desires that the law should be enforced.

To me it seems to be perfectly idle to say this law can not be enforced. To do so is to argue that America has reached the stage in its development where we refuse to obey the law, and we must accept public opinion in lieu of the written statutes to determine what shall be the rule of conduct in America, and that public opinion must be made by the criminal. It never before was thought in the interpretation of a law that you must first ascertain whether those who oppose law are pleased with it.

For example, I could use grand larceny, and, calling to the stand only those who want to steal, prove that the law providing a punishment for grand larceny never ought to have become the law of this land. I would get just exactly the same kind of testimony, and I would get it from just the kind of sentiment that prompts the declaration here upon the floor that this law can not be enforced—a sentiment born of hostility to restrict one's desire to do the thing the law forbids.

I could call a murderer to the stand, and he would at once protest not only against the law against murder but against the harshness of the punishment of the law if he should be found guilty.

The thing that seems to me to be absurd, although I will not say it, is that we are told that the criminal himself must have the law made so mild that he will be willing to plead guilty, or else there will be no enforcement of the law. In other words, let the bootleggers write the law they want, and they will obey it. Well, that is what you ask us to do here. Let those who do not want to obey the law dictate what the law shall be; in other words, turn over the writing of a criminal statute to the criminals themselves, and then the criminals will be satisfied with it, and will not violate it.

That may be accepted as good sense somewhere, but I venture the assertion that you could take the fact that you believe in that, and get it certified by the Presiding Officer, and get into the home for the feeble-minded anywhere. You would need no other evidence of your competency to have a home provided for you.

I was very much astonished that the Senator who is the author of the bill should have agreed to accept this amendment which tells the judge, "You need not pay any heed as to what penalties the law provides. Make up your mind what will be popular." This amendment will be an invitation to violate the spirit of the law itself, and it will be hailed by every bootlegger in America as a concession by the American Congress to his desire to have a law written that will not punish him severely.

In other words, there is a perfectly understandable sentiment among bootleggers that they will not object to fines. Why, if a man is going to engage in bootlegging, he would rather be fined for so doing, because otherwise every nigger in the community would engage in bootlegging in competition with him; but if you make the fine high, nobody of that kind can engage in it, and he can pay. It would be but a high license.

I sincerely hope the amendment will be voted down, and I hope the bill as reported, with the one suggested amendment offered by the Senator from Georgia [Mr. GEORGE], will be passed.

We are told that the penalties are too severe—five years in the penitentiary for becoming an habitual, hardened criminal, a man who corrupts society, who does society infinitely more harm than the burglar. He not only takes property, he takes reputation, he takes character, and strips the individual who falls a victim to his trade of everything that commends him to his neighbors.

Let me say that there is not a Senator who denounced this law here who would not be heard to object from here to his home, in whatever city it happens to be, if somebody tried to open a bootlegger's shop next door to him, or a saloon next door to his home, or sold his children whisky; and yet they will stand here and boast that "I do not obey the law," and then they modify that statement, or, rather, qualify it, and they seem to think they add respectability to their acts by saying "Oh, my colleagues are also a lot of dry hypocrites. They are dry-voting, wet-drinking Senators."

It is easy to make that charge. I marvel at the motive that impels a Senator to seek to discredit his colleagues in order that he may thus, as he hopes, pave the way for the return of the legal sale of liquor; that makes him impeach his own honor and other Senators' honor; that makes him seek to lead the people as a whole to think that this is a body made up of sots; and thus try to make the sale of liquor respectable. He could not do it if every Senator here were found drunk in his seat every day. It would not make the sale of whisky any more respectable, nor would it make the American people accept it as such.

I am not bragging about what happened to us last fall. I have tried to forget it, because I want to quit cussing [laughter]; but anybody who thinks America is to return to the legalized saloon has failed to take stock of public opinion in America. Whether or not you like to be made sober by law, it is going to be that way; and I know the law can be enforced.

I would not have believed anybody on oath with the power of this Government behind him who would say, "In my community we can not enforce this law." It is not always possible to secure convictions; men who ought to be punished sometimes escape; but I know the law can be enforced. From a long experience in trying to enforce a law under conditions similar, where a State had been declared dry by act of the legislature, and where the people contended that the law did not represent the opinion of a majority of the people, and therefore they encouraged violations as here by denouncing the law, as Senators are doing as to this law, and thus then, as now, inveigled many into engaging in the sale of liquor. We found that we could enforce the law, and we did enforce it; and this law can be enforced. I do not think it has been enforced as it should have been, but the fault has not been the people's nor has the failure been as pronounced as some claim.

I have seen more drunken men in a day going from this Capitol to the White House—I do not mean in either one of those places, but on the streets between the two—under the old conditions than I have seen in all of America since the prohibition law has been the law of the land.

Yesterday or the day before I heard a charge made on this floor, in an effort to discredit the law, against the girls of America, that they were guzzling beer and whisky. That is not so. If you should make that charge to an individual that "Your daughter is an habitual drunkard," you would be inviting the undertaker to call at your house early the next morning. Why then, should a charge of that kind be lodged against them in mass when no one would so say to them individually? Is it due to a lack of courage? No one would point out the girls who are thus accused of walking the streets drunk. I have not seen any of them. I have seen many young ladies since this has been the law, and, so help me Almighty God, I have not seen one of them drunk. I take it for granted, however, that those who make that charge wish it were true so that it could be offered as an evidence of the failure of this law, and thus aid the return of the licensed saloon.

Mr. BLEASE. Mr. President, I do not see the chairman of the Committee on the Judiciary present, but I would like to ask some Senator who may be a member of that committee whether the matter covered by this amendment shall be passed on by the judge or the jury? In defining some crimes the word "habitual" is used, and in some jurisdictions the judge will charge the jury that as to what is habitual is a question for them to pass on from the testimony presented on the witness stand under this bill—who passes on that issue? If that is the case in regard to this matter, then this amendment, when read to a jury by the judge—and it would be his duty to read it if requested to do so either by the State's attorney or the defendant's attorney—or if he himself reads it, then who decides the issue, the judge or the jury?

Mr. WHEELER. Mr. President, will the Senator suffer an interruption? Let me say that if this amendment is adopted it will never be read to the jury, because the jury will not have a thing to say as to what is contained in it. If this amendment is put on to this bill, it will be put on, not for the jury, but for the court to take into consideration and only for the court to

take into consideration, and the jury will not have a thing to say about it.

Mr. BLEASE. I understand, Mr. President, and I do not know about the other States——

Mr. WHEELER. But this is a Federal law.

Mr. BLEASE. I understand.

Mr. WHEELER. The Federal law is the same in one State as it is in another.

Mr. BLEASE. I do not know about other States, but in my own State almost invariably the defendant's counsel himself will read to the jury the statute under which the defendant is indicted, and if he desires to do so, he can request the court to charge on that proposition, and if the attorney does so request, it is error in the court if he does not comply unless he covers it in his general charge.

I am satisfied that in the jurisdiction of my State either Judge Cochran or Judge Watkins or the third judge, whom I am going to have appointed either just before this Congress adjourns or just after, will read that law and deliver his charge on it. I am glad that on Saturday I brought up this question of severe punishment and it has been so fully discussed.

Mr. WHEELER. Let me say to the Senator that in a Federal court, whether it is in South Carolina or in New York, no Federal judge would have any right or any authority to deliver a charge to the jury with reference to this provision of the law, because the practice in South Carolina is identical with the practice—in so far as charging the jury on this matter is concerned—with that in other States.

Mr. BLEASE. They are going to change the law in this country, then, because the Federal judges are the only judges in the world I know of who can charge on the facts. The State judges in South Carolina are confined in their charges to the law. It does not make any difference what the facts are; they can not even give an intimation of their opinion. If they do, it is reversible error.

It should be so in the Federal courts; but in my State—and I presume it is the same in other States—a Federal judge can direct a verdict of guilty or not guilty at any time in the proceedings when he sees fit to do so and take the case out of the jury's hands entirely. It does not make any difference how guilty a man is, if the judge sees fit to do so, he can direct a verdict of not guilty, or vice versa. He says, "If you believe the witness, as I do, you should convict," which is practically directing the verdict.

Mr. BRATTON. No, Mr. President; the judge can not direct a jury to return a verdict of guilty.

Mr. BLEASE. Oh, yes. They do that in my State sometimes. Whether they have a right or not, they do it, and the jury convicts when they say that to them, which is directing the verdict.

Mr. BRATTON. If the Senator will reflect upon that——

Mr. BLEASE. I have seen them do it. I have practiced there too long not to know.

Mr. BRATTON. Direct the jury to return a verdict of "guilty"?

Mr. BLEASE. Yes. "If they believe the witnesses of the Government."

Mr. McKELLAR. It is reversible error, then?

Mr. BRATTON. Anywhere.

Mr. WHEELER. Oh, no.

Mr. BLEASE. It may be reversible; but you find the court that will reverse one! I have not.

Mr. WHEELER. A Federal judge can not direct the jury to bring in a verdict of "guilty," but he can say to the jury, "In my opinion, the evidence in this case shows that the defendant is guilty."

Mr. BLEASE. What is the difference?

Mr. BRATTON. That is a different thing. That is commenting on the evidence.

Mr. McKELLAR. He can not direct a verdict of "guilty."

Mr. BRATTON. In some States, a State judge can not comment on the evidence, but a Federal judge can; but nowhere in this country can a Federal judge direct a jury to return a verdict of "guilty."

Mr. BLEASE. Mr. President, it is like the story of the Irishman who was in jail. Of course, it is an old story. A lawyer went to him and said, "Pat, what are you in jail for?" He told him. The lawyer said, "They can't put you in jail for that." The Irishman replied, "Begorra, I am in jail." [Laughter.]

I know what I have said to be a fact. I have practiced criminal law for 40 years in United States courts, in the State supreme court, in magistrates' courts, in mayors' courts, in trial justices' courts, and in every other kind of court, and I know as much about criminal law, so far as South Carolina is concerned, as any man in it.

Mr. BRATTON. I did not mean to say that the Senator did not know all about the law of the land——

Mr. BLEASE. No; not of the land; I do not know anything about practice outside of South Carolina.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLEASE. That is the reason I love to stay down there. I know what I can do and what I can not do and not be convicted.

I yield to the Senator from Utah.

Mr. KING. The Senator's position, if I properly interpret it, is that the proposed amendment offered by the Senator from Washington is an attempt to divide or classify the acts which are denominated criminal, so far as punishment is concerned, but without specifically providing for or defining such punishments. In other words, acts are placed in different categories without legislation defining them, but conferring upon the courts the authority, if not making it their duty, to allocate acts alleged to be criminal to different categories, the result being that the courts, in effect, make the law by prescribing the punishment.

Mr. BLEASE. Absolutely.

Mr. KING. In my opinion, the constitutionality of this amendment, if it should be enacted into law, may be challenged; Congress, by the Volstead Act, has defined certain acts to be criminal. This proposed amendment recognizes that under some circumstances these crimes take on different degrees of criminality, calling for different punishment. In other words, the same act may constitute a much graver offense if committed under certain conditions. This would seem to call for a legislative enactment classifying such acts, and prescribing different punishments therefor. By this proposed amendment it is sought to make the courts legislative bodies. Congress should not shirk its duty, and at the same time attempt to infringe upon the recognized authority of the courts.

Mr. BLEASE. I thank the Senator. That is my idea, and I am glad that I called attention to this matter last week. I am glad the debate went over, and I am glad that the friends of the measure have at last seen that if they had passed it in its original shape they would have provided a means for acquitting more guilty men than of convicting them, as I said here Saturday last would be done if too severe punishment is provided.

Mr. HEFLIN. Mr. President, I am going to support this amendment, and I think it ought to be adopted. The question has just been raised by the Senator from South Carolina to the effect that some Federal judges direct the jury's verdict in a criminal case. If the judges do that anywhere, they are judicial tyrants. No Federal judge has the right to state to a jury what its verdict should be in a criminal case, and I do not think any Federal judge has the right to comment on the testimony to the extent of saying that under the testimony he believes the defendant to be guilty. And I do not believe a Federal judge ought to do that.

Greenleaf on Evidence lays down the proposition—and it is sound—that the judge's function is one thing and the jury's function another; that it is the province of the judge to charge the law, and the province of the jury to find the facts; that the judge has no more right to invade the province of the jury than the jury has to invade the province of the judge.

Mr. President, we have a system of judicial tyranny when a Federal judge arrogates to himself the right to direct the jury to go into the jury room and convict a man upon the testimony submitted.

I admit that in civil cases, when a case is clearly proven, sometimes the judge will tell the jury, "If you believe these facts and they are not disputed, the plaintiff is entitled to a verdict"; but when a judge says to a jury, "You must convict this man," or "The testimony shows to my mind that this man is guilty," the judge is usurping authority that he does not have; and if we have any Federal judges doing that, they ought to be removed. The jury system is one of the bulwarks of this Nation. We have to protect it in its integrity, and when the humblest citizen appeals to his right of trial by jury, he has a right to be tried by 12 men, without any coercion or intimidation by any judge on the bench.

Mr. President, I want to say just this as to this amendment: I am heartily in favor of it, because if you drag into a case a boy or a girl, a man or a woman, who had not violated any law previously, but who was a citizen of good repute in the community, instead of giving him or her the same punishment that you would give to an old offender, you should let the judge, when the testimony shows that state of facts, to say to that person, "You have never been convicted before, and that is in

your favor. You bear a good reputation in this community, and that is in your favor. You are going to have the benefit of it. Congress had that in mind when it passed this statute. Now, I am going to let you off with a small fine. You profit by this mistake, and do not be caught doing such a thing any more."

Then we would be doing something that would encourage the citizen to refrain from violating the law. But if we drag him in and put a fine on him that we would put on a hardened bootlegger, we make a criminal out of him, where, on the other hand, if we pursue the course suggested by this amendment, we take the man or woman out of that class and encourage them to leave such associates and be separate from them.

Mr. President, I do not understand the attitude of some of the Senators on this side in opposing this amendment. It is in the interest of law enforcement. If we put a penalty in the law so harsh that a judge or a jury will listen to the testimony when he and they know that if a conviction is had they have to impose a penalty of five years, they will say, "In this case this man is a poor man; his family needs him; it would be an outrageous thing to deprive them of his presence and his labor," and they will not convict him.

So those of you who want to wipe out the amendment are preparing to set up an arrangement by which these people will go free instead of being convicted.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. BARKLEY. This provision does not change the minimum penalties now carried in the statute. Is it not a fact that the mere passage of a law fixing a minimum and a maximum penalty serves notice on the judge that he is to act in his discretion in applying the penalties according to the gravity of the offense?

Mr. HEFLIN. It is; but where we have a 5-year proposition here——

Mr. BARKLEY. But there is nothing mandatory in it.

Mr. HEFLIN. But the amendment simply suggests to the judge what he may do if he is called upon to invoke that provision, as he might be. He might be a fanatic; I do not know, of course; but I would like for the defendant's lawyer to be able to show that Congress here said that there are mitigating circumstances to which he may look and that he can extend to this poor fellow or poor woman the benefit of the provision, and he can put a light fine on them and exempt them from service in the penitentiary.

I think those of you who favor law enforcement and prohibition had better line up behind the amendment instead of voting it down. You are playing right into the hands of the wet forces, not only in this body but in the Nation.

Mr. BRUCE. Mr. President, I rise to a question of parliamentary privilege. I have already spoken once on this amendment; but since I spoke on the amendment an amendment to the amendment was accepted by the Senator from Washington. I would like to have a ruling of the Chair as to whether I have the privilege of speaking on that particular amendment as it has been amended.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). The Chair will state that the amendment now pending is an amendment as modified. Therefore it is not a new amendment. The Senator is not privileged under the agreement to speak again on the same amendment.

Mr. BRUCE. I appeal from the ruling of the Chair.

Mr. HARRISON. Mr. President, the amendment has been modified.

Mr. BRUCE. And substantially modified.

Mr. HARRISON. I ask unanimous consent that the Senator from Maryland may proceed for 10 minutes.

Mr. JONES. Mr. President, I do not feel that I can consent to that.

Mr. HARRISON. May I say to the Senator that I think we can save time by doing it.

Mr. JONES. But we have a unanimous-consent agreement and have been acting under it. There will be another amendment proposed and the Senator from Maryland can speak on it.

Mr. HARRISON. I submit to the Senator from Washington that the amendment on which the Senator from Maryland spoke is not the amendment now before us. It has been modified. There might be a different argument made as to the modified amendment than was made as to the amendment before it was modified.

Mr. HEFLIN. Mr. President, a point of order. I want the Senator from Mississippi to hear this. At the time the Senator from Pennsylvania offered his amendment and before the Senator from Washington accepted it, if the Senator from Maryland had risen and stated "Before that amendment is accepted I want to be heard upon it," he would then have been in order; but when the amendment was accepted without protest from anyone I really think that in the parliamentary status of the matter the Senator from Maryland would not be permitted to speak. However, so far as I am concerned, I am willing to have him speak for 10 minutes.

Mr. BRUCE. Under those circumstances I could only have contested the right of the Senator from Washington to accept the amendment. The Senator knows that through my own untimely generosity I have from the beginning completely cut myself off from any real opportunity of expressing my views in relation to the merits and demerits of the bill except in such piecemeal form that it is almost impossible for anything I have said to have had any effect. I incautiously agreed to the limitation of debate as respects the bill and then subsequently an appeal was made on behalf of the Senator from Missouri [Mr. REED] that his time be extended, the suggestion being first made by me and then by the Senator from Idaho [Mr. BORAH]; so the result was that the Senator from Missouri and the Senator from Idaho had an almost unlimited opportunity to discuss the bill but no other Member of the Senate has had such an opportunity.

The PRESIDING OFFICER. Will the Senator from Maryland permit the present occupant of the chair to inform him that there will be another amendment pending upon which the Senator will have time to speak? In accordance with the advice of the parliamentarian the Chair holds that it is not proper for the Senator from Maryland again to speak on the pending amendment, but there is an amendment to follow upon which he will have an opportunity to speak.

Mr. BRUCE. When I was discussing the second amendment, how could I possibly discuss the merits of an amendment that had already been agreed to?

Mr. JONES. Mr. President, may I say that personally I have no objection to the Senator from Maryland speaking, but we are proceeding under a unanimous-consent agreement.

Mr. BRUCE. I think after I have been as generous as I have been to the Senator from Washington he might not begrudge me five or six minutes' time; but I do not care.

Mr. JONES. I do not begrudge the Senator any time. I was going to withdraw any objection so far as I was concerned.

Mr. HARRISON. Mr. President, I ask unanimous consent that the Senator from Maryland may be permitted to proceed for 10 minutes.

Mr. COUZENS. I object.

The PRESIDING OFFICER. Objection is made. The question is on the amendment of the Senator from Washington as modified.

Mr. BLAINE. Mr. President, I ask that the amendment may be reported. The reason why I make the request is that I purpose to offer a substitute for it while I have the floor.

The PRESIDING OFFICER. The pending amendment will be stated.

The CHIEF CLERK. Insert at the end of section 1 a new proviso, as follows:

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquors or attempts to commercialize violations of the law.

Mr. BLAINE. I offer the following substitute for the amendment just reported:

Provided, That only when the offense embraces the illegal manufacture for sale, sale, transportation for sale, importation for sale, or exportation for sale, shall such penalty be imposed.

Mr. JONES. Mr. President, that is not a proper substitute for my provision. It might be offered as an amendment to the main section of the bill, but I do not think it is a proper substitute for my amendment.

Mr. BLAINE. The alleged purpose of the amendment offered by the Senator from Washington is to make an exception in cases of dealing in liquors for commercial purposes. That is exactly the purpose of my amendment.

Mr. JONES. No; that is not the purpose of the provision.

Mr. BLAINE. The only difference is that the language of the amendment offered by the Senator from Washington is language that has never been employed in any legislative body, while the language employed in the amendment which I have offered is language that is familiar to the courts and to legislative bodies and is the language of proper legislation. I submit that it is clearly a substitute and exactly upon the same proposition.

The PRESIDING OFFICER. The present occupant of the chair is informed by the parliamentarian that the proposed substitute of the Senator from Wisconsin is in order as a substitute. For the information of the Senate the clerk will again report the proposed substitute.

The CHIEF CLERK. As a substitute for the amendment offered by the Senator from Washington, the Senator from Wisconsin [Mr. BLAINE] proposed to insert at the end of section 1 the following proviso:

Provided, That only when the offense embraces illegal manufacture for sale, sale, transportation for sale, importation for sale, or exportation for sale, shall such penalty be imposed.

The PRESIDING OFFICER. The question is on the adoption of the substitute offered by the Senator from Wisconsin.

Mr. WALSH of Montana. Mr. President, I do not suppose the Senator from Wisconsin intended that his amendment should have that effect, but it quite obviously will abolish the penalties except when the liquor was possessed or transported or imported or exported for sale.

Mr. BLAINE. The purpose of my amendment can be obtained from the language of the amendment itself. The object of the amendment is to impose the higher penalty when illegal liquor is manufactured, transported, imported, or exported for the purpose of sale.

Mr. WALSH of Montana. But that would not leave the penalties existing under the present law. These would become the exclusive penalties.

Mr. BLAINE. I must disagree with the Senator on that point because the penalty to which reference is made through the word "such" is a penalty providing for an increased fine and increased imprisonment and not the penalties provided by other provisions of the law. Let me illustrate: We have a great many statutes in the various States, for instance, providing for burglary. There may be burglary in the nighttime or burglary in the daytime; it may be burglary committed with the use of dangerous weapons. But the States have been adding to, or, rather, enlarging the effect of those provisions by providing that the offense of burglary when explosives are used to commit the offense shall be punished by a penalty double the amount of the penalty where the burglary is not committed with the use of dynamite. My proposed substitute is along the same line and carries out the same theory and is in harmony with modern legislation.

I submit that the difficulty with the whole situation is that the bill is unhappily drawn. In my opinion it could be much improved upon if it were rewritten, but I am taking the bill as it comes to us and I am applying the rule exactly as it has been applied by the States in reference to the illustration I have just made. In the indictment or in the information it would be necessary to charge the illegal manufacture or the illegal transportation or the illegal exportation or the illegal importation was made for sale. The jury must pass upon that question, and the question of the penalty would not be left to the judge except as the jury had found the offense to be.

Mr. BRUCE. Mr. President, there are just one or two additional observations that I desire to make on the pending bill. The Senator from Idaho [Mr. BORAH] said that as time went on he might be willing to give his assent to the adoption of some other method of dealing with the liquor problem than prohibition. But I wish to call the attention of the Senate to the fact, if it has not already been called to its attention, that never has any proposition of any kind been made to this body looking to the modification of the Volstead Act or the eighteenth amendment that it has not been denounced by the Senator from Idaho as "nullification"; as if it were not the free right of every American citizen to question the wisdom of any constitutional or statutory provision whatsoever.

I also take this occasion to point out how utterly impracticable it is to claim that every constitutional provision should be religiously observed. As I have often said, it is just as possible for a constitution to make a fool of itself as a statute, and frequently I have had to recall the profound remark of Edmund Burke that the worst of all tyrannies is the tyranny of a bad law. The Senator from Idaho read the eighteenth amendment word by word and then said dramatically, "There it is." Suppose that I should rise and were in an equally histrionic manner to read the provisions of the Federal Constitution that relate to the functions of the Electoral College. Does not every Member of the Senate know that those provisions are an absolute dead letter, that the presidential electors are nothing but the mere mouthpieces of the two great national parties, and that when they meet at the capitals of the 48 States of the Nation they meet simply for the purpose of mechanically registering the will of those parties?

So I might with another impressive gesture read aloud the provisions of the Federal Constitution which bear upon the old fugitive slave law. Senators will remember those provisions:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

It may be true that Abraham Lincoln was personally faithful to these provisions of the Federal Constitution in connection with the fugitive slave law, but every man who is familiar with the history of this country knows that before the Civil War flamed up those provisions of the Constitution had been practically nullified by the people of the free States. Slavery had become irreconcilable with their economic growth; what is more, it had become irreconcilable with the moral progress of humanity. The consequence was that the fugitive slave law throughout the Northern States of the Union became an impotent thing though abstractly as much entitled to popular obedience as any other provisions of the Federal Constitution. Well, therefore, might I say, to use the violent language of the Senator from Idaho [Mr. BORAH], that the people of the free States were traitors to the Federal Constitution.

Then the Civil War came and the wild and guilty fantasy was formed that the recently emancipated slave might be safely entrusted overnight with the franchise. The result was that the positions of the North and the South were transposed and the fourteenth and fifteenth amendments either by virtue of legal devices or overawing moral influence were reduced to nullity. To-day those provisions of the Federal Constitution are as sapless as the dead limbs of a living tree. And such the eighteenth amendment will become, if not sooner modified or repealed. It is an unenforceable thing, unenforceable as are the provisions of the Federal Constitution relating to the Electoral College; unenforceable as were the provisions of the Federal Constitution relating to the fugitive slave; unenforceable as are the provisions of the Federal Constitution relating to negro suffrage in the South.

Yes, the southern people were traitors after the Civil War when they dealt with the constitutional guaranties of negro suffrage as they did, if the Senator from Idaho is to be believed, and the northern people were traitors before the Civil War when they dealt with the constitutional guaranties of slavery as they did, if the Senator from Idaho is to be believed. Now we, North and South, are traitors because we venture to declare unenforceable this thing of prohibition which Dr. Horace W. Taft, the brother of Chief Justice Taft, and the head, as Senators know, of a famous boys' school in Connecticut, has recently affirmed to be rotting out the moral foundation and the political and social structure of the United States.

So long as I breathe I for one shall continue to call aloud for the modification of the eighteenth amendment. While I deem it my duty to supply the Prohibition Unit with all that is reasonably necessary for the enforcement of that amendment, that belief is not in the least inconsistent with my resolution so long as life shall be spared to me to do everything in my power to bring about the substitution of some rational system of liquor control for a system of liquor control that has had no effect except that of discrediting human law, debasing human morals, and mildewing human joy and happiness.

The Senator from Idaho says to us, "Yes, in time I may be with you." Within what time? I ask. Will it be when there shall be twenty-five or thirty thousand speakeasies in the city of New York instead of the 15,000 that exist in that city now, according to Mr. Mills, the recent prohibition administrator for New York, a number 100 per cent in excess of the number of licensed saloons that existed in New York City prior to the adoption of the eighteenth amendment? Will it be when there shall be not 15,000 "blind pigs" in the city of Detroit, as now, but twenty or thirty thousand, as against the 1,600 licensed saloons that existed in that city before the adoption of the eighteenth amendment? Will it be when arrests for drunkenness in towns like Roanoke, Va., and Ashland, Ky., are not 500 and 900, respectively, as now, but 1,000 and 1,800 per 10,000 inhabitants? Will it be when every prohibition officer in the land has been corrupted? Will it be when the percentage of deaths from alcoholism in this country since the enactment of the Volstead Act shall have increased from 500 per cent to 600 per cent, 700 per cent, or 800 per cent? The fact was brought out only a few days ago by the Department of Commerce that in Baltimore, the city near which I live, deaths from alcoholism have risen from a death rate of 2 per cent per 100,000 inhabitants in 1921 to a death rate of 11 per cent per 100,000 inhabitants in 1928.

The Senator from Idaho himself admits that prohibition has been the parent of graft and of lawlessness. All he pleads for is further experimentation with it.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The time of the Senator from Maryland has expired.

Mr. STEIWER. Mr. President, I have no desire to attempt to make answer to the rather vehement denunciation of the bill

by the Senator from Maryland. I do think it is important, however, that I should invite the attention of the Senate for just a moment to the provisions of the substitute amendment offered by the Senator from Wisconsin [Mr. BLAINE].

I want to express my accord with what was suggested by the Senator from Montana [Mr. WALSH] a little while ago when he questioned whether or not any penalty would be left in case the Senate should adopt the amendment proposed by the Senator from Wisconsin, I wish to say to the Senate that from my examination of the subject matter it seems to me it would be dangerous to add any language of that kind to the bill, not altogether by reason of the objections suggested by the Senator from Montana, which I think may be valid in and of themselves, but largely on account of an additional reason to which attention has not as yet been called.

The Senate will bear in mind that the pending Jones bill is a penalty bill. It defines no crime at all; it merely prescribes penalties to be invoked where the law referred to has been violated. The crimes to which the penalties are to be applied are those defined in section 3 of Title II of the national prohibition act, and those crimes are set forth as follows:

> No person shall on and after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish, or possess any intoxicating liquor.

There is no such thing, therefore, in the national prohibition act as "transportation for sale"; there is no such thing as "possession for sale" or "importation for sale" or "exportation for sale." Unfortunately, as I view it, for the suggestion which comes from the Senator from Wisconsin, he does not use language which limits its proposal strictly to the penalties with which we are concerned in the pending bill, but by reason of the language which he uses he reaches back and alludes to the offense itself, for he says if I caught correctly the language which was stated to the Senate:

> *Provided*, That only when the offense embraces the illegal manufacture for sale, sale, transportation for sale, importation for sale, or exportation for sale, shall such penalty be imposed.

Mr. President, except for the one act of sale, which is made a crime by the national prohibition act and which is also defined as a crime by the amendment, it occurs to me that there would be by the exception proposed by the Senator from Wisconsin no penalty imposed. Only in case of sale would a penalty be imposed, for in the other cases the penalty would be for offenses which are not defined by the law. I invite the attention of the Senate to that suggestion.

Mr. BLAINE. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. STEIWER. I yield gladly for a question.

Mr. BLAINE. Does the Senator appreciate that the offense of manufacturing, the offense of transportation, the offense of importation, and the offense of exportation are all inclusive and as well include possession, sale, use, or whatever purposes to which the illegal liquor may be put?

Does the Senator appreciate that the offenses already defined are inclusive of just what I have stated and that my amendment proposes, in the imposition of the penalty, to qualify those offenses by the words "for sale"? The amendment does not create a new offense, but simply restricts the imposition of the penalty with reference to an offense that already exists.

Mr. STEIWER. I would say that the Senator in his effort to restrict has restricted something that does not exist. I can not conceive, as he intimated, that the offenses prescribed in the statute all include the idea of sale. They certainly do not. The manufacture of liquor, the transportation of liquor, or any of the illegal acts in connection with intoxicating liquor are in themselves substantive crimes under the definitions of the national prohibition act.

Now let me add one further thought.

Mr. BLAINE. Mr. President, will the Senator allow me to ask him another question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. STEIWER. I yield for a question; yes.

Mr. BLAINE. I do not want to make an argument. I will take the one word "manufacture" and limit my statement to that. The manufacture of illegal liquor includes the manufacture for sale, the manufacture for possession, the manufacture for use.

It includes any purpose to which the liquor may be devoted, so that manufacture is all inclusive of all these other purposes. That is the larger offense, and it embraces all other offenses within itself. I think the Senator has failed to take note of that fact.

Mr. STEIWER. On the contrary, I have noted that fact; but I can not concede that that would change the effect of the proposal. In the case which you suppose the offense is the illegal manufacture, not manufacture for sale. The intent to sell would not be alleged in the indictment and might not appear in the case. There could then be no penalty. Moreover, I think the suggestion made by the Senator from Montana is entirely sound. The penalties prescribed by the pending bill are prescribed in all-inclusive language. The language of the bill is, "wherever a penalty or penalties are prescribed." Therefore there are no other penalties. The greatest possible care should be taken when we seek to place limitations upon the penalties prescribed, for if in any case we take away the penalty, it seems to me that without any question at all no other penalty would exist, and the crime would remain without penalty.

Let me add this observation in connection with the whole matter:

I am perfectly willing to see the original amendment proposed by the Senator from Washington adopted, although I see no very real necessity for it. That amendment merely declares to be the duty of the court that which courts already perform. It is the thing which courts always will do. I anticipate no difficulty by reason of excessive penalties being applied to the "beardless youth," so called, or to first offenders. The history of the enforcement of the prohibition law does not give rise to a fair presumption that anything of that kind might happen.

The information before the subcommittee was to the effect that in the year 1927—we had no figures for 1928—the average fine imposed throughout the United States under the national prohibition act was one hundred and twenty dollars and some cents. The average jail sentence was between 33 and 34 days.

I became curious after the discussion started here in connection with the pending bill. I knew no case where an innocent youth, where a high-school girl, where a first offender of previous good character had been given the maximum penalty of $500 for the transportation of liquor. I appealed to the Treasury, and I appealed to the Department of Justice, and neither the Treasury Department nor the Department of Justice could tell me of one instance where any first offender, any "beardless youth," so called, or any child of high-school or college age, had received the maximum penalty for the first violation of this law.

I then asked the Department of Justice to make some inquiry about the matter; and Mr. Jones, the assistant to the Attorney General, telephoned to five United States attorneys situated not too far away. He reports to me with respect to this question of invoking the maximum penalty upon a child or a first offender, as follows:

The district attorney at Baltimore reported that he knew of none.

The district attorney at Philadelphia reported that he knew of none.

The PRESIDING OFFICER. The Senator's time on the amendment has expired. He has 10 minutes on the bill.

Mr. STEIWER. Very well.

The district attorney at Newark, N. J., knew of one instance in which the maximum fine of $500 had been imposed, but in that case the defendant was put upon probation and undoubtedly the purpose of the judge in imposing the maximum penalty was to give greater force to his probation order.

At Pittsburgh the district attorney knew of no instance.

At Cincinnati the district attorney knew of no instance.

These cases were selected at random, and were selected because they were reasonably close at hand; and they confirmed the thought I had had. They confirmed the thought of the subcommittee that there had been no instance where a Federal judge appointed by the President upon the recommendation of the Attorney General and confirmed by this body had gone so far afield from his duty as to impose a maximum penalty upon some one whose offense really had been trivial.

I desire to ask this question, Mr. President: If no Federal judge over a period of 10 years' time has seen fit to impose, for the transportation of liquor, even the maximum penalty of a $500 fine, why should we be worried here for fear some judge would impose a maximum penalty of five years' imprisonment under the same circumstances? It seems to me that we are borrowing a good deal of trouble, and that there is no great necessity or solid ground for the adoption of any of these proposals that have been made for the purpose of limiting the application of prescribed penalties.

As I stated, Mr. President, the author of the bill desires to add as an amendment his suggestion that the courts may do just what the courts have done and just what the courts would do without the amendment. The only objection I see to that

is the possible implication that the court does not know its duty; and yet that can not be a serious or grave objection, for, as a matter of fact, the legislative body has a right, if it desires, to limit the discretion of the court with respect to this law or with respect to any law. So it is that we create maximum penalties; and so it is that in the national prohibition act for subsequent offenses we have created minimum penalties, and we have said to the court, "You can not go under this amount, and you can not go over this other amount." I see no particular impropriety in adding to that, if we desire to do so, the admonition or declaration to the court that the penalties should be in proportion to the offense.

All things considered, I hope that the proposal of the Senator from Wisconsin [Mr. BLAINE] will be rejected by the Senate.

Mr. CAPPER. Mr. President, I am supporting the pending amendments to the national prohibition act because they will undoubtedly be of great assistance in bringing about more effective enforcement of our liquor laws.

I do not share the opinion of those who say that prohibition can not be enforced. It can be enforced, and we have demonstrated that fact in Kansas, where we had prohibition for more than 40 years before the enactment of the national law. We are now passing through the experimental stage of enforcement in the Nation that we had in the early days of enforcement in Kansas under the State law.

In the beginning, many Kansas business men were not in sympathy with prohibition because they thought it would "hurt business." Other good citizens honestly thought the move was unwise; but they have long since recognized the benefits of prohibition, and the question is no longer an issue in the State. An overwhelming majority of our people consider prohibition as one of the greatest blessings ever bestowed on the State through legislation.

Mr. President, I say just as emphatically that prohibition can be enforced in the Nation, and we have already made progress in that direction. It may take as much as 20 years to make enforcement effective; but, even if it does, they will be years well spent, and from which posterity will reap untold benefits.

It is the wet and lawless cities more than any other part of the country that are the plague spots which need cleaning up and that need the sharp prod of the law; and enforcing prohibition will help rather than hinder that work.

Kansas has had prohibition for half a century. It spent many years in experimenting and pioneering in this reform, gradually perfecting the Kansas law. Earnest enforcement of the law in Kansas dates back 20 years, after its increasing benefits could no longer be denied.

Some of the eastern and big-city enemies of prohibition say if the prohibition law were made more liberal they would be satisfied, and the more liberal law would be obeyed. Kansas has been through all that. The truth is that no law in any way regulating the sale of liquor has ever been obeyed anywhere by keepers of saloons or of public houses.

For years prohibition was not enforced in Kansas, nor even halfway enforced; but even then the benefits began to show. The people became converted to the dry cause, and got in earnest about prohibition. They passed a bone-dry law. They began ousting from office city and county attorneys and mayors who were lax or were wet sympathizers. For 25 years prohibition has been a fact in Kansas, and now it is a permanent part of its State and National creed.

There is still illicit selling of liquor in Kansas. It will continue in a sporadic manner so long as there are people who cling to the idea of the social drink, who think that a social event is not complete without something that sparkles, even though it is tinctured poison bottled in the barn; but the sale of liquor has been reduced to the minimum.

Kansas does not want and would not tolerate modification. Liquor is an outlaw within her borders. She is 47 years removed from the thought of legalizing the saloon. Conviction of violators is easier than in the past because public sentiment has been crystallized. Kansas officials and private citizens are agreed that prohibition is the State's best business asset.

If Kansas could enforce prohibition with wet States all around it, as it had to do then, New York or any other State can.

"One of the most astonishing transformations in economic history is the progress made in industry in the United States during the last five years," wrote Secretary Hoover in the 1925 annual report of the United States Department of Commerce. Mr. Hoover mentioned prohibition as one of the chief causes of that transformation, and few big manufacturers in the United States will disagree with that statement.

Mr. President, I think we can lay a considerable share of this Nation's abounding good fortune to eight years of national prohibition superimposed on many more years of prohibition by the States; to the tremendous increase in our industrial efficiency resulting largely therefrom; to the rise in the last eight years of a new and hitherto lacking nation-wide thrift, which seems but another outcome of this same cause, and which, as Mr. Hoover points out, finds us in this year of our Lord the best housed, the best fed, the best clothed people that ever inhabited the earth.

If the opponents of prohibition succeed in bringing back the sale of wine and beer, the lawbreaking saloon will as surely come back as that water will run down hill.

The Province of Ontario, Canada, legalized 4 per cent beer. Within 60 days or less the brewers of this beer were violating the law. Ontario found the drinkers were no more content with 4 per cent beer than they were before. So it would be in the United States. Instead of a comparatively few bootleggers breaking the law, we would have thousands upon thousands of saloons; and if each saloon had one policeman to watch it the law would still be violated as regularly and without question as it was when that odoriferous institution was with us.

Mr. President, we need go no further back than the recent election to discover that the great majority of the people of this country—not any particular section, or class, or party, but just the mass of the people—believe in the eighteenth amendment and in the enforcement of its provisions. To my mind, the national election of 1928 constitutes a mandate to the Government of the United States to make the prohibition amendment effective; not to attempt to repeal or evade it.

I have seen various experiments tried to regulate the drink evil—high license, local option, State dispensaries. Prohibition honestly enforced has by far proved the most effective remedy, and national prohibition was the logical outcome after half a century of experimenting.

I wish to repeat, it is not a change back to the free use of intoxicating liquor that we need, but fair and square prohibition enforcement.

Prohibition is not now so much a question of laws or changes in laws. It is rather a question of law observance and law enforcement.

The all-important job ahead for American citizens at this time is to educate ourselves to observe the Constitution and obey the laws of our country, and to make the fight necessary to see that the Constitution is observed and the laws enforced on all alike.

Prohibition enforcement now is a challenge to public officials—Federal, State, and local—from one end of the land to the other. It is a challenge also to the loyalty of the common man to his Government. We have never had a greater opportunity to do a finer service for our country than to-day—by showing through speech and action a decent respect for its laws and its Constitution.

Prohibition has not had a fair trial. The big cities have not made an honest effort to enforce it It can be enforced if Federal, State, and local officials will get back of it in an honest-to-God way.

The American people have a right to disapprove of a law and to seek its repeal or modification in a lawful way. If the people do not want prohibition, they may remove the amendment by the same means they used to adopt it. If a majority of the people of the country desire the Volstead Act changed, they have a legal method of accomplishing this result through electing to the House and Senate Members who will vote to change it. Liquor has never obeyed any modifying law. It will never obey any law but a bone dry law honestly and vigorously enforced.

I believe prohibition is gaining in spite of the difficulties of enforcement. The eighteenth amendment will never come out of the Constitution. The Volstead law will not be weakened. In years to come the people of the United States will have more and more cause to rejoice that they voted prohibition into the Constitution and made it the law of the land and stood by it.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Wisconsin [Mr. BLAINE] to the amendment of the Senator from Washington [Mr. JONES], as modified.

Mr. BLAINE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Frazier	McNary	Steck
Bingham	George	Mayfield	Steiwer
Black	Gerry	Moses	Stephens
Blaine	Gillett	Neely	Swanson
Blease	Glass	Norbeck	Thomas, Idaho
Borah	Glenn	Norris	Thomas, Okla.
Bratton	Goff	Nye	Trammell
Brookhart	Gould	Oddie	Tydings
Broussard	Greene	Overman	Tyson
Bruce	Hale	Phipps	Vandenberg
Burton	Harris	Pittman	Wagner
Capper	Harrison	Ransdell	Walsh, Mass.
Caraway	Hastings	Reed, Mo.	Walsh, Mont.
Copeland	Hawes	Reed, Pa.	Warren
Couzens	Hayden	Robinson, Ind.	Waterman
Curtis	Heflin	Sackett	Watson
Dale	Johnson	Schall	Wheeler
Deneen	Jones	Sheppard	
Dill	Kendrick	Shortridge	
Edge	King	Simmons	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, there is a quorum present.

The question is on the amendment of the Senator from Wisconsin [Mr. BLAINE], in the nature of a substitute, for the amendment of the Senator from Washington [Mr. JONES]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], who has been called from the city on account of a death in his family. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. CARAWAY. I wish to announce the absence of my colleague [Mr. ROBINSON of Arkansas] owing to the death of a near relative. If present, he would vote "nay."

Mr. CURTIS. I have been requested to announce the unavoidable absence of the Senator from Minnesota [Mr. SHIPSTEAD]. I ask that this announcement may stand for the day.

I desire also to announce that the junior Senator from New Hampshire [Mr. KEYES] is absent on account of illness. If present, he would vote "nay."

Mr. BINGHAM. I desire to announce that the junior Senator from Rhode Island [Mr. METCALF], who is detained at home on account of illness, if present, would vote "yea."

The result was announced—yeas 21, nays 61, as follows:

YEAS—21

Bingham	Edge	Moses	Tydings
Blaine	Edwards	Phipps	Wagner
Broussard	Gerry	Pittman	Walsh, Mass.
Bruce	Glenn	Ransdell	
Copeland	Gould	Reed, Mo.	
Couzens	Hawes	Shortridge	

NAYS—61

Ashurst	George	Mayfield	Steiwer
Barkley	Glass	Neely	Stephens
Bayard	Goff	Norbeck	Swanson
Black	Greene	Norris	Thomas, Idaho
Blease	Hale	Nye	Thomas, Okla.
Bratton	Harris	Oddie	Trammell
Brookhart	Harrison	Overman	Tyson
Burton	Hastings	Reed, Pa.	Vandenberg
Capper	Hayden	Robinson, Ind.	Walsh, Mont.
Caraway	Heflin	Sackett	Warren
Curtis	Johnson	Schall	Waterman
Dale	Jones	Sheppard	Watson
Deneen	Kendrick	Simmons	Wheeler
Dill	McKellar	Smith	
Fess	McMaster	Smoot	
Frazier	McNary	Steck	

NOT VOTING—13

Borah	Keyes	McLean	Shipstead
Fletcher	King	Metcalf	
Gillett	La Follette	Pine	
Howell	Larrazolo	Robinson, Ark.	

So Mr. BLAINE's amendment to Mr. JONES's amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Washington [Mr. JONES], as modified.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote as to my pair and its transfer, I vote "yea."

Mr. KING (when his name was called). I have a pair with the senior Senator from Florida [Mr. FLETCHER], who is unavoidably detained from the Senate. I do not know how the Senator from Florida would vote upon this matter if present, and therefore I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. BINGHAM (when Mr. METCALF's name was called). The junior Senator from Rhode Island [Mr. METCALF], if present, would vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce that the senior Senator from Massachusetts [Mr. GILLETT] is necessarily absent. If he were present, he would vote "yea."

I also desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably detained from the Senate. If present, he would vote "yea" on this question.

The result was announced—yeas 58, nays 25, as follows:

YEAS—58

Black	Fess	McNary	Simmons
Blease	Frazier	Moses	Smoot
Brookhart	George	Neely	Steiwer
Broussard	Gerry	Norbeck	Stephens
Bruce	Goff	Norris	Swanson
Burton	Greene	Nye	Thomas, Idaho
Capper	Hale	Oddie	Thomas, Okla.
Copeland	Harris	Phipps	Trammell
Couzens	Hastings	Ransdell	Tyson
Curtis	Heflin	Reed, Pa.	Vandenberg
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Deneen	Jones	Sackett	Warren
Dill	Kendrick	Schall	Watson
Edge	McKellar	Sheppard	
Edwards	McMaster	Shortridge	

NAYS—25

Ashurst	Caraway	Mayfield	Wagner
Barkley	Glass	Overman	Walsh, Mass.
Bayard	Glenn	Pittman	Waterman
Bingham	Gould	Reed, Mo.	Wheeler
Blaine	Harrison	Smith	
Borah	Hawes	Steck	
Bratton	Hayden	Tydings	

NOT VOTING—12

Fletcher	Keyes	Larrazolo	Pine
Gillett	King	McLean	Robinson, Ark.
Howell	La Follette	Metcalf	Shipstead

So Mr. JONES's amendment as modified was agreed to.

Mr. BINGHAM. Mr. President, in view of the fact that the Senator from Washington has stated that the amendment just adopted makes no legal change in the situation, I desire to offer the following amendment: In line 9, after the word "offense," insert the words "after the first offense." The effect of the amendment would be that the very severe penalties provided by the bill shall not apply to first offenders, but after the first offense they may apply.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "offense," insert the words "after the first offense," so the clause would read:

> The penalty imposed for each such offense after the first offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

Mr. JONES. Mr. President, I merely desire to express the hope that the amendment will be voted down. A similar provision is contained in a bill which has been on the calendar in another body for some time. This would be a very substantial change and would probably prevent any action during the present session. I hope the proposed amendment may be voted down.

Mr. BRATTON. Mr. President, I have not given serious thought to the amendment of the Senator from Connecticut, but it impresses me that if it is adopted there will be no punishment provided in the law for a first offense.

Mr. BINGHAM. Oh, yes, there is a penalty provided in the law for the first offense. The amendment which I have offered does not change it at all in that respect.

Mr. BRATTON. I am not sure about that.

Mr. GEORGE. Mr. President, may I say to the Senator from New Mexico that the maximum penalty now provided for the first offense remains, and the penalties here provided would apply only to second and subsequent offenses.

Mr. HEFLIN. Mr. President, may we have the section read as it would read if amended?

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

> That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquors, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense after the first offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Connecticut.

Mr. BINGHAM. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as to my pair as on the former vote, I vote "nay."

Mr. KING (when his name was called). I make the same announcement as before with respect to my pair and withhold my vote.

Mr. BINGHAM (when Mr. METCALF's name was called). The junior Senator from Rhode Island [Mr. METCALF] is detained from the Senate by illness. If he were present, he would vote "yea."

The roll call having been concluded, the result was announced—yeas, 31, nays 51, as follows:

YEAS—31

Bingham	Edge	Norbeck	Schall
Blaine	Edwards	Norris	Tydings
Blease	Gerry	Nye	Wagner
Borah	Glenn	Phipps	Walsh, Mass.
Broussard	Gould	Pittman	Warren
Bruce	Hawes	Ransdell	Watson
Copeland	Johnson	Reed, Mo.	Wheeler
Couzens	Moses	Reed, Pa.	

NAYS—51

Ashurst	Fess	McKellar	Smoot
Barkley	Frazier	McMaster	Steck
Bayard	George	McNary	Steiwer
Black	Goff	Mayfield	Stephens
Bratton	Greene	Neely	Swanson
Brookhart	Hale	Oddie	Thomas, Idaho
Burton	Harris	Overman	Thomas, Okla.
Capper	Harrison	Robinson, Ind.	Trammell
Caraway	Hastings	Sackett	Tyson
Curtis	Hayden	Sheppard	Vandenberg
Dale	Heflin	Shortridge	Walsh, Mont.
Deneen	Jones	Simmons	Waterman
Dill	Kendrick	Smith	

NOT VOTING—13

Fletcher	Keyes	McLean	Shipstead
Gillett	King	Metcalf	
Glass	La Follette	Pine	
Howell	Larrazolo	Robinson, Ark.	

So Mr. BINGHAM's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. GEORGE. Mr. President, I now offer the following amendment: In line 2, section 2, page 2, after the word "penalty," insert the words "for the first or any subsequent offense," so that the whole section would read:

> This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. JONES. Mr. President, I myself have no objection to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia to the amendment reported by the committee.

Mr. BRUCE. Mr. President, this amendment affords me the last opportunity that I shall have to say anything with respect to the pending bill in the course of the present discussion. My life as a Senator is on the point of expiring, and I wish to pronounce a curse on that bill with my last dying breath. It is but another fatal step in the progress of an intolerable tyranny. It violates every settled principle of criminal jurisprudence. It wipes out every accepted distinction between first and second offenses, and makes no attempt to draw any distinction between major and minor offenses, notwithstanding the fact that offenses under the Volstead Act range all the way from the possession of a half pint of liquor by an individual who has purchased it simply for his own use to the sale of a vast store of liquor by some bootlegging ring of organized criminals with a capital of a million dollars. It leaves it in the power of any Federal judge—and all of us know to what extremes a Federal judge might at times be driven by the fanatical spirit of prohibition—to impose a fine of $10,000, or a term of imprisonment of five years, or both, even upon some Member of the Senate who might be found—as I have seen many of them—in a mere social situation that happened to involve a violation of the Volstead Act.

The next step, as I predicted the other day, will be to make every violation of the Volstead Act a felony; that is to say, to place every such violation in the same class as murder, as rape, as arson, as other truly flagitious crimes.

Already, as the Senator from Missouri [Mr. REED] stated last Saturday, no fewer than 187 individuals competing for the Durant prohibition prize have expressed the view that capital punishment was not an excessive penalty for infractions of the Volstead Act.

Then, the next step for which Members of Congress will be herded up by the Anti-Saloon League will be to enact some such law as that vile, abominable, inhuman, brutish law which is in force in the State of Michigan and has already placed behind the dark portals of the penitentiary of that State for life three of four individuals who had been guilty of relatively petty offenses under the Volstead Act.

Then, as I have also predicted, the last step will be to violate the sanctity of the home, through the help of faithless servants, estranged relations, or malicious neighbors.

Ah, then, indeed, there might be a lack of that liquor which the human race has been drinking ever since the base of the Alleghenies was laid; but there would be no lack of that red liquor which flows in tragic moments from the human veins. In the graphic language of the Scriptures, then, indeed, there would be a "vineyard of red wine" and it would not be a California vineyard merely. The test would then be decisively made as to whether the old, immemorial, cherished traditions of American liberty were still alive. It was said of the battle of Chevy Chase that the child unborn might well rue the hunting of that day, and there is not a Senator here, with a few exceptions, about to give his support to this bill who will not in the next 6 or 7 or the next 8 or 10 years bitterly rue the weakness that induced him to do it.

Already I am hearing more than one sane, well-balanced man or woman give expression to the thought that if the hateful oppression of prohibition can not in any other way be earlier terminated, it may be terminated finally by popular revolution. Of course—

> That way madness lies.

However, I mention it at least as an evidence of the rising tide of bitter detestation that is conducting at the present time public opinion in relation to prohibition we hardly know whither.

As for me, nothing remains for me to do but impotently to cast my vote against this crude, illogical, and monstrous bill, feeling as I do, so that I am at least faithful to the manly injunction:

> Charge once more, then, and be dumb,
> Let the victors when they come,
> When the forts of folly fall,
> Find thy body by the wall.

[Mr. BRUCE asks that the fact be noted that the above lines, including the dependent clause in the last sentence of the above speech, beginning "feeling as I do," were not actually spoken but added afterwards.]

Mr. HEFLIN. Mr. President, I regret to see the Senator from Maryland [Mr. BRUCE] take such a morose, vindictive, and mournful view of this situation. The Senator is exceedingly lonesome here to-day. The Senate is going to pass this measure. The Senator will have to endure it, and when he departs in a few days from the Capital City, leaving behind his association with those who vote for prohibition and for prohibition law enforcement, he can follow the suggestion of the doggerel which runs:

> Leave this city's legislative hum,
> From its fashions and forms cut loose;
> Go where the cat climbs the catnip tree
> And the gooseberry grows for the goose;
> Where the partridge drums his drum
> And the wood chuck chucks his wood,
> And the dog devours the dogwood plum
> In primitive solitude.

[Laughter.]

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia [Mr. GEORGE] to the amendment of the Senator from Washington [Mr. JONES].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). On the passage of the bill I am paired with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I transfer my pair to the junior Senator from New Hampshire [Mr. KEYES] and vote "yea." The junior Senator from New Hampshire is absent on account of illness. If present, he would vote "yea."

Mr. KING (when his name was called). Upon this question I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. If he were present, I am advised that he would vote "yea," and I would vote "nay." I withhold my vote.

Mr. BINGHAM (when Mr. METCALF's name was called). If the junior Senator from Rhode Island [Mr. METCALF] were present, he would vote "nay."

Mr. CARAWAY (when the name of Mr. ROBINSON of Arkansas was called). My colleague [Mr. ROBINSON of Arkansas] is detained by a death in his family. If present, he would vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce that the junior Senator from New Mexico [Mr. LARRAZOLO] is absent on account of illness. If present, he would vote "yea."

I also desire to announce that the senior Senator from Massachusetts [Mr. GILLETT] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 65, nays 18, as follows:

YEAS—65

Ashurst	Frazier	Mayfield	Smoot
Barkley	George	Moses	Steck
Black	Glass	Neely	Steiwer
Blease	Goff	Norbeck	Stephens
Borah	Greene	Norris	Swanson
Bratton	Hale	Nye	Thomas, Idaho
Brookhart	Harris	Oddie	Thomas, Okla.
Burton	Harrison	Overman	Trammell
Capper	Hastings	Pittman	Tyson
Caraway	Hayden	Reed, Pa.	Vandenberg
Couzens	Heflin	Robinson, Ind.	Walsh, Mont.
Curtis	Johnson	Sackett	Warren
Dale	Jones	Schall	Waterman
Deneen	Kendrick	Sheppard	Watson
Dill	McKellar	Shortridge	
Edge	McMaster	Simmons	
Fess	McNary	Smith	

NAYS—18

Bayard	Copeland	Hawes	Wagner
Bingham	Edwards	Phipps	Walsh, Mass.
Blaine	Gerry	Ransdell	Wheeler
Broussard	Glenn	Reed, Mo.	
Bruce	Gould	Tydings	

NOT VOTING—12

Fletcher	Keyes	Larrazolo	Pine
Gillett	King	McLean	Robinson, Ark.
Howell	La Follette	Metcalf	Shipstead

So the bill was passed, as follows:

Be it enacted, etc., That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both: *Provided,* That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law.

SEC. 2. This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 213) to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

The message also announced that the House insisted upon its amendments to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Washington, Mr. VINCENT of Michigan, Mr. SCHNEIDER, Mr. SABATH, and Mr. BOX were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and that the House further insisted on its disagreement to the amendment of the Senate numbered 39 to the bill.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park; that the House had receded from its amendments numbered 1 and 2 to the bill; and that the House further insisted on its amendment numbered 3 to the bill.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 58), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statues of Henry Clay and Dr. Ephraim McDowell, by Charles H. Niehaus, presented by the State of Kentucky (said statues being donated to the State of Kentucky by Isaac W. Bernheim), to be placed in Statuary Hall, are accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of these statues of two of its most eminent citizens, illustrious for their distinguished services to the country.

2. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Kentucky.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., and it was signed by the Vice President.

PROPOSED NICARAGUAN CANAL

Mr. EDGE. I move that the Senate proceed to the consideration of Senate Joint Resolution 117, Order of Business 785, authorizing an investigation and survey for a Nicaraguan canal.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey.

Mr. MOSES. Mr. President, will the Senator yield to me?

Mr. EDGE. If the Senator will await until the motion is put, I will have the bill laid temporarily aside for any Senator who desires me to do so.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, which had been reported from the Committee on Interoceanic Canals, with amendments.

Mr. MOSES. I ask unanimous consent that the unfinished business may be temporarily laid aside in order that I may ask unanimous consent for the introduction of a joint resolution.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

SUPREME COURT BUILDING COMMISSION

Mr. MOSES. I ask unanimous consent that the joint resolution, which I send to the desk, may be introduced and read; and I invite the attention of the Senator from Arizona [Mr. ASHURST] to it.

The VICE PRESIDENT. Is there objection? The Chair hears none. The joint resolution will be read.

The joint resolution (S. J. Res. 223) to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, is amended by adding at the end thereof the following new section:

"SEC. 4. Notwithstanding the provisions of section 1, any individual who, on March 3, 1929, is a member of the commission by virtue of a committee chairmanship or ranking minority membership as above specified, shall, despite the expiration of his term of office as a Member of the Senate or House of Representatives, continue to serve as a member of the commission until death or resignation. In the event of the death or resignation of any such member, the provisions of section 1 shall be applicable with respect to successors of such member."

Mr. MOSES. Mr. President, I ask unanimous consent for the present consideration of the joint resolution.

Mr. DILL. I think it had better go over.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. The Senator from Arizona is recognized.

Mr. ASHURST. Let me say to Senators, if they will bear with me a moment, that in plain language the joint resolution simply provides, and if adopted its effect will be, that the able senior Senator from Missouri [Mr. REED], notwithstanding the

expiration on March 4, next, of his term as a Senator, will be eligible to membership on, and will continue to be, a member of the commission which is to examine, supervise, and adopt plans for the construction of the building for the Supreme Court of the United States.

If this joint resolution does not become a law, then under the rules of seniority, I would become a member of this commission; but I am possessed of no talents that can ever bring me into even the most courteous competition when measured and weighed with those talents of the Senator from Missouri [Mr. REED], and I hereby gladly and cheerfully waive in his favor such privilege of priority as I might have on this commission.

If this joint resolution shall become effective, the Senator from Missouri will then be eligible to continue the excellent work he has already begun in this behalf. Its passage will mean that he may be called to Washington, where we may have the pleasure of seeing him, once in a while; and let me say that for many months past he has, in cooperation with Chief Justice Taft, rendered valuable services regarding the proposed building for the Supreme Court of the United States.

I earnestly hope that I may be permitted to waive whatever right, or privilege, or priority I may happen to have to serve on this commission, in favor of the Senator from Missouri.

Mr. DILL. Mr. President, the Senator can do that to-morrow as well as to-day. I think the joint resolution ought to be printed.

The VICE PRESIDENT. The joint resolution will be printed and lie on the table.

Mr. ASHURST. Mr. President, in the hurry of the moment, I omitted to say that no compensation of any sort or nature whatever is proposed to be paid or will be paid to the members of this commission. In fact, I am sure that the Senator from Missouri would decline to accept any compensation if such were offered. I make this additional statement because Senators near me have called attention to the fact that I omitted to say that no compensation whatever is carried in the measure; and I now renew my request for immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I object.

Mr. DILL subsequently said: Mr. President, earlier in the session I objected to the consideration of a joint resolution presented by the senior Senator from New Hampshire [Mr. MOSES]. While I think it is a bad precedent to set, in the light of the fact that the Senator from Missouri is such an unusual Senator and has rendered such an unusual service in the Senate, I am willing to withdraw my objection.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CELEBRATION OF CANALIZING OF THE OHIO RIVER

The VICE PRESIDENT. The Chair, pursuant to House Concurrent Resolution No. 51, creating a committee to represent Congress at the celebration of the completion of the canalizing of the Ohio River, appoints as members on the part of the Senate the Senator from Ohio [Mr. FESS], the Senator from Pennsylvania [Mr. REED], and the Senator from Louisiana [Mr. RANSDELL].

MIGRATORY BIRD CONSERVATION COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from South Dakota [Mr. NORBECK] and the Senator from Missouri [Mr. HAWES] as the members on the part of the Senate of the Migratory Bird Conservation Commission created under section 2 of the migratory bird bill approved February 18, 1929.

APPROPRIATIONS FOR THE WAR DEPARTMENT

Mr. REED of Pennsylvania. Mr. President, I send to the desk and ask to have read a conference report on the Army appropriation bill, and I move its adoption.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 20, 22, 33, 34, 35, 36, 46, 49, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 17, 18, 25, 27, 30, 40, 42, 43, 44, 51, and 61, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,480"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ": *Provided*, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on June 30, 1930"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Restore the language stricken out by said amendment, amended to read as follows: ": *Provided*, That no appropriation contained in this act shall be available for any expense incident to the employment of an average number of officers, enlisted men, or civilian employees greater than the largest number employed during the fiscal year ending June 30, 1929, in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That not more than $16,000 of the appropriations contained in this act shall be available for rent of office outside the District of Columbia in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,690,785"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,598,376"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,439,280"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,250,800"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,428,553"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,701,800"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,710,436"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,307"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,925,221"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and

agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$133,750, and, in addition, not to exceed $75,250 of funds received during the fiscal year 1930 from the purchase by enlisted men of their discharge"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; for additional repairs to roads, $5,000; in all, $40,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Any unexpended balances under the appropriations 'Paving Lafayette extension road, 1928 and 1929,' 'Paving Ringgold Road, 1928 and 1929,' and 'Survey of battle fields, 1928 and 1929,' which last-mentioned appropriation shall be available for surveys of battle fields around Atlanta, Ga., including the Battle of Kenesaw Mountain, to determine the cost of adequately marking the battle lines and of a suitable memorial park at Kenesaw Mountain, are continued and made available during the fiscal year 1930 for the same respective purposes except as may be hereby modified"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$800,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 16, 28, 29, 41, 52, 54, 55, 56, 57, 58, 59, and 60.

DAVID A. REED,
W. L. JONES,
F. E. WARREN,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
T. W. HARRISON,
ROSS A. COLLINS,
Managers on the part of the House.

Mr. REED of Pennsylvania. I move the adoption of the report.

Mr. BINGHAM. Mr. President, I desire to ask the Senator from Pennsylvania what the conferees were able to do with regard to the appropriations for carrying out the 5-year program for the Army Air Corps.

Mr. REED of Pennsylvania. We were able to get the agreement of the House conferees to an increase of $1,000,000 over the amount allowed by the House. That will enable us to buy all of the pursuit planes called for by the program; it will enable us to buy all of the attack planes; it will enable us to buy all of the observation amphibians; and those, I might say, are the extremely technical types of planes. It will also enable us to buy about 12 out of the 75 observation planes for which the House appropriation failed to provide.

We needed 75 more planes than the House allowed to come up to the full program, and also certain cargo planes. We have not been able to get any of the cargo planes. As I say, the increase over the House figures is a million dollars; and the House allowed the full amount estimated for by the Budget.

Mr. BINGHAM. Mr. President, I desire to call the attention of the Senate to the fact that once more the House of Representatives has not only been unwilling to provide enough money to carry out the 5-year aircraft program which the people of this country who are air minded and who are interested in aviation believed Congress meant when it passed the bill three years ago, and believed Congress would provide money to carry it out, but the House would not even go as far as the Senate desired to go in meeting the program. This means that the aircraft program for the coming year will be 85 planes short of meeting the requirements of the 5-year program and also will be about $2,000,000 short in providing hangars, shops, fields, and runways for the technical equipment to enable the Air Corps to carry out the aircraft program as laid down by the act of 1926.

Mr. STEPHENS. Mr. President, may I inquire what action was taken with reference to the so-called Robinson amendment making an appropriation for moneys expended in repairing damages to roads and bridges in Missouri, Mississippi, Louisiana, and Arkansas in 1927?

Mr. REED of Pennsylvania. Yes, Mr. President. That was amendment No. 60. It was decided by the conferees to change the language of that amendment to conform to the language of the appropriation made last year for the benefit of Vermont, New Hampshire, and Massachusetts, and with that change the amendment was agreed to.

Mr. STEPHENS. The amount is unchanged, is it?

Mr. REED of Pennsylvania. Yes; the total amount remains as it was. It was necessary to make a slight readjustment in the different items.

Mr. NORRIS. Mr. President, may I inquire of the Senator from Pennsylvania as to the Niobrara amendment?

Mr. REED of Pennsylvania. The amendment offered by the Senator from Nebraska calling for river-bank protection at Niobrara, Nebr., and the amendment offered by the Senator from South Dakota [Mr. MCMASTER] calling for similar bank protection at Yankton, were both accepted by the House with these changes. The estimate of the engineers indicated that the total cost of doing the work would be $250,000. The committee was unwilling to go beyond the precedent established in the Mississippi Valley of having the Federal Government pay one-third and local interests two-thirds, so that it was provided in the amendment that the Federal Government should pay one-third, and as one-third of $250,000 is $83,000, the amount was fixed at $85,000 to provide for that.

I may say to the Senator that the conference continued until this afternoon, with those two amendments the last to be agreed to.

Mr. NORRIS. May I inquire of the Senator what provision is made, if any, about the division of the payments between local authorities and the Federal Government?

Mr. REED of Pennsylvania. The local authorities are to pay two-thirds and the Federal Government one-third.

Mr. NORRIS. Instead of just the reverse?

Mr. REED of Pennsylvania. Instead of the reverse. The conferees took that action because it had been established as the proportion in the Mississippi Valley.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. KING. If the conference report should go over until to-morrow, would there be any delay in the final disposition of the matter?

Mr. REED of Pennsylvania. No, Mr. President; but the Senate has to act first, and there are 12 amendments which must be taken to the floor of the House. The conferees have reached a final agreement; but under the rules of the House 12 of the amendments must be specifically reported and adopted there, and they can not act until the Senate shall have first acted.

Mr. KING. The idea I had in mind was that the House probably would not reach it for action until to-morrow afternoon.

Mr. REED of Pennsylvania. The House will probably spend a large part of to-morrow on its commemorative services. I do not know whether they intend to transact legislative business later in the afternoon or not.

Mr. KING. When did the conferees intend meeting again?

Mr. REED of Pennsylvania. The conferees have no occasion to meet again, because our agreement with the House conferees is complete.

Mr. KING. I understood that there were a number of matters in disagreement——

Mr. REED of Pennsylvania. Oh, no.

Mr. KING. Which are still in conference.

Mr. REED of Pennsylvania. The disagreement is only technical. Under the House rules the House conferees must get consent before they can make a formal agreement, but the conferees, subject to that agreement, have composed all the differences between the two Houses.

Mr. KING. I hope the Senator will not press for a vote this evening.

Mr. REED of Pennsylvania. I am perfectly willing to let it go over, if the Senator desires.

Mr. KING. I will be glad to have the Senate take it up to-morrow morning.

Mr. REED of Pennsylvania. Will the Senator be ready to have it taken up immediately after we meet to-morrow?

Mr. KING. Yes.

The VICE PRESIDENT. The conference report will lie on the table.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its amendments Nos. 1 and 2 to the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of

Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, and further insisting on its amendment No. 3.

Mr. HARRIS. I move that the Senate agree to House amendment No. 3.

The motion was agreed to.

GRAND VALLEY RECLAMATION PROJECT, COLORADO

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, which was, on page 1, line 11, after the word "Colorado," to insert:

Provided, That if the Secretary of the Interior shall determine that the construction and operation of the power canal or canals or any other feature connected therewith will result in seepage or other damage to irrigated lands, he is authorized and directed to include in such contract or contracts provisions and conditions necessary for the prevention of such loss or damage, or to approve agreements between the parties in interest with respect thereto.

Mr. PHIPPS. I move that the Senate concur in the House amendment.

Mr. NORRIS. Mr. President, I would like to know something about this matter.

Mr. PHIPPS. I will be glad to explain it to the Senator.

Mr. NORRIS. I ask that it may lie on the table until tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

YUMA AND YUMA MESA AUXILLARY PROJECT

Mr. PHIPPS. From the Committee on Irrigation and Reclamation, I report back favorably without amendment the bill (H. R. 15918) to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary project, and for other purposes," and I submit a report (No. 1839) thereon.

The Senate Committee on Irrigation and Reclamation has approved a bill similar to this, Senate bill 5196, introduced by the junior Senator from Arizona [Mr. HAYDEN]. I ask for the consideration at the present time of the House bill, which has the approval of the Senate committee.

Mr. McKELLAR. Let it be reported.

The bill was read by title.

Mr. KING. The Senate has not passed a bill of that character.

Mr. PHIPPS. No; the Senate Committee on Irrigation and Reclamation reported favorably Senate bill 5196, and I have moved to substitute the House bill, which has already passed the House. All the bill provides is that when money recovered from the Imperial Valley irrigation district for its proportion of the Laguna Dam expenditures is received, it may be credited to the Yuma enterprise as against operation or maintenance or construction charges. At the present time the money may only be credited as against construction charges, but the settlers on the reclamation project are entitled to that repayment just the same whether or not they have paid out their construction charges in full. When they have done so the credit would go against the operation and maintenance. The bill has the approval of the department and of the committee.

The VICE PRESIDENT. Is there objection to substituting the House bill for the Senate bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUES OF HENRY CLAY AND DR. EPHRAIM M'DOWELL

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 58), which was read:

Resolved by the House of Representatives (the Senate concurring), That the statues of Henry Clay and Dr. Ephraim McDowell, by Charles H. Niehaus, presented by the State of Kentucky (said statues being donated to the State of Kentucky by Isaac W. Bernheim), to be placed in Statuary Hall, are accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of these statues of two of its most eminent citizens, illustrious for their distinguished services to the country.

2. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Kentucky.

Mr. SACKETT. I ask unanimous consent that the concurrent resolution may be agreed to.

The VICE PRESIDENT. Without objection, the concurrent resolution is considered and agreed to.

MISSISSIPPI RIVER BRIDGE NEAR CARONDELET, MO.

The VICE PRESIDENT laid before the Senate the bill (H. R. 17024) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., which was read twice by its title.

Mr. HAWES. I ask to substitute this bill for Senate bill 5774, and for the present consideration of the House bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the bill (S. 5774) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., will be indefintely postponed.

ST. JOHN RIVER BRIDGE, MAINE

Mr. HALE. I ask unanimous consent that the Senate proceed to the immediate consideration of House bill 16270, to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act of Congress approved March 18, 1924, granting the consent of Congress to the State of Maine and the Dominion of Canada to construct, maintain, and operate a bridge across the St. John River at a point suitable to the interests of navigation, between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada, be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of said bridge shall be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Richards, jr., Dredging Co.;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson;

S. 2439. An act for the relief of Arthur Waldenmeyer;

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian;

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes;

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy;

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital, No. 90, at Muskogee, Okla.;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; and

H. R. 16279. An act to extend the time for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

REFERENCE OF EXECUTIVE MESSAGES

The VICE PRESIDENT. Pursuant to an order of the Senate heretofore adopted, the Chair refers to their appropriate committees sundry Executive messages.

ORDER FOR RECESS UNTIL TO-MORROW

Mr. CURTIS. I ask unanimous consent that when the Senate completes its work to-night it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BUSINESS OF EVENING SESSION

Mr. KING. Mr. President, I want to ask the Senator from Kansas if it is not the understanding that to-night, after the radio bill shall have been disposed of, if it is disposed of before 11 o'clock, we will then take a recess, and that no other measure whatever will be taken up?

Mr. CURTIS. The understanding was that to-night's session is to be devoted to the radio bill.

Mr. KING. Exclusively.

Mr. McKELLAR. And to nothing else.

Mr. CURTIS. I will state that, so far as I am concerned, no other request will be made to-night, and as I understand it, under the unanimous-consent agreement, nothing else can be done to-night.

Mr. REED of Pennsylvania. Mr. President, if unanimous consent is asked to-night to take up something else, is it understood that the unanimous consent will be refused?

Mr. CURTIS. I think so, because of the unanimous-consent agreement. Several Senators have announced that they would not consent to other business being transacted to-night.

Mr. KING. I want it to be understood distinctly that when that unanimous consent was granted several days ago, coupled with it was the statement, and the statement was made by the Senator from Kansas upon an interrogatory which I propounded to him, that no other business would be taken up to-night. I would not have consented to the meeting to-night except for the agreement which was entered into, so that it would be a violation of the unanimous-consent agreement which was entered into if any other measure were taken up to-night.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being until 8 o'clock to-night, under the order previously made.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to; and the Senate (at 5 o'clock and 57 minutes p. m.), under the order previously entered, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). In accordance with the unanimous-consent agreement entered into on the 15th instant the Chair lays before the Senate the radio bill, Senate bill 4937.

THE FEDERAL RADIO COMMISSION

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4937) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. DILL. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is as follows:

Be it enacted, etc., That all the powers and authority vested in the Federal Radio Commission by the radio act of 1927, approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1930; and wherever any reference is made in such act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of three years after the first meeting of the commission.

SEC. 2. The period during which the members of the commission shall receive compensation at the rate of $10,000 per annum is hereby extended until March 16, 1930.

SEC. 3. Prior to January 1, 1931, the licensing authority shall grant no license or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed three months and no license or renewal of license for any other class of station for a period to exceed one year.

SEC. 4. The commission is authorized to appoint a general counsel and pay him a salary of $10,000 per annum, and not to exceed three assistants to such general counsel, at salaries of $7,500 each per annum. It may appoint such other legal assistants as it may from time to time find necessary for the proper performance of its duties and as from time to time may be appropriated for by Congress.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there is no amendment to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. COPELAND. Mr. President, I desire to offer the amendment which is now on the table.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from New York moves to strike out section 1 of the bill as printed.

Mr. CURTIS. Mr. President, will the Senator from New York yield in order that one of the members of the committee may explain the bill?

Mr. COPELAND. Yes; I would be very happy to do so.

Mr. WATSON. I have no doubt the Senator from New York will be glad to yield for that purpose.

Mr. COPELAND. Certainly.

Mr. WATSON. Mr. President, I shall make very few remarks in regard to the measure. The report which accompanies the bill is so complete that a reading of the measure and the report, I think, will satisfy every Senator as to the reasonableness of the course we recommend.

There are Senators who are opposed to any commission. There are Senators who are opposed to this particular commission administering this particular agency. There are other Senators who believe that the administration of the agency always should have been left with the Department of Commerce and never taken out of it. All phases were represented in the membership of our committee, and yet, after much deliberation, we resolved upon the course represented by the introduction of the measure now before the Senate.

The commission expires by limitation on the 16th of March next, and, therefore, there are two courses open to the Senate. One is to continue the commission for another year as the measure proposes. The other is to let the commission die by limitation and permit the Department of Commerce to take over its administration. The objection to the latter course is that the Department of Commerce is not prepared to take over, in full, the administration of the measure at this time.

There are many things yet to be done by the commission. I am well aware of the fact that there are Senators who are opposed to the personnel of the commission, because the commission has failed to do this, that, or the other thing, which the Senators wanted done or thought ought to have been done. But the Senate the other day confirmed the reappointment of the three members of the commission, Judge Robinson, Mr. Lafount, and Judge Sykes. The President has sent in two other names which the Committee on Interstate Commerce are now considering. Therefore, we have believed under all the circumstances that the only wise course for the Congress to pursue is to continue the commission for another year until they shall have completed in very large measure the work which lies before them.

Mr. President, I have no further explanation to make at this time.

Mr. DILL. Mr. President, in opening my remarks regarding the bill now before the Senate I want to take just a moment to call attention to the fact that radio has made such remarkable advancement in this country and its use has become so popular that on inauguration day for the first time in the history of this Capitol this Chamber will be wired and supplied with microphones so that the inaugural ceremonies may be carried out to the millions of listeners in the homes of the American people. I think that is a very fine thing to be done and I believe will meet with the hearty approval of the people of the country who have come to look upon radio as one of their principal means of securing first-hand information.

Mr. President, this bill does four things. In the first place it continues the original jurisdiction of the commission for another year. By that I mean that under the bill the commission continues for another year to exercise original control of all matters affecting radio applications and radio licenses. If the bill is not passed or if that provision which the Senator from New York seeks to have stricken from the bill is stricken out, then the commission will become in the main an appellate body. The commission does not die as such. The commission is a permanent body as provided by law, but its duties would be irregular and its sittings would be indefinite. Owing to the fact that the commission is now engaged in doing much of the work it was expected it would do during its first year of life,

the committee have thought it wise to continue it for one more year with the original jurisdictional powers.

The second provision of the bill provides that the members shall receive annual compensation of $10,000 each per year rather than $30 per day when engaged in the work of the commission.

The third provision states that the commission shall grant only short-time licenses, that is, 90 days for broadcasting licenses and one year for other licenses.

Section 4 provides that the commission may employ general counsel and pay a salary of $10,000 a year for the general counsel, and may employ three assistants at not to exceed $7,500 each per year.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. DILL. I yield.

Mr. WALSH of Massachusetts. If the bill is not enacted into law before the 4th of March, what will happen to the jurisdiction of the commission?

Mr. DILL. On the 16th of March the duties of the commission would become what are termed appellate. If the Senator will bear with me, I will talk about that at a little later point in my remarks. I want now to discuss the other provisions first and then take up that phase of it.

Mr. WALSH of Massachusetts. Who will have the duties which are not appellate? Will they vest in the Department of Commerce?

Mr. DILL. The Department of Commerce will have the so-called duties of original consideration of all these matters.

Mr. COPELAND. Administrative.

Mr. DILL. The Senator from New York suggests administrative, but I do not know just why we should call some of those duties administrative. The very first act of any body when an application comes in for a license is not an administrative duty but it is a judicial decision to determine whether or not the granting of that license is in the public interest, convenience, and necessity; so that it would not be an administrative duty, and the administrative officer attempting to perform it might find his decision objected to by somebody, because the law is so broad that anybody may object, and then it would go for review to the commission as an appellate body.

Mr. WALSH of Massachusetts. That is, the first original jurisdiction would have to be delegated to the Department of Commerce? It would not be possible for the Secretary of Commerce to handle all those matters, and it would of necessity be delegated to some subordinate?

Mr. DILL. Of course a subordinate would perform the duty.

Mr. WALSH of Massachusetts. Then there would be an appeal to the Radio Commission?

Mr. DILL. Of course. The Secretary of Commerce could refer any of these matters to the commission in the first instance if he desired to do so.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield.

Mr. COPELAND. I am sure the Senator wishes to make a full reply to the Senator from Massachusetts.

Mr. DILL. I want to discuss that a little later. That is the reason why I am not going into it now in detail. I shall be glad to answer fully a little later.

Mr. COPELAND. I ask the Senator if it is not a fact that amateur licenses are now issued by the Department of Commerce itself?

Mr. DILL. I think so; and the ship licenses can be issued by a clerk in the Department of Commerce or under the commission, one just as well as the other. If the commission's operations are once completed, then much of this work can be done in the Department of Commerce.

I want to take up the bill first in an inverse order, because as to the last three provisions I think no one will object. I want to speak first of the necessity as I see it of having the commission given authority for hiring counsel at a salary of $10,000 a year.

At the present time the attorneys of the commission are employed under the classified personnel service. When we passed the radio act in the first place we thought we had excluded attorneys and engineers, but a ruling of the Comptroller General held that they came under the general law and therefore must be selected in accordance with its terms.

The commission found that it could not pay to exceed $6,500 for general counsel. At the present time there are 14 cases pending in the courts. Three of them are cases which have been taken to court on points of law from the commission's action, and the other 11 cases are appeals to the District Court of Appeals in the District of Columbia.

Mr. WALSH of Massachusetts. Mr. President, will the Senator pardon me for interrupting him?

Mr. DILL. I yield.

Mr. WALSH of Massachusetts. Why does not the Department of Justice take care of those cases in the courts?

Mr. DILL. The Department of Justice has not the attorneys particularly trained in this subject, I may say, and the law specifically provides that the commission may employ attorneys. It is thought that it is well for the commission to have attorneys in its own service directly connected with it. If I may enlarge a little later on that feature I think the Senator will see the reason for it.

Some of the cases now pending in the District Court of Appeals go to the very heart of the radio law. The most important probably is the case of the General Electric Co. of Schenectady, station WGY, in which they claim in their brief that because of having had the right to use the ether by license of the Department of Commerce and of the commission, the commission is without power to take any of their time away from them. In other words they have, according to their claim, secured a property right in the air, a vested right, if you please.

Those who are familiar with the statute will recall that it specifically provides that no license should grant any right or interest in any wave length or in the use of the ether except for the term and under the conditions provided in the license. The law requires them to sign a waiver under oath that they do not claim any interest in any wave length or in the use of the ether. Yet, despite that, they come into court represented by such counsel as Charles Evans Hughes, former Justice of the United States Supreme Court; Mr. Hogan, of the Washington (D. C.) bar, and associate counsel, and make the contention with great insistence that they have secured a right in the air, and that the commission has no right to take them off the air except for violation of the law. Of course, if that contention should be upheld by the Supreme Court of the United States, it would mean that effective regulation by Congress would be destroyed. The committee believes that it is important that the commission have power to pay a reasonable fee in order to secure the services of attorneys—the commission can not hope to get attorneys who are the equals of the men I have mentioned—of a high order of ability, who could present the Government's side of the case. So I say it goes to the very heart of the radio regulation itself.

At the present time I understand there are something like 10 or 12 assistant attorneys in the department, some of whom have never had any general legal experience at all, but who are about the best the department can get for the small salaries which they are allowed to pay. Therefore I think anyone who has the interest of radio regulation at heart will agree that the commission should have authority to pay a reasonable salary in order to get attorneys who will give their entire time and attention to this work.

The third provision of the bill, to limit the time of these licenses, certainly is not to be disputed, because nobody knows what the radio wave lengths are going to be worth or the use we may want to put them to in future years. In order to prevent the freezing—if I may use that word—of the radio situation, it is thought well to limit the commission to licenses for broadcasting purposes not to exceed 90 days, and for other purposes not to exceed one year. Under the law as originally passed, the broadcasting licenses might be issued up to three years and other licenses up to five years. So we have provided in the bill that until January 1, 1931, the commission shall grant only short-time licenses.

Then, the second provision of the bill that the compensation shall be $10,000 yearly, it seems to me is very desirable, because whether this commission be appellate for another year or whether it have its original powers, it should be assured of a stable salary, because it will be here practically all the time. I think it would be much better to pay on that basis than on the basis of daily pay when it is engaged in the work of the commission.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. DILL. I yield.

Mr. WALSH of Massachusetts. As I recall the Senator's position on this subject when previous legislation was before Congress, he had given some thought to the question of the commission being self-supporting?

Mr. DILL. Yes.

Mr. WALSH of Massachusetts. The Senator had considered the suggestion of levying a charge or fee upon those who receive

licenses from the commission which would be sufficient to pay for the salaries of the commissioners, their clerks' salaries, and their attorneys' salaries. Has the committee, of which the Senator is a member, given any study or thought to that phase of this question?

Mr. DILL. I may say to the Senator that it has been discussed in a general way, but we have not attempted to work out any plan.

Mr. WALSH of Massachusetts. What is the commission now costing the Government?

Mr. DILL. It cost about $300,000 last year, as I remember.

Mr. WALSH of Massachusetts. Has there been no return of any kind?

Mr. DILL. There has been no return of any kind. I may say to the Senator that one of the reasons why nothing has been done has been that for short-term licenses it is rather difficult to work out a proper fee. I will say further to the Senator that I think the time has come when legislation should be enacted providing for a fee, and a substantial fee, especially from the broadcasting license holders for the use of the wave lengths.

Mr. WALSH of Massachusetts. I am glad to hear that comment from the Senator.

Mr. DILL. I believe that everybody who gets a license should pay for it, even the amateurs, although I think the amateurs should be charged only a nominal fee; but certainly the great broadcasting stations that are spending hundreds of thousands of dollars to build their plants and hundreds of thousands of dollars to put on their programs, and then collecting from advertisers hundreds of thousands of dollars more, ought to pay a very substantial license fee; and I think they would be willing to do so.

I may say that I have it in mind to introduce and to have passed, if possible, a resolution calling upon the commission to recommend to Congress at the coming session a scale of fees which they think would be appropriate for our consideration, with the view of putting such a scale into the law.

Mr. WALSH of Massachusetts. I am very much pleased to hear the Senator's observation and to note that he has been giving special attention to that phase of this question.

Mr. DILL. We did not think it was wise to attempt to amend the law in these respects at this short session of Congress.

Now, I want to come to a discussion of what seems to be the one disputed part of the bill, particularly the part of the bill that is disputed by the Senator from New York [Mr. COPELAND], and that is as to the reason why the commission should continue as a body with original jurisdiction.

The Senate will recall the history of the commission. When it was created we failed to pass the deficiency appropriation bill, and for the first eight months the commission had no money and could get no help except such as could be borrowed from different departments of the Government. Two of the members of the commission died. So, at the end of the first year they had really had no chance to do any particular work on the situation with which they were confronted. Last year when we were able to appropriate sufficient funds for them to form an organization, there was such dissatisfaction in Congress with what had been done that we passed what was known as the equalization amendment, or the Davis amendment, providing that there should be an equality of radio transmission and radio service in the different zones and that service and wave lengths and power should be divided among the States and cities according to population. That entailed a large amount of work upon the commission; and on November 11 of this year they put into effect a new allocation; they have tried to comply with the Davis amendment, and they think they have done so reasonably well. In doing that they changed the wave lengths or the power or the time of operation of 94 per cent of all broadcasting stations. That naturally caused a considerable upset and considerable dissatisfaction. There have been a great many appeals to the commission for changes in allocations. I am informed there are 70 cases of appeal now pending. It would seem unwise when they are in the midst of correcting their own allocations that this work should be thrown onto some new subordinate officials of the Department of Commerce and taken away from the commission that is so familiar with it.

It would seem only proper and sensible to have the commission complete the work in the broadcasting field in which it is now engaged, because if this work should go to the Department of Commerce an entirely new division must be set up there so far as broadcasting is concerned, and the Secretary of Commerce will find it necessary to put men in charge and build up a system such as has taken some months, in fact a year or more, to build up in the Radio Commission. Until the establishing of a standard, of a policy, in the broadcasting system of this country is completed it would seem exceedingly unwise to take from the commission its original jurisdiction in the handling of the radio stations of the country.

In addition to that, there are a great many problems that have arisen during the last year in connection with the short wave lengths, that is the wave lengths that are used for transcontinental broadcasting, point to point work, and that are used for international communication and for transoceanic communication. Until about a year or 18 months ago it was thought very few of the short wave lengths were worth anything, but the experiments of amateurs have demonstrated what engineers could not discover, namely, that they can be mastered and can be used. As a result there is a veritable scramble for licenses for short wave lengths, and the commission has been engaged for some time—and it has not as yet completed its work—in the allocation of the short wave lengths, the transcontinental, the transoceanic, and the international wave lengths.

In addition to that, there is work to be done in agreeing with Canada and Mexico and Cuba, particularly as to the division of the short wave lengths, for stations on the same short wave lengths will interfere with one another just as much as stations on the broadcasting wave lengths. Only recently the representatives of the Radio Commission went to Canada, where they gave long and tedious consideration to this whole question. They have not fully agreed with the Canadian representatives, and it may be that there is a difference of opinion as to whether or not what has been tentatively agreed upon shall finally be approved. They are in the midst of it; they are working on it and here again it would seem unwise to take from this body which is in the midst of this work these particular duties and to place them in the hands of some new set of men such as it will be necessary to have in the Department of Commerce.

Then there should be regulations provided for the various classes of service and for the various uses of wave lengths. There is need for regulation to govern broadcasting, to govern apparatus, to govern the amateur, to govern experimental licenses, and to govern ship licenses. That is work of a legislative character. The commission has not been able to do it because the broadcasting problem has pressed upon it until the members of the commission have not had time to think of anything else; but they are beginning to get from under it, and we believe that another year at least will get them completely out from under the burden of the work in which they are now engaged. Certainly the men who have engaged in the handling of these details are better fitted to write the regulations which are needed than are any new men who are subordinate officials in the Department of Commerce.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. COPELAND. We are to have a couple of new men, are we not?

Mr. DILL. Yes; there are to be two new men on the commission.

Mr. COPELAND. Two new men out of five.

Mr. DILL. Yes; but the three men who are there have gone through the hard years' work of the past, and will necessarily be of great assistance and great help to the new men who are to come in, which is far different from training them in the intricacies of this whole subject without any particular assistance, which they would not be able to get in the Department of Commerce.

Mr. SMITH. Mr. President, will the Senator allow me to interrupt him in that connection, catching the significance of the remark made by the Senator from New York?

Mr. DILL. Yes.

Mr. SMITH. After the committee had heard all of the evidence of which it could avail itself, the conviction of the committee was that this body even as now composed, with only three of those originally on it and with two new members, was better qualified to meet the problems which the Senator has so well outlined, rather than have the work delegated to a department whose duties were not specifically given over to the study and regulation of this business.

Mr. DILL. Yes.

Mr. SMITH. I merely want to make one further remark. I do not know that I shall have anything further to say; but it seems to me that the tremendous public interest and the already indicated use of the radio in our industrial, commercial, and social life is such that we must have an independent organization in our Government which will devote its entire time to this particular art, just as we have an Interstate Commerce Commission to look after our transportation on land and water.

Mr. DILL. I may add to what the Senator has said that the men who would take over these duties in the Department of

Commerce would be subordinate clerks at salaries from three to four thousand dollars a year, while the members of the commission are independent in their position; they are men given authority under the law, and are paid substantial salaries, all of which of necessity makes them more effective and more able to do the work that is to be done.

Then, I wish to call attention to another thing along the same line the Senator from South Carolina mentions, and that is that the commission during the past year has worked up a very complete filing system for handling the applications and the licenses. It has its clerks divided into different departments; it is organized to do this work. If this work goes back to the Department of Commerce, in addition to all the other new duties upon that department, it will have the duty of setting up its own system of handling these licenses.

Then, another great problem that is yet to be solved by the commission is the problem of chain broadcasting. Chain broadcasting has reached greater proportions in this country than anywhere else in the world——

Mr. McKELLAR. Mr. President——

Mr. DILL. Just a moment—and it is invaluable to the American people. So far as I know, nobody wants to destroy chain broadcasting or prevent its use in the radio field.

On the other hand, there is a great deal of objection to allowing a great many stations that are given what is known as a cleared channel to use, without any interference from any other station, the right to put the same program on the air at the same time with high power when those particular cleared channels should be used by individual stations for individual programs.

The commission has made a regulation on the subject of chain broadcasting for the purpose of preventing that sort of thing, but it has not seemed satisfactory. The commission has not been willing to attempt to enforce it, and has postponed its enforcement from time to time until it could get to the matter and actually give its time and attention to the study of those regulations so as to make them more fully serve the needs of the country.

In my judgment, that is one of the most important things yet to be done in broadcasting, namely, the formulation of regulations that will allow chain broadcasting to continue and give this local service all over America, and at the same time keep the high-powered stations and the cleared channels for the individual programs instead of having the chain programs on these cleared channels. For instance, in the case of the inaugural ceremonies, the two chain companies will broadcast from here on about 100 stations in the United States alone, in addition to the short-wave lengths by which they will be sent all over the world.

So I do not want anyone to think from what I am saying that I am condemning chain broadcasting, that I want to hinder it or hamper it; but I do think the commission should make it fit into the broadcasting scheme so that it will continue to serve the needs of local communities and at the same time not make it so that a great number of cleared channels will contain the same program on the chain, as is the case to-day.

Just what plan can be worked out I do not attempt to say, but I submit that that kind of a question is one to be worked out, not by subordinate clerks in a great department like the Department of Commerce, which has so many and varied activities, but by men who have studied the question, who have familiarized themselves with all the details of it, and who, because of that familiarity and because of the power they possess as commissioners, are best fitted to do that work.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I desire to ask the Senator a question.

I notice that the life of the commission is continued until March 16, 1930. Will the President have to reappoint these commissioners?

Mr. DILL. No.

Mr. McKELLAR. Or will they simply hold over in their positions by virtue of this act or by virtue of some other act?

Mr. DILL. They hold over by virtue of the statute law we now have. This bill does not change their terms of office. It only changes what is termed the "original jurisdiction," by which they take charge of all the questions that come up in radio when they are first presented; and after the end of the first year those questions would come to the Department of Commerce.

If there are any other questions, I shall be glad to answer them.

Mr. McKELLAR. I desire to ask the Senator another question.

Are the dates or the periods of licensing changed at all in this bill?

Mr. DILL. No. Before the Senator came in I explained that section 3 provides that they shall not license broadcasting stations for more than 90 days, nor other stations for more than 1 year.

Mr. McKELLAR. Is that the law now?

Mr. DILL. That is the present law—for one year. The statute provides for licensing broadcasting stations for not to exceed three years, and other stations for not to exceed five years; but we have thought it well to limit them to short-term licenses for a time, at least until the radio art is more fully developed.

Mr. McKELLAR. Has the Senator already explained section 4?

Mr. DILL. Yes.

Mr. McKELLAR. Why is it that a general counsel is required?

Mr. DILL. They now have what they call a general counsel at the head of the legal division. In the first place, the commission is constantly in need of advice of a legal nature on almost every question that comes before it; and I may say to the Senator that there is no radio jurisprudence in the world. There is no radio law anywhere. In every other great country in the world to-day that has radio the government either directly controls radio or indirectly controls it through some corporation which it controls. Here in America we have tried to allow radio to be free and to be developed by private individuals, and we are developing right now in the courts the first radio jurisprudence to be found in the world. There are very few attorneys who know much about it, and what they do know is more or less based on their own theories.

Owing to the fact that there are 11 cases in the appellate court here in the District, there are 3 other cases pending, and those cases are being handled by attorneys of the very highest order in this country—I mentioned before the Senator came in former Justice Hughes appearing in one case and Frank J. Hogan, of the District bar, and men of that type—it was thought that the commission should have enough money to employ the best attorneys that could be gotten for such a salary as is suggested here. It may be that they will not need the three assistants, but it was thought well to give them that power. Let me say to the Senator that under the present law they are spending really more than this in small-salaried attorneys, some of whom really should not be kept if this bill is passed.

Mr. FESS. Mr. President, will the Senator indicate to the Senate why he thinks that within a year the work may be done sufficiently that we shall not need to continue the commission any longer?

Mr. DILL. I think that within a year the allocation problems of radio will be pretty well settled. I think the chain-broadcasting regulations can be formulated. I think many of the short-wave length complications can be straightened out.

Of course, the Senator knows that personally I have always believed in a permanent commission, and I still believe that would be better; but, taking the viewpoint even of those who agreed in the beginning that we ought to have the commission to settle the policies, I think that within a year the policies should be reasonably well settled; and let me point out to the Senator and to the Senate the difference that will exist once the regulations have been formulated on all the different branches of radio and once the principles have been laid down in the broadcasting field and in the various other fields of radio as to the Department of Commerce then handling it.

They will have this set-up, this whole work before them, and when new questions come up they can be decided in accordance with the principles that have already been laid down by the commission; while if these duties went to them now the work is not sufficiently complete, and they would then be setting up their own ideas, and the commission, of course, would be called to review them.

Mr. McKELLAR. Does not the Senator believe, though, that such progress will be made in radio, and so many new questions will arise from time to time, that it will be absolutely necessary to continue a permanent commission? I believe that is what will have to be done for a long time; and it seems to me that we ought to make it permanent as soon as possible and get the best kind of a commission.

Mr. DILL. I may say to the Senator that I rather think if that is to be done the Congress would probably prefer to enlarge the powers of the commission to include all communications, including telegraph and telephone as well as wireless.

Mr. McKELLAR. Perhaps so.

Mr. DILL. There are bills pending now for the creation of what is called a communications commission, which would include the Radio Commission, and it may be that the next Congress will see fit to do that; but, at any rate, it seems to me the present status is such that it would be very unwise to upset the whole situation by throwing back on the Department

of Commerce work that it is not prepared to do, because it has largely disbanded the force it had for handling radio before the commission existed.

Mr. FESS. I may state to the Senator that that is the general conclusion of every member of the committee.

Mr. DILL. I think that was the conclusion of the committee. There are some members of the committee who rather disliked to continue the original jurisdiction; but after the hearings, and after considering the whole matter, they thought that at present it was unwise to attempt to let the powers revert to the department because of the commission being in the middle, as it were, of many of the tasks to be performed.

Mr. President, I desire to insert in the RECORD a letter from Mr. Louis G. Caldwell, the general counsel of the Radio Commission, which he wrote me at my request, and with it a statement of the legal questions now pending before the commission.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter is as follows:

FEDERAL RADIO COMMISSION,
Washington, D. C., February 18, 1929.

Hon. C. C. DILL,
United States Senate, Washington, D. C.

MY DEAR SENATOR DILL: Inclosed you will find a copy of that portion of a report which I have under course of preparation covering pending cases which are being handled by our legal division. In addition to the data shown by the inclosed copy, the following information may be of service to you:

The three cases other than those pending on appeal, namely, the White, Denemark, and American Bond & Mortgage Co. cases, all involve the validity of the radio act of 1927 with respect to whether it is a proper exercise of the power of Congress to regulate interstate commerce; whether the act is in violation of the fifth amendment to the Constitution, in that it permits or requires the taking of private property without due process of law, or the taking of private property for public use without just compensation; and whether the standard of "public interest, convenience, or necessity" is too vague and indefinite to be valid. In addition, in all three cases the claim is being made that the orders of the commission are invalid both for an alleged lack of due process, noncompliance with the statute, and for reasons analogous to those usually urged in attacking those of the Interstate Commerce Commission and the Federal Trade Commission. In the White and Denemark cases the stations concerned were reduced each from 500 watts to 100 watts after hearing on application for renewal of licenses. In the American Bond & Mortgage Co. case the commission, after hearing, refused a renewal of license with respect to a station with maximum power of 20,000 watts which had previously been licensed with 5,000 watts.

Of the 11 cases pending on appeal, the first two were potentially very dangerous, but apparently are not being pushed by the appellants. They both involve a very delicate situation in the transoceanic high-frequency band, with complications of international law and the obligation of the United States under the International Radio Telegraph Convention of 1927. In addition, they both involve the question as to whether any private interest is entitled to any of the limited channels in this band.

The fourth, fifth, and sixth cases, which are really one, you are, of course, familiar with. In addition to the question of the claim of property right submitted, they involve nearly every conceivable interpretation of the statutory provisions covering appeals and the nature and extent of the jurisdiction of the court of appeals under the act.

The seventh case has to do with the claim of station WNYC in New York that it is not subject to Federal jurisdiction or, if it is, that it is entitled to preference by reason of the fact that it is municipally owned and operated. The act is being indirectly attacked in this case.

The eighth case involves the right of the commission to forbid the operation of portable stations in the broadcast band. Here again the claim is made that the commission has no right to refuse to renew licenses because of supposed rights previously acquired, the portable stations having been in operation prior to the enactment of the radio act of 1927, and having continued to operate under licenses from the commission until July 1, 1928.

The ninth, tenth, and eleventh cases are being treated as one, since they were consolidated for hearing before the commission. While no brief has been filed it may be expected that these cases will be as important as any of the others since they involve the action of the commission in limiting station WENR, a 50,000-watt station in Chicago, controlled by the Commonwealth-Edison interests, to two-sevenths time. There is every indication that every possible point will be raised and that in addition the court of appeals will be called upon to pass on the principles which must guide the commission in its determination of controversies between broadcasting stations.

Do not hesitate to call upon me for any additional information you may need.

Yours very truly,

LOUIS G. CALDWELL,
General Counsel.

II. REPORT OF PENDING CASES

There are at present pending 11 appeals from decisions of the commission in the Court of Appeals of the District of Columbia and 3 other cases in which the commission is interested by reason of the fact that the validity and construction of the radio act of 1927 and the validity of orders of the commission are involved.

The three cases, other than appeals, are, as follows:

(1) Clinton R. White *v.* George E. Q. Johnson, United States Attorney, et al. (U. S. D. C., N. D. Ill., No. 8566). In this case the bill of complaint was filed September 12, 1928. Motions on the part of plaintiff for temporary injunction, and on the part of defendants to dismiss the bill were argued in Chicago on September 28 and October 1, 1928. The bill was dismissed as against the members of the Federal Radio Commission for want of jurisdiction. Extensive briefs were filed by both sides. On October 16 the court overruled the plaintiff's motion for temporary injunction and also overruled the motion to dismiss as to the remaining defendants. The plaintiff appealed from the court's order to the court of appeals of the seventh circuit. Printed transcript of record was filed December 17, 1928, and appellant's brief was filed January 28, 1929. An extension of time for filing defendants' brief has been obtained, and it is due on March 10, 1929. Upon the filing thereafter of a reply brief by appellant the case will be ready for oral argument which may be expected to take place early this spring. The case is, of course, still pending on the merits in the trial court, and an informal agreement has been made with attorneys for the plaintiff for the hearing of the case on the stipulation of facts which should not be difficult to agree upon. Answers were filed in behalf of defendants on January 2, 1929.

(2) Emil Denemark (Inc.) *v.* George E. Q. Johnson, United States Attorney, et al. (U. S. D. C., N. D. Ill., No. 8575): In this case the bill of complaint was filed simultaneously with that in the case just described, presents the same issues, and was argued at the same time in Chicago before the trial court, with the same results. No appeal, however, was taken and the case is still pending on the merits in the trial court. Answers were filed in behalf of defendants on January 2, 1929.

(3) United States *v.* American Bond & Mortgage Co., et al. (U. S. D. C., N. D. Ill., No. 8704): In this case the United States filed its bill of complaint on October —, 1928, and a motion was immediately made on the part of the Government for a temporary injunction, and on the part of defendant to dismiss the bill. The defendants filed an answer and the motions were argued on November 9 and 10, 1928. Extensive briefs were filed by both sides. The motions have not yet been decided but it is expected that a decision, accompanied by a written opinion, will be forthcoming in the immediate future. An informal understanding has been had with defendants' attorneys under which the merits of the case will be heard on a stipulation of facts. A draft stipulation has already been prepared and we are now working to put it in final form.

The 11 cases pending on appeal to the Court of Appeals of the District of Columbia are as follows:

(1) International Quotations Co. *v.* Federal Radio Commission, No. 4828: In this case the notice of appeal and reasons therefor was filed on September 6, 1928, and the commission's statement of grounds for decision on September 26, 1928. No further step has been taken by appellant in the case, with the result that no record has been printed and no briefs filed. It is planned to make a motion to dismiss on the part of the commission in the immediate future with a reasonable prospect of success.

(2) Bull Insular Lines (Inc.) *v.* Federal Radio Commission, No. 4832: In this case the notice of appeal and reasons therefor was filed September 18, 1928, and the commission's statement of grounds for decision on October 14, 1928. The appellants filed with the court a petition for taking additional evidence and an answer to the petition was filed in behalf of the commission with the result that on October 27, 1928, the court denied the petition. Appellants then filed a motion for rehearing on the petition and a motion was filed in behalf of the commission in opposition to the motion, with the result that the court postponed a determination on the motion until a hearing on the merits. No printed record or briefs have been filed and the case is, therefore, subject to a motion to dismiss which it is planned to make in the immediate future.

(3) Technical Radio Laboratory *v.* Federal Radio Commission, No. 4835: In this case the notice of appeal and reasons therefor was filed September 19, 1928, and the commission's statement of grounds for decision on October 9, 1928. Appellant filed a designation of the portion of the record to be printed October 31, 1928, and the commission did likewise on November 8, 1928. On December 11, 1928, appellant moved that the commission's designation of record be stricken and that the record be ordered diminished. The motion was not passed upon since by stipulation there was a final designation of record and a joint motion for leave to file an additional statement of facts was granted. Neither the printed record nor brief have yet been filed.

(4) General Electric Co. *v.* Federal Radio Commission, No. 4870: In this case the notice of appeal and reasons therefor was filed November 9, 1928, and the commission's statement of grounds for decision on

December 1, 1928. On November 9, 1928, the court granted appellant's motion for a "stay of proceedings." Written motions were filed in behalf of the commission on November 28, 1928, to set aside this stay order, to dismiss the appeal, and to strike appellant's notice of appeal and reasons therefor, to require appellant to elect between this appeal and No. 4880. Printed brief was filed by the commission on December 1, 1928, and by appellant on December 3, 1928. The case was argued orally December 3 and 4, 1928. During oral argument a further motion was made by the commission to require appellant to elect between this appeal and case No. 4880. Determination of the motion was postponed by the court until determination of the case on the merits. Appellant filed a printed brief on the motion on December 13, 1928, and a printed brief in reply thereto was filed by the commission December 22, 1928. The printed transcript of record was filed January 10, 1929, and a brief on the merits by appellant on February 8, 1929. A further brief on the merits on behalf of the commission is in course of preparation and will be filed shortly.

(5) People of the State of New York *v.* Federal Radio Commission, No. 4871: In this case the notice of appeal and reasons therefor was filed November 9, 1928. The commission's statement of facts and grounds for decision was combined with that in case No. 4870. A written motion to dismiss was filed in behalf of the commission November 28, 1928. The case was argued, together with No. 4870, on December 3 and 4, 1928, and although the court denied this appellant the right to participate in the oral argument it permitted the filing of a printed brief. The briefs filed in behalf of the commission in No. 4870 have also covered this case. During oral argument the attorney general of New Hampshire was denied the right to take part in the oral argument, but was also permitted to file a brief.

(6) General Electric Co. *v.* Federal Radio Commission, No. 4880: In this case the notice of appeal and reasons therefor was filed November 30, 1928, presumably to cover defects in the first appeal pointed out by the commission's motion to dismiss case No. 4870. The oral argument on December 3 and 4 was directed to this case as well as No. 4870 and No. 4871. The commission's various motions directed at case No. 4870 were also directed to this case and the briefs filed since then, both on the motions and on the merits, have covered this case as well as the other two.

(7) City of New York *v.* Federal Radio Commission, No. 4898: In this case the notice of appeal and reasons therefor was filed January 2, 1929, and the commission's statement of grounds for decision January 21, 1929, together with a motion to strike the notice of appeal and reasons therefor. On January 24, 1929, an answer to the motion was filed by appellant and on January 26, 1929, the court postponed a determination of the motion until a hearing of the case on the merits. On February 9, 1929, appellant filed a petition to adduce additional evidence, the commission filing an answer thereto on February —, 1929, and the motion has not yet been determined. Neither a printed record or briefs have been filed in this case.

(8) C. L. Carrell *v.* Federal Radio Commission, No. 4899: In this case notice of appeal and reasons therefor was filed January 4, 1929, and the commission's statement of grounds for decision January 22, 1929. Negotiations are under way for a designation of record, but no printed record or briefs have been filed.

(9) Great Lakes Broadcasting Co. *v.* Federal Radio Commission, No. 4900: In this case notice of appeal and reasons therefor was filed January 5, 1929, and the commission's statement of grounds for decision on February 1, 1929. Negotiations with appellant's attorneys for designation of record are under way.

(10) Wilber Glenn Voliva *v.* Federal Radio Commission, No. 4901: In this case notice of appeal and reasons therefor was filed January 5, 1929, and the commission's statement of grounds for decision on February 1, 1929. The case is being treated as one with Nos. 4900 and 4902.

(11) Agricultural Broadcasting Co. *v.* Federal Radio Commission, No. 4902: In this case notice of appeal and reasons therefor was filed January 5, 1929, and the commission's statement of grounds for decision on February 1, 1929. This case is being treated as one with cases Nos. 4900 and 4901.

Only one other matter remains to be noticed. On November 2, 1928, a bill of complaint was filed by the San Angelo Broadcasting Co. (Inc.) *v.* Members of Federal Radio Commission, asking for an injunction, and a motion was immediately made for preliminary injunction in the Supreme Court of the District of Columbia. Shortly thereafter, on November —, 1928, the case was dismissed without prejudice.

Mr. BLEASE. Mr. President, I should like to ask the Senator who fixes the rates that are paid for radio service?

Mr. DILL. The rates for radio service are fixed by those who own the radio stations. The law does not give the commission any power to control in any way rates for broadcasting.

Mr. BLEASE. I should like to ask the Senator what his opinion is about that, as to whether Congress should make some regulation?

Mr. DILL. I think that eventually a commission—if not this commission, some commission or some authority somewhere in the Government—should be given power to regulate the rates of radio communication and radio broadcasting, just as we regulate railroad rates. I do not know that that time has come yet. I myself have not thought that it has come yet, because I thought the radio stations should be allowed to make some money, to encourage them to build up a high standard of programs.

Mr. BLEASE. Personally, it does not affect me, because I do not own a radio. I never listened in to one but one time, and it was in such bad shape that I got disgusted and quit. I like to see a man when he is talking to me. It is like going to hear preaching: If I have to sit in a church and can not see the preacher, I would rather be at home. I do not care very much about hearing them then; but I know that down in my section of the country it is just simply open-handed, cold robbery for a man to try to own a radio and get decent connections. I know that we have to depend on Charlotte, and they treat us just as they please.

It seems to me that if the American Congress is going to take any action at all on the radio proposition, as my friend suggests, they should have absolute control through some authority of the prices charged, and the people should have a fair deal.

I am not charging anything against anybody; but I do know that in the last campaign there was favoritism shown, and I do know that there were occasions when the price for listening in on a speech was so exorbitant that it absolutely deprived certain people from the privilege.

If we are going to take charge of the air that God Almighty has given to people, and control it, I think we certainly ought to fix it so that every man in this country, however humble he may be, may, if he can raise the price, at least have the privilege of listening to what is being said or what is going on over this country.

I am told that it is a great comfort to a great many people to have radio. I hear a great many people bragging about how much they enjoy it. That is all right; I have not any objection; but I do know and repeat that some of these stations charge outrageous prices.

I have never wanted to make a speech over the radio because I do not like it. I am like the old nigger preacher down in my country—and that is the only time I ever heard of anything in the world on which my views coincided with the views of a darky. They asked him to come up and preach a sermon over the radio. He said, "No, sir, boss; I don't do that." They said, "Why not?" He said, "I don't speak to no congregation that I can't take up a collection from." [Laughter.]

I do not want to speak to any congregation that I can not look at, and have them look at me. I think I am the only Senator in this body who voted against this radio proposition. I knew it was going to be a curse when it started, and that is what it proved to be, especially to the Democratic Party through the favoritism and exorbitant prices charged in 1928.

Mr. DILL. I want to say to the Senator that if the inventions in radio continue to develop as it appears now they will, it is not at all beyond the realm of probability that within a very short time people will be able to see him when he talks on the radio, because television is developing very rapidly.

Mr. BLEASE. Then I will be so old I will not want to be seen. [Laughter.]

Mr. DILL. I do not think the Senator will be very much older than he is now. Let me add also, in reply to the Senator's suggestion that he voted against this bill, that if this bill or some other bill like it had not been passed by Congress, every radio wave length in the United States would to-day be privately owned, because the courts would have declared, in injunction proceedings, that certain wave lengths had been acquired by those who used them because of their use of them.

Mr. COPELAND. That they had obtained vested rights.

Mr. DILL. Vested rights would have been recognized by the courts, and while this law is not perfect, and while it has not done everything which it was hoped it might do, it has done as much as legal language can to save to future generations the use of radio for whatever purposes the people may want to use it for.

If the courts uphold the law, then it will have protected the people to the extent of making it possible for the Radio Commission or the Department of Commerce, or whatever Government official may be given the authority, to use this great art in the interest of mankind at any time that those in charge desire to do so, regardless of what may have been done in the past.

Mr. SMITH. Mr. President, before the Senator concludes what he has to say, I think he ought to give the Senate to understand that, according to the testimony given to the committee, the development of the engineering features of dealing with the

radio medium, the ether, and the peculiarities of transmission, has only begun. An exhaustive knowledge of the possibilities of radio has not yet been in any way approached.

In addition to that, the development of receiving sets and transmission sets, according to the testimony given to the committee, is yet in its infancy. It has gone far enough, even empirical as it is, to demonstrate that radio will eventually take the place, perhaps, of our telephones, our cables, and our telegraphs, because it has already been demonstrated that it is more efficient, not subject to certain disturbances and obstructions to which the physical means of transportation are subject, and we are right now upon the threshold of possibly the most efficient means of communication throughout the world and in local communities ever known to mankind.

If the Members of the Senate could have sat in and listened to those who have been day by day studying this problem, as we had given them the responsibility of doing, they would have reached the conclusion that it would take all the time of the very best talent, the best electrical engineers, the best administrative geniuses, so to regulate this thing in its infancy that when it was developed it would be developed for the use and benefit of the public.

If we are derelict in our duty now and allow this marvelous discovery, this art, to be used, as unfortunately some of the great public utilities are now being used, the public will lose the ultimate benefit of what, in the opinion of the majority of the committee, promises to be the greatest educational and industrial aid organized society has ever seen.

Mr. DILL. I thank the Senator for his suggestion. I do not want to take any more time of the Senate, unless there are some questions somebody wants to ask.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. FRAZIER. I would like to ask the Senator whether, under the measure now being considered, the Radio Commission have any censorship over what is to be broadcast, in the way of advertising, for instance?

Mr. DILL. Under the law the commission are expressly forbidden from exercising the power of censorship. In actual practice, of course, they have some influence, in that they may declare that certain kinds of programs are not in the public interest as much as certain other kinds of programs, for that reason granting a license or a preference in wave length or power or time or operation to those whose programs they think are most in the public interest. To that extent it might be considered that they were exercising a certain censorship; but they are expressly forbidden in the law from exercising it directly.

Mr. FRAZIER. I would like to ask, then, if the Senator does not think that ultimately, in the development of broadcasting, some such authority will be given the Radio Commission of necessity, in order that it may be regulated to some extent.

Mr. DILL. Mr. President, I shall need to be confronted with very grave abuses before I shall ever want to give to any governmental official the power to censor radio programs. I think about it as I think about other things, such as free speech and free press; while it may be abused, it is a right that should not be interfered with except when the law of libel or slander or obscenity or treason is involved.

I think there may be some control given over the advertising feature of radio, but as to actual censorship of what men may say or the kind of music they may play, I should never want that to come, unless it was absolutely necessary.

Mr. FRAZIER. It was to advertising that I particularly referred.

Mr. DILL. I want to say to the Senator, touching advertising, that the fact that there is advertising over the radio is what makes it possibble for people to listen in to the wonderful programs they do hear without paying anything for that privilege. I have yet been unable to think of any method that would be less burdensome to the people, when they hear a magnificent program over the air, than the statement that "This program is presented by General Motors, the manufacturers of certain kinds of automobiles," or "This is done by the manufacturers of Palmolive Soap," or "This is done by the Anglo-Persian rug manufacturers." It seems to me that slight announcement is about the lowest expense that the radio listener could hope to be put to for the receiving of these magnificent programs.

Mr. FRAZIER. Just one more question. There has been a good deal of complaint about the chain programs, where a large number of stations are hooked up together, it being said that practically the whole dial is covered, and the ordinary radio set can not get any other program than the chain program that happens to be on. Is there any method being worked out by the radio engineers that will result in the broadcasting chain of stations being able to broadcast any programs over the same wave lengths from all the stations?

Mr. DILL. There are claims by some engineers that the same wave length can be used and stations can be synchronized—that is the term they use; that is, that they may use the same frequency and broadcast the same program on that frequency all over the country. However, that has not yet been proven satisfactory enough to be relied upon as a general method.

I may say to the Senator that there are proposals to the commission by which a program will be broadcast over a short wave length and rebroadcast with very small power, in local communities, on the original wave length. That proposal, I say, is pending. I read in the press that some such proposal had been approved by the commisison for a New York company, and the Federation of Labor in Chicago has asked for permission to use a short wave length by which it can broadcast its program on a short wave length, to be picked up by small stations in small towns all over the United States, and rebroadcast on the same broadcasting wave length that was being used by the big stations in Chicago. Personally, I hope that some of those plans may be tried; and if they can be worked out, it would result, indeed, in a great saving of wave lengths.

Coming to chain broadcasting, about which the Senator asked, the commission has attempted to work out regulations, but they have not been able to get regulations that seem satisfactory. The main trouble is this: The stations that are granted high power and what is called a cleared channel, with no other station on that frequency, are, of course, good stations, and they put on good programs. But when there is a general program, such as the President's address, or the General Motors' great program which they may put on, these big stations which have secured the preferred rights want the chain program the same as the little stations do, and the problem is how to enable the stations in all sections of the country to have them and still not take all the cleared-channel stations and the high-powered stations into the chain.

Mr. FRAZIER. I think, if some system could be worked out by which the programs could be broadcast over the same wave length and on the same frequency, it would be better.

Mr. DILL. There are two stations in Massachusetts that are connected by wire, just a few miles apart, which are synchronized perfectly, I understand, and experiments have been tried in Ohio and Michigan particularly that I know of, and in one or two other places, and some of the reports indicate that they have resulted quite satisfactorily, but other reports indicate that they have not been satisfactory. There are many experiments along that line, and I think the commission is very anxious that something may be developed.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BARKLEY. Ordinarily, I think the radio programs run anywhere from 6 o'clock in the morning to midnight, or to 2 or 3 o'clock in the morning, depending on the geographical location of the broadcasting station. About 18 hours per day, I suppose, would cover the ordinary range of programs. If each advertiser should be allowed about an hour, that would mean, of course, that only 18 different concerns in the country, or, if they should occupy half an hour each, it would mean that 36 separate organizations would have the right to broadcast over either a single station or over a chain of stations.

Mr. DILL. Yes.

Mr. BARKLEY. What I want to ask is this: Is there real competition among the private concerns that seek to have the advantage of the use of the radio for advertising purposes, or is it a question of "first come, first served"? How is that regulated?

Mr. DILL. Is the Senator referring to the National Broadcasting and the Columbia Broadcasting chains or to individual stations?

Mr. BARKLEY. I speak of the broadcasting chain of stations and of the private concerns that use them for advertising purposes.

Mr. DILL. As I understand it, those who own a station, or those who own the chain system, select whom they see fit to select, and they make the price pretty high. I do not think there are so very many more demands for the time than there are hours available.

The Senator is now pointing to the great future difficulty in radio, namely, this: Why give one unit of a business a radio station by which it can advertise itself, and not give every other branch of the business a similar right? In other words, why give one newspaper in the city of Washington a radio station and not give one to every newspaper? Why give one Washington newspaper the right to use time on a radio station, and not

every newspaper? All of which leads us to the conclusion that eventually, necessarily, radio is likely to become a public utility, where "first come, first served" will be the rule. But we have not yet reached that point. It is not thought that it would be wise to have legislation along that line at this time.

Mr. BARKLEY. Those who have radios, of course, have observed from time to time the tendency of all programs to be hooked up on what are called national hook ups, or chain broadcasts. However desirable the programs may be, and however enjoyable they are, if that tendency continues until the whole country is hooked up under one program, it will not only shut off independent stations that might want to put on other programs, but it will deprive the people who enjoy diversity of radio entertainment of the right to tune in on some other station and get a different program.

Mr. DILL. Of course, if that condition should develop, the commission has power to stop it, the commission has power to remedy it, the commission has authority to control it; but the commission has been very liberal in allowing stations a free hand, because the art is new.

Mr. BARKLEY. In view of the infancy of this industry and this method of communication, and the limited number of hours a day, I was wondering whether we might in the future approach a time when of necessity, if the combination of stations is to continue, it might not shut out hundreds, and perhaps thousands, of concerns that have just as much right to have their advertising done in this way as others have.

Mr. DILL. If a monopoly in effect is allowed to be effected by a few great interests having control of the great high-powered stations, the public demand will be such as to drive Congress to pass a law by which they will become a public utility, so that there can be no monopoly.

Mr. HEFLIN. The suggestion made by the Senator from Kentucky with reference to the general hook up and that it may disturb, upset, and break up the programs of various communities all over the country in the various States is a correct one. They go ahead and arrange their programs and then they are notified later that there is to be a general hook up of somebody on a certain evening, and the local program must be postponed. It is a hardship on those people, and there ought to be some way in which such matters could be regulated.

Mr. DILL. The commission has full power to do that, but it has been so busy on the allocation question and the problem is such a complex one that they have not yet been able to work out a solution that seems just and fair, because in every community there is a tremendous population that demands a big chain program practically every night. For instance, when inauguration day comes there will be practically no one in the country who will not want to hear that program.

Mr. HEFLIN. That is true.

Mr. DILL. When there is a great program of General Motors, for instance, or when Will Rogers or Al Jolson and other great entertainers are on the air, every station wants to be in on the program. There are two sides to the chain-program matter.

Mr. HEFLIN. They ought to be compelled to give notice far enought in advance so that those localities would not go ahead and arrange their programs and then have them upset by some order coming from the commission here in Washington.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. WAGNER. With reference to the observation made by the Senator from Alabama may I ask the Senator if it is not a fact that in the chain program the local station, as to which the Senator is complaining that it does not get notice in time, does not have to take the program if it does not choose to do so, and then it may conduct its own local program if it likes? In other words, there are many independent companies in the chain system who take the service and who may refuse the service if they like, so it is not an interference with the conduct of their particular station except by the free will of the local station.

Mr. HEFLIN. I myself have witnessed a situation where I was trying to listen in to a local program from the Polytechnic Institute of my own State, and one of these general chain hook-ups on the outside got into the air and the confusion was so terrific that I could not tell which was which and whether there was any head or tail to any of it.

Mr. WAGNER. That is a matter of regulation. That is where the regulation is not as effective as it might be.

Mr. DILL. It has not yet come, in fact.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. COPELAND. Did the Senator express himself as favoring a permanent commission?

Mr. DILL. I said it had always been my own view that there should be a permanent commission, but that the Senate and the House of Representatives compromised on the theory that the commission should be a body of original jurisdiction only until the policies and the problems relating to the beginning of radio regulation were worked out, and that I believed most of them would be completed in another year.

Mr. COPELAND. Let me ask the Senator this question. If the Congress sees fit to pass the pending bill extending the life of the commission for one more year, are we to have a bill brought to us next year providing for the extension of the commission for still another year or to make the commission a permanent one?

Mr. DILL. Of course, I can not answer the Senator's question. I may say to the Senator that the bill originated in the House, and it was members of the House committee who were most opposed to a permanent commission. I would not have been particularly disposed to press the bill, but when I came to study the situation I felt that there was great need for it this year. My own opinion is that the proper step to take is to create a communications commission in both wire and wireless, that will have powers similar to those of the Interstate Commerce Commission in railroad matters, as they will come up later.

Mr. COPELAND. If the Senator were to undertake that, he would bring down then a tremendous group opposing it on the part of the telegraph lines and the telephone lines.

Mr. DILL. Yes; I do not doubt that.

Mr. COPELAND. My own attitude toward the bill now pending would be greatly modified if I had an assurance that we would not have a repetition of this bill.

Mr. DILL. I want to say to the Senator that no man can foresee what may happen with radio in the future. The field of television has just begun to be developed. There may be such problems developed in the next year in television that anything I might say now would not fit the situation. It is now being proposed as a probability that television will make it possible to send by radio a photostat of pages of great newspapers such as are published in New York City, which in turn will make it possible to issue the paper almost simultaneously in all the great cities. That is not yet perfected, but the Senator can see that there is a field which would present new problems not yet met.

There is to-day a new problem being presented by newspapers which own radio stations and which are using radio as a means to sell advertising in the columns of their papers. That is a new question which has just come up within the last 30 or 60 days. How the commission should deal with it is as yet undecided. I may say to the Senator that unless new problems are developed, the questions demanding the original attention of the commission such as I have discussed here to-night will be pretty well settled within the year and there would not be a year from now an upset in the situation such as I have described.

Mr. HEFLIN. The Senator has given great thought to this subject and he has brought some very valuable information to the Senate from time to time. I want to ask what he thinks about the advisability of arranging for some board or some authority in the States to cooperate with the Federal authority here in Washington. For instance, in the State of Alabama, we will say, the people are constantly making suggestions about the radio and how it ought to be run, and they are making complaints about the discriminations that are practiced upon them. Ought there not to be some commission in the States that would have jurisdiction over the radio which operated wholly within the State?

Mr. DILL. The trouble about the proposal is that we can not keep the radio waves or radio impulses within a State. There is no known substance that will stop a radio wave when once it starts out from the broadcasting instrument. It can not be confined within a State. Only three days ago we read in the newspapers that a little station down in Arkansas using 7½ watts—the ordinary station uses 500 to 10,000 watts—was heard all over the country late at night, showing that even with small power the wave may go out great distances.

It might be that a commission such as the Senator suggests, authorized to advise the Federal commission as to conditions in that State as to reception and transmission, might be very helpful, but I am doubtful as to giving it authority. There is no station that operates within a single State, unless it might be the State of Texas, and there the station would have to be in the center of the State, and I doubt whether it would work even there.

Mr. HEFLIN. Would it not help work out the system by having a commission of that kind in each State to cooperate with and which could make suggestions to the Federal commission? As the Senator has said, this is a new subject and we are just groping along gradually, and things are developing every day that we did not know about the previous day.

Mr. DILL. I think such State commissions might well learn things about the stations in their respective sections of the country and report to the Federal commission, but to give them power would cause such a conflict of activities on the part of the different States that I think it would be a very serious mistake to do it.

Mr. HEFLIN. Still, if people in the State want to broadcast within the State from some State station, they might not want to be disturbed by some outside station, General Motors, for instance, who want to broadcast a nation-wide program.

Mr. DILL. The only way to do that, of course, would be to have a central power controlling it to see that nobody interfered on that particular wave length. The State organization could only control within the State and could not stop somebody in another State.

Mr. HEFLIN. The Senator from South Carolina raised a very important question about the price to be paid for radio service. We have got to come to a consideration of that question. There is no doubt about it. I had some experience in the last campaign about getting radio service. I heard of others who had the same trouble. If you want to make a radio speech you are told what a tremendous amount of money it will cost to do it, and in many instances the parties who desire to have the speeches radioed abandon the idea because the price is so tremendous that they do not feel they could afford to pay it. If it is not regulated and some authority lodged somewhere, the radio will soon be in the hands of those who are able to pay tremendous fees for the service, and those who are not able to pay those fees will be denied its use.

Mr. DILL. I said to the Senator from South Carolina that I thought the time would come in the not far-distant future when a commission would be given and should be given power to control all rates for the service of the radio.

Mr. HEFLIN. I suggest to the Senator that I know a Senator who complained about the treatment that I have mentioned. He said that he was thinking of introducing a bill and that he believed that Congress ought to pass a bill to require the radio broadcasting station, where it permitted somebody to hire its services in the closing hours of a campaign and pay a tremendous price for it to broadcast the views of a candidate, to permit the opposing candidate to answer free of charge. It is getting to be a serious question—but, of course, the radio service is young.

Mr. DILL. Mr. President, I will yield the floor.

Mr. KING. Mr. President, will the Senator from Washington answer an inquiry before he takes his seat?

Mr. DILL. Very well.

Mr. KING. I want to ask the Senator whether the apprehension which he and others, including myself, felt when the bill was under discussion a year ago have been realized, namely, that a monopoly has been obtained of interstate radio communication and trans-Atlantic radio communication?

Mr. DILL. I will answer the Senator in this way. What may seem to have developed into a monopoly may have occurred; that is, there may be some things which have happened which would indicate that; but so long as the licenses are issued for only 90 days for broadcasting and one year for other stations, no monopoly can be very dangerous whenever the Government officials want to break it up, because they can take away those licenses entirely and absolutely destroy any monopoly of the air that may be created.

That brings me to the more important question of having the Government's side of the radio law presented to the courts in such a way that the courts will understand that side of it clearly and if possible be induced to protect the people's rights on the air by maintaining this law in its entirety.

Mr. KING. I agree with the Senator and therefore I was very happy to see the provision for suitable legal aid in order to defend the rights of the people as well as of the Government, but many complaints——

Mr. HEFLIN. In line with the suggestion the Senator is making, will he permit me to interrupt? Had the Senator finished his statement?

Mr. KING. I had not.

Mr. HEFLIN. I beg the Senator's pardon.

Mr. KING. Complaints have come to me that the telegraph or telephone companies are securing advantages to which they are not entitled, advantages in interstate communication and advantages which give them privileges denied to others in connection with transoceanic communication.

Mr. DILL. I think certain agreements between certain great companies engaged in different branches of manufacture of parts of radio and parts used in radio broadcasting and radio receiving and the electric business generally have created a virtual monopoly, but a monopoly in the air as such is impossible so long as we maintain the right to withdraw a license from anybody at the end of the license period. I may say in that connection that the Department of Justice is now engaged in an investigation of the Radio Corporation of America because of charges to the effect that it is acting in violation of the antitrust law.

Mr. KING. May I ask the Senator another question?

Mr. DILL. Certainly.

Mr. KING. Last spring I received a communication signed by a number of operators in which they called my attention to an order which was promulgated by the Radio Commission, which proposed to cut off 164 stations throughout the United States. I would like to ask what was the result of the promulgation of that order, and to what extent did they go in denying the right of those who operated the stations in question?

Mr. DILL. I do not know exactly how many of these stations were cut off, but a great many of them were permitted to continue on the air for part time. Some of them did not ask for renewals; some of them quit voluntarily, and a great many of them were curtailed in their time. Of course, the greatest need in the radio field to-day is to get rid of some of the stations so that there will not be so much interference in the air. As to which stations shall be taken out and which stations shall be favored is indeed a great problem. But whatever mistakes may be made they can all be rectified so long as the right to give these licenses to whomsoever the commission sees fit continues under the law.

Mr. KING. May I ask the Senator whether the hearings recently conducted by the committee of which he is a member demonstrated that the situation had improved during the past year?

Mr. DILL. I think the reception conditions have improved. I think that there has been an improvement in general throughout the country.

Mr. KING. Were attempts made, as it was stated they would be made, to invoke the aid of the courts by injunction or otherwise to give to some of the big corporations, some of which are denominated monopolistic, vested rights in the air?

Mr. DILL. The Senator was probably not here when I explained the cases that are pending.

Mr. KING. I was not.

Mr. DILL. Particularly WGY, the General Electric station, at Schenectady, is claiming it has a property right in the air. When the commission undertook to take it from the air after 9 o'clock at night because of allowing a station on the Pacific coast to begin broadcasting at 6 o'clock in the evening—a difference of three hours—it claimed that it had a property right in the air. It is setting up that claim in the court here, and if the claim shall be maintained of course it will destroy effective radio regulation.

Mr. KING. Has anything occurred by judicial decision or otherwise to lead to the belief that they will be accorded vested rights in the air?

Mr. DILL. There has been no decision that would indicate that. The briefs in the case are very interesting. They are based on two theories: One is that because of priority of use, as in the appropriation of water or by public utilities generally, they have acquired a priority right as against anybody else desiring to do the same kind of work; and that they have invested their money, and that they can not therefore be interfered with. That contention follows a certain line of reasoning in cases set out in the briefs. On the side of the Government the other theory is set up, namely, that they are mere tenants by permission of the Government, just as a man who is given permission by a city council to sell fruit on the street for, say, a 90-day period at a time, when the city council decides that it is time for him to clear the street and let somebody else be there, can not claim a priority because he has been there in the past and has spent money to build up a position; or just as a man who is permitted to put a fish wheel in a river in order to catch fish for a long period of time, when Congress wants to use that river for navigation he must give way, although he has expended money on the fish wheel.

Those are the two theories which are being presented now in the District of Columbia Court of Appeals. Whatever decision may be rendered there, the cases will probably go to the Supreme Court of the United States.

Mr. KING. I should like to ask the Senator a further question. I will ask the Senator if there was any testimony before the committee with a view to showing that there was no necessity for perpetuating the Radio Commission, or indicating a better way of dealing with the situation than of continuing the commission for another year?

Mr. DILL. Yes; I will say that Mr. Manton Davis, the attorney for the Radio Corporation, appeared before the committee and opposed the continuation of the commission's original

power for another year. Mr. Caldwell, a member of the commission who is now retiring from it, also opposed the continuation of the commission. Those gentlemen gave as their reasons that they thought the work could be done better by the Department of Commerce. Outside of that, I do not recall anyone who appeared urging that the commission should not continue with its original powers.

Mr. KING. There was no contention that the Government should not keep its hands upon this great instrumentality?

Mr. DILL. No.

Mr. HEFLIN. Mr. President, the questions the Senator from Utah [Mr. KING] has asked are similar to those I intended to ask. I had intended to inquire, if preference rights are obtained now in the early stage of radio development, will they become vested rights, or after a while will it be possible to get those having preference rights out of the air and to abandon their works entirely? That is a serious question. If we can not check them and curb them and control them and put them out, then these rights in the air are going soon to be lodged in the hands of those who are now trying to monopolize them.

Mr. DILL. I may say to the Senator the only way they can acquire such rights will be by a decision of the Supreme Court of the United States to that effect. In the contemplation of the law they have no such rights, and they never can secure them unless the Supreme Court declares that the law is null and void and that they do have such rights. Otherwise, they never will obtain them because they are required every time they apply for a license to sign a waiver under oath that they abandon as against the Government claim to ownership to any wave length or use of the ether.

Mr. HEFLIN. Did this company sign such a waiver?

Mr. DILL. Yes; they have always signed it.

Mr. HEFLIN. They claim they have a vested right.

Mr. DILL. They claim that they can not be taken out of the air and some one else put on the air, because they have been there and spent their money and acquired a property right.

Mr. HEFLIN. It is a very important subject, Mr. President, and now is the time for us to take control and keep control.

Mr. BROUSSARD. Mr. President, I send to the desk an amendment to this bill which I should like to have the clerk read, and then I should like to have the amendment lie on the table.

The PRESIDING OFFICER. Without objection, the clerk will read.

The CHIEF CLERK. At the end of the bill, on page 2, it is proposed to insert the following:

> The commission shall, either through one of its members or an agent authorized by it, hold hearings at the place where is located any radio station or stations whose rights under the license granted it or them are questioned, claimed, or challenged by any other person, firm, company, corporation, radio station, or operator.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. COPELAND. Mr. President, I am reluctant to say anything on this subject. I suppose I am the only Member of the Senate who makes use of the radio every week, and in my case several times a week. In view of that situation, I should not care to say anything until I explain that the fact that I do this broadcasting is not related in any way whatever to my opposition to the pending bill. I modify that to the extent of saying that my contacts have been such, however, that, perhaps, I have come to have some first-hand information regarding the problem which I would not otherwise have. My engagement to broadcast is not directly with any broadcasting concern or radio corporation.

My employment is with a New York concern which has its arrangement with a broadcasting company about the use of the air. So I have no direct contact or relationship with any corporation in the broadcasting or radio business. I think it is only fair to myself that I should say this, and I am sure the Senate will take it in the spirit in which I present the fact.

In the next place, I want to bear very grateful testimony to the fact that the chairman of the Interstate Commerce Committee, the Senator from Indiana [Mr. WATSON], and my colleague on the committee the Senator from Washington [Mr. DILL] and other Senators upon the committee who have served the country through a number of years most valiantly and usefully in working out the intricacies of this new problem. I can not find it in my heart to express any criticism of the Senator from Washington, who has just taken his seat. I know how earnestly he has pursued the study of this subject and how well informed he is regarding it. I can say the same thing of the Senator from Indiana and other members of the committee. I do not, however, share the view they have expressed here tonight. Neither do I feel that the matter has been presented to the Senate in its entirety.

I do not think the Senate understands how much of this work is now being done by the Department of Commerce. I shall undertake in the course of the evening—I have now 1 hour and 33 minutes—to place before the Senate, in one way or another, rather detailed information regarding the radio problem, in order that the Senate may be advised when it comes to vote, and may vote wisely upon this important question.

Mr. NEELY. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield to the Senator from West Virginia.

Mr. NEELY. Does the Senator from New York intend to discuss the bill until 11 o'clock?

Mr. COPELAND. The Senator from New York intends to do that, if it shall be found necessary to amplify the subject and place it fully before the Senate.

Mr. NEELY. In that event a quorum should be present.

Mr. COPELAND. I beg the Senator from West Virginia not to call for a quorum as yet.

Mr. CURTIS. Mr. President, the Senator from West Virginia can not call for a quorum unless the Senator from New York shall yield for that purpose.

Mr. COPELAND. I do not yield for that purpose as yet.

Mr. NEELY. I submit that the absent Members should be summoned to hear the instructions which the Senator from New York is about to impart.

Mr. COPELAND. Mr. President, I fully share the sentiment of the Senator from West Virginia. I find in this matter, as in all others, except those pertaining to coal, he is a well-informed Senator and a very wise man.

Mr. NEELY. Mr. President, the Senator from West Virginia, with unfeigned embarrassment, admits the truth of the "soft impeachment" which has just fallen from the eloquent lips of the Senator from New York; but, in a more serious vein, the Senator from New York realizes that the Senator from West Virginia knows more about coal than he knows about any other subject in the world. The knowledge of coal possessed by the Senator from West Virginia is exceeded only by that of the Senator from New York relative to the science and practice of medicine, about which the Senator ably broadcasts every morning, for the benefit and delight of our wives and children. [Laughter.]

Mr. BARKLEY. Will the Senator from West Virginia permit the Senator from New York to proceed, in order that we may not have to stay later than 11 o'clock?

Mr. NEELY. Mr. President, the Senator from Kentucky for the first time in his life is unkind. Why does he remind me of the self-evident fact that the Senate prefers the "song of Apollo" to the words of Mercury?

Mr. COPELAND. I am very much obliged to the Senator from West Virginia. I can not understand how a State served so well as it has been for six years in the Senate by the distinguished Senator from West Virginia, by his eloquence and by his advertising of the coal produced in that State, should have refused to send him back to the Senate. It is incomprehensible beyond words and unspeakably shortsighted. The State of West Virginia should have continued the Senator here to the end of time; and I wish from my heart that he could have 200 years in the Senate, because he has dignified and instructed it through all these years.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. NEELY. For the Senator's generous wish, which he has so very graciously expressed, I am truly grateful. Let me add that if the Senator's annual dinners are to be similar to the one which he permitted me to enjoy at Wardman Park Hotel last Saturday night, and over which he and his charming wife presided with unsurpassable hospitality and grace, I share his wish and increase the time limit from 200 years to the much greater number that measured the span of Methuselah's life. [Laughter.]

Mr. HAWES. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield to the Senator from Missouri.

Mr. HAWES. I should like to inquire of the Senator from Washington if this is an illustration of what is called chain service?

Mr. WHEELER. This is just plain, ordinary filibustering.

Mr. HEFLIN. This is a mutual admiration society.

Mr. COPELAND. I should say this is mere persiflage.

Mr. BARKLEY. Is there any way by which this could be broadcast back to West Virginia?

Mr. COPELAND. There ought to be a way to send it down there.

Mr. NEELY. The constituents of the Senators from Alabama and Kentucky ought to have the benefit of any intelligent broadcasting that is done in the Senate? [Laughter.]

Mr. COPELAND. All the coal of West Virginia and Kentucky should be cast upon the heads of the people of West Virginia because they did not continue the Senator here. [Laughter.]

Mr. NEELY. Mr. President, I protest against throwing West Virginia coal—the best in the world—at all those who voted and helped to elect the Republican ticket in the recent campaign. It would waste too much coal. Furthermore, those who live under the next administration will, without being stoned, suffer more than they deserve.

Mr. COPELAND. As I was about to say, I suppose I have as little in common with the President elect as any man can have; but I must admit the justice and truth of the dedication of this book.

I hold in my hand a book entitled "The Law of Radio Communication." It was written by Stephen Davis, who for a long time was the Solicitor of the Department of Commerce. Prior to his connection with the Department of Commerce he was an associate justice of the Supreme Court of New Mexico, and while occupying that position he came to the attention of Mr. Hoover. Mr. Hoover was impressed by his ability, and brought him to Washington to serve as Solicitor for the Department of Commerce; and Judge Davis was delegated by Mr. Hoover to take charge of radio matters. He was the contact officer between the Secretary of Commerce and the radio division of the Department of Commerce. In this book which Judge Davis has written, the Law of Radio Communication, I find this dedication:

> To Herbert Hoover, whose wise guidance in the formative stages of radio communication contributed so greatly to the development of this new service to the American people.

I am firmly of the opinion that this radio problem should be in the hands of an executive department. If you had taken pains to read, as I have——

Mr. DILL. Mr. President, will the Senator yield for just a minute? Before he leaves the discussion of Mr. Hoover, will he let me read Mr. Hoover's opinion about this matter?

Mr. COPELAND. About the bill?

Mr. DILL. No; about the question of having this matter in the hands of an administrative officer.

Mr. COPELAND. Yes; I shall be glad to hear it.

Mr. DILL. When Mr. Hoover appeared before the House committee on the radio bill, he said:

> I have always taken the position that unlimited authority to control the granting of radio privileges was too great a power to be placed in the hands of any one administrative officer, and I am glad to see the checks and the safeguards which are imposed upon that power under this bill.

Then, in answer to a question asked him by one of the Members, he said:

> A very large problem that is going to arise is the problem of contests between cities and between States as to the erection of broadcasting stations and between individuals, contests between different public journals, and between educational institutions and private concerns as to who shall enjoy this privilege.

That is, the privilege of radio broadcasting.

> Now, the wisest person in the world is not wise enough to determine that problem, in my view.

Mr. HEFLIN. Is that the statement of President-elect Hoover?

Mr. DILL. That is the statement of President-elect Hoover.

Mr. NEELY. Is that Mr. Hoover's answer to a question?

Mr. DILL. Yes.

Mr. NEELY. He seems to have replied more responsively to that question than he did to Senator BORAH'S questionnaire relative to the Volstead Act.

Mr. DILL. He was not in a campaign when he said this.

Mr. COPELAND. Mr. President, I think Mr. Hoover was perfectly right in what he said on the occasion referred to by the Senator from Washington. In this book on the radio industry——

Mr. WHEELER. The Senator is not going to read that book, is he?

Mr. COPELAND. If need be; yes. In this book on the story of the development of the radio industry we have outlined all the difficulties mentioned by Mr. Hoover, and every man here realizes that there were great difficulties; but they have been solved, and wisely solved, by the Radio Commission.

Before referring to the testimony of Mr. Caldwell I must speak of the tribute paid to him by the Senator from Ohio [Mr. FESS]. The Senator from Ohio said (p. 153):

> I confess, Mr. Caldwell, you are quite convincing in your statements here.

And regardless of the criticisms which have been passed upon various members of the Radio Commission, I do not think any person informed on the subject of radio can question the fact that Mr. Caldwell, who is now retiring from the Radio Commission, brought a high degree of scientific knowledge to the solution of radio problems, applied that knowledge to the solution of those problems, and through his work the American people incurred a debt which it can never pay.

Mr. Caldwell, who has served so well and ably upon the Radio Commission since its inception, is very strong in his conviction and in his statement that there is no further use for the Radio Commission as an administrative body.

Mr. DILL. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. DILL. The Senator recalls that Mr. Caldwell was opposed to the creation of the commission as an administrative body, and naturally the Senator would not expect him to be otherwise now.

Mr. COPELAND. Certainly the Senator from Washington has no bricks to throw at Mr. Caldwell for the work he did as a member of the commission.

Mr. DILL. I do not care to enter into that. Since Mr. Caldwell is leaving the commission I am not going to spend time discussing that, except to say that I think the country is very fortunate that he has left.

Mr. COPELAND. Does the Senator from Washington feel that by reason of Mr. Caldwell's leaving the commission and two inexperienced men being brought upon it the commission will be improved in its methods of administration?

Mr. DILL. I do. I think anybody would be an improvement over Mr. Caldwell so far as the service of the public is concerned.

Mr. COPELAND. Of course I am in utter disagreement with the Senator from Washington, and I believe that at least the great majority of the men in the Senate and in the country take an entirely different view from him. I believe that Mr. Caldwell will be remembered as a man who has served his country well and is entitled to the respectful regard of the Members of the United States Senate.

At any rate, it is very apparent from the uncontradicted statement of Mr. Caldwell found on page 147 of the hearings before the Committee on Interstate Commerce, United States Senate, on continuing the Federal Radio Commission, under dates of February 4, 5, 6, 7, and 8, 1929, that from 80 to 85 per cent of the business of reallocating the broadcasting band is now finished. It would not be fair for the Senate to disregard or overlook the fact that a large part of the work of radio supervision is now done, and has been done, and will be done, by the Department of Commerce.

Let us see.

At the present moment the Radio Division in the Department of Commerce consists of 135 people—135 in the Department of Commerce—administering and directing a large part of the radio supervision of this country. Do not get it in your heads for a moment that the Radio Commission has been doing everything in relation to the radio business, because that is not the case. The Department of Commerce has 135 persons employed every day in this work, while the Radio Commission, in comparison, has a staff of only 82 persons.

Further, that does not tell the whole story. The staff of the Radio Division of the Department of Commerce includes 65 trained radio men who are competent radio experts, while the Radio Commission itself has only four trained radio men.

Mr. HEFLIN. Mr. President, under whom do these Government employees work who are in the Department of Commerce? Are they in any way under the supervision of the Radio Commission?

Mr. COPELAND. A few of them have been loaned to the Radio Commission, but I may say that almost without exception they are under the Department of Commerce itself.

Mr. HEFLIN. And they are working independently of the commission?

Mr. COPELAND. Yes.

Mr. HEFLIN. So that we have two branches or institutions of the Government that are seeking to administer this law?

Mr. COPELAND. We have; and that is one reason, I may say to the Senator from Alabama, why I oppose this bill. I think this power should be centralized in one department of the

Government, in order that all the problems may be solved and good service given to the people of this country.

Mr. KING. Mr. President, may I ask the Senator why the Radio Commission should not be authorized to draft such experts and others as they may need who are in the Department of Commerce, and then compel the Department of Commerce to cease duplicating the work which the Radio Commission will perform?

Mr. COPELAND. That is the answer: We will have to do one or the other. Either we must take all of the work out of the Department of Commerce and put it all in the Radio Commission, or else we must stop the Radio Commission and put all their activities in the Department of Commerce.

Mr. KING. Or else permit the Department of Commerce to be the administrative branch only, and empower the commission to sit as judges to settle any controversy which arises, and limit the activities of the Radio Commission to those of an appellate court?

Mr. COPELAND. That is what is planned. Outside of the first paragraph of this bill, I think it is a splendid bill. Originally, we intended that the commission should die after a year as an administrative body and be continued merely as an appellate body. Then, last year, we extended its life for a year; and under this bill it will be extended for another year. My criticism of the bill, however, is that it is a mistake to do that. We ought to put all of the administrative work and this detail work in the Department of Commerce, and have the Radio Commission continued as the appellate body. I have not anything but praise for the rest of this bill.

Mr. WHEELER. Let me interrupt just there. I am on the committee, and we have been giving this a great deal of thought and a great deal of study. Let me tell the Senator from Utah what the situation would be now if we just had the commission as an appellate body—and that is what the Radio Corporation of America wants; they are opposed to the present commission, so do not make any mistake about that; they are opposed to it because of the fact that the Radio Corporation of America has not been able to come in through the Radio Commission and grab up all of the channels that there are in the United States. They have been rather frank in making their statements. They would like to do away with the commission entirely and have no regulation of radio, as their counsel says. They would like to be in the same identical position the railroads were in before we had the Interstate Commerce Commission, and then, they said, "After we have got it all established, you can come in and regulate it." In other words, after they have grabbed up everything there is to be grabbed up in the United States, then they are perfectly willing that we should have a commission to come in similar to the Interstate Commerce Commission and regulate them, after they have everything they want.

I have not agreed with everything the commission has done, but they have done remarkably good work, and they have tried to prevent one concern getting charge of all the channels throughout the world. That is the fight that is being waged at the present time, as to whether or not one concern is going to be able to get everything, and they feel that if we do away with the commission they can perhaps go up to some clerk, or somebody else up there in the Department of Commerce and get much more than they could have gotten if they had not had a commission.

Mr. KING. May I say to the Senator, with the permission of the Senator from New York, that notwithstanding the alleged inefficiency of the Radio Commission—and as to that I have some views—I think it has functioned better than the Department of Commerce has functioned, and I would prefer to trust the Radio Commission, notwithstanding these charges which have been made, than to trust the Department of Commerce in this matter, at least for the present.

Mr. WATSON. That is the only question.

Mr. WHEELER. That is the only question, and I think that was the view of practically all the members of the committee.

Mr. KING. I think if you would abridge the work of the Department of Commerce and compel the discharge of one-half or more of the employees you would be serving a very useful purpose.

Mr. HEFLIN. Mr. President, if the Senator will permit, is there any conflict now between what the two instrumentalities consider as their function and province in the matter?

Mr. WATSON. No; there is not, I will say to the Senator.

Mr. HEFLIN. There is not?

Mr. WATSON. There is perfect coordination. The Department of Commerce has a radio bureau and they have a number of experts; they make investigations largely of all radio communications from ship to shore and shore to ship. They go into the details of radio transmission and report back to the commission, so that there is perfect coordination and always a mutual understanding.

Mr. HEFLIN. Then this part of the service that is in the Department of Commerce is not doing something independently of and in conflict with the commission at any time?

Mr. WATSON. It is not.

Mr. HEFLIN. The commission is the head of the service?

Mr. WATSON. Yes.

Mr. HEFLIN. And if anybody has any complaint to make, he makes it to the commission?

Mr. WATSON. Yes.

Mr. HEFLIN. And this instrumentality in the Department fo Commerce can not do something the commission does not want to have done?

Mr. WATSON. They never attempt to do it, because they report to the commission; that is to say, if somebody is violating the provisions of a license, and they make an investigation and find it out, they report to the commission, and the commission alone has authority to discipline that indivdual. Likewise, the Navy has radio, and the Army has radio, and they all coordinate. There is no conflict of any serious character. I will say that much, though I did not intend to say another word about it.

Mr. COPELAND. Mr. President, I could not let the statement of the Senator from Montana pass unchallenged. I know the men in my city of New York who are connected with the Radio Corporation of America. They have not done me the honor to explain in detail their plans and ideas, but anybody who can read the English language and read the hearings held by the Interstate Commerce Committee of this body will find full answers given by Colonel Davis to every question asked by the Senator from Montana.

Mr. WHEELER. Mr. President——

Mr. COPELAND. And it is not fair for him to make the statement that he has made about the desire of the Radio Corporation of America to go to a clerk in the Department of Commerce and to foist upon the people of the United States any scheme which that corporation may have in the way of corralling all the wave lengths, and to have all the radio privileges of the country. Now I yield to the Senator.

Mr. WHEELER. I was going to say that you do know, if you have read the testimony given by Mr. Davis both in the House committee and in the Senate committee, that he did make the statement, in substance, as I recall it, that they felt that they should have gone ahead and not had a commission to carry on the work which this commission has been carrying on; and he did make the statement, just as I said a moment ago, that he felt that it would have been better if they had left it as the railroads were left, unhampered by any commission, as he put it. Of course, he did not say, "I would like to be able to go up here to this Department of Commerce and be able to grab off all these things," of course not, but I am saying that from his testimony before the House committee, and from the testimony that was taken before the Senate committee, one could not come to any other conclusion except that they felt that, because of the fact, as they said, that they thought they had developed the radio more than anybody else, they ought to be able to come in and get more of the channels and the wave lengths than they had obtained.

Mr. DILL. Will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. DILL. May I add, the Radio Corporation and its representatives, and Mr. Caldwell, are the only people who appeared before either the House or the Senate committees who wanted the original powers of the commission discontinued. The Radio Protective Association and the various men interested in radio throughout the country, all of them, both in the House and the Senate hearings, wanted the commission continued because they wanted it to complete the work it was originally intended to do.

Mr. COPELAND. The Senator from Montana said in the hearings, just as he has made the charge here:

> Let me ask you this: Is it not a fact that your chief opposition to the Radio Commission is because of the fact that they did grant some licenses to a concern which you felt ought to be granted to you? Is not that true?

That was what was hurled at Colonel Davis, the attorney of the Radio Corporation, and hurled at me to-night.

Mr. WHEELER. I am not hurling at the Senator; I am just telling him what took place in the committee. Of course, the Senator from New York, although he is not a member of the committee, can tell the Senate much better what went on before the committee than the members of the committee itself.

Mr. COPELAND. I would like to ask the Senator from Montana did anything go on in the committee that is not in this record?

Mr. WHEELER. No; nothing went on that is not in that record; but the Senator has not the House committee record there, has he?

Mr. COPELAND. No; I have the Senate committee record.

Mr. WHEELER. Why does not the Senator get the House committee record, too?

Mr. COPELAND. Before the debate is over, I will have printed in the RECORD of the Senate proceedings the hearings before the House committee.

Mr. WHEELER. The Senator may think he will, but he will not be able to get it inserted unless he reads it in.

Mr. COPELAND. That is fair enough. Of course, I will have time. I have enough to read before 11; but I can take that up the next time we debate this measure.

Mr. WHEELER. Why does not the Senator say, why does he not be frank with the Senate and say, "I am not trying to enlighten the Senate as to anything about this, but what I am just trying to do is to filibuster so we can not have this Radio Commission continued"? Why is he not frank with the Senate?

Mr. COPELAND. Does the Senator from Montana think that it is proper to impute motives of that sort to another Senator?

Mr. WHEELER. I am not imputing anything to the Senator. I am simply saying that from the Senator's attitude here I say to him that he ought to be frank with us and simply say to us that he is filibustering, because when he says that he is going to read these long hearings into the RECORD, what other purpose could he have excepting that he would be filibustering against the bill?

Mr. COPELAND. Mr. President, we have been in this Chamber to-night for 1 hour and 55 minutes. I have been on my feet 32 minutes, and a large part of that time has been taken up by the Senator from Montana. If there is any filibustering going on, it is the filibuster of the Senator from Montana and his associates.

Mr. WHEELER. I am not filibustering; I am just trying to get the Senator to tell us something. He has repeatedly said that he was going to tell us something and enlighten us. What I want him to do is to go ahead and really enlighten us.

Mr. HEFLIN. Mr. President, what answer did the witness ever really make to that question that was "hurled" at him by the Senator from Montana? [Laughter.]

Mr. COPELAND. I am very much obliged to the Senator from Alabama. With his assistance I can read what this witness said. I will first repeat what the Senator from Montana hurled at him.

Mr. WHEELER. Did the Senator see me hurl it at him?

Mr. COPELAND. I have seen what the Senator has hurled around the Chamber to-night. I assume he did not do it in any more respectful manner to the witness in his committee than the manner in which he has done it to his colleague.

Mr. WHEELER. The trouble with the Senator is that he was not before the committee; he did not hear the questions asked or how they were asked, and yet he tries to give the impression to the Members of the Senate that we took this poor, unfortunate lawyer for the Radio Corporation and hurled questions at him and treated him very badly before the committee.

Mr. COPELAND. Well, Mr. President——

Mr. WHEELER. That able, distinguished lawyer who was down here was perfectly able to take care of himself before that committee, and he was not abused.

Mr. COPELAND. Now, Mr. President, in order that I may salve the injured feelings of the Senator from Montana——

Mr. WHEELER. It is not necessary to salve my feelings at all. I do not need any salve from the Senator. If I needed any salve I might come to him, but I do not need that kind of salve. [Laughter.]

Mr. COPELAND. Then, Mr. President, in honeyed terms, and in sweetness of spirit, the Senator from Montana said:

> Let me ask you this: Is it not a fact that your chief opposition to the Radio Commission is because of the fact that they did grant some licenses to a concern which you felt ought to be granted to you? Is not that true?

The answer then was:

> On my soul, Senator, that is not true. The question of the difficulty of getting action on the many things which from time to time we have constantly had to take up with the commission.

Then in sweeter phrase the Senator from Montana said:

> Well, you feel that you would get much better treatment when it is over in the Department of Commerce, is not that true?
>
> No, pardon me; I did not put the emphasis in the right place.
>
> Well, you feel that you would get much better treatment when it is over in the Department of Commerce; isn't that true?

Mr. Davis said "Faster action."

Mr. HEFLIN. What?

Mr. COPELAND. Faster action, quicker action.

Mr. DILL. Mr. President, will the Senator yield there?

Mr. COPELAND. With pleasure.

Mr. DILL. That is exactly what the Radio Corporation wants; it wants faster action, so that there will not be a chance to distribute these wave lengths, and have other people's rights considered. They want the Department of Commerce to act faster.

Mr. COPELAND. How does the Senator know that?

Mr. DILL. Because Mr. Davis said so.

Mr. COPELAND. Oh, I see. Well, now, let us see what he did say.

Mr. DILL. I only heard what the Senator read from his statement.

Mr. COPELAND. I will read some more. To resume and to repeat, the following occurred:

> And now with respect to the distinction between administrative and judicial action. The rule of precedure laid down by the law is that every action shall be taken according to public convenience, interest, and necessity. Some one might say that that is a judicial function. Indeed, as I answered yesterday to some Senator—indeed yes, but every administrative function involves in some measure the application of a judicial point of view. Whether it is to be done or not, how it is to be done, and so forth, all in some measure involve judicial action. But we have had hearings, we have discussed at great length from time to time, and the commission, in my mind, has done its level best, and it has done its diligent best to expedite matters. But its inability despite its diligence, to expedite matters has handicapped America in this art and is impairing America's position throughout the world in this art.

Mr. President, the question before us is, after all, not a question of whether Colonel Davis and the Radio Corporation of America have unworthy thoughts and ambitions. The question is what is best for the country to do with the further administration of the radio problem. Upon this matter I wish to have read the testimony of Mr. Caldwell, who appeared before the committee, and I will ask the clerk if he will kindly turn to page 144 of the hearings and read beginning about the middle of the page where the Senator from Kentucky [Mr. SACKETT] asked a question.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The CHIEF CLERK. Reading from hearings before the Committee on Interstate Commerce on Senate bill 4937, at page 144:

> Senator SACKETT. I simply want your views upon the question that the committee has before it of the extension of this act for a further term of the commission, whether you are in favor of that, or whether it would be better for the industry to turn it over, as the law now provides, to the Department of Commerce. I want you to give your views and reasons, leaving it to you to make such a statement as you see fit.
>
> Senator WHEELER. I think you ought to ask him that question not only with respect to the industry, but as to the general public.
>
> Senator SACKETT. Well, I mean to cover the whole ground, Senator. I do not mean to limit it at all. I did not want to examine him; I wanted him to make a statement giving us the benefit of his views.
>
> Commissioner CALDWELL. Well, Senator, to give you a conscientious answer to that question requires me to disagree with some of my very good friends—the author of this bill, Senator WATSON, and my associates on the commission.
>
> Senator FESS. There is no violence in that. Go ahead. We want to hear your views.
>
> The CHAIRMAN. Why, yes; we disagree here all the time.
>
> Senator FESS. Yes; constantly.
>
> The CHAIRMAN. Go right to it.
>
> Senator GOFF. Disagreement is the spur to progress.
>
> Commissioner CALDWELL. To answer your question directly, I feel that the bill should not be passed, and that radio administration should go back to the Department of Commerce. My reasons for this view are several. First, as you know, the administration of radio is a highly technical function, and it should be in the hands of competent experts. Our experience on the commission has shown that only men who understand the problem thoroughly themselves will find within themselves the courage and the determination to take some of the difficult steps that are necessary in the public interest.

Mr. COPELAND. Mr. President, any Senator must see that that is a fact.

Mr. EDWARDS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. COPELAND. I yield.

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. JONES. Mr. President, from past experiences I am satisfied that we might just as well stop now, and I therefore move that the Senate take a recess until 12 o'clock noon to-morrow, pursuant to the unanimous-consent agreement heretofore entered into.

The motion was agreed to; and (at 10 o'clock and 5 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, February 20, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 19 (legislative day of February 15), 1929

POSTMASTERS

ALASKA

William Arthur to be postmaster at Nome, Alaska, in place of J. H. Anderson, resigned.

ARKANSAS

Ferrell S. Tucker to be postmaster at Black Oak, Ark., in place of F. S. Tucker. Incumbent's commission expires February 28, 1929.

John L. Hyde to be postmaster at Tillar, Ark., in place of J. L. Hyde. Incumbent's commission expires February 28, 1929.

CALIFORNIA

John A. Scott to be postmaster at Porterville, Calif., in place of E. F. Halbert. Incumbent's commission expired June 6, 1928.

COLORADO

Martha E. Williams to be postmaster at Bonanza, Colo. Office became presidential July 1, 1928.

GEORGIA

George M. Greely to be postmaster at Decatur, Ga., in place of G. M. Greely. Incumbent's commission expired January 5, 1929.

William A. Adams to be postmaster at Fitzgerald, Ga., in place of W. A. Adams. Incumbent's commission expired January 22, 1929.

IOWA

Marie Jones to be postmaster at Bussey, Iowa, in place of Marie Jones. Incumbent's commission expires February 28, 1929.

Ray Robertson to be postmaster at Maxwell, Iowa, in place of Ray Robertson. Incumbent's commission expires February 28, 1929.

KENTUCKY

Vera Baird to be postmaster at Crab Orchard, Ky., in place of Vera Baird. Incumbent's commission expired January 30, 1929.

John H. Meyer to be postmaster at Newport, Ky., in place of J. H. Meyer. Incumbent's commission expired January 30, 1929.

LOUISIANA

Edith E. Steckler to be postmaster at Jeanerette, La., in place of E. E. Steckler. Incumbent's commission expired December 11, 1928.

MICHIGAN

Charles C. Kellogg to be postmaster at Detroit, Mich., in place of C. C. Kellogg. Incumbent's commission expires February 28, 1929.

MINNESOTA

Rollo F. Dean to be postmaster at Blue Earth, Minn., in place of R. F. Dean. Incumbent's commission expires February 28, 1929.

Oscar E. Linquist to be postmaster at Dassel, Minn., in place of O. E. Linquist. Incumbent's commission expired January 26, 1929.

Elizabeth Richardson to be postmaster at Delano, Minn., in place of Elizabeth Richardson. Incumbent's commission expires February 28, 1929.

Arthur McBride to be postmaster at Walker, Minn., in place of Arthur McBride. Incumbent's commission expires February 28, 1929.

MISSOURI

Ernest Young to be postmaster at Verona, Mo., in place of Ernest Young. Incumbent's commission expired February 17, 1929.

NEBRASKA

Edward G. Hall to be postmaster at David City, Nebr., in place of A. E. Etting. Incumbent's commission expired December 11, 1928.

NEW JERSEY

Frank W. Cassedy to be postmaster at Cape May, N. J., in place of F. W. Cassedy. Incumbent's commission expires February 28, 1929.

Joseph Kish to be postmaster at Nixon, N. J., in place of Joseph Kish. Incumbent's commission expired February 6, 1929.

NORTH CAROLINA

Sidney A. Padgett to be postmaster at Ellenboro, N. C., in place of S. A. Padgett. Incumbent's commission expires February 28, 1929.

NORTH DAKOTA

Henry D. Mack to be postmaster at Dickey, N. Dak. Office became presidential July 1, 1928.

OHIO

Ferdinand H. Schuster to be postmaster at Bellevue, Ohio, in place of F. O. Bates, deceased.

OKLAHOMA

William H. McBrayer to be postmaster at Haworth, Okla., in place of B. E. Irby, removed.

PENNSYLVANIA

William C. Bubb to be postmaster at Dalmatia, Pa., in place of W. C. Bubb. Incumbent's commission expired December 9, 1928.

PORTO RICO

Pablo Vilella, jr., to be postmaster at Lares, P. R., in place of Pablo Vilella, jr. Incumbent's commission expires February 28, 1929.

SOUTH CAROLINA

William B. Wright, jr., to be postmaster at Shelton, S. C., in place of W. B. Wright, jr. Incumbent's commission expires February 28, 1929.

TEXAS

Kathryne Witty to be postmaster at Hamilton, Tex., in place of F. H. Baker, resigned.

Leslie W. Garrett to be postmaster at Quitman, Tex., in place of L. W. Garrett. Incumbent's commission expires February 28, 1929.

Paul A. Taylor to be postmaster at Winfield, Tex., in place of P. A. Taylor. Incumbent's commission expired December 10, 1928.

WEST VIRGINIA

Levi Gay to be postmaster at Eccles, W. Va., in place of Levi Gay. Incumbent's commission expires February 28, 1929.

WISCONSIN

Edward C. Schwartz to be postmaster at Blackwell, Wis. Office became presidential July 1, 1926.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 19, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God be merciful unto us and bless us and cause His face to shine upon us, that Thy way may be known upon the earth, Thy saving health among all nations. Let the people praise Thee, O God; let all the people praise Thee. O let the nations be glad and sing for joy, for Thou shalt judge the people righteously and govern the nations upon earth. Let the people praise Thee, O God; let all the people praise Thee; then shall the earth yield her increase and God, even our own God, shall bless us. God shall bless us and all the ends of the earth shall fear Him. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 16279. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.; and

H. J. Res. 418. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 5094) entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. KEYES, Mr. REED of Pennsylvania, Mr. BLEASE, and Mr. KING to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 10374. An act for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.; and

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co.;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson; and

S. 2439. An act to amend the military record of Arthur Waldenmeyer.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 331

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD J. KING, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now recess until 12 o'clock to-morrow.

PRESENTATION OF STATUES OF HENRY CLAY AND DR. EPHRAIM M'DOWELL

Mr. KINCHELOE. Mr. Speaker, on the 3d of March next Representatives of the State of Kentucky will unveil the statues of Henry Clay and Dr. Ephraim McDowell in the Hall of Fame. I offer the following resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 58

Resolved by the House of Representatives (the Senate concurring), That the statues of Henry Clay and Dr. Ephraim McDowell, by Charles H. Niehaus, presented by the State of Kentucky (said statues being donated to the State of Kentucky by Isaac W. Bernheim), to be placed in Statuary Hall, are accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of these statues of two of its most eminent citizens, illustrious for their distinguished services to the country.

2. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Kentucky.

Mr. SNELL. Mr. Speaker, reserving the right to object, is this the customary resolution that is passed whenever such statues are put in Statuary Hall?

Mr. KINCHELOE. Yes.

Mr. SNELL. As I understand, there are two statues from each State?

Mr. KINCHELOE. Yes.

Mr. SNELL. And there is none from the State of Kentucky now?

Mr. KINCHELOE. None except the two that were put in the Hall yesterday and are to be unveiled on the 3d of March.

Mr. TILSON. Has the gentleman examined the precedents to know that this resolution is in the usual form?

Mr. KINCHELOE. Yes; I will say that I followed the resolution adopted in the case of the statue of Andrew Jackson, which resolution was introduced by the gentleman from Tennessee [Mr. BYRNS].

Mr. SNELL. If the gentleman followed Andrew Jackson, it is all right.

Mr. KINCHELOE. That is mighty good authority to follow.

The resolution was agreed to.

PRACTICE OF THE HEALING ART IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I present, for printing under the rule, conference report on the bill (S. 3936) entitled "An act to regulate the practice of the healing art and to protect the public health in the District of Columbia."

REPEAL OF THE EIGHTEENTH AMENDMENT

Mr. TINKHAM. Mr. Speaker, I offer a petition from the Senate of the State of Massachusetts, which I desire to have read into the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the reading of a resolution of the Massachusetts Senate. Is there objection?

Mr. EDWARDS. Reserving the right to object, what does the resolution deal with? What is the subject?

Mr. TINKHAM. It is a resolution asking for the repeal of the eighteenth amendment.

Mr. EDWARDS. I object, Mr. Speaker.

BUILDING FOR THE SUPREME COURT OF THE UNITED STATES

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 213) to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress and consider the same.

The Clerk read the joint resolution, as follows:

Resolved, etc., That section 2 of the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, is amended by striking out "March 1, 1929," and inserting in lieu thereof "the first day of the first regular session of the Seventy-first Congress."

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. ELLIOTT]?

There was no objection.

The resolution was agreed to.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

PAVING GOVERNMENT ROAD, ROSSVILLE, GA.

Mr. McSWAIN. Mr. Speaker, by authority of the conferees I call up the conference report on the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, and I move that the report of the conferees be disagreed to and that the House recede from its amendments Nos. 1 and 2, and insist upon amendment No. 3.

The SPEAKER. The gentleman from South Carolina [Mr. McSWAIN] calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, and 3, and agree to the same.

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. McSWAIN,
Managers on the part of the House.

FRANK L. GREENE,
W. H. McMASTER,
SMITH W. BROOKHART,
DUNCAN U. FLETCHER,
LAWRENCE D. TYSON,
Managers on the part of the Senate.

STATEMENT

The amendments of the House were to change the figures in the bill as to the amount to be provided for the construction of the Dry Valley Road. After full and careful consideration it was determined the Senate figures should be carried in the authorization, and it was so agreed.

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. McSWAIN,
Managers on the part of the House.

Mr. McSWAIN. Mr. Speaker, the understanding is that the conference report is to be disagreed to. Then the report having been disagreed to, the House is to instruct its conferees to recede as to House amendments Nos. 1 and 2, and insist upon amendment No. 3. The conferees misunderstood their instructions.

The SPEAKER. The Chair thinks, under the circumstances, the conference report having been presented, the procedure should be to vote down the conference report.

The question is on agreeing to the conference report.

The conference report was rejected.

Mr. McSWAIN. Now, Mr. Speaker, I move that the House recede from its amendments Nos. 1 and 2 and insist upon its amendment No. 3.

The motion was agreed to.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up the conference report on the Department of the Interior appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 40.

The committee of conference have not agreed on amendment numbered 39.

LOUIS C. CRAMTON,
EDWARD T. TAYLOR,
Managers on the part of the House.

REED SMOOT,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

BUREAU OF INDIAN AFFAIRS

On No. 20: Includes the position of Superintendent of the Five Civilized Tribes within the competitive classified civil service, as proposed by the House.

NATIONAL PARK SERVICE

On No. 40: Omits the specific reference to continuance of construction of the Transmountain Road in Glacier National Park, proposed by the Senate, in the paragraph appropriating for construction of roads and trails in national parks and mountains.

DISAGREEMENT

The committee conferees have not agreed to the following Senate amendment:

On No. 39: With reference to condemnation of privately owned lands in national parks.

LOUIS C. CRAMTON,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, the statement which has been read makes it clear what the two amendments are and what the conference report agreed upon accomplishes. Unless there is some request for time I will ask for a vote on the report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Amendment 39: Page 10, line 3, after the word "purchase," strike out the following language: "(39) or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government."

Mr. CRAMTON. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Michigan moves that the House further insist on its disagreement to the Senate amendment.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 110 ayes and 0 noes.

Mr. CRAMTON. Mr. Speaker, I object to the vote on the ground that no quorum is present because I desire a roll call on this because of the assurance that I gave the Senate conferees.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BANKHEAD. Is this the amendment that we had the discussion upon on the floor the other day about the condemnation of private lands in public parks?

Mr. CRAMTON. That is the item. I have assured the Senate conferees that I would bring it back and get a roll call as an expression from the House.

Mr. EDWARDS. Does this include church property?

Mr. CRAMTON. It includes all lands privately owned in national parks. Of course, it will be three or four years before it is all consummated.

Mr. GARNER of Texas. Why did not the gentleman take this course in regard to the $24,000,000 appropriation for prohibition?

Mr. CRAMTON. I suggested a way by which the gentleman could get it, but he did not want to do it that way.

Mr. BANKHEAD. If the gentleman will yield further, as I remember the debate on the floor, the Government already has the right to acquire land by private negotiation.

Mr. CRAMTON. The Government has the right, wherever authority is given to acquire land, to resort to condemnation if it is more advantageous to the Government.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. HOWARD of Nebraska. The gentleman says that he promised the Senate to have a roll call. The Speaker has announced the vote as unanimous—110 in favor.

Mr. CRAMTON. Here is the situation: This is one of the great appropriation bills that ought to be law as soon as possible, and everything is in agreement except this one item. In the Senate there is quite an opposition to the House position. We felt that an expression through a roll call would be helpful to satisfy the Senate as to the attitude of the House.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CONNALLY of Texas. There is no exception with reference to church land?

Mr. CRAMTON. No; the House voted that down.

Mr. BANKHEAD. One more question: Is the gentleman going to give the House an opportunity to express its position

on the $24,000,000 appropriation for the enforcement of prohibition?

Mr. CRAMTON. The gentleman will recall that I advised gentlemen how to get that vote, but they did not see fit for some reason to follow my advice.

Mr. BANKHEAD. The gentleman said that this was one of the great appropriation bills that ought to be gotten through with as soon as possible, and I did not know but the gentleman might feel the same anxiety with reference to the other bill.

Mr. CRAMTON. I have that anxiety. I feel that I must keep my agreement in conference.

The SPEAKER. The gentleman from Michigan objects to the vote and makes the point of order that there is no quorum present. The Chair has counted. There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Michigan to further insist on the disagreement of the House to the Senate amendment.

The question was taken; and there were—yeas 304, nays 28, not voting, 95, as follows:

[Roll No. 28]

YEAS—304

Ackerman	Denison	Knutson	Sabath
Aldrich	DeRouen	Kopp	Sanders, N. Y.
Allen	Dickinson, Iowa	Korell	Sandlin
Andrew	Dickstein	Kurtz	Schafer
Arentz	Doughton	La Guardia	Schneider
Auf der Heide	Dowell	Langley	Sears, Fla.
Ayres	Drewry	Lanham	Sears, Nebr.
Bacharach	Driver	Larsen	Seger
Bachmann	Dyer	Lea	Selvig
Bacon	Eaton	Leatherwood	Shallenberger
Barbour	Edwards	Lehlbach	Shreve
Beedy	Elliott	Letts	Simmons
Beers	Englebright	Lindsay	Sinclair
Begg	Eslick	Luce	Smith
Bell	Estep	Lyon	Snell
Black, N. Y.	Evans, Calif.	McCormack	Somers, N. Y.
Black, Tex.	Fisher	McDuffie	Speaks
Bland	Fitzgerald, W. T.	McFadden	Spearing
Blanton	Fitzpatrick	McKeown	Sproul, Ill.
Bloom	Fletcher	McLaughlin	Sproul, Kans.
Bohn	Foss	McMillan	Steagall
Bowman	Free	McSweeney	Steele
Box	Freeman	Magrady	Stobbs
Boylan	French	Major, Ill.	Strong, Pa.
Brand, Ga.	Furlow	Manlove	Summers, Wash.
Brand, Ohio	Gambrill	Mansfield	Sumners, Tex.
Briggs	Garber	Mapes	Swank
Brigham	Gardner, Ind.	Martin, La.	Swick
Browne	Garner, Tex.	Martin, Mass.	Swing
Browning	Gibson	Michener	Taber
Buchanan	Gifford	Miller	Tarver
Bulwinkle	Gilbert	Monast	Tatgenhorst
Burdick	Glynn	Montague	Taylor, Colo.
Burtness	Goodwin	Moore, Ky.	Taylor, Tenn.
Busby	Gregory	Moore, Ohio	Temple
Byrns	Greenwood	Moore, Va.	Thatcher
Campbell	Griffin	Morehead	Thompson
Canfield	Hadley	Morgan	Thurston
Cannon	Hale	Morin	Tilson
Carew	Hall, Ill.	Morrow	Timberlake
Carley	Hall, Ind.	Nelson, Me.	Tinkham
Carss	Hall, N. Dak.	Nelson, Mo.	Treadway
Carter	Hancock	Nelson, Wis.	Underhill
Cartwright	Harrison	Newton	Vestal
Celler	Hastings	Niedringhaus	Vincent, Iowa
Chalmers	Haugen	Norton, Nebr.	Vincent, Mich.
Chapman	Hawley	Norton, N. J.	Vinson, Ga.
Chindblom	Hersey	O'Brien	Vinson, Ky.
Christopherson	Hill, Wash.	O'Connell	Wainwright
Clague	Hoch	O'Connor, La.	Ware
Clarke	Hoffman	O'Connor, N. Y.	Warren
Cochran, Mo.	Hogg	Oldfield	Wason
Cochran, Pa.	Holaday	Oliver, Ala.	Watres
Cohen	Hooper	Parker	Watson
Cole, Iowa	Hope	Parks	Welch, Calif.
Collier	Houston, Del.	Patterson	Welsh, Pa.
Collins	Howard, Nebr.	Peavey	White, Colo.
Combs	Howard, Okla.	Perkins	White, Me.
Connally, Tex.	Huddleston	Porter	Whitehead
Connery	Hudson	Pou	Wigglesworth
Connolly, Pa.	Hull, Morton D.	Prall	Williams, Ill.
Cooper, Ohio	Irwin	Pratt	Williams, Mo.
Cooper, Wis.	Jeffers	Purnell	Williams, Tex.
Corning	Jenkins	Quin	Williamson
Cox	Johnson, Okla.	Ragon	Wilson, La.
Crail	Johnson, Tex.	Ramseyer	Wilson, Miss.
Cramton	Johnson, Wash.	Rankin	Wingo
Crisp	Kading	Ransley	Wolfenden
Crosser	Kahn	Reece	Wolverton
Culkin	Kearns	Reed, N. Y.	Wood
Cullen	Kelly	Robinson, Iowa	Woodruff
Dallinger	Kemp	Robsion, Ky.	Woodrum
Darrow	Kendall	Rogers	Wright
Davenport	Ketcham	Romjue	Wurzbach
Davis	Kiess	Rowbottom	Yon
Deal	Kincheloe	Rutherford	Zihlman

NAYS—28

Allgood	Evans, Mont.	Hare	Major, Mo.
Almon	Frear	Hill, Ala.	Peery
Aswell	Fulmer	Jones	Rayburn
Bankhead	Garrett, Tenn.	Lankford	Sanders, Tex.
Dickinson, Mo.	Garrett, Tex.	Leavitt	Stevenson
Dominick	Gasque	Lozier	Tucker
Douglas, Ariz.	Green	McSwain	Weaver

NOT VOTING—95

Abernethy	Doutrich	Johnson, Ill.	Murphy
Adkins	Doyle	Johnson, Ind.	Oliver, N. Y.
Andresen	Drane	Johnson, S. Dak.	Palmer
Anthony	England	Kent	Palmisano
Arnold	Fenn	Kerr	Quayle
Beck, Pa.	Fish	Kindred	Rainey
Beck, Wis.	Fitzgerald, Roy G.	Kunz	Reed, Ark.
Berger	Fort	Kvale	Reid, Ill.
Boies	Fullbright	Lampert	Sirovich
Bowles	Golder	Leech	Stalker
Britten	Goldsborough	Linthicum	Stedman
Buckbee	Graham	Lowrey	Strong, Kans.
Bushong	Griest	McClintic	Strother
Butler	Guyer	McLeod	Sullivan
Casey	Hammer	McReynolds	Tillman
Chase	Hardy	Maas	Underwood
Clancy	Hickey	Mead	Updike
Cole, Md.	Hudspeth	Menges	Weller
Colton	Hughes	Merritt	White, Kans.
Crowther	Hull, Tenn.	Michaelson	Whittington
Curry	Hull, Wm. E.	Milligan	Winter
Davey	Igoe	Mooney	Wyant
Dempsey	Jacobstein	Moore, N. J.	Yates
Douglass, Mass.	James	Moorman	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Crowther with Mr. Hull of Tennessee.
Mr. Fenn with Mr. Rainey.
Mr. Yates with Mr. Linthicum.
Mr. Murphy with Mr. Casey.
Mr. Clancy with Mr. Abernethy.
Mr. Michaelson with Mr. Sullivan.
Mr. Buckbee with Mr. Hudspeth.
Mr. Andresen with Mr. Oliver of New York.
Mr. Hickey with Mr. Kerr.
Mr. Johnson of Indiana with Mr. Weller.
Mr. McLeod with Mr. McClintic.
Mr. Reid of Illinois with Mr. Kunz.
Mr. Curry with Mr. Mead.
Mr. Dempsey with Mr. Drane.
Mr. Fort with Mr. Quayle.
Mr. Griest with Mr. Reed of Arkansas.
Mr. Merritt with Mr. Underwood.
Mr. Graham with Mr. Arnold.
Mr. Chase with Mr. Moore of New Jersey.
Mr. Wyant with Mr. Davey.
Mr. Bowles with Mr. Stedman.
Mr. Strong of Kansas with Mr. Hammer.
Mr. Beck of Pennsylvania with Mr. Doyle.
Mr. Hughes with Mr. Igoe.
Mr. Adkins with Mr. Kindred.
Mr. Golder with Mr. Mooney.
Mr. Colton with Mr. Lowrey.
Mr. Menges with Mr. Kent.
Mr. Guyer with Mr. Milligan.
Mr. Bushong with Mr. Douglass of Massachusetts.
Mr. Palmer with Mr. Moorman.
Mr. Johnson of South Dakota with Mr. Palmisano.
Mr. Britten with Mr. McReynolds.
Mr. Doutrich with Mr. Whittington.
Mr. Fish with Mr. Jacobstein.
Mr. Winter with Mr. Fulbright.
Mr. Roy G. Fitzgerald with Mr. Sirovich.
Mr. England with Mr. Goldsborough.
Mr. Butler with Mr. Tillman.
Mr. Johnson of Illinois with Mr. Cole of Maryland.
Mr. Anthony with Mr. Berger.
Mr. Hardy with Mr. Kvale.
Mr. Leech with Mr. Beck of Wisconsin.
Mr. Lampert with Mr. Boies.
Mr. Maas with Mr. White of Kansas.

The result of the vote was announced as above recorded.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

COMMITTEE ON MILITARY AFFAIRS—PERMISSION TO SIT DURING SESSIONS OF THE HOUSE

Mr. MORIN. Mr. Speaker, beginning on Thursday next, I ask unanimous consent that the Committee on Military Affairs of the House be permitted to sit during sessions of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that, beginning next Thursday and until the end of the session, the Committee on Military Affairs may have the privilege of sitting during the sessions of the House. Is there objection?

There was no objection.

ADMINISTRATION OF JUDGE FRANCIS A. WINSLOW

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 425, providing for an investigation of Francis J. Winslow, United States district judge for the southern district of New York, which I send to the desk and ask to have read.

The Clerk read as follows:

Joint resolution (H. J. Res. 802) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York

Whereas certain statements against Francis A. Winslow, United States district judge for the southern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

Resolved, That LEONIDAS C. DYER, CHARLES A. CHRISTOPHERSON, ANDREW J. HICKEY, GEORGE R. STOBBS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, and FRED H. DOMINICK, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Francis A. Winslow, United States district judge for the southern district of New York, and to report to the House whether in their opinion the said Francis A. Winslow has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Seventy-first Congress.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however*, That the total expenditures authorized by this resolution shall not exceed the sum of $5,000.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. SNELL. Mr. Speaker, reserving the right to object, this resolution which is presented by the gentleman from Pennsylvania [Mr. GRAHAM] in fact sets up a special investigating committee for the purpose of investigating a Federal judge. According to the rules of the House, and it has been decided a great many times, a resolution setting up a special investigating committee must come from the Committee on Rules, because it proposes a change in the rules of the House. I have no desire whatever to block an investigation of a Federal judge in the city of New York, if the preliminary investigation made by the Committee on the Judiciary satisfies that committee that it ought to be done, but as a matter of proceeding in the House and as a matter of precedent it does not seem to me that we ought to go further in setting up these special investigating committees by individual committees of the House every time any one of them has a proposition before it, which it thinks should be investigated. I know of several other committees that have similar propositions, and they think they should have the right to set up these investigating committees. If the House feels that they should have that right, then we should give the right to all of them. Otherwise, I do not think that we should begin adopting resolutions such as the gentleman has presented at this time.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. NEWTON. Does not the gentleman think there is a distinction when it comes to resolutions of this character, because of the function the House performs under the Constitution in respect to the impeachment of a Federal judge? It seems to me it rests upon a different foundation.

Mr. SNELL. If there were real impeachment charges, then it would go direct to the committee, and no one else would have anything to do with it, but all this resolution does is it set up a special investigating committee, and it names those who are to compose that committee. The Committee on the Judiciary has nothing more to do with it than I have after this committee is set up. This special committee does not report to the Committee on the Judiciary; it reports direct to the House as any other special investigation committee. If direct impeachment charges were made, of course, it would go direct to the Judiciary Committee, and that would be all there was to it.

Mr. GRAHAM. Mr. Speaker, I wish to answer the gentleman from New York [Mr. SNELL] first by saying that this will not set up a special investigating committee. This resolution is exactly the same as was passed by this House under exactly similar circumstances in the English case, except that probably inadvertently in the copying of it a few words were omitted. On the strength of that resolution the committee in the English case charged with the duty of investigating was able to subpœna witnesses and proceed in a regular and orderly way to ascertain whether or not the charges that had been made on the floor of the House were well founded.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Not until I am through. In the English case exactly the same procedure was followed. The House referred the resolutions to the Committee on the Judiciary. They made a preliminary examination, which was a preliminary step in the procedure. That committee heard any witnesses that were willing to appear before the committee. They had no power to compel anyone to appear before the committee. We have not the right, unless the House gives it to us, to subpœna witnesses and call on them to testify under oath. That authority being given, and the committee, recognizing that it was proceeding under the Congress and that the Congress would die on the 4th of March succeeding, took charge and this investigation was started but, of course, would die with the Congress. A resolution exactly the same as this was adopted by the House for two purposes, first, to give the committee power to make an investigation, and, second, to give the committee all the necessary machinery and prolong its life beyond the period of its extinction through the adjournment of the Congress.

Now, then, in addition to that the committee was instructed to report back to the House. That meant through the regular channels, which would be by the subcommittee of the Committee on the Judiciary reporting to that body, and it to the House. This subcommittee was not a special investigating committee. Now, I desire to say to the gentleman that it would appear to me and the other members of the committee with whom I have consulted that those words in the fourth line were, perhaps, unintentionally omitted. If you insert after the word "to," page 2, "report to the Committee on the Judiciary of the House," that would make it completely subordinate by reporting back to the Committee on the Judiciary. Line 16, add the same words—

to report to the Committee on the Judiciary of the Seventy-first Congress.

Now, I want to say on the general principle that if this were the rule of the House then these resolutions ought not to have been referred to us. They ought to have been referred in the first instance to the Committee on Rules. I want to say to my friends of the House and everybody that such a procedure as this will be marked with regret by those who assent to it making it the practice of the House. Whenever a man on the floor of the House presents such statements as cloud the reputation and standing of a judge of the district court of the United States he puts against that man what is equivalent to impeachment. I care not by what name you call it, impeachment or charges, it is an impeachment of the integrity and mars the usefulness of the judge himself. The matter ought to be proceeded with. It will be a sad day when these matters have first to go to the Committee on Rules where it would be said by the public it was only a subterfuge to delay a procedure which was started by charges made on the floor of the House.

Mr. O'CONNOR of New York. Will the gentleman yield for a question?

Mr. GRAHAM. I will.

Mr. O'CONNOR of New York. In the resolution for the investigation of Judge English were the members of the committee named?

Mr. GRAHAM. Yes.

Mr. O'CONNOR of New York. I understand this committee is made up of the ranking members on each side of the table?

Mr. GRAHAM. That is the understanding.

Mr. O'CONNOR of New York. That was not the procedure in reference to the English committee?

Mr. GRAHAM. It was true with the exception of Mr. DYER who because he was engaged in another committee was not put upon the committee.

Mr. O'CONNOR of New York. There were some other men on the English committee who were not three of the highest ranking Members.

Mr. GRAHAM. I can not recall any. Mr. WELLER was one. This was a matter referring to the investigation and it was suggested that another oustanding member of the minority of the committee, Mr. DOMINICK, should be placed on the committee.

Mr. O'CONNOR of New York. Another question. The gentleman understands I am not opposed to the investigation, but I prefer to have direct impeachment, but is it not true the gentleman from New York [Mr. LAGUARDIA] some years ago introduced a resolution referring to the southern district of New York, and that resolution was referred to the Committee on Rules. Did the gentleman from Pennsylvania protest against that procedure?

Mr. GRAHAM. I have no knowledge whatever about it.

Mr. LAGUARDIA. There was no such resolution. It is different entirely.

Mr. SNELL. If the gentleman will permit, I think the gentleman partly misunderstood my position. I have no objection to the Judiciary Committee having this investigation.

The only question that I am raising here is that this special investigating committee—I believe that is all you are asking for——

Mr. GRAHAM. With the amendment——

Mr. SNELL. With the amendment—is simply a special investigating committee that should be brought about in the regular way in accordance with the rules of the House, which provide for the introduction of a resolution setting up those facts and having it referred to the Committee on Rules. I can assure the gentleman now that if the members of the Judiciary Committee came before the Rules Committee and would say, "We have made a preliminary investigation and are satisfied we should go on with it," you would have no trouble in getting the rule. The only thing I object to at this time is the method of procedure. I know it is wrong and not in accordance with the rules of the House, and it is my business as far as possible to protect them.

Mr. GRAHAM. Is it not a fact that at least three, and I think four, matters of investigation came to our committee without going to the Rules Committee and were acted upon by our committee to the final determination of the whole question?

Mr. SNELL. I do not know that that happened. If it did, it was contrary to the rules of the House.

Mr. GRAHAM. Did the gentleman protest against that?

Mr. SNELL. I did if I knew it.

Mr. GRAHAM. I say this does not establish a precedent for any other committee. It is connected with the subject of impeachment. This, under the Constitution, stands upon a different basis; and as the Committee on the Judiciary is the proper committee to be charged with the investigation of these matters, this ought to go to them. The delay in this matter is doing injury to the administration of justice, and possibly preventing the examination which would disclose the truth and tell us whether or not action should be had in this case.

Mr. SNELL. I might be misunderstood if I objected, from the fact that the man comes from my State, and some people might think I was opposed to an investigation, although I never met the man. I do not object to this, but hereafter I shall object to such a resolution, no matter where it comes from, and I want the House to know it.

Mr. SCHAFER. Reserving the right to object, if this resolution is referred to the Rules Committee, would we be assured that there would not be a pocketing of the rule as in the case of the retirement bill?

Mr. SNELL. That would depend somewhat upon the conditions surrounding it. The chairman of the Rules Committee is always willing to meet the obligations as they come.

Mr. DOWELL. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. MORTON D. HULL. Reserving the right to object, Mr. Speaker, does the record in any recent cases of this kind show whether this committee has taken up a preliminary investigation without referring it to the committee?

Mr. GRAHAM. No. In one case the communication came to the Speaker of the House, and the Speaker referred it to the Judiciary Committee. We investigated that case thoroughly, and laid the impeachment charges on the table because they were not sustained.

Mr. CELLER. Reserving the right to object, Mr. Speaker—and I shall not object—may I ask the distinguished chairman of the Committee on the Judiciary this question: Does the chairman of that committee believe that Congress is a continuing body, with the right to appoint a subcommittee of this sort, to subpœna witnesses and conduct examinations after March 4?

Mr. GRAHAM. Certainly. If this joint resolution, which is the action of both Houses, is passed, then this committee will retain its powers, notwithstanding the adjournment of Congress.

Mr. CELLER. Does this resolution have to meet with the assent of the Senate?

Mr. GRAHAM. Yes. It must have the consent of the Senate.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I desire to offer two amendments. On page 2, line 4, speaking of the subcommittee and its report, after the word "to," where it occurs the second time, insert the words "the Committee of the Judiciary of."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

On page 2, line 4, after the word "to," where it occurs the second time, insert the words "the Committee of the Judiciary of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAHAM. And on line 17, after the words "report to," insert "the Committee on the Judiciary of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOMINICK. You ought to add the words "of the House," so that it would read "the Committee on the Judiciary of the House."

Mr. GRAHAM. We have done that.

Mr. WINGO. Reserving the right to object, Mr. Speaker——

Mr. GRAHAM. There is no right to object now.

Mr. WINGO. I want to get some information. Does the gentleman's amendment provide for a report to a committee of Congress, and not to Congress itself?

Mr. GRAHAM. Yes. The other resolution contained exactly the same language which was adopted by the House. The report came back to the Judiciary Committee, and from the Judiciary Committee it was reported to the House, and we got authority for impeachment.

Mr. WINGO. I understood the resolution as it was read provided for a certain investigation after the adjournment of Congress?

Mr. GRAHAM. Yes.

Mr. WINGO. My thought was that the subcommittee of this House should report to the House, and the Speaker would report that to the committee, and the Judiciary Committee would report back. I think it would be irregular to have a special report made to the committee and not to the House.

Mr. GRAHAM. It is not a special committee. I have cured that beyond question.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

On page 2, line 17, after the word "to" where it occurs the second time, insert the words "the Committee on the Judiciary of the House of."

Mr. WINGO. Mr. Speaker, I ask that the text be read now as it will be when the amendment is adopted.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

To sit during the sessions of the House until adjournment sine die of the Seventieth Congress, and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution as amended.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FEDERAL RADIO COMMISSION

Mr. WILLIAMS of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up the House Resolution 321.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 321

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 15430, a bill continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. WILLIAMS of Illinois. Mr. Speaker, the resolution just reported makes in order the consideration of House bill 15430, introduced by the gentleman from Maine [Mr. WHITE], chairman of the Committee on the Merchant Marine and Fisheries. I shall not attempt to enter into a detailed discussion of the provisions of the bill at this time. The main purpose of the bill is to extend for another year the life of the Federal Radio Commission. The radio act became a law in 1927. A Radio Commission was established, to which was given original authority in all matters relating to the radio, to the licensing of

stations and to all of the many other complicated matters that have come up out of the marvelous development of the radio in the last few years. The life of the commission in the original act was for one year, during which time it should exercise original jurisdiction and power in these matters. A year ago the work of the commission not having been completed, Congress passed an act extending its life for another year. That act will expire on the 23d of this month, and unless this bill is enacted into law before that time, this commission will lapse so far as the original jurisdiction of the commission is concerned. There seems to be a general opinion among those who have investigated the radio situation that this commission has rendered very fine service. It had before it problems that were impossible to handle in a manner satisfactory to everybody. The work of the commission, of course, in many instances, has been criticized, but it seems to be the consensus of opinion generally that taken as a whole the commission has dealt in a reasonably satisfactory manner with the great problems that have come before it.

Another feature of the bill is the fact that the commission is authorized to employ counsel to represent the commission in matters presented to the courts. A salary of $10,000 per annum is provided for the counsel so appointed, with two assistants at $7,500 each. This has been made necessary by the very important matters of litigation that the commission has to handle. Some of the ablest lawyers in the country appear in the courts on the other side, and the committee reporting this bill has thought it proper that provision be made so that the commission might have adequate counsel.

Mr. CELLER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. CELLER. Would it not be quite as essential to hire eminent counsel to balk the efforts of those who are fighting this bill, whether you pass this bill or whether you do not pass the bill?

Mr. WILLIAMS of Illinois. Oh, yes; it is necessary to have counsel.

Mr. CELLER. So that would not appear to be a cogent argument for the continuation of the commission, would it?

Mr. WILLIAMS of Illinois. Well, that provision is included in this bill and, of course, it is a new matter. I was simply explaining the provisions of the bill to the House. When the bill comes up, as it will presently, for consideration by the committee, the members of the committee who have had charge of this legislation, who understand it, and who can discuss all the features of the radio problems from a technical standpoint will explain those matters.

Mr. Speaker, I reserve the balance of my time, and I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Speaker, I have a telegram from Mr. A. M. Kelly, chairman of the National Food Products Protective Committee of New York City, with reference to a very important phase of radio advertising. He has asked that I bring this to the attention of the House, and I therefore ask that the telegram be read in my time.

The SPEAKER. Without objection, the Clerk will read the telegram.

There was no objection.

The Clerk read as follows:

NEW YORK, N. Y., *February 18, 1929.*

Hon. EUGENE BLACK,

House Office Building, Washington, D. C.:

Referring to bill to extend the administrative powers of the Radio Commission, to be submitted to the House to-morrow, we earnestly request that you direct attention on the floor to conscienceless efforts now being made through radio broadcasting to create a vast child market for cigarettes among 20,000,000 adolescents in United States. Both in interest of public health as well as of honest business, we join in protest made by United Restaurant Owners Association against such flagrant misuse of the air by stations licensed by Federal Radio Commission as operating in the public interest. The Journal of the American Medical Association, in an editorial published December 8, denounced such advertising as essentially vicious. The National Child Welfare Association, which is trying to stem the tide of cigarette smoking among boys and girls, deplores this scheming propaganda. Such national religious bodies as the boards of education of Methodist Episcopal, Presbyterian, Congregational, and Reformed Churches of United States are supporting in public statements as well as letters to the Federal Radio Commission protests lodged against such vicious broadcasting. The National Congress of Parents and Teachers, Boy Rangers of America, American Physical Association, and other organizations have similar protests. The national food-products protective committee, which represents industries employing over 5,000,000 individuals, with annual sales of nearly $5,000,000,000, is naturally concerned over attempts made to encourage cigarette smoking as substitute for wholesome foods. Nevertheless this appeal is addressed to you upon public grounds. Please note that a special meeting has been called for March by the International Advertising Association, formerly the Association of Advertising Clubs of the the World, to take action on current cigarette-advertising broadcasting; also that responsible cigarette manufacturers have definitely dissociated themselves from the broadcasting campaign now being conducted by the American Tobacco Co., and that leading advertising publications have denounced the campaign as a blow to honest advertising. George W. Hill, president of the American Tobacco Co., in letter widely published in the newspapers, makes this specific statement: "I would be shocked, as anybody else, if a tobacco company should undertake to appeal to adolescents." While he thus admits the great menace to public health involved in any cigarette appeal to the youth of the country, the American Tobacco Co. every Saturday night puts a great jazz dance orchestra on the air over 38 broadcasting stations from coast to coast. It broadcasts weekly alleged statements by motion-picture actresses, athletic coaches, and others to incite adolescents to smoke more cigarettes. It flaunts on the billboards posters picturing a 16-year-old girl with the caption, "She's a lucky girl," and it urges cigarettes for reducing, a diet fad which a recent editorial in the Journal of the American Medical Association says has increased tuberculosis rates among the young women of the country. The position taken by the Federal Radio Commission is that this matter is not within the province of commission but one for congressional consideration. In view of the fact that in England a similar advertising campaign undertaken for Kensitas cigarettes was withdrawn almost immediately, it is inconceivable that no action will be taken by the present Congress to protect the interests of 10,000,000 homes in the United States against this clear invasion of public health.

A. M. KELLY,
Chairman National Food Products Protective Committee,
468 Fourth Avenue, New York City.
JOSEPH BELL COTTON,
Of Counsel for the Committee.

Mr. BLACK of Texas. Mr. Speaker, I would be very reluctant to favor any sort of a law that would require a censorship of advertising, except, of course, as to indecent or obscene matter, but I do think some of the advertising put out by one of the cigarette companies is so unethical that it demands condemnation.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. WILLIAMS of Illinois. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. BLACK of Texas. A few weeks ago Congress extended the thanks of this body to the commander of the U. S. S. *America* and the crew for their very brave and splendid life-saving exploits in saving the crew of the ship *Florida*. The ink had hardly dried on that resolution before Captain Fried, the commanding officer, and one or two of the other officers of the ship had loaned their names to a cigarette firm for advertising purposes, and these advertisements have appeared in many newspapers in the United States. I would like to have read in my time one of the advertisements, in order to show what capitalization is made of the publicity that some receive. I shall delete the name of the cigarette advertised, as perhaps it would not be proper to give it further advertising in the CONGRESSIONAL RECORD.

The SPEAKER. Without objection, the Clerk will read the advertisement.

There was no objection.

The Clerk read as follows:

CAPT. GEORGE FRIED, HEROIC RESCUER, SAYS: "REACH FOR A ——— INSTEAD OF A SWEET"

An S O S from the *Florida!* We change our course. We on the *America* strain to arrive in time to rescue the men on their sinking ship, 350 miles away. Through the icy, freezing storm and high seas we plunge on—all speed ahead! Then the nighttime rescue, the searchlights, the whirling waves, the maneuvering to get near the *Florida*. Finally the *Florida's* crew coming off, one at a time, pulling themselves through the water on the line our men had thrown them.

These 32 men, dazed, many half clothed, needed reviving after their long exposure. Hot coffee, food, and ———, these gave new life to many of them, and we on board the *America*, crew and passengers alike, found after the strain and struggle that there was nothing quite so comforting and relaxing as the inviting toasted flavor of ———.

Playing this game with "Davy" is ever fascinating, ever thrilling. And we who follow the sea must be ever ready for adventure. Ours is an active life, demanding nerve control and physical fitness. In my health program I have found that ——— are most important not only because they provide a respite for frazzled nerves and an exhausted body but because whenever I crave anything which is overfattening I

say to myself, "Reach for a ——— instead of a sweet." In the toasted flavor of ——— I get complete satisfaction. And I find that toasting, by removing the irritants, protects my throat.

GEO. FRIED,
Commander of Steamship America.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. BLACK of Texas. Will the gentleman yield me one more minute, and then I will conclude?

Mr. WILLIAMS of Illinois. Very well; I yield the gentleman one more minute.

Mr. BLACK of Texas. I just want to say this one more word to express my great regret that men like Capt. George Fried, after having received the thanks of the Congress of the United States for his heroic achievements, would lend his name to advertising of this sort. Of course, it is his privilege to do it, but I am sure that many of his admirers had rather he had refrained.

I do not advocate a censorship law by the Congress of the United States, but I want to express my pride and satisfaction that men like that splendid young man whom the United States has honored so greatly, Colonel Lindbergh, has declined to lend his name to any advertisements of this kind. I hope that others will follow his example. I also venture the hope that, without any censorship on the part of the Congress, the American people will speedily condemn this unethical advertising that we see so much of these days. [Applause.]

Mr. WILLIAMS of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, there is really no necessity for my making any comment whatever upon this rule. It is the ordinary rule providing for two hours of general debate upon this bill or resolution from the Committee on the Merchant Marine and Fisheries.

The nature of the bill has already been explained fully by the gentleman from Illinois [Mr. WILLIAMS], and this is really legislation in the nature of emergency legislation.

We have had a great deal of controversy since the beginning of radio utilities as to the control of wave lengths and licenses and other regulations, and I must say we may as well realize now, gentlemen, that the Congress of the United States is merely standing upon the outer threshhold of that legislation which will be required, as the years come and go, because of the constant advances and improvements and changes of condition that are being made with reference to radio communication.

I know that the Committee on the Merchant Marine and Fisheries has given this matter, as they always do, very careful and conscientious and thorough consideration. Without engaging in any invidious comparison, I want to say I know of no committee of the House of Representatives that brings to the examination and consideration of bills before it more thorough and exhaustive and wise examination than the committee which is so ably led by the distinguished gentleman from Maine [Mr. WHITE]. [Applause.]

There is no change in the organic law at all with reference to the Radio Commission. This is merely an extension of its authority and unless this resolution is passed before the adjournment of this Congress, as has been explained to you and will be explained to you by the gentlemen who discuss it, the present authority of the Radio Commission will become functus officio and all of the real powers now held by them will revert to the Commerce Department.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. WAINWRIGHT. May I ask the gentleman why the time has not arrived when the jurisdiction of the Department of Commerce, which is contemplated by this law, should attach, and whether the question presented by this bill is not really whether the Radio Commission should be continued permanently or not.

Mr. BANKHEAD. I am very sorry I can not answer that question with the degree of authority I would like, but after the compliment I have paid to the gentleman from Tennessee and the gentleman from Maine and their associates, when the bill comes up for discussion under the 5-minute rule, I am sure they can supply to the gentleman from New York the information which he seeks.

Mr. WAINWRIGHT. In other words, if the gentleman will yield for just a brief observation——

Mr. BANKHEAD. Yes; I will be pleased to yield.

Mr. WAINWRIGHT. As I understand, the law contemplates that the entire administration of the regulation of radio shall rest with the Department of Commerce and that the Radio Commission shall be an advisory or appellate body of some kind.

Mr. BANKHEAD. Not under existing law.

Mr. WAINWRIGHT. And that temporarily they have been given practically the entire administration of the law.

Mr. BANKHEAD. Yes; that is true.

Mr. WAINWRIGHT. And the question which I think a great many of us who are somewhat familiar with the subject would like to have answered is why it is that the Department of Commerce should not be permitted to assume the jurisdiction and the responsibility which the law contemplates.

Mr. BANKHEAD. I am sure that matter will be very fully discussed by the gentlemen on the committee when it comes up. I know we did have some informal discussion of it when the matter was before the Rules Committee.

This is all I desire to say, Mr. Speaker. This is a unanimous report from the Committee on Rules and I understand there was practically a unanimous report from the Committee on the Merchant Marine and Fisheries. [Applause.]

Mr. WILLIAMS of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MAKING IT A FELONY FOR ALIENS TO ENTER THE UNITED STATES IN VIOLATION OF LAW

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5094) making it a felony with penalties for certain aliens to enter the United States of America under certain conditions in violation of law, insist on the House amendment and agree to the conference asked for.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill S. 5094, insist on the House amendment and agree to the conference asked for. Is there objection?

Mr. DICKSTEIN. Reserving the right to object, what is the purpose of the request?

Mr. JOHNSON of Washington. To send the bill to conference.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. JOHNSON of Washington, Mr. VINCENT of Michigan, Mr. SCHNEIDER, Mr. SABATH, and Mr. BOX.

FEDERAL RADIO COMMISSION

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission, under the radio act of 1927, and for other purposes, and pending that I would like to inquire as to the control of the time. The rule gives one-half of the time to those in favor of the bill and one-half to those opposed to the bill. I would like to be advised as to who will have control of the time in opposition.

Mr. FREE. Mr. Speaker, I am a member of the committee and opposed to the bill.

Mr. CELLER. Reserving the right to object, may I ask whether or not there is any member of the committee on this side of the aisle who is opposed to the bill?

Mr. WHITE of Maine. Not as far as I know.

Mr. CELLER. I am opposed to the bill, and if it is in order I would like to have some agreement as to the time that will be given this side.

The SPEAKER. The gentleman from California can yield the time to that side.

The Chair desires to state that he overlooked the fact that the House yesterday gave permission to the gentleman from Florida [Mr. SEARS] leave to address the House for 10 minutes after the disposition of matters on the Speaker's table. The Chair would be glad if the gelentleman from Maine will withhold his motion until the gentleman from Florida has addressed the House.

Mr. WHITE of Maine. I will do so.

FLOOD CONTROL IN FLORIDA

Mr. SEARS of Florida. Mr. Speaker, recently our State has been honored by the President elect spending a month, enjoying our sunshine and wonderful fishing. Last Friday and Saturday he went over the Everglades to study the flood-control situation. Repeatedly the charge has been made that the Representatives from Florida, both in the Senate and the House, have done nothing to secure flood-control relief from the Government.

I have publicly thanked the Speaker from one end of the fourth district to the other for the hearty cooperation and assistance he gave Congressman DRANE and myself in this matter.

I would not take up the time of the House except for an article which appeared in the Washington Post of February 16, in which I find the following:

Now, Mr. Skipper wants Mr. Hoover to take it all over for completion at a cost of $10,700,000. Representative DRANE, the Democrat who represents the district, thought he was showing considerable initiative when he introduced a bill asking the Federal Government to pay some of the estimated remaining cost. Mr. Skipper retorted, in effect, that this was absurd, that the Republicans do not do things that way. The Republicans say they want the project taken entirely from the hands of the State authorities, these State authorities all being Democrats now suggesting that their backs are against the wall. It has been a political football too long Republicans aver. Or as one grizzled old codger at Canal Point put it poignantly: "The State authorities up at Tallahassee have almost drowned me twice. So, damn it, I voted for Hoover and I want to see what he can do." There was more than prohibition and religion in the campaign in this section of Florida.

On December 6 I introduced a flood control bill. Congressman DRANE introduced a bill, and Senators FLETCHER and TRAMMELL introduced bills. Again, on January 10 to February 6, we had hearings which I have before me, and the House Committee on Flood Control has unanimously practically agreed upon a bill providing that the Government shall pay $6,000,000 and the State pay $4,700,000. Now, we have a Republican Congress and a Republican President. Speaking for myself and, I believe, for my colleagues, if you are willing to give us that sum we have no objection. We have tried to follow the legislative procedure. We have waited until we received a favorable report from all Government engineers, and we have waited until the committee has drafted a bill. In fairness to my Republican friends and Democratic friends, I want to say that politics have not entered into this question. I want to say, in fairness to my Republican friends of this House, that on these great questions I have never found politics entering into them; it is only a matter of whether we can show that we are fairly and justly entitled to the relief sought.

I have worked in season and out of season for relief, for flood control, and I trust the national Republican committeeman was misquoted or misstated when he said that Congressman DRANE did not know anything about the situation down there. I sincerely hope that at this session of Congress, although I realize and appreciate the legislative congested condition that exists, this bill practically agreed on by both Democrats and Republicans, in the Committee on Flood Control, will become a law in order that there may be no further loss of life in that section. We have prepared this bill along the lines of the Sacramento River problem. The Sacramento River problem differed from ours in that no lives were lost there. That was all that the committee would give us, and in fairness to them and to myself, I say it was the best solution that we could secure. I feel that the State of Florida will be perfectly satisfied if we can get that bill through and prevent further loss of life among the people from different sections of the country who are moving into our wonderful State. Nearly 4,000 lives have already been lost, and now if it is made a political question it would not only be fatal but could not be defended.

I again thank the Speaker. He is thoroughly familiar with everything I have said. He remembers the conference that my friend and colleague, Mr. DRANE and myself, had with him, and he recognized my colleague out of order to bring up the bill for a special survey.

I have always said that I care not who gets the credit so long as Florida gets what she is entitled to. I again repeat my Republican colleagues have not made political questions out of the loss of human life.

If this bill does not pass during the present session, it will indeed be unfortunate, as the Florida Legislature meets next April, and as the legislature only meets every two years there may be a possible delay. I am hoping the legislature can pass such laws as will meet the requirements of the bill as finally passed and thereby save as much delay as possible. If the bill is not enacted at this session, it will practically automatically become a law at the next session, for I am satisfied it will have in the House the unanimous support of the committee and my colleague, Congressman DRANE, with whom I have cooperated. As a last request I want to urge my colleagues to support the measure and assist in giving Florida this relief to which we are entitled. I thank you. [Applause.]

FEDERAL RADIO COMMISSION

The SPEAKER. The gentleman from Maine asks unanimous consent that the time provided for under the rule be equally divided between himself and the gentleman from California [Mr. FREE]. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Maine that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15430, continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15430, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Chairman, I yield myself 20 minutes. This bill has involved in it four simple propositions. It contemplates, in the first instance, the extension of the original authority of the Federal Radio Commission for another year. The second provision of the bill authorizes the continuation of the annual salaries of the commissioners for a period of one year. The third section of the bill extends for another year the limitation upon the life of broadcasting and other licenses which the commission is authorized to issue. The fourth section of the bill deals with the legal staff of the commission and authorizes the employment of a special counsel at a salary of $10,000 a year, and the employment of three assistants to the general counsel at salaries of $7,500 a year. Those are the four propositions involved in this legislation.

Extensive hearings were held before the Committee on the Merchant Marine and Fisheries. At the time the vote was had in the committee, the action of the committee was unanimous. It has since appeared that one member who was not present at the time of the vote is in opposition to the bill and will control the time and speak in opposition to the bill. So far as the chairman is advised, except for that gentleman, the determination of the committee was a unanimous one.

By act of 1927 there was set up a Federal Radio Commission upon which was conferred original jurisdiction for the period of one year from the date of the first meeting of the commission. The commission met on the 15th day of March, so that the year's time dated and ran from the 15th day of March, 1927. At the expiration of that one year, the time in which original authority was vested in the commission, it was the contemplation of the original legislation that the original authority should be transferred to and lodged in the Secretary of Commerce. The legislation became a law, and was approved by the President on February 23, 1927. The nominations of the commissioners were sent to the Senate between February 23 and the adjournment of Congress on the 4th day of March. Only two of the commissioners were confirmed by the other body. No action, or no adverse action, I am not instantly apprised which, was had on three of the other members of the commission. So that commission started its life and functions with but two of the five members having received the confirmation of the Senate of the United States. During this first year of the life of original authority of the commission, two of the commissioners resigned and one commissioner died, so that during this entire first year of original authority, there was no time during which more than two members of the commission were sitting as confirmed members, and for most of that period of one year but a single member of the commission had been confirmed by the Senate of the United States.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Not now. It is also a fact, because of the legislation coming so close to the end of the Congress, that there was no opportunity to make adequate appropriations for the functioning of the commission. So that during this first year the commission was confronted not only with this unconfirmed personnel but it faced also all of the difficulties which arose from the complete failure of funds for purposes of organization and purposes of study. So that whatever may be the delinquencies chargeable to the commission during that first year of life, there is a very substantial measure of excuse or extenuation for what some of us have thought to be nonaction during that time. February 23 and March 16 rolled around last year, and because of the conditions to which I have alluded, very little had been done toward the solution of the problems of radio which were pressing upon the people of the United States and those in authority. In that situation it seemed to the Committee on the Merchant Marine and Fisheries of the House, and it subsequently seemed to both branches of the legislative body, that this original authority should be further continued, and ultimately Congress did pass an act extending the original

authority of the commission for one more year; that is, from March 16, 1928, to March 16, 1929.

In the legislation of last year, however, two changes were made in the law. In the first place it seemed wise to place a limitation upon the tenure of office of the commissioners. And the legislation of last year provided that the commissioners should hold office only for a term of one year; that is, until the 23d day of this present calendar month. Then in this legislation also a very great burden was placed upon the commission. Dissatisfaction had arisen because of the failure of the commission to make distribution of radio services throughout the entire United States as called for by the 1927 law.

There were charges of gross discrimination against sections of the United States, against many States of the Union, and against communities within States; and in order to meet the contention and criticism Congress enacted what was known as the Davis allocation or equalization amendment which provides for the equal allocation of radio facilities, first equally to the zone, then within zones allocations to the various States in proportion to the population of the States. That amendment required a long and painstaking study on the part of the commission. The commission, the funds having been appropriated, organized as best it could. They set up a legal department, they set up an engineering department and began to study the scientific problems involved in the amendment and worked out methods and the principle of equalization among all the zones and among the States. That work carried along until the fall of this past year and it was not until November 11 that the result of the studies and labors of the commission were ready to be made effective. On that date the reallocation plan became effective, and is responsive, the commission believes, to the purposes and intent of the so-called Davis equalization amendment. That provision has been in effect hardly three months of time. It involves, speaking generally, a readjustment of 94 per cent of the entire broadcasting structure of the United States, change of licenses, of frequencies, power, time operation, and in working out that reallocation 90 per cent of the entire broadcasting structure of the United States underwent a change. I think that it necessarily follows that the set-up is tentative in character, and there will appear in the life under that allocation opportunities for improvement in the situation. The first consideration which moved the Merchant Marine and Fisheries Committee to recommend further extension of the original authority of the commission is our belief that this commission which worked out this reallocation plan knows the purposes and reasons for it and therefore is better qualified to deal with problems of readjustment that are inevitably involved, are better qualified to deal with those problems and perfect the system, than any new authority could be. So your committee felt that the best interest for all those interested in the question of broadcasting transmission and all the people who are interested in reception will come from continuing the life of this present commission.

Now, in the minds of the public, the radio broadcasting looms large, but in addition to the development of radio broadcasting there is a development that has gone on during recent years that raises important questions outside of broadcasting bands. A year or more ago short waves were of little concern; they were in comparatively little use. During the last two years there has come an entirely new appreciation of the importance of the short waves. The band between 6,000 kilocycles and 1,500 kilocycles is known as the commercial continental point-to-point band. Within that band, which I call for purposes of definition the continental point-to-point band, ranging between 6,000 and 1,500 kilocycles, many serious problems have arisen. There are a very limited number of these bands available for commercial point-to-point service within the United States. There are an almost unlimited number of applicants for them. The duty is upon some one to determine two things: First, to whom these channels within this continental point-to-point band shall be allocated, and second, for what purposes the short waves within this band shall be utilized.

Now, in the determination of those questions there are involved matters of public policy, and when these matters of public policy have been first determined there is involved a necessity of deciding who of the hundreds of applicants for these channels are best qualified to respond to a public benefit and public advantage in the use of these short waves.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Not now.

Now, the commission has conducted an examination, and I might add, an intensive study, of this point-to-point band, and your committee believes that the continuation of that study and that action, in response to the determination of that study, had best be left, as it is now, in this body that has given study to it for more than a year's time.

Beyond this point-to-point continental band there have come new problems in connection with short waves in international communication. Only a few short years ago international communication was carried on by the long waves and the utilization of tremendous power in the projection of these waves across continents and across oceans.

In recent months there has come a knowledge that these short waves are valuable in the extreme for international communication. There have been before this commission frequent hearings with respect to the proper disposition of these short waves in international communications. Your committee feels that this body should be permitted to continue in the study of those problems and in the working out of the proper answers to them.

There is another phase of the matter, which is of consequence, involved in the proper disposition of these short waves. There are controversies, or, if not controversies, differences as between the countries of this hemisphere. We can not confine within the continental United States either the waves within the broadcasting bands or the waves within the point-to-point continental United States band. They reach Canada and Mexico and into Cuba; and for months negotiations have been going on between the United States and Canada and Mexico and Cuba in the hope that there might be worked out an equitable arrangement for use, by these respective countries and their nationals, of these wave bands. It is vital in the interest of all that there should be a friendly settlement of conflicting claims as to the use of these waves between these countries.

Your committee reached the conclusion that it was infinitely best that the members of the Federal Radio Commission, who have been conducting these negotiations, should conclude them. These reasons actuated the committee in advocating the extension of this original authority for a year's time.

What is the alternative if you do not do it? Unless the original authority of this commission is continued for another year, that original authority will revert to the Department of Commerce. Then you must build up in the Department of Commerce a comparable organization or face a hiatus in radio control. You must build up there an engineering department, a legal department, an administrative department, and a clerical department, adequate in character and personnel, to deal with these problems. If you do that, you will have a duplication of the personnel of the Federal Radio Commission in the Department of Commerce. If you do not do that, what do you find? Why, without such an organization in the Department of Commerce, it is inevitable that there will be referred to the Federal Radio Commission, by the Secretary of Commerce or by the appeal of interested parties, every question, every application that involves a major question of policy, or that involves a controversy as to policy or as to facts.

Without such an organization in the Department of Commerce it is inevitable that every problem of consequence or of difficulty will be automatically transferred to the Federal Radio Commission or taken there by appeal, and if in the last analysis the Federal Radio Commission is to be obligated to meet the major problems involved in this great subject, if they are to have the onus, the burden of ultimate decision, it seems wise to your committee that they should go on meeting that responsibility and have the dignity of original authority in connection therewith. Now, those considerations are those which influenced the committee in reaching its conclusion.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. WHITE of Maine. Mr. Chairman, I yield myself three additional minutes. I will only take time to refer to the provision authorizing an increase in the salary of counsel for the commission. I know you are all familiar with the fact that there are now pending in the courts various cases involving not alone the determination of rights between litigants but cases going to the very basis of the legislation which we enacted in 1927, and challenging in fact the authority of the Congress of the United States to deal effectively with radio transmission and radio communication within the United States and throughout the world. Opposed to the United States, opposed to the commission, and opposed to the legislation and the assertion of authority by Congress we find marshaled some of the greatest lawyers in the whole United States. In one particular case recently heard in the District of Columbia there was Mr. Hogan, of the District bar, and Charles Evans Hughes, of the New York bar, and associated with them have been attorneys of the character and of the ability of John W. Davis. Now, under the original procedure the commission paid its attorney $7,500 a year, but the Comptroller General said that was illegal and that salary was cut to $6,500. Your committee are unanimous in the view that if the integrity of our legislation is to be successfully defended and if the authority of Congress is to be maintained,

we should have available to the United States the best counsel that it is possible to obtain at a reasonable salary, and we have believed that a salary of $10,000 a year was more likely to continue in the service of the Government and more likely to obtain for the United States the character of counsel deemed necessary than a salary of $6,500 a year. So we have recommended this increase in the legal force and in the salaries to be paid the legal force of the commission.

Mr. CELLER. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. CELLER. Would the gentleman suppose that $10,000 or $11,000 will get a lawyer of the caliber of John W. Davis or Charles Evans Hughes to fight for the Government?

Mr. WHITE of Maine. I have no such illusion as that. I do not think any salary will get John W. Davis or Charles Evans Hughes back into the governmental service, but I do submit that there is a sufficient gap between $10,000 a year and $6,500 a year to give hope, at least, that we will secure a high grade of counsel for the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Maine has again expired.

Mr. FREE. Mr. Chairman, ladies and gentlemen of the committee, the Radio Commission was created in the Sixty-ninth Congress by an act approved February 23, 1927. The commission was to have original jurisdiction of matters concerning radio for one year. Thereafter, the Secretary of Commerce was to have such original jurisdiction and the commission was to become an appellate body to determine appeals by dissatisfied applicants and also to consider such matters concerning radio as were referred to it by the Secretary of Commerce.

At the end of one year, very little had been done by the commission. This was partly due to the fact that the commission had been very much disorganized, through death and otherwise. So, the Seventieth Congress, under an act approved March 28, 1928, the original jurisdiction of the commission was continued until February 23, 1929, and, thereafter, commissioners were to be appointed for the terms of 2, 3, 4, 5, and 6 years, respectively, as provided in the radio act of 1927, thereby becoming an appellate commission.

H. R. 15430, which is now before us, has for its purpose the continuation of the original jurisdiction of the commission for another year. After two years we find radio matters in almost as much chaos as when the commission was first created, and we can not expect any change in the policies, procedure, or attitude of the commission by reason of the fact that three of the commissioners have been reappointed, two of the other commissioners having resigned. This means that the same policy and the same inefficiency and the same chaos will continue for another year if this bill is made a law.

In order that you may understand some of the reasons for the chaos which exists, let me quote from the hearings before the Committee on the Merchant Marine and Fisheries of the House of Representatives, held during the months of January and February, 1929. On page 7 thereof, Commissioner Robinson, who is the chairman of the commission, by the way, states:

Except for isolated exceptions, the commission has no rules and regulations.

May I also say that the commission has no orderly procedure in regard to these matters, and on this proposition may I quote from page 82 of said hearings, as follows:

Mr. DAVIS. Has the commission ever given consideration to proceeding in a more dignified, and a more orderly, and a more judicial manner, to permit that sort of practice to take place and take up the time of the commission in that way and expecting a single commissioner or an engineer to determine their matters for them?

Mr. ROBINSON. The subject has been mentioned, but there has been no action. They come in, the broadcasters and others, every day. Some ask to see the commission as a whole, and many, many come to a single commissioner's office, and it depends on the zone from which they are coming; but it takes a lot of time, and I receive every applicant or anyone who has business there to do with us, and in matters of detail it is usual for me, if it is an engineering matter, and when I say "engineering" I speak broadly of some radio mechanical matter, to refer them to Mr. Sutton, my technical assistant.

Mr. DAVIS. That is as to purely an engineer matter, but it just occurs to me in that connection that any matter requiring a decision worthy of action by the commission should be presented to the commission as a commission just as it would be in a court or in any other quasi-judicial function. I do not ever hear of anybody going down to the Interstate Commerce Commission and calling on a member of the Interstate Commerce Commission. They require them to present their problems to the commission either in oral argument or in brief, and it is no more a quasi-judicial tribunal than is this commission, and it occurs to me that some such practice ought undoubtedly to be adopted by this commission.

To further show the way the commission handles these matters, may I quote from the testimony of Commissioner Lafount:

Mr. LAFOUNT. Congressman, as I have tried to explain to you, we do not have any way or means of testing all the equipment of all of the technicians representing all of the applicants. We never question the R. C. A. or the Mackay people; we do not know whether their equipment is such as will permit them to do that with which they apply for. And we see no reason——

Mr. FREE. Well, should not you do that? Pardon me for interrupting you, but is not that one of the purposes for which this commission is organized—to investigate those very things?

Mr. LAFOUNT. No, sir (p. 960 of the hearings).

It further appears that applications, after being made, are neither granted nor denied but simply held in suspension by the commission so that the applicant has no opportunity to pursue his application, either to an appellate body or to the courts, as no final action is taken and the commission goes along in its own easy way, simply leaving these applications pending for months and, sometimes, years.

In order to show you the utter lack of knowledge of the subject by the commission itself I would like to make some quotations from the testimony of Mr. Robinson, chairman of the commission. May I say, by way of digression, that Mr. Robinson is a delightful gentlemen with pleasing manners, but that does not mean that he has familiarized himself with the subject with which he is dealing sufficiently to remain on the commission. Again, I quote his testimony:

Mr. DAVIS. Will you, as chairman of the commission, file with the committee a complete list of the reallocations as of this date, embracing whatever corrections and changes that have been made?

Mr. ROBINSON. As a member of the commission I am not familiar with those details but I will have it prepared. (Page 11 of the hearings.)

It appears that he is not even informed as to the short-wave allocations—

Mr. BRIGGS. Now, turning for a moment to the low-wave length, have all of those been allocated?

Mr. ROBINSON. You mean the short waves?

Mr. BRIGGS. The high frequency.

Mr. ROBINSON. No; not all of them.

Mr. BRIGGS. How much has the commission reserved from allocation, if it has made any reservation at all?

Mr. ROBINSON. I have it on my desk, but there are so many ramifications, figures, and details in all of this radio subject that I do not recall what it is.

Mr. BRIGGS. My thought was not exactness; my thought was whether you could make an estimate of a third or a half, or whatever it might be. If you do not know, I shall not press it.

Mr. ROBINSON. It can readily be given to you by Commander Craven, or, perhaps, one of the other commissioners might have it in mind (p. 40 of the hearings).

Nor does he know the broadcasting stations which are on chain hook ups.

Mr. REID. Now will you tell the committee whether or not the stations in Chicago that have a clear channel are a part of any chain? Do you know?

Mr. ROBINSON. Some of them I have no doubt are, but I do not know the details.

Mr. REID. All right. Now, how many clear channels have we?

Mr. ROBINSON. I think there are four assigned——

Mr. REID. I mean in the United States.

Mr. ROBINSON. Forty.

Mr. REID. Now, of those is it not a fact there are 25 or 30 given over to the National Broadcasting Co.'s stations for chain broadcasting?

Mr. ROBINSON. I never have analyzed the allocation as to how many of those 40 are chain hook-ups (p. 42 of the hearings).

Nor does he know how many broadcasting stations are operating on 10,000 watts or over.

Mr. REID. How many stations are there operating on 10,000 watts or more?

Mr. ROBINSON. I am not able to say (p. 59 of the hearings).

Nor does he know how many new stations have been licensed, in regard to the reallocation of broadcasting on November 11, 1928.

Mr. LEHLBACH. Since the order was promulgated providing for a new setup or reallocation to be effective on November 11, how many new licenses have been granted?

Mr. ROBINSON. Of course, we granted a new license to every station.
Mr. LEHLBACH. I mean, how many new stations were licensed?
Mr. ROBINSON. I am not prepared to say (p. 74 of the hearings).

It would certainly seem that a commissioner, whose job it is to pass on these questions, would have at his tongue's end this fundamental information.

Probably the most glaring illustration, however, of the lack of the protection of the people's interest by the Radio Commission is shown in the recent allocation to the Universal Wireless Communication Co. of what are termed short waves for point-to-point commercial communication in continental United States. There were various applicants for all or part of the available short waves. Newspapers of the United States asked for 20 of these channels and they were allocated to them. The Radio Corporation of America, now engaged in transoceanic service, asked to utilize some of the channels now used in that service also in point-to-point communication in the United States and asked for some additional channels to be used in such continental service. The Mackay Radio and Telegraph Co. made a similar request; also the Wireless Telegraph and Communication Co. of Illinois. I also understand the International Telephone and Telegraph Co. would like to have some of these channels.

On January 17 and 18, 1928, a general hearing was held by the commission, to which all of these applicants were permitted to appear and put forth their claims and I believe all of the above-named concerns did so appear.

On September 25, 1928, a sort of hearing was granted to the Universal Wireless Communication Co. to present further evidence. The reading of these hearings, however, will disclose that very little real information developed at this hearing.

Some Members of Congress then wrote letters to the commission urging action. One of these was written on November 3 by Senator LYNN J. FRAZIER, of North Dakota, and on November 17 Commissioner Lafount replied as follows to the Senator:

MY DEAR SENATOR FRAZIER: This is to acknowledge receipt of your communication of the 3d instant, requesting that serious consideration be given to the application of the Universal Wireless Communication Co. May I assure you of my keen interest in this application and my desire to give it the consideration it deserves.

I appreciate the fact that commission action seems slow. However, may I call your attention to the fact that the use of high-frequency channels or short waves must be divided between the United States, Canada, Mexico, and Cuba, for the reason that their signals are heard all over this hemisphere.

A conference will be held in Ottawa, Canada, about December 1, when representatives of the countries referred to will undertake to make a satisfactory division of these frequencies between themselves and immediately thereafter the commission will be in a position to allocate the frequencies assigned for use in the United States. Be assured that it will be my pleasure to carefully consider the application referred to at that time.

Thanking you for calling this matter to my attention, I beg to remain,

Yours very truly,

———— ————.

(P. 989 of the hearings.)

On November 28, Commissioner Lafount made a similar reply to a letter which had been written to him by Representative BACHMANN, of West Virginia.

On December 14, at the invitation of the Universal Wireless Communication Co., a laboratory test was held for the purpose of demonstrating the facilities of this concern. They had claimed to the commission that they could send five signals over a channel with what is commonly known in radio as a one-hundredth of 1 per cent separation. Commander Craven, who had been loaned to the Radio Commission by the Navy to assist them in determining the technical questions referred to the commission, requested the Naval Research Laboratory and the Bureau of Standards to check up on these signals. I may say that Doctor Dellinger, of the Bureau of Standards, has been considered the chief engineer for the Radio Commission. The demonstration was held.

Commissioner Sykes, who, together with Chairman Robinson and Commissioner Lafount, voted to allocate these 40 channels to the Universal Wireless Communication Co., which channels, by the way, have been appraised at the value of $1,000,000 each, a total of $40,000,000 for the 40 channels, stated that he voted for this grant to the Universal Wireless Communication Co. on the recommendation of Commander Craven.

I was interested in what they contended they could do, the Universal Wireless Co. I asked Commander Craven to investigate very carefully that fact and to tell me as an engineer what he thought of it. I was invited a little later to a demonstration or an experiment. I went to it. I did not know any more about it after I went, so far as I am concerned, than I did before. I saw them doing these things and saw what they were doing, but that meant very little to me as a lawyer.

After that was over I had a detailed talk with Commander Craven. I said, "Do you know just exactly how these people are doing this and what they are doing it with?"

He said, "I do."

"Well," I said, "does it work all right? Are you satisfied that it works all right?"

He said, "I am."

I said, "If you are, I am going to back your judgment on the proposition," and in the meantime we got these checks from the Navy Department, who checked it (p. 814 of the hearings).

Commissioner Lafount in his testimony before the committee stated that he voted for the allocation because they had promised they would do at least five times as efficient work with the channel as is now possible, and also because this allocation was recommended by Commander Craven and by Dr. A. White Taylor, a civilian employee of the Naval Research Laboratory. Mr. Lafount's testimony on the subject is as follows:

Mr. LAFOUNT. That they were able to duplicate the channels five times; that they could do at least five times as efficient work with a channel that was not possible and, as a matter of fact, being done.

Mr. FREE. Was anyone permitted of the other applicants for these channels to examine their layout?

Mr. LAFOUNT. I could not tell you that, sir.

Mr. FREE. Will you now, as a commissioner, state that they have this process that is so much better than anybody else has?

Mr. LAFOUNT. I did, this morning, Congressman, state that, of my own knowledge I do not know that, because I am not a technician or sufficient of a technician, at least, to determine that. But I say that Commander Craven thoroughly investigated it. He is a prominent radio communication expert with the United States Navy. I say to you, also, that Doctor Taylor, also of the Navy, assured me that it was technically correct and that they could do what they represented to the commission they were going to do and could do. * * * But, Congressman, the demonstrations were only laboratory tests and did not mean necessarily that it could be done in actual practice; but the experts of the Navy, who are perhaps doing more radio communication work than anyone else in the world—I do not know that, but I say "perhaps"; they are doing a lot—assured me that they could do that, that that which they did in the laboratory they said could actually be done in practice.

Mr. FREE. Now, please tell me who Mr. Taylor is. Is he an officer of the Navy?

Mr. LAFOUNT. Yes. I do not know his exact position. May I ask Mr. Caldwell or some one who knows?

Mr. CALDWELL. Doctor Taylor is a civilian expert for the Navy.

Mr. FREE. Where will I find him?

Mr. CALDWELL. At the Bellevue Laboratory, the Naval Research Laboratory at Bellevue.

Mr. FREE. Is he here in Washington?

Mr. CALDWELL. Yes, sir; Dr. A. White Taylor, and he is the president of the Institute of Radio Engineers, just elected.

Mr. FREE. Now, did he give you this information privately or to the commission in a body?

Mr. LAFOUNT. He gave it to me privately on one occasion and to the chairman and myself on another occasion (pp. 865 and 866).

Mr. FREE. May I see it, please? [After a pause.] Doctor Taylor is connected with the Navy, is he not?

Mr. LAFOUNT. He is an expert connected with the Navy, a civilian doing work for the Navy, and also for this Universal Wireless Corporation.

Mr. FREE. Oh, he is employed by the——

Mr. LAFOUNT. I think he is their——

Mr. FREE. Consulting engineer?

Mr. LAFOUNT. Consulting engineer, or one of them (pp. 957 and 958).

I believe Mr. Lafount must be mistaken when he says that Doctor Taylor made this recommendation. I understand he is a gentleman of very high standing, and I can not conceive that he would recommend this when he was in the employ of the Naval Research Laboratory and at the same time consulting engineer for the Universal Wireless Communication Co.

Commissioner Caldwell, who voted against the allocation and has since retired from the commission, testified:

I did not feel that the commission was in possession of sufficient information on which to base such award.

It is very interesting to see what Commander Craven has to say in regard to this. On page 1020 of the hearings he says:

I did not make any specific recommendation relative to the Universal.

On page 959 of the hearings he said:

I also added a verbal report to the commission that the Universal Wireless Communication Co. development was in the manufacturing-design stage.

And on page 1030 he further states:

Commander CRAVEN. Yes, sir. At the experiments they utilized various patents, perhaps, of various people; they also demonstrated that they had their own and they could overcome those. Of course, I know nothing about patents, but I believe they can overcome, in my own personal opinion, all patents involved or owned by other companies.

Mr. LARSEN. Independent of the heterodyne patents?

Commander CRAVEN. Yes, sir; I believe they can do that.

Mr. LARSEN. What about grid patents?

Commander CRAVEN. I believe they can do that; but I am in a dangerous position, sir, because I know nothing about patents.

Mr. LARSEN. In the experiments that you saw, did they involve those things? That is what I want to know.

Commander CRAVEN. Some of the phases did; yes, sir.

And again on page 1032 he says:

I can not say for sure, because I do not know anything about patents—that he can overcome the various troubles which are involved in patent litigation and that he has in a large measure overcome them. I do not know for sure whether he has or not, because I think some of those things will have to be tested in the courts, and they may be fighting them for 5 or 10 years more. But I want to say I was satisfied that they could do what they said they could do, and it was practical to develop it.

I reported to the commission in the following words:

"I am convinced that the Universal Wireless Corporation's development has demonstrated a practical principle, which, if applied to point-to-point communication in the United States, will ease the situation relative to the sharing of the short waves with Canada and with other nations of the world.

"I reported to the commission that they must have money in order to make this a go; if they did this thing on a comprehensive scale, if they employed traffic engineers and experienced people, that perhaps they might be successful. I could not guarantee any success, but it has to be done with competent engineers on a large scale and with plenty of money to be spent; otherwise it will not be a go. I recommended that to the commission. At the same time I called their attention to the need of a proper feeder system for the transoceanic radio systems that we now have, and called attention to the fact that our transoceanic radio systems were an important factor in our economic life and should not be forgotten in any allocations which were made. I made no specific recommendation as to which company should get it, but said that they did have a development, and I believed they were technically qualified to do it. I added, too, that their equipment was what I called in the manufacturing design stage; that they would not be able to go out to-day and put it on the market to be sold to other people, but there would have to be a lot of work done in the development of it, but they would have it in time.

"It develops that the Bureau of Standards did not pick up these signals. 'The Bureau of Standards has not submitted a report, but it is understood that they were unable to measure the frequencies because of the short notice and because the emissions were not heard or were indistinguishable'" (p. 959 of the hearings).

And it also develops that the Naval Research Laboratory did not pick up the signals as promised by the Universal Wireless Communication Co. I herewith submit a letter:

NAVAL RESEARCH LABORATORY,
Bellevue, Anacostia, D. C., February 14, 1929.

Hon. A. M. FREE,
House of Representatives, Washington, D. C.

MY DEAR MR. FREE: Conforming to your request to give you a memorandum outlining the points brought up in conference of yesterday, the following is submitted:

As I advised you in answer to your inquiry, I have no connection with the Universal Wireless Communication Co. and know nothing about this company other than what has appeared in current press. At the time the request to be mentioned later was made I did not know what reason actuated such request.

Late in the afternoon of December 13, 1928, this laboratory was informed by a representative of the Radio Commission that certain transmissions were to be made by the Universal Wireless Communication Co. on December 14 between 10 and 10.40 a. m., and that the commission would like to have the laboratory measure frequency emissions. The commission was advised that this was work under the cognizance of the Bureau of Engineering and that the measurements could be made, provided it was agreeable to that bureau. I might mention that the laboratory, in addition to its routine work for the Navy Department, as a Government activity is available to assist other Government departments as may be possible without unduly interfering with its assigned mission.

Commander T. A. M. Craven, United States Navy, who made the request, further obtained permission from the Bureau of Engineering for the laboratory to do this work and advised the laboratory that it was proposed to transmit on 5 channels separated about 750 cycles and at about 4,280 kilocycles, that transmission would be first made on the two outside channels to give the laboratory an opportunity to accurately determine the total width of the band of transmissions, after which transmissions would be made simultaneously on all five channels. He further advised that the Bureau of Standards had also been requested to make such measurements.

As the laboratory endeavors to maintain a high professional standard in this work, and as the Bureau of Standards had also been requested to make measurements, after discussing the matter with Dr. L. P. Wheeler, then in acting charge of the radio division, the laboratory decided that special precautions should be taken to insure the accuracy of its measurements. Further, on account of the large amount of interference which might be experienced in certain parts of the laboratory by reason of its various activities, it was felt that more than one observer should make these measurements. Accordingly, measurements were made by three different observers, one in the receiving section, one in the field house about one-fourth of a mile away from the remainder of the laboratory, and one in the precision measurement section.

It was realized that the measurements requested would be difficult to make, and owing to the short time between the time of the request and the time of the test it would be impossible to make special set-ups necessary for accurate determination of all frequencies of emissions. With routine apparatus available, however, it would be possible to determine the total spread of the transmissions, i. e., the total area of frequency band occupied between the lowest and the highest frequencies used; and, further, to individually identify the other frequencies lying between the upper and lower limits. The laboratory was advised that it was intended to transmit on five channels covering a band not in excess of one-tenth of 1 per cent. At a frequency of 4,280 kilocycles this would mean a spread of 4,280 cycles.

One observer had an abnormally high noise level in his laboratory and could not make precision measurements, but stated that he was able to identify four separate pure C. W. transmissions in the band close to 4,280 kilocycles, and thought he heard a fifth transmission between the upper and lower limits. This high noise level was due in part to a harmonic of a broadcast station, identified as such from the fact that it was transmission of a voice, but mainly due to local conditions in this part of the building.

The second observer, located in the field house about one-quarter of a mile from the main laboratory building, had good receiving conditions except for a very strong interference from this broadcast harmonic on the lower frequency, making a little uncertainty in the exact position of this frequency as measured. He used a crystal calibrator on which the temperature was kept constant, but on which the absolute value of the frequency was not determined, as he understood it was desired to determine only the range over which emissions were made. Nevertheless, the frequency spread observed by this man can be considered accurate to about 500 cycles. Four separate frequencies were identified with approximately the same signal strength. This signal strength was very strong, known in radio parlance as R 6 or 7, which indicates loud enough to be heard with the phones lying on the table. The center of the band, as measured by this observer, was 4,287 kilocycles. He observed the spread of the signal from the lowest to the highest frequency to be 3,000 cycles, being hampered in this observation considerably by the before-mentioned broadcast harmonic, which was stronger than the signals to be observed and wobbled around in frequency and was particularly objectionable in the lower frequencies.

The synopsis of this observer's measurements showed that the band of interference of the frequencies when all transmitted together was 3,000 cycles wider than would have been observed by single pure C. W. transmission.

The third observer in the precision-measurement section used a high-precision type of crystal oscillator with temperature control and heterodyne frequency meter calibrated immediately before the test against this standard precision oscillator. His value of frequency may therefore be assumed to be correct to within a high degree of accuracy. It was possible to measure with great accuracy the upper boundary frequency which this observer placed at 4,284 cycles. The accuracy of the lower boundary, due to before-mentioned broadcast harmonic, introduced an uncertainty which might amount to a maximum of 200 cyles. This frequency was measured as 4,280.5. The spread of frequencies, according to this observer, was 3,500 cycles, and the zone of interference would therefore be 3,500 cycles wider than that produced by single pure C. W. transmission. This observer identified positively four frequencies and states he occasionally heard a fifth frequency within the two outside limits.

As before stated, it is impossible to get precision measurements on several frequencies transmitted at once when these frequencies approach very closely one to the other unless elaborate arrangements are made with suitable filter circuits to permit separation of frequencies so that

only one is heard at a time. Had time permitted, this could readily have been done, or it could easily have been done had each one of the various frequencies been transmitted singly.

From the above it will be seen that observer No. 3, who did the most accurate work on the absolute value of the frequencies, places the center of the band at 4,282.25 kilocycles, whereas observer No. 2 places it at 4,287. The discrepancy is due to the temperature correction in the standard crystal oscillator applied by the third observer. It is believed the value of 4,282.25 kilocycles for the band center can be taken as correct to within 200 or 300 cycles. The measurements at the laboratory clearly indicate that the total space occupied by the five frequencies was well under one-tenth of 1 per cent, which in this case means well under 4,282 cycles.

The laboratory did not have, nor has since had, information as to the type of transmitter used in the above-mentioned test. It is of the opinion that it is possible practice with suitable equipment to transmit and receive with a frequency difference in channels of one-tenth of 1 per cent in this frequency band. This implies, of course, very accurate control of emission which is believed feasible on shore-station equipment and will probably become universally accepted in the future in view of the present rapid rate of advancement of the art. The laboratory recognizes that this degree of precision in frequency control entails many precautions regarding rigidity of circuits, temperature controls, and other factors which are possible in a shore-station installation. It believes that it will be more difficult to obtain this degree of accuracy in a ship-board installation and probably very difficult, if not impossible, to obtain it in aircraft work where space and weight must be kept to a minimum.

In answer to your inquiry regarding whether this test should be considered a laboratory test, it is sufficient to state that the strength of signals received here indicates that had this transmission been during the night hours, under the most favorable circumstances, the emissions might have been heard over the greater part of the United States. You will realize that in high-frequency transmission the path of the wave is from earth to sky and down to earth and that the ability to transmit over long distances depends largely on the height of what is known as the Kennelly-Heaviside layer. With proper choice of frequency for different conditions existing between the transmitter and the receiver, in high-frequency work, very little power is required to transmit signals over long distances.

Please feel free to call on this laboratory for any further information in this matter in case the above does not cover to your satisfaction the points brought out at our conference.

Yours very truly,

E. G. OBERLIN,
Captain, United States Navy,
Assistant Director.

That the Universal Wireless Communication Co. did not and can not do anything that can not be done in any similar laboratory is evidenced by the testimony of Commander Craven:

Commander CRAVEN. I believe other companies, other people with other kinds of apparatus, or the same kind of apparatus, if they desire to take the trouble, could do the same thing if they had just one method, just one little thing, that the Universal Wireless has. I do not believe that the thing is so difficult; I believe it can be done practically.

Mr. CULKIN. But they are the only ones that have done it, to your knowledge?

Commander CRAVEN. Others have done it in the laboratories, I believe, sir; I am not sure of that.

Mr. CULKIN. Of course, that is what they were doing?

Commander CRAVEN. Yes, sir; but others do not believe you can maintain a frequency constant enough to do this; and if you take those things separately, perhaps you can not; but if you add in one other way I know of, it can be done. (P. 1029 of the hearings.)

And if any Member of this House will take the trouble to find out what is being done in the Naval Research Laboratory, you will find that that laboratory can send communications with much less separation than is even claimed by the Universal Wireless Communication Co. That the commission itself knew that the Universal Wireless Communication Co. had not made their demonstration beyond doubt is evidenced by the testimony of Commissioner Lafount on page 961 of the hearings, as follows:

Mr. FREE. Now, let me ask you candidly, Mr. Lafount, about yourself.

Mr. LAFOUNT. Yes, sir.

Mr. FREE. Do you feel—are you satisfied—that this company can operate over 40 of these channels on a separation of one-tenth of 1 per cent and put five messages on—or whatever it is?

Mr. LAFOUNT. Yes, sir.

Mr. FREE. You feel that that has been demonstrated beyond peradventure of a doubt out in the field?

Mr. LAFOUNT. No, sir; I know that it has not.

It would seem that in the granting of such a valuable right the commission would have definitely ascertained the financial responsibility of this company. I asked Commissioner Lafount in regard to this, and his testimony is as follows:

Mr. FREE. Did you call for a report from any commercial agency like Dun or Bradstreet, on the financial responsibility of any of those men?

Mr. LAFOUNT. No, sir (p. 953 of the hearings).

It would appear that the commission questioned some of those men representng the Universal Wireless Communication Co. and that Commissioner Lafount, on a trip back from the West, stopped over at Buffalo and talked with some people about the officers and directors of this company and satisfied himself with the statement that these men were financially responsible and represented considerable wealth; but nothing was done to ascertain how this company was to be financed. Dr. John Nathansohn, who has been here as a lobbyist for the company, testified in that respect that to date no stock has been sold. His testimony is as follows:

Mr. FREE. And, to date, you sold no stock?

Mr. NATHANSOHN. There is no stock issued to-day for anybody.

Mr. FREE. And to whom are you leaving it to settle how much stock you will get?

Mr. NATHANSOHN. To the group with whom I am interested in having done with them the research work and furnished the funds to pursue the research work.

He also testified that the original promoters, of which he is one, are to get a block of stock for their services, but that he did not know the amount of stock which they were to receive. His testimony in this respect is very interesting.

Mr. FREE. And you say now that you have no agreement with that company as to what you are to be paid or what these other men are to be paid?

Mr. NATHANSOHN. No; I did not say that, Congressman. I said there was a certain amount of common stock to be issued to the group.

Mr. FREE. How much?

Mr. NATHANSOHN. I could not really tell you what the full amount is.

* * * * * * *

Mr. FREE. Then some agreement has been made with the corporation that this group is to get a certain amount of the stock of the corporation or to be paid a certain amount of money; is that correct?

Mr. NATHANSOHN. They are going to get a certain amount of common stock for having developed the thing.

Mr FREE. How much is that?

Mr. NATHANSOHN. I could not tell you (p. 1035 of the hearings).

The commission apparently was satisfied with the statement that these men were financially responsible and did not take the trouble to investigate how the concern was to be financed, how much was to be given to the promoters and lobbyists, or any other factors which would enter into the financing of this company. That the company must have in mind the selling of stock is evidenced in the fact that they have issued a prospectus, part of which is as follows:

The Universal Wireless Communication Co. (Inc.) was incorporated under the laws of Delaware and has three classes of stock: A class of preferred stock known as class "A" preferred, which is of no par value, but is entitled to receive, as and when directed by the board of directors, dividends at the rate of $7 per share, which dividend shall be cumulative after the 1st day of July, 1929. This stock constitutes a lien on the assets of the company to the extent of $100 per share in case of liquidation and is called at $120 per share on 60 days' notice. This class of stock comprises 50,000 shares.

Class "B" preferred stock comprises 200,000 shares and is of no par value, noncumulative, preferred to the extent of $7 per share, callable at $115 on 60 days' notice, and a lien on the assets of the company to the extent of $100 a share after class "A" preferred stock shall be paid.

The common stock of the company consists of 750,000 shares of no par value, is entitled to receive as dividends such surplus profits of the company as shall remain available for distribution after the dividend requirements of class "A" and class "B" stock have been made.

It is designed by the use of this capital stock to raise the capital fund of $25,000,000 which is anticipated to be ample for all purposes; plant construction, including the acquiring of the necessary real property; working capital; and to provide ample reserves to meet emergencies and contingencies which are bound to arise in the development of a new business; to provide means of absorbing excessive amortization, which it is expected will be experienced due to the fact that the work to be carried on is in a rapidly developing and expanding art, and in order to maintain efficiency at a peak to provide better service at all times than that of competitors, it may be and probably will be necessary from time to time to radically change equipment and methods of operation.

It is expected in the first instance that plant equipment and sites will absorb approximately $10,000,000. It is contemplated that the company should have a working capital and surplus at all times of approximately $7,500,000 and the balance of the capital fund it is expected to devote to retiring organization and development expenses, and to provide a reservoir of liquid capital from which unexpected emergencies, contingencies, or unforeseen expansions can be taken care of.

Although in a recent newspaper article, which was given to me, one of the directors of the company announced that no stock sale was contemplated and that to date the promoters had advanced the money which had thus far been used in promoting the proposition.

I can not understand why the commission was in such a great rush to allocate this $40,000,000 worth of channels without further investigation, both as to the apparatus of the company and their financial responsibility.

On August 15, 1928, on recommendation of Dr. J. H. Dellinger of the Bureau of Standards, who has been serving as their head engineer, and Commander T. A. M. Craven, who has been acting as an engineer for the commission, two experimental stations were allocated to this company for the purpose of developing and demonstrating their apparatus and it would seem that this would serve every purpose to give the company an opportunity to further present their claims without allocating all the then available short waves to this concern. The demonstration the Universal Wireless Communication Co. gave, to say the least, did not fulfill the promises they had made as to what their apparatus would do and, besides, it develops that in that demonstration they used patents which they could not use in their actual work, except by consent of the holders of the patents.

The Canadian conference, to which Commissioner Lafount referred in his letter, had not been held and the United States did not know at that time just the number of short waves which the United States would be permitted to use and this, as you will see from the letter of Commissioner Lafount, was to be determined before any allocations should be made.

It furthermore appears that none of the other applicants were given an opportunity to demonstrate their own apparatus nor to point out defects in the apparatus of the Universal Wireless Communication Co. The feeling of at least one of the other applicants is shown in the following letter:

NORTHBROOK, ILL., *February 1, 1929.*

Hon. ARTHUR M. FREE,
United States House of Representatives, Washington, D. C.

MY DEAR SIR: I have been extremely interested in your activities regarding the grant of 40 high-frequency channels to the Universal Wireless Communication Co., as reported by the press. In fact, my interest in the commission's proceedings with the Universal Co., which occasionally rises to a condition of ire, prompts me to communicate with you. I trust, sir, that the information contained herein may be of mutual benefit.

From the mouth of one, Dwight V. Johnson, a former engineer of the Universal Co., I am informed that the company in question spent many thousands of dollars wining and dining the press and various unnamed governmental officials and employees at Washington, D. C.

I am further informed from indirect sources that the Universal Co. has no patents whatsoever, and that their specifications as submitted before the Federal Radio Commission were drawn up by Navy and Bureau of Standards engineers. This was entirely without regard to the possibility of patent infringement. Their claim of a new, revolutionary, and secret method of carrying on multiple communication on one channel is purely fictionary. This idea dates back at least 12 years.

From a recent report concerning their financial ability to install and operate their proposed domestic radiotelegraph system, I am informed that they were originally financed to the extent of $250,000 by a small group of Buffalo business men. This sum was practically all expended in lobbying, publicity, and a few minor tests. Subsequent to their grant from the Radio Commission, there were parties for the press and others, followed by a drive on Wall Street financiers for additional funds with which to carry on their work.

Their activities are not the cause of my ire, though I am not in accord with their ethics, necessary though they may have been in order to attain their desires. I strenuously object to the grant because of their lack of patents, because of misrepresentation concerning their system of multiplex operation, and because they are entirely a "paper organization," never having been in operation. I further object to the commission's apparent partiality over two other independent domestic radiotelegraph companies who have been in operation since before the formation of the Federal Radio Commission.

I refer to the organization of which I am the head, and also, to the Intercity Radio Telegraph Co.

The Wireless Telegraph & Communication Co. is two and one half years old and has had WHW of Northbrook (Chicago), Ill., since October of 1926. Its financing has been purely private with a balance sheet showing at present less than $100 outstanding in current bills due. We have a traffic and operating affiliation with the Intercity Radio Telegraph Co., which has radiotelegraph stations at Duluth, Detroit, Cleveland, Buffalo, and Columbus (Ohio). The Intercity Co. has been in operation since 1923.

For a period of more than 18 months we have endeavored to obtain permits from the Federal Radio Commission to construct and operate stations in about 30 more cities in the United States. Both of our companies have proven by notarized letters from present customers and through other evidence our benefit to commerce and to the industrial public. We are in constant operation, giving high-speed, economical service, and yet our applications for additional cities are returned to us with the notation the commission "is not satisfied that public interest, convenience, or necessity would be served by the granting thereof."

Correspondence to the commission is rarely answered and hearings are delayed. It seems impossible to obtain a hearing at Chicago, though I understand the radio act to provide for such.

We have never been troubled with patent litigation. We possess the exclusive controlling rights to patents enabling even more multiple use of radio-frequency channels than that claimed by the Universal Co. We are enabled thereby to have as many as 30 or more channels on one wave length. This information has been repeatedly given the commissioners, their technical aides, and advisors. We are ably financed and have additional capital available at any time for expansion. This has also been stated to the commission.

All to no avail; or so it seems at present. We are not at all adverse to competition, but believe, as any fair-minded citizen would, that we have been done gross injustice by the Federal Radio Commission.

We are not lobbyists and do not intend such to be. Nor are we radical in our sound requests for additional permits providing for the proper advancement, logical and legitimate, in our organizations which have been and are serving the great industrial and commercial public of the cities we serve.

I shall appreciate, sir, your comments and assure you of our willingness to cooperate in your timely move.

Very truly yours,

JIRAH D. COLE, Jr., *President.*

It further appears that the Navy Department is opposed to the control by the Radio Commission of radio as a body of original jurisdiction, except as to broadcasting. This appears from a letter, which was addressed to the chairman of the Committee on the Merchant Marine and Fisheries, copy of which is herewith presented.

JANUARY 30, 1929.

The CHAIRMAN COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: My attention has been called to the H. R. 15430, "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes," now pending before the committee of which you are chairman. This bill has not been referred to the Navy Department for an expression of its views, yet the Navy's concern with the development of commercial radio in connection with national defense is such that it is considered desirable to inform the Committee on the Merchant Marine and Fisheries of the Navy Department's interest in the bill.

The purpose of this bill is to provide that the powers and authority vested in the Federal Radio Commission by the radio act approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1930. It provides that the members of the commission shall receive compensation at the rate of $10,000 per annum until March 16, 1930, restricts the licensing of stations for broadcasting, and authorizes the appointment of a general counsel at $10,000 per annum and three assistants at $7,500 per annum, and such other legal assistants as necessary.

The Federal Radio Commission has done much to improve the radio situation from a broadcast point of view, and its authority to continue its work in regulating this industry, if necessary, should be continued for another year. It is the opinion of the Navy Department that the administration of matters concerning point to point, marine, and aircraft radio communications was better handled by the Department of Commerce and that the best interest of the country would be served if the Federal Radio Commission were continued for one year, as contemplated in the bill, but that its jurisdiction should be restricted to radio broadcasting. Jurisdiction over other radio matters should revert on March 16, 1929, to the Department of Commerce.

The Navy Department is making a study of the various proposals for administering communications and will in due time be in a position to submit the results to Congress, if at that time such proposals come within the financial program of the President.

It is impossible to estimate accurately the cost which will result to the Government in case the bill H. R. 15430 is enacted. The present law provides that the five members of the commission shall receive compensation at the rate of $30 each per day while engaged upon work of the commission, while the present bill provides for each of the five members a salary of $10,000 per annum. The present law provides that the commission may appoint a special counsel, etc., salaries not specified, whereas the present bill provides that a general counsel, at $10,000 per annum, and three assistants, at $7,500 each per annum may be appointed.

On January 24, 1929, the bill H. R. 15430, together with the above information as to cost, etc., were referred to the Director of the Bureau of the Budget with a statement that the Navy Department desired to inform the Committee on the Merchant Marine and Fisheries of the Navy Department's interest in the bill, and requesting to be informed as to whether or not the enactment of this legislation would be within the financial program of the President. Under date of January 25, 1929, the Director of the Bureau of the Budget replied that under the circumstances, having in mind that there is no determination as to the relationship of this bill to the financial program of the President, it would appear to be unnecessary to include in my letter to the committee a reference to the financial aspect of the bill.

Sincerely yours,

CURTIS D. WILBUR, *Secretary of the Navy.*

Commissioner Caldwell, who has been a member of the commission for two years and is now retiring from the commission, testified that the commission is illy contrived to handle matters of this kind. His testimony is as follows:

Mr. BLAND. I understand that you are of the opinion that a commission is illy contrived to handle matters of this kind?

Commissioner CALDWELL. I am.

Mr. BLAND. When did you reach that conclusion?

Commissioner CALDWELL. I have held that opinion for a long time, sir.

Mr. BLAND. Did you express it the last time you came before this committee?

Commissioner CALDWELL. I do not recall whether I did or not. But my opinions on that have been expressed quite generally and are known to many persons over several years.

Mr. BLAND. When the question of extending the life of this commission was being considered previously, however, you did not pronounce an opinion at that time and decided against the commission performing that service?

Commissioner CALDWELL. I had previously up to that time expressed an opinion, and that matter is on record as far back as two or three years ago. My opinion has consistently been that a commission is a difficult way to handle an engineering question.

* * * * * * *

Commissioner CALDWELL. No, sir. My opinion has, however, been reinforced by my experience of two years on the commission as to the difficulties of doing constructive work for the benefit of radio, for the benefit of the public, in an engineering situation of this kind.

It may be said that no harm can be done in granting of these channels; that they are granted upon condition that stations be erected in 10 cities within a year and that certain number of stations be erected within certain period thereafter. It may be an easy thing for the company to erect a few stations and do the communication at first. Their difficulty will arrive when the later stations are erected and they are forced to send their communications with less separation as to the channels.

I can well conceive how now, or after a few stations are erected, the public might be impressed with the wonders of this art and the stock of this concern be sold at fabulously high prices and then the matter fail. It appears from the testimony that representatives of the company have been approached by concerns engaged in the selling of stock and that it has been proposed that the stock be sold, the selling company acting as brokers to receive at the rate of $1.50 per share. Companies which are legitimately in business might be forced to buy these channels from the Universal Wireless Communication Co. at fabulous prices.

I believe that it is the function and duty of the Radio Commission to investigate all applicants, investigate their financial responsibility, their apparatus, and their ability to serve the public.

I believe that if we continue the commission as a body of original jurisdiction for another year, you will have just another year of chaos, and it would seem infinitely better to let the original jurisdiction go to the Department of Commerce, have the Radio Commission as an appellate body to which applicants and the Secretary of Commerce could refer these matters for further consideration, and, thereby, establish a definite basis upon which applicants may pursue their rights to the Secretary of Commerce, through the Radio Commission, and then, if necessary, to the courts.

Mr. WHITE of Maine. Mr. Chairman, I yield seven minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I hesitate very much about taking even one minute. The chairman of the committee, who knows more about radio than anyone else in Congress, took but 23 minutes of the allotted time for himself. I simply want to make a few remarks stating my interest and the interest of the committee in this subject; also our inability to fully understand, and I believe the inability of the House to grasp its great possibilities. It is said to be God's greatest gift to the twentieth century. We wish you would read the hearings and learn its present status and development. In the absence of any recommendation for legislation from the commission we as a committee are not proposing any policy at this time You heard the remarks of the gentleman from Texas about the Lucky Strike cigarettes. It is an important suggestion that he has brought out.

It shows the sort of sponsors of these wonderful broadcasting programs. I wish I might take the time to read the conversation in the committee room in reference to the Lucky Strike cigarette program. It was stated that Lucky Strike was a reputable organization and one that could afford to pay the cost of the very expensive programs which are so much appreciated by the listening public.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. GIFFORD. I have only five minutes. It seems that agreements have been made among great corporations that one can sell, others manufacture, and others broadcast without competition among themselves, with the result that a certain stock has increased from $5 a share to $365 a share and has such future possibilities that it is expected to go much higher. We ask what is the ultimate aim of the radio? Is it to be wonderful programs furnished by cigarette advertisers, or is it to be a great art of communication? The time has arrived when we should not have to go to the telephone on the wall; but whether traveling in auto, out in the wilderness, or at a pond fishing, we should be served by this medium of communication. Is it because certain arrangements have been arrived at that the wire companies are not to be meddled with, and that by certain agreements that we are to be deprived of the real benefits of the great invention?

We, as members of this committee, have made practically a futile effort in trying to get the desired information. Mr. Aylesworth of the National Broadcasting Co. came before the committee and told us of the wonderful things he was doing for the listeners, making radio reception popular so that the Radio Corporation might sell their goods. What will happen when such sponsors as Lucky Strike find that it does not pay to advertise in this way? These corporations assure us that everything is all right. However, we know that everything is not all right. I ask you to listen to the statement of Judge DAVIS, of Tennessee, and if you have not time to listen, I wish you would read his statement. He has learned much that we ought to know.

I took the floor for these few minutes to express my opinion, that we are not given proper facilities of radio communication. We are responsible, through the commission, to the people of the United States that this great invention is not being brought forward as a real utility rather than as an entertainment proposition. [Applause.]

Mr. Chairman. I yield back the remainder of my time.

Mr. FREE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 27 minutes.

Mr. FREE. I yield 10 minutes to the gentleman from New York [Mr. CELLER].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. CELLER. Mr. Chairman and ladies and gentlemen of the committee, to-day the tables are rather curiously turned. A year ago those who to-day seek to extend the life of the Radio Commission were prone to lay the heaviest strictures on the members of that commission, claiming that they did not perform their duties as radio commissioners and had failed to carry out the will of Congress. Now, these same gentlemen come into the Chamber and ask us to confer additional powers on the commission and to extend its life. I, for one, take a position in opposition.

When we adopted the original radio bill we placed the power over radio in the Department of Commerce, and when we set up the Radio Commission two years ago we did it on the express condition that as soon as the particular task for which the Radio Commission was set up, was finished, that Radio Commission was to pass out of existence, as far as original jurisdiction was concerned, and were to have only an appellate jurisdiction.

Now, on November 11 last the Radio Commission announced its reallocation plan. In pursuance of the so-called Davis amendment the Radio Commission, after a great deal of toil and effort, brought forth these various reallocations, wave lengths, stations, power, and broadcasting facilities. At that time they completed their work. There was no need for them any longer to function. There was no need to continue that body in existence as a commission. Why do you continue it with this legislation?

The very distinguished chairman of the committee, my esteemed friend the gentleman from Maine [Mr. WHITE] asks what is the alternative? The answer is very simple. These functions should go where they belong, where they were originally lodged, in the Department of Commerce; and if you will permit me, let me give just briefly some of the testimony of Commissioner Caldwell as he presented that testimony before the committee.

He said:

> The radio division of the Department of Commerce, which, as the law now stands, will automatically take back radio administration on March 15, is manned with competent radio experts and engineers. It has an organization spread over the country where it is needed and equipped with splendid monitoring and measuring apparatus. It has the skill and men and the instruments to put radio into proper operating condition.
>
> I think that every radio listener and every Member of Congress will recall that three years ago when the Department of Commerce had radio, radio was handled the best it has been handled and the complaints were then the fewest.
>
> The recent changes in broadcasting were designed along the principles orighally adopted by the Department of Commerce. The commission's work here and in the short-wave field is now 80 to 85 per cent done. The Department of Commerce is the best-qualified agency to complete the restoration of radio service. To set up a commission organization for a year, duplicating the present expert staff of the Department of Commerce, will be wasteful and indefensible.

The extract I have read to you is the opinion of the man distinguished above all other men in his knowledge of the subject of radio to-day, Commissioner Caldwell.

One would gather the impression that the department is barren of experts, barren of the facilities that would enable it to properly control and operate the radio facilities. But that is not the case.

I repeat, that to continue the life of this commission for another year would, indeed, be wasteful and indefensible.

Now, the Radio Commission, represented as it is by five different men from five different parts of the country, has functioned how? Only with the idea of intense sectionalism. You know you can not ride two horses going in a different direction at the same time. Well, even more so you can not ride five horses going at the same time in five different directions. The members of this commission have been hopelessly in disaccord. Only in few and rare instances have they agreed on any radio proposition.

Radio, my friends, is an engineering proposition, not a political proposition—and yet politics enters into this proposition to the nth degree if you keep a sectional commission in control of radio where it must give heed to political expediency. That has been the situation with the Radio Commission, and that is why I am opposed to its continuation. I said radio was an engineering proposition. You have seen fit—contrary to my wishes, at least—to look upon radio as a sort of pie to be divided into five equal parts. You may as well try to divide the rainbow into five equal parts as to try to divide the radio spectrum into five different parts. It just can not be done. This House and the Senate made a mistake in that division. But we can not help that now—that is water gone over the dam—but I say, do not encourage such sectionalism; do not encourage to a greater degree that division by keeping in power these five men, representing five different regions of the land, because all you can get out of a condition of that sort is backing and filling—compromise. The radio engineers of this country, the best radio talent called in by the commission, for example, recommended that there be 50 cleared channels. But, no; the members of the commission would not agree to that, but after a great deal of useless argument they compromised and put in 40 cleared channels. You could not have that situation in the Department of Commerce, because there you would have one man in control; and in a situation of this sort I would rather have one man in control than five.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. OLIVER of Alabama. In the absence of this bill, the Department of Commerce could operate on 5-year permits, could they not; while this bill, at least for the next year, limits the permits to one year.

Mr. CELLER. As to that, I think I would be in accord with the gentleman. I am addressing myself to the proposition of the continuation of the functions of the Radio Commission, and I am not taking up, as time will not permit, the other features of the bill with which I am in accord.

Now, the point was raised—ill-advisedly, I believe—that the Radio Commission's work is yet to be done on the question of short waves and on the question of continental point-to-point bands; but one of the experts of the commission, one of the commissioners—Mr. Caldwell—said that the work of the commission is from 80 to 85 per cent completed, and that the Department of Commerce would be best equipped to continue that work to a logical conclusion.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman, although he would not yield to me.

Mr. WHITE of Maine. Was not that statement directed only to the work within the broadcasting field? I think it was.

Mr. CELLER. Mr. Caldwell spoke of the short waves; indeed, I read those words to you.

Mr. WHITE of Maine. I think it is perfectly apparent from his whole testimony that that statement referred only to the work within the broadcasting bands.

Mr. CELLER. I certainly can read English.

Mr. WHITE of Maine. I think that is so.

Mr. CELLER. I do not want to take exception to the gentleman's interpretation of what Mr. Caldwell said, but the words are so plain on their face that he who runs may read.

Now, the distinguished chairman of the committee said it would be well to continue the commission for the purpose of negotiation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. May I have three additional minutes? In the absence of the gentleman from California [Mr. FREE], I yield myself three additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for three additional minutes.

Mr. CELLER. We were told that negotiations were afoot with various countries—Canada, Mexico, and possibly Cuba—to the end that there may be some accord with these countries concerning the various allocations of bands within the radio spectrum. Well, as far as I am concerned, I would rather lodge the power of negotiation with the Executive, where it belongs, a member of the President's Cabinet, acting in concert with the Department of State, rather than with five members of the Radio Commission. The Department of Commerce certainly can function better in that regard than can the Radio Commission.

Now, I desire to speak about a New York situation. Brooklyn, from whence I come, prior to the advent of the Radio Commission, had fairly decent radio representation, but in the reallocation plan of the commission its four stations—WBBC, WMBG, WSGH, and WSGN—were all relegated to a ridiculously low wave length, all sharing time on that wave length. Brooklyn no longer has a voice articulate on the air. It has little or no radio representation. It should have a large broadcasting station with proper radio facilities commensurate with its industrial, commercial, and social importance. Just think of the city of churches, Brooklyn, the place from whence came Talmage, Hilles, Henry Ward Beecher, and other great ministers.

Despite the protests of various chambers of commerce in Brooklyn and Brooklyn's eight Congressmen, a good many of our ministers, and men in public life, Brooklyn got the worst and rawest kind of a deal from the Radio Commission. I protested and other Members of the House protested but all to no avail, and any commission that would treat the fair city of Brooklyn in that fashion deserves to go out of commission.

Then there is the situation with reference to stations WMAC and WNYC, the latter being the municipal station of the city of New York. It was compelled to share time with just an ordinary commercial station, WMAC, despite the fact that the commission was warned that it had no right and had no power to interfere with the State's instrumentalities; in other words, here is a State station particularly functioning for the State of New York when it broadcasts educational courses for the College of the City of New York and the New York Board of Education. The municipal station is an instrument of the State of New York. The Radio Commission had no right to take away its time and force it to share time with a commercial station. For these and many other reasons this commission should have its power pruned and function only as an appellate

commission to hear appeals from those aggrieved by and seeking redress from the action of the Department of Commerce.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WHITE of Maine. Mr. Chairman, may I inquire as to the time?

The CHAIRMAN. The gentleman from Maine has 32 minutes remaining, and the gentleman from California has 14 minutes remaining.

Mr. WHITE of Maine. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, the gentleman from California [Mr. FREE] has quoted a member of the Cabinet from California, the Secretary of the Navy, as being opposed to the extension of the Federal Radio Commission. May I quote another gentleman from California, formerly a member of the Cabinet and now the President elect of the United States, Mr. Hoover, who, in his testimony, said that it was too much power to give one man to have the regulation of radio, and particularly the granting of licenses. He testified emphatically before the committee that no one individual should be vested with such enormous power.

Just a moment's examination of the power which the Secretary of Commerce would have, and did have, when Mr. Hoover was administering radio, will disclose the reasons for this judgment. There are less than a hundred broadcasting wave lengths in this country and there are only a few thousand short wave lengths for international use.

Not only the great broadcasting chains are fighting for channels and fighting for licenses, but labor unions and some of the most powerful newspapers in the United States are in the field, and various other agencies of great political power are contesting for licenses. Also, in allocating the short waves, you have such corporations as the United Fruit Co., the Standard Oil Co., the United Steel Corporation, and corporations of similar size competing for licenses.

Manifestly, to throw radio back to the Commerce Department is unfair to the President of the United States who appoints the Secretary of Commerce. You may take it for granted that applicants will appeal to the President to use what influence he has with the Secretary of Commerce. It is unfair to the Secretary of Commerce, who is already burdened with great duties, to have this tremendous power vested in him.

A commission of five members rotating throughout the years with their terms expiring at different times will be better able to resist political influence and to withstand the tremendous pressure that will be and is exerted by the applicants of the size which I have indicated. Moreover it is provided in the law that at least two of the members of the Federal Radio Commission shall belong to the minor political party. This in itself is a check against political pressure which is not found in the Secretary of Commerce's office.

The Federal Radio Commission when appointed had the hardest job ever thrown on the lap of a Federal commission. They had only a limited number of wave lengths and power to dispense and they found it was absolutely impossible to meet the demands of all applicants. It was a physical impossibility.

They were dealing with an elusive and a new art and science, and, moreover, one that was constantly changing. By bitter experience they have gotten much priceless knowledge and their organization of experts and clerks is constantly improving.

Moreover, they have been conducting negotiations of the most tremendous and far-reaching importance with foreign countries, notably Canada, to safeguard the wave lengths which Americans are now using. It would be very bad policy to let the commission down suddenly in the midst of these negotiations.

By all means the life of the Radio Commission should be extended another year.

Mr. CELLER. Will the gentleman yield?

Mr. CLANCY. I would if I could. I have only three minutes granted me and my time is about up.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FREE. Mr. Chairman, I yield eight minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, one of the most important subjects with which Congress will have to deal for some time is the question of radio. Radio at the present time is in its infancy. It is a subject which legislation should guard safely and zealously. The power to broadcast over the air is a powerful one and one that is dangerous if placed in the hands of unscrupulous persons; especially is this danger eminent in the matter of government and politicians. Too great safeguards can not be placed around it concerning these two questions.

With that in mind I arise to suggest that so soon as possible legislation should be enacted by the Congress prohibiting the owning or operating of broadcasting stations by public officials or the officers and members of committees of political parties. True the present statute prohibits preference being extended by broadcasting stations to political parties or political candidates, but this provision can be and has been easily violated by unscrupulous political owners, by whom it is always easy to produce an alibi. I realize also, as you will, that these unscrupulous owners will not be and are not confined to any one political party, but as an evidence of what has happened and what can happen under the present conditions, I desire to relate to you a personal experience.

In the city of Tulsa, in which I live, is located a broadcasting station known as KVOO. It is located in a wonderful city and should be builded great and placed under unbiased and competent ownership and allowed to function for all the people. This station is owned by Mr. W. G. Skelly, Republican national committeeman for Oklahoma. Let me repeat here again that I realize that unscrupulous national committeemen can probably be found in the Democratic Party as well as the Republican.

Some weeks previous to the recent election, as the Democratic nominee for Congress in the first Oklahoma district, I signed a contract presented to me by a representative of KVOO for a 20-minute period on the Monday evening previous to the election, and indicated my desire that that 20 minutes was to be allotted to me between the hours of 7 and 8 p. m., for which I was to pay the sum of $60. After having signed this contract some three weeks elapsed when on Sunday the manager of KVOO at the time the contract was made, a Mr. Mount, who is well known in the radio world, having come to Tulsa from Cincinnati, called at my home. He seemed to be out of humor and was desirous of bringing suit against the owner of KVOO for damages done to him. This I persuaded him not to do. In return for this persuasion he said to me, "You are very much more liberal with Mr. Skelly than he is with you." Inquiry as to this remark developed from Mr. Mount the statement that he had been instructed as manager of this station to give to my opponent preference in time and conveniences at station KVOO.

Thinking that this gentleman was probably mad and excited, and not believing that the owner of KVOO was as unscrupulous as he afterwards proved to me, I dismissed the matter from my mind. On Wednesday before the election, when I was preparing my final itinerary for the campaign, I called KVOO to inform myself as to just what time had been allotted me in accordance with the contract signed. To my surprise the then manager stated that he knew nothing of my contract. As to this, permit me to say that later I found it to be a fact on authority of the young man who took my contract that when the change in managers was made this young man called attention of the new manager to it.

On the following day my son, Mr. Paxton Howard, called at KVOO station and after a considerable discussion of the matter left with the information that they would see what they could do. We heard nothing further of it until on Sunday afternoon previous to the election, when, at about 3 o'clock, the manager called my son and informed him that if I desired it I could have 15 minutes—not the 20 minutes for which I had made contract—and would be allocated this 15 minutes at 6 o'clock in the evening—not between the hours of 7 and 8 as had been indicated when contract was made. With this notification I found myself in this position: For several days it had been advertised throughout the district that my opponent was to broadcast at 6.15, which, of course, would have been immediately following me had I accepted the time offered. It left me with no opportunity to advertise to my friends and constituents that I was to broadcast. It was in no way a fulfillment of the contract I had signed and was conclusive evidence to me that the statement of Mr. Mount that Mr. Skelly, the owner, had instructed him to give my opponent preference was entirely true. I did not accept the 15 minutes, and I do not believe that any other Member of Congress would have done so under the circumstances. It is significant to relate, however, that when I did not take the time that Mr. Skelly, the owner, a Republican national committeeman for Oklahoma, occupied a part of that time making a speech over the radio for my opponent.

I have refrained ever since from discussing this matter or making complaint. I do so now not from any personal good that can come to me but for the purpose of warning the Nation of what can happen in the matter of broadcasting if broadcasting stations are to be left in the hands of unscrupulous politicians of either party, and the relating of this experience and this sug-

gestion is only made with the hope that the Congress will pass legislation such as I have suggested which will make it absolutely clear that radio can not get into the hands of alibi-building politicians in the matter of politics or in the hands of the enemies of the masses of the people in the matter of government. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I have, I believe, 29 minutes at my disposition. May I ask the gentleman from Tennessee [Mr. DAVIS] whether he would care to use the entire 29 minutes or would he prefer to yield some of the time?

Mr. DAVIS. I have no requests for any time. I will be pleased to use such time as the chairman shall deem proper to yield to me. It is a subject on which one can talk long or short.

Mr. WHITE of Maine. Mr. Chairman, there will be only one other speaker in the affirmative, and I would ask the gentleman from California [Mr. FREE] to utilize the remainder of his time.

Mr. FREE. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, I want to express my appreciation of the courtesy of my colleague on the Committee on the Merchant Marine and Fisheries who graciously yielded me the time left at his disposal, although knowing full well I intend to take the side of the argument opposite that which he has been leading.

There has been a good deal said in criticism of the personnel of the Radio Commission, and the gentleman from New York has said that such a commission should be abolished. Now, by refusing to pass this bill pending before us now you do not abolish the Radio Commission at all and you do not, in all probability, by one jot or tittle, restrict its functions.

The Radio Commission for the last two years has been gradually building up an organization equipped to handle the question not only of the allocation of broadcasting channels but is beginning in the allocation of the short wave lengths for point-to-point communication and for commercial communication use. In these years such organization as may have been in the Department of Commerce for the handling of these questions which were within it before the 1927 act, has been weakened or dissipated.

On the 4th of March we will, in all probability, have a new Secretary of Commerce. He has the power to refer every one of the functions which revert to him, but which are now performed by the Radio Commission, to the Radio Commission initially, to carry out those functions, and it is almost certain that that will be the result.

The only thing that the failure to pass this bill will result in is confusion as to where jurisdiction lies. This may necessitate the duplicate filing of applications and may necessitate an initial investigation by the Department of Commerce, which will be thrown aside and a new investigation from the ground up taken up by the Radio Commission; in other words, by refusing to act on this bill you are simply providing for waste motion and duplication of effort.

As far as withdrawing from the Radio Commission the essential functions which it now exercises, the failure to pass this bill will not have that result. The Radio Commission will continue to function either as an appellate body or to a large extent by reference from the Department of Commerce of these questions initially, which is provided for in the act of 1927. So when you talk about chaos, by refusing to continue the original function of the Radio Commission you are only increasing and multiplying such chaos.

Now, as to this letter that was read here that comes to us over the signature of the Secretary of the Navy. During war time all forms of radio were under the Department of the Navy as a war measure. Desperate efforts were made after the armistice to continue within the power of the Navy Department control over radio in all its forms. It became necessary eventually to place riders on the naval appropriation bill to prevent any money appropriated in that act from being used for the development of radio stations by the Navy. The work was put in the hands of the Department of Commerce, but there are some underlings in the Navy Department that have not lost hope of regaining as a military measure the control of the civilian radio. Somebody down there caused a letter to be drafted and the Secretary of the Navy was induced to sign it.

On the other hand, since peace time radio has been developed and built up in the Department of Commerce. When the bill of 1927 was passed I opposed the creation of a commission because I did not believe in it, but the man who functioned as Secretary of Commerce, who was the Secretary of Commerce at that time, Mr. Hoover, perfectly familiar with the subject, persuaded me to stand for a commission, because he knew it was the best way out of that situation.

Therefore I say that you will accomplish nothing by refusing to pass this bill, except to make chaos worse confounded. If you pass this bill you will be following the advice of an engineer who knows radio, has had it under his supervision, and at whose behest the Radio Commission was created. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee [Mr. DAVIS].

The CHAIRMAN. The gentleman from Tennessee is recognized for 29 minutes.

Mr. WHITE of Maine. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee [Mr. DAVIS].

The CHAIRMAN. The gentleman from Tennessee is recognized for 29 minutes.

Mr. DAVIS. Mr. Chairman and members of the committee, the distinguished chairman of our committee and the gentleman from New Jersey [Mr. LEHLBACH] have very cogently and correctly stated the reasons why this bill should be enacted, and I heartily confirm what they have said. To my mind there are many reasons why we should pass this bill, and none from the public standpoint why we should not pass it.

The bill has the support of 20 out of 21 members of the Merchant Marine and Fisheries Committee; the resolution providing for its consideration was unanimously reported by the Committee on Rules; it has the approval of President Coolidge; it was approved in the hearings by the National Association of Broadcasters, embracing 124 radio broadcasting stations, ranging in power from 10 to 50,000 watts and located in 35 States; by the Radio Protective Association, embracing 40 independent manufacturers of radio apparatus; and it has the approval of numerous others. In fact, the only witnesses appearing at the hearings against the bill were the general counsel of the Radio Corporation of America and Commissioner Caldwell. Commissioners Robinson, Sykes, and Lafount testified at the hearings, approved the bill, and gave very strong reasons why same should be passed; Commissioner Pickard did not testify before the committee, having resigned from the commission before he was reached, but he favored the extension of the authority of the commission a year ago, and it is understood that he favored the present bill. Fortunately, we will not be afflicted with Commissioner Caldwell any more. Because of his contempt for the law and favoritism to the Radio Trust, he was just confirmed by a majority of one vote a year ago, and it was a matter of common knowledge that he would not be confirmed by the Senate again, even if he should receive reappointment. Whereupon he filed his resignation (?) with the President, effective the day his term expired, and was not reappointed. I shall have more to say about him later, as well as about the Radio Corporation of America.

Even Commissioner Caldwell made the following admission upon cross-examination at the hearings:

Mr. DAVIS. Do you consider that there is involved in this problem nothing except a technical, theoretical, inanimate determination, that there is no human equation in it, that the rights of the different peoples in the different sections are not involved? Do you want us to understand that that is your position?

Mr. CALDWELL. No one could have gone through the Radio Commission for two years and not realize that there is very much of a human problem connected with it.

Mr. DAVIS. Yes. And, consequently, is not the determination in any instance of who shall have these valuable and much sought after privileges a judicial function, such as Secretary Hoover refers to, and should be determined by some independent tribunal?

Mr. CALDWELL. Certainly the review of such controversies and the adjustment of such controversies can be settled more fairly and more wisely by a commission of five men than by any one man.

The extension of the authority of the commission which it has exercised since the passage of the 1927 radio act will have no other effect, as explained by the gentleman from New Jersey, than to procure a more orderly and more dignified and less complicated procedure.

As already explained, under the original law and after the expiration of the time during which the original authority of the Radio Commission was extended, even though you fail to enact this bill the Radio Commission will have authority in all matters referred to it by the Secretary of Commerce, in all matters appealed to it by any party aggrieved by any act of the Secretary of Commerce, and in all cases either before or after the expiration of the year, the commission has full and exclusive authority to revoke licenses.

It has reached the stage when every application for a license or for a better position in the spectrum or from more power involves a contest. There was a time when there were more broadcasting facilities and more commercial radio facilities than were demanded by the public; but now that situation is

changed, and many, many more requests for broadcasting and commercial facilities are demanded than can be granted. In other words, there is a natural limitation under the present state of the art. So until this matter is more thoroughly stabilized any action of any consequence will in the final analysis have to go before the commission anyway.

However, the defeat of this bill would bring endless confusion and duplication of authority, and of action, and consequent loss of time and expense, which is wholly unnecessary and would not result if we pass this simple bill. This is the same as a portion of the bill we passed last year.

This bill limits the terms of the licenses during the next year to three months for broadcasting licenses and one year for commercial licenses; our purpose in that being that the situation should not be frozen until it is more stabilized, until there is a more perfect allocation, and until we think it safe for three or five year licenses to be issued. In that respect I want to state that we are acting in accordance with the advice of the former Secretary of Commerce and the President elect, Herbert Hoover, who before our committee at one of our hearings called attention to the fact that although there was no restriction upon him as Secretary of Commerce as to the term of a license, yet he had never issued one for a longer period than 90 days, and he never did; and neither has the commission. Secretary Hoover warned us against issuing licenses for too long a period or enacting a bill providing for such.

What are the arguments urged against this bill? Every member of this committee on both sides of the House, after having held hearings for approximately a month upon this bill, favor it, save the gentleman from California, Mr. FREE. The gentleman from California [Mr. FREE] criticises the distinguished chairman of the Federal Radio Commission, Judge Robinson, a former member of the Supreme Court of the State of West Virginia, who was appointed chairman of this commission by President Coolidge, and while perhaps it is not incumbent upon a member of the minority to defend the action of a President of the opposite party and one of his appointees, I am glad to state this: I never heard of Judge Robinson prior to his appointment to this position. However, by reason of being a member of the Committee on Merchant Marine and Fisheries, I have come in personal contact with him, and I have heard him testify, and I have observed his work, and I think he is a high-class, intelligent, conscientious, patriotic public official. [Applause.] I wish that all the men on that commission were of the caliber of Judge Robinson. The gentleman from California [Mr. FREE] saw fit to read a few answers of his in which he was asked technical questions, and about what particular specific facilities had been granted here and there, when there are 612 broadcasting stations and literally thousands and thousands of licenses all told, and he criticized him because he, a member of the commission, did not carry all of those details in his head, but said that this information could be better furnished by the engineers or by the clerk of the committee. I invite the members of the committee to read the statement made by Chairman Robinson appearing on pages 7 to 10 of volume 1 of the hearings, in which he states in a dignified and logical and convincing manner the various reasons why the authority of this commission should be continued, stating specifically what they have done and what remains to be done, and if you will read that and not be convinced that there is much more to be done in the future than has been done in the past, I have nothing further to say. I have not the time to read it, but it in itself presents absolutely unanswerable arguments from a public standpoint in favor of the passage of this bill. While I am always ready to praise officials whom I think are entitled to praise, on the other hand, I have frequently taken occasion to criticize officials, and let me say that I do not indorse everything that has been done by this commission by any means.

I do not suppose any other member of our committee does. They have done many things directly different from what I would have done. I have criticized them at the committee and otherwise for certain policies which they pursued. I think they have made some serious mistakes in policy which I shall undertake to state in the RECORD, but probably will not have time to state during my time this afternoon. On the other hand, I think that they have done some splendid work. They have certainly been faithful, and instead of there being no further work for them, I say that there is every reason to believe that they will be busier during the next year, if possible, than they have been during the past. During the past year not one of them even took a vacation. They were on the job all of the time, busily engaged in their official duties, and I am sure that they will be in the future, because this is the most rapidly developing art and industry the world has ever seen. Some of the engineers before the committee said, and properly said, that this art is developing so rapidly that even engineers change their opinions every year or so, and they do. They said things a year ago that they now retract in the light of later developments. The first broadcasting station was established in 1921, less than eight years ago. To-day there are estimated to be 12,000,000 radio-receiving sets in American homes through which it is estimated there are listening approximately 40,000,000 American citizens. They have billions of dollars invested in radio apparatus. Last year the sales of radio apparatus in this country were estimated at $650,000,000 to $750,000,000, and it is increasing all of the time.

It may be surprising to some of you when I say that the commercial field of radio is more important than are the broadcasting features. That is a matter that is of even greater development and potential use than the broadcasting feature. Up until quite recently there was very little demand for those wave lengths for commercial use. There were more facilities than requests, so the Secretary of Commerce at first, and even the Federal Radio Commission at first, granted those privileges to whomsoever applied for them; but now they have proven so valuable and desirable that there is a general demand and a scramble and a fight for them, and they are talking about those frequencies being worth $1,000,000 apiece.

It now devolves on this commission to determine policies with respect to what classes shall receive those facilities and what classes shall not, and then after they determine the general policies to determine as a quasi judicial body which applicants in the respective classes shall be licensed to use them and which shall not. In other words, as Secretary Hoover well said, the important functions are quasi judicial in character. As stated by the gentleman from Michigan, Secretary Hoover served several years as the sole authority, so far as there was authority upon radio, and had more experience in that particular than any other man. He studied the problem as few public officials or others have, and had a broader conception of the problem than most anybody, because he looked at it not only as an engineer but as an executive and a statesman. What did he say about whether we should have a commission?

Secretary Hoover made a statement in January, 1926, before the Committee on the Merchant Marine and Fisheries at hearings being held on the bill which culminated in the radio act of 1927. He stated in part as follows:

> I have always taken the position that unlimited authority to control the granting of radio privileges was too great a power to be placed in the hands of any one administrative officer, and I am glad to see the checks and reviews which are imposed upon that power under this bill.
>
> As some of the members of the committee know, I have felt that provision for a board of reference should be somewhat tightened up over the present construction of the bill; in other words, that any question of dispute as to who shall enjoy the radio privilege may be referred to that body, not through the volition of the Secretary of Commerce but by either applicant or disputant in the question. * * * The privilege of broadcasting will be of enhancing importance, and so long as the art fails to develop sufficient channels so that all comers may broadcast that privilege will accrue more and more of public importance. And it is for that reason that I emphasize the necessity of some independent body being able to settle public disputes as to the radio privilege. * * *
>
> In the main, the bill accords with what I believe to be the present public necessity, and the one suggestion I have made is one that I believe could well be incorporated. Other than that, I believe your subcommittee has worked out, under the leadership of Mr. WHITE, now extending as their labors have over a period of years, a bill which fits the intrinsic situation.

Then Secretary Hoover was asked the following question, and made the following answer:

> Mr. MCKEOWN. Mr. Secretary, I would like to ask a question. There is a great deal of feeling among the people in the West against the creating of any more Government commissions, if possible, and I just wanted to know if, in your judgment, it would be possible properly to administer this law without the creation of a new commission?
>
> Secretary HOOVER. Well, as I have said, I think that you are confronted with placing too great an authority in the hands of an individual. The very large problem that is going to rise is the problem of contests between cities and between States as to the erection of broadcasting stations, and between individuals, contests between different public journals, and between educational institutions and private concerns, as to who shall enjoy this privilege. Now, the wisest person in the world is not wise enough to determine that problem, in my view. * * *

He said this to our committee, before there was a commission. He said it, although it involved depriving him of power and authority which he had. He gave his indorsement to the pending bill in every particular, except that he suggested that the authority of the commission be broadened and expended over what was then provided in the bill.

On the same occasion Secretary Hoover also approved the idea of regional representation upon the commission, as shown by the following question and answer:

Mr. McKEOWN. Would it be the purpose to allocate the membership of the commission to the various districts?

Secretary HOOVER. That was the idea, to have a representative from each district.

Secretary Hoover made that statement some years ago, and, as shown, he gave his approval to the idea of regional representation upon that commission—contrary to the argument made by the gentleman from New York [Mr. CELLER], who is so much opposed to sectionalism when that sectionalism, if permitted to continue, would permit his city to have the cream of the broadcasting facilities in this country. [Laughter.]

Now, the gentleman from California devoted most of his time to a discussion of one action of this commission. It had acted in thousands of cases, but he devoted most of his time to this one particular instance, and in fact the gentleman from California was so persistent with respect to this particular matter that upon his request our committee devoted several days to investigating this particular agreement to license, upon certain conditions, the Universal Wireless Co.; and after there was a full investigation, my opinion is that every member of that committee was convinced that the commission had not only not committed any crime, had not only not done any wrong, but that they had done the right thing, with the exception of the gentleman from California [Mr. FREE]. If you are interested in this particular question, I invite your attention to the voluminous hearings upon the subject. I am not going to enter into any detailed discussion of it. Why has propaganda been so assiduously disseminated, attacking the Federal Radio Commission for its action? Who is directly interested? Why, the Radio Corporation of America, which asked for the same grant—in fact, a much larger grant—to be made to them instead of to the Universal Wireless. And no doubt the wire companies—the telephone and telegraph companies—perhaps would rather not have wireless competition in this country.

The Universal Wireless Co., more than a year ago, made application for licenses to use 40 short waves or commercial frequencies. For what? Their proposal was that, if they be given that grant, they will expend not less than $25,000,000 in establishing inland point to point radiotelegraph service between 110 principal cities in the United States embraced within every State of the Union. All they asked was that they be given an opportunity, and if they do not make good, if they do not do what they say they will do and what they say they can do, why they have nothing; the agreement to grant them the licenses will become null and void. The Federal Radio Commission first gave them an experimental license, which is generally granted to anybody for experimentation because the commission naturally are interested and should be interested in the development of the art.

They demonstrated to the satisfaction of disinterested engineers and Government engineers that they could do more than any other company had ever done or claimed it could do; that they could send radio messages through their transmitters and through the air with a one-tenth of 1 per cent kilocycle separation, whereas nobody else has sent messages on less than 2 per cent kilocycle separation and nobody else is claiming to be able to send messages on less than 1 per cent separation. They propose to send 20 messages where heretofore only 1 has been sent. Commander Craven of the Navy and others witnessed their demonstration. They examined the instruments closely and repeatedly, and gave the opinion that it was feasible and practicable, and that it could be done, and that they were doing it in their demonstrations.

The commission made investigations as to the moral and financial responsibility of the officers and directors of this company. They even sent a member of the commission to Buffalo, N. Y., where most of the officials reside, to make an investigation. They investigated them in Bradstreet's and in Dun's. They investigated them in various different ways, and they reached their conclusion, which was likewise verified before our committee by the gentleman from New York [Mr. DEMPSEY] and the gentleman from New York [Mr. REED], our own colleagues, that the officials and directors of the Universal Wireless Co. are morally and financially responsible and are able to raise the $25,000,000 among themselves without selling any stock. However, suppose that this company should offer a part of its stock to the general public. Would there be anything wrong or unusual in that procedure? If such a course would be censurable, practically all corporations of any consequence are subject to censure.

As before indicated, after a year's investigation and consideration, having been satisfied as to the moral and financial responsibility of the applicants, and of the tremendous advance over anything now in use of the apparatus of the Universal Co., and of its feasibility, and of its very great importance and usefulness from a public standpoint, the Federal Radio Commission agreed to grant licenses to the Universal Co. for the use of 40 frequencies to establish a radiotelegraphic service as a public utility between 110 cities, located in all States of the Union; such grant to be upon condition that the company establish and put into operation stations in a specified number of cities per annum, stations in all of the 110 cities to be established and in successful operation within three years; if the said company does not successfully comply with its proposal and the requirements stated, the agreement to grant such licenses shall become null and void.

In this connection I wish to state that I am not interested to the slightest degree in the Universal Wireless Co. I have never even met any of its officials; even their Washington representative has never called upon me, and I have never seen him except at the committee hearings.

However, I am very much interested in the policies to be pursued with respect to the assignment of what are termed "commercial wave lengths or frequencies."

The Federal Radio Commission has been confronted with the determination of three important policies, as follows:

First. As to whether licenses for the frequencies in the commercial band should be granted to public utilities to render a service to the general public or to private concerns to be used in their own interest.

Second. As to whether licenses should be granted to public utilities to render an inland radiotelegraphic service in competition with wire utilities.

Third. As to whether a monopoly in radio communication should be still further fostered and strengthened.

The grant to the Universal Wireless Co. constitutes, at least in part, a correct decision with respect to all of these policies. For that reason I approve the action of the Radio Commission in that particular.

I sincerely trust that the Radio Commission will speedily, effectually, and finally determine all of these policies in the public interest as indicated.

Although then contending and still contending that the art has not developed to the extent—which is doubtless true with respect to the Radio Corporation of America—that a point-to-point radiotelegraphic service in the United States can be successully established and maintained, nevertheless, many months after the Universal Co. had made its application, the Radio Corporation of America made application for the use of a much larger number of frequencies for a much more restricted service.

To quote their own language, the application of the Radio Corporation was as follows:

Radio Corporation of America's applications pending before the Federal Radio Commission for domestic radio services contemplate communication among 28 American cities. The cities in question have been selected, having regard primarily to the volume of international telegraph traffic originating in or destined to them. Primarily the circuits sought to be established were selected as those best adapted as feeders to the Radio Corporation of America's international system, and these circuits, I believe, will furnish the minimum number of domestic connections which would enable Radio Corporation of America effectively to compete in international services with the cables operated in connection with the domestic land lines of the Western Union Telegraph Co. and the Postal Telegraph Co.

Summing up our applications, we seek from the commission 67 additional frequencies in the bands between 3,000 and 6,000 kilocycles and 25 additional frequencies in the bands between 6,000 and 23,000 kilocycles, and authorization to make shared use of 43 of the transoceanic frequencies heretofore awarded us and a shared use of 23 of the frequencies now requested, with which we will expect to operate 148 channels.

Besides asking for a much larger grant for a much less public service, it will be noted that the primary purpose of the Radio Corporation of America application was to establish feeders for their international radio communication services in which they have an admitted monopoly in radio communication between the United States and 30 foreign countries.

The Radio Corporation of America insisted that, if the application of the Universal Wireless Co. should be granted, there would be nothing left for the Radio Corporation of America in the domestic field. It really resolved itself down to a contest between these two companies, and the Radio Corporation of America boldly insisted, in effect, that because they had a monopoly in international radio communication they should likewise be granted a monopoly in the domestic field.

Disregarding altogether the monopoly feature, the Radio Commission could not in the public interest have consistently reached any other decision than that which they did reach.

The Radio Corporation of America and its affiliated companies have either an absolute or a substantial monopoly in all branches of the radio industry.

They have a large part of the choicest broadcasting facilities. In addition to the broadcasting stations directly owned and operated by them, the Radio Corporation of America, the General Electric, and the Westinghouse organized and own the stock in the National Broadcasting Co., which renders a chain service. Of the 40 cleared channels, which are the only channels upon which stations are authorized to operate with more than 1,000 watts, stations receiving the National Broadcasting Co.'s service are operating on 27 cleared channels.

The Radio Corporation of America has 88 call licenses to use 130 frequencies with an aggregate power of 7,355,750 watts in international communication services; it is authorized to use 200,000 watts power on each of 11 frequencies, and is authorized to use 80,000 watts power on each of 62 frequencies. Its subsidiary, the Illinois Radio Corporation of America, is authorized to use 10 frequencies with 1,000 watts power each for commercial service on the Great Lakes. Its subsidiary, the Radio Marine Corporation of America, is authorized to use 24 frequencies with an aggregate power of 31,200 watts in ship to shore and shore to ship commercial business.

The total power authorized to be used by all other commercial stations combined amounts to only 1,268,560 watts; these licenses with a very few exceptions only authorize the licensees to send their own private messages and not to engage in the public-utility service.

I have not had time recently to summarize same, but will state that the Radio Corporation of America and its affiliated companies are granted an overwhelming percentage of the radio experimental facilities.

Wherefore the only complaint which the Radio Corporation of America can have is that it has not been granted an absolute monopoly in all the fields of radio communication. I do not believe that the Members of Congress or the public generally will agree that such is a just complaint.

In this connection it is well to quote the words of President-elect Herbert Hoover who, when Secretary of Commerce nearly five years ago, with a marvelous grasp of the subject and a prophetic vision, stated at a hearing of the merchant marine and fisheries, in part, as follows:

> The question of monopoly in radio communication must be squarely met. It is not conceivable that the American people will allow this new-born system of communication to fall exclusively into the power of any individual, group, or combination. Great as the development of radio distribution has been, we are probably only at the threshold of development of one of the most important human discoveries bearing on education, amusement, culture, and business communication. It can not be thought that any single person or group shall ever have the right to determine what communication may be made to the American people.
>
> We can not allow any single person or group to place themselves in a position where they can censor the material which shall be broadcast to the public.
>
> Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities.

DAVIS EQUALIZATION AMENDMENT AND REALLOCATION OF NOVEMBER 11, 1928

I have had numerous colleagues and others to ask me about the reallocation of broadcasting facilities made by the Federal Radio Commission effective November 11, 1928, and as to whether such reallocation was in accordance with what is generally referred to as the "Davis equalization amendment." I only have time to discuss these matters briefly and generally.

The first broadcasting stations just grew up. Beginning with the licensing of the first broadcasting station in 1921 and continuing for a few years thereafter, the broadcasting facilities exceeded the requests therefor. As new applications for broadcasting licenses were received they were assigned a place on some channel, frequently upon the channel they requested, and generally authorized to use any power which they sought. Broadcasting grew with great rapidity, with the result that there developed an unscientific allocation, there being an excess of broadcasting stations in certain localities and a scarcity or entire absence of same in many other sections of the country. Such a situation was greatly augmented by what is generally referred to as the "breakdown" following the Zenith Corporation decision in 1926, in which the court held that under the existing radio law the Secretary of Commerce could not refuse a license to any applicant. Thereafter numerous existing stations immediately proceeded to use what they considered more desirable wave lengths and to increase their power as they saw proper. Many of the stations went on the air for the first time. Consequently, when the 1927 radio act became a law and the Federal Radio Commission was established and appointed they found a very chaotic, unscientific, and inequitable condition in the broadcast field. For reasons which I shall not take time to enumerate, the Radio Commission made but little progress during the first year. There was still widespread confusion and complaint.

As concrete evidence of the situation then obtaining, the third zone, embracing 10 Southern States, had the largest population of any of the zones and the largest area except the fifth zone; in other words, the third zone had 23.14 per cent of the population and 21.33 per cent of the geographical area of the Nation, and yet only had 7.8 per cent of the national broadcasting station power; it had less than 50,000 watts power in the aggregate, whereas there were several stations with 50,000 watts power each and the national power exceeded 600,000 watts. Although at that time the commission had cleared 25 wave lengths, yet not one of these cleared wave lengths had been allocated to the third zone. Southern broadcasters were pleading in vain for better broadcasting facilities. Gross discriminations and inequalities existed throughout the country, not only as between different radio zones, but as between different States and sections within the radio zones.

This was the situation when I drafted and proposed the amendment directing an equalization of broadcasting facilities, which was favorably reported by the Committee on the Merchant Marine and Fisheries, and which passed the House by a majority of more than 100 votes. It passed the Senate practically unanimously, with certain amendments in the form of supplementary language of an interpretative or explanatory character. The bill went to conference and was reported to and adopted by the House and Senate with amendments of the character indicated and was approved by the President March 28, 1928. Omitting some of the supplementary language of an interpretative nature, this amendment provides:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population.

This amendment was strenuously fought by certain radio interests, particularly the radio monopoly, and by the representatives of certain cities which had far beyond their fair share of broadcasting facilities. This fight was led by Commissioner O. H. Caldwell, of New York, who grossly misrepresented this amendment and the result it would effect.

For instance, when the bill embracing the equalization amendment was reported and was pending in the House, Commissioner Caldwell gave out a statement viciously criticizing the amendment; he and others opposed to a fair equalization of broadcasting facilities gave his statement wide publicity in the press and otherwise, among other things, mailing copies to the broadcasting stations throughout the country. In this statement Caldwell, among other things, stated that the enactment "of this abominable redistribution clause would wreck our present wonderful broadcasting structure."

After the Federal Radio Commission had made the reallocation effective November 11, 1928, Commissioner Caldwell gave out a statement, after counseling with a majority of the members of the commission, as he admitted at the recent hearings; he admitted that he was correctly quoted in the statement, in which he stated in part as follows:

> November 11: The Federal Radio Commission carried out the latest radio mandate of Congress that the radio broadcasting wave lengths,

powers, and other facilities be redistributed equally among all citizens of the Republic—that is, be subdivided among the States and sections of the Nation according to population.

This redistribution of the country's radio ordered by the national lawmaking body, of course, means the withdrawal of wave lengths from some States and communities which have heretofore been enjoying an excess of broadcasting stations and the reassignment of such waves to States in sections heretofore prevented from having broadcasting stations because the national spectrum was full.

I quote further from the hearings:

Mr. DAVIS. Now, proceeding with this statement:

"With such redistribution of wave lengths and upsetting of the familiar broadcasting structure made inevitable by the equalizing amendment of the 1928 act of Congress, it has been the concern of the commission, while faithfully carrying out the equalizing or 'proportionality' feature of the act, to see that a high standard of radio service be restored to the American public, which has suffered two years of interference and heterodynes growing out of the law's breakdown in 1926."

Then, in the last paragraph, you are reported as saying as follows:

"The patience of the public is therefore invited, with the knowledge that through the new plan there will eventually be restored to the American public radio broadcasting service without parallel in the history of the art."

Mr. CALDWELL. I think that is true. I think that is the consensus of all engineering opinion on the subject, sir.

* * * * * * *

Mr. DAVIS. Speaking further along the line of that situation, you wrote an article, did you not, which appeared in the Star of January 1, 1929? I presume that is authentic. Your name is at the head of it.

Mr. CALDWELL. Yes; I think I wrote that.

Mr. DAVIS. This article starts off as follows:

"The outlook for radio and for radio broadcasting never was brighter than it now appears, standing at the threshold of 1929."

That is about a month and 20 days after the November allocation went into effect; and then you state further:

"While the reduction of local radio service in certain parts of the Atlantic seaboard will occasion some inconvenience as compared with the former excess of broadcasting enjoyed by eastern listeners, it is believed that citizens thus deprived will cheerfully accept this equalization and redistribution, knowing that the facilities thus lost by them are being made available to other American citizens in other parts of the country which formerly had little or no radio service."

Do you think that there is anything wrong in that?

Mr. CALDWELL. I believe that is a proper statement.

Mr. DAVIS. Is there anything wrong in that picture and in that principle?

Mr. CALDWELL. No, indeed.

Commissioner Caldwell also declared in the statement which he gave out in opposition to the equalization amendment that this amendment would bring the broadcasting facilities and station power of the other zones down to the power and facilities in the lowest zone, calling attention to the fact that the third zone had less than 50,000 watts power, and so forth, as he admitted at the hearings. He admitted that he was likewise wrong in that statement, as shown by the following quotation from the hearings:

Mr. DAVIS. Was there anything in that equalization amendment that directed an increase or decrease of the aggregate national power?

Mr. CALDWELL. No; very wisely not.

Mr. DAVIS. As a matter of fact, it did not compel power in other zones to be brought down to that of the lowest zone, did it?

Mr. CALDWELL. No.

Mr. DAVIS. And in that connection did you not call attention to the fact that one zone, the third zone, had only about 50,000 watts power, and the result would be that the other zones would be brought down to that zone?

Mr. CALDWELL. That was the legal interpretation upon the first study, that it would be necessary to equalize the power. I think the commission has properly and in the public interest solved the issue by using this other method.

Mr. DAVIS. Do you now think, on the present interpretation of that equalization amendment, that it directed any such result as that?

Mr. CALDWELL. No.

Mr. DAVIS. You are satisfied that you were wrong when you first interpreted it?

Mr. CALDWELL. Yes.

In this same connection I wish to call attention to the fact that Commissioner Caldwell stated at the hearings a year ago that if we undertook to build up the States to the power levels of New Jersey, New York, and Illinois "radio is absolutely ruined"; and largely upon his insistence, and the insistence of hired, interested engineers, the commission did the very thing which Caldwell said would absolutely ruin radio. They have increased the station power in every zone and in practically every State, including New York and Illinois, as shown in the hearings, from which I quote, as follows:

Mr. DAVIS. I have here an official statement prepared and furnished to the committee by the Radio Commission, I presume through its secretary, dated January 17, 1929, a broadcast summary, in which it gives the number of stations prior and subsequent to the November 11 allocation and the same with respect to the power in the different States and the different zones, and it shows that in the first zone, before the allocation, there were 103 stations, and now there are 116. There was an increase instead of a reduction there, was there not?

Mr. CALDWELL. Yes.

Mr. DAVIS. And then it shows that prior to the reallocation the total station power in the first zone was 207,175 watts, and that under the reallocation of November 11, 1928, there were 212,070 watts, and, in addition to that, an authorization of another 50,000-watt station, which has not gone into use yet, which would make a total for the first zone of 261,820, as compared with 207,175 watts before the reallocation under the equalization amendment.

Now, it did not bring that first zone down to the lowest zone in power, did it?

Mr. CALDWELL. No; the result of the amendment itself there was to actually increase the power of that zone.

* * * * * * *

Mr. DAVIS. But, excepting that station, these records show that there was an increase in power in the first zone.

Then we will take the second zone. There were 105 stations, and there are now 107. There was 109,867 watts power, and there are now 179,350, and when certain grants go into effect which are not now in effect there will be a total of 192,350 watts power.

Then you take the third zone, as to which it was claimed they were not enterprising, that they were not wanting stations and not able to build stations, and so forth, and, therefore, everybody else would have to be brought down to them. This report shows that there were 113 stations in the third zone and that there are now 115, and that there was immediately prior to the reallocation 66,060 watts power, and in that connection I want to say that there was some increase in the South, as you will recall, immediately after the passage of the 1928 bill, which ran it up from what was about 50,000 before to 66,000, and there is now in use in this third zone, this "backward" zone, 194,820 watts, and you have granted construction permits which, if used, would run the total power in that zone up to 303,820.

Now you come to the fourth zone. They had 169 stations. They now have 156. They had, however, in excess of anybody else, and there has been some reduction there.

Mr. CALDWELL. Do those figures show the great reduction in time on the air, because, after all, that is the factor. There has been a reduction in the fourth zone of time on the air, I believe.

Mr. DAVIS. Yes; I assume that you have undertaken to equalize the discrepancy in stations. I was simply showing the situation before and subsequently.

Then, before the reallocation, the fourth zone had 165,600 watts power, and they now have in use 295,188 watts power.

Then, in the fifth zone, they had 128 stations, and now have 133. They had previously 63,900 watts power, and they now have 112,080 watts power, and if they use the authority that has been given under construction permits it will be increased to 161,080.

This makes a total of national power of 1,219,250 watts as compared with 612,662 before the reallocation. In other words, it has been doubled.

Mr. CALDWELL. All of that increase in power, of course, has occurred on the cleared channels—in other words, where it is desirable that it should occur.

Mr. DAVIS. When you were before this committee a year ago, you made this statement during the time that Mr. Briggs was cross-examining you:

"Commissioner CALDWELL. It has been the disposition of the commission exactly to carry out that thought, but I want to call your attention to the fact that this provision is the most serious clause in the law and the one clause which may nullify the usefulness of the rest of the law, for this reason"——

I want to say, parenthetically, that the provision which was under discussion was the provision in the 1927 law directing an equitable distribution. [Reading:]

"At the present time, I think, approximately five of the States have the large amount of power. There are 37 States that are below the average. Now, if we take the States of New Jersey, New York, and Illinois, those States have from three to four times the power of the rest of the country. If we undertake to bring up the other 37 States to the power levels of those States, radio is absolutely ruined."

* * * * * * *

Mr. DAVIS. Now, you keep talking about cleared channels. The total national power under the reallocation has been increased about 600,000

watts over what it was before. What portion of this 600,000 watts has been assigned to stations of the cleared channels?

Mr. CALDWELL. Undoubtedly practically all of it.

* * * * * * *

The CHAIRMAN. Did I understand you to say that the entire increase in power as shown on this tabulation here is due to the increases given to the cleared channels?

Mr. CALDWELL. I think that substantially all of it is of that character.

In this connection, I shall insert in the RECORD as Appendix A the official statement referred to, furnished by the Radio Commission, giving a broadcast summary in which the situation is shown prior and subsequent to the November 11, 1928, allocation, given by zones and States.

The clearing of these 40 channels necessarily resulted in still further crowding the stations on the remaining 50 channels. All of the stations authorized to use more than 1,000 watts power are on the cleared channels. There are 85 stations on the 40 cleared channels and they are authorized to use a total of 936,400 watts power. On the other hand, there are 542 broadcasting stations on the remaining 50 channels and they are authorized to use an aggregate power of 282,850 watts. Besides, 12 of the said 50 channels are shared with Canada. There are 259 local stations on 6 of the 50 channels, an average of 43 stations per channel.

There are chain stations on 38 of the 40 cleared channels, of which 27 are receiving programs from the National Broadcasting Co. and 11 from the Columbia Broadcasting Co. I shall insert in the RECORD as Appendix B a list of the stations on the 40 cleared channels, showing those affiliated with the National Broadcasting Co. network and those affiliated with the Columbia Broadcasting Co. network.

In making the reallocation effective November 11, 1928, the commission substantially followed a plan submitted by a committee of radio engineers composed of R. H. Marriott, C. W. Horn, L. E. Whittemore, and Dr. J. H. Dellinger. Mr. Horn was then and is now in the employ of the Westinghouse Electric & Manufacturing Co., one of the leading members of the radio monopoly, and which corporation had several broadcasting stations and was otherwise deeply interested in radio. For instance, the Westinghouse Co. manufactures broadcasting apparatus, and they receive over $300,000 for apparatus capable of broadcasting with 50,000 watts power, so that they were naturally very much interested in as many cleared channels and as many high-powered stations as possible. Mr. Whittemore was then and is now in the employ of the American Telephone & Telegraph Co., another important member of the radio monopoly, which is likewise vitally interested in different phases of the radio industry. Among other things, the chain programs are carried from station to station over the wires of the American Telephone & Telegraph Co. and its subsidiaries, and the president of the National Broadcasting Co. stated at the hearings that they paid this company $2,000,000 for such service last year; consequently Mr. Whittemore's employer was vitally interested in as many chain stations as possible and such stations having as desirable assignments as possible. Mr. Whittemore is reputed to have drafted the plan under discussion.

A plan of such biased authorship could not be expected to be ideal from the standpoint of the general public or the independent broadcasting stations.

While the commission under their reallocation made a fairly equal distribution of broadcasting facilities between the different zones, speaking generally, and in some respects made a more scientific allocation, yet, on the other hand, they marred their good work in this respect by following the advice and insistence of Commissioner Caldwell and radio engineers either in the employ or under the influence of interested concerns.

First. In clearing 40 channels and crowding 86 per cent of the broadcasting stations together on the remaining 50 channels, a portion of which also had Canadian stations on them;

Second. By granting superpower to stations on the cleared channels; and

Third. By assigning 38 of the 40 cleared channels to chain stations, including all of the superpower stations. These chain stations on cleared wave lengths are authorized to use considerably more than half of the total national power authorized to be used by the 627 broadcasting stations.

The plan in question purported to provide for three classes of stations—national, regional, and local.

The so-called national stations are those on cleared channels with high power. However, there is no such thing as a national broadcasting station, as is now admitted by all persons familiar with the subject who have any regard for the truth. Even Commissioner Caldwell admitted that at the recent hearings. Mr. M. H. Aylesworth, president of the National Broadcasting Co., testified on this subject at the recent hearings, as follows:

Mr. DAVIS. As you yourself correctly said, and contrary to the opinion that formerly obtained, there is no such thing as a national station.

Mr. AYLESWORTH. No, sir.

Mr. DAVIS. And no station can possibly give anything like satisfactory service even to a comparatively small part of the country, much less to the whole country; that is true, is it not?

Mr. AYLESWORTH. You are right. Anybody who thinks otherwise is kidding himself, Judge.

And yet Commissioner Caldwell and certain others representing the big interests are insisting on clearing 10 additional channels, and forcing all except a few on those channels onto the already overcrowded remaining uncleared channels.

Mr. John V. L. Hogan, a consulting radio engineer of New York, made a statement and various suggestions to the Federal Radio Commission when they were holding hearings and receiving suggestions with respect to the reallocation of broadcasting facilities. He admitted that he had represented different members of the Radio Trust professionally and that he had consulted with their engineers in regard to the question of reallocation. Commissioner Caldwell thought so well of Mr. Hogan's testimony that he distributed his statement, but without the cross-examination; he sent a copy to me. Mr. Hogan is undoubtedly regarded as one of the leading radio engineers. His statement before the Radio Commission was inserted in the recent hearings.

Mr. Hogan stated that—

Five-hundred-watt stations may be duplicated if they are kept about 1,800 miles apart. That is to say, it is possible to get two or three 500-watt stations on each channel if they are geographically kept about 1,800 miles apart.

Dr. J. H. Dellinger, of the Bureau of Standards, gave practically the same advice to the Radio Commission. He also said last April:

The interrelation between frequency and power is the hard problem. It is only by proper adjustment of these two factors with due regard to geographical separations that there can be any hope of reducing interference and making any material improvement in the present chaotic situation.

And yet under the reallocation, by reason of so many cleared channels, the commission placed from four to ten 500-watt, 750-watt, and 1,000-wat stations on the same channel. For instance, on the frequency of 550 kilocycles, they placed five 500-watt stations, one 750-watt station, one 1,000-watt station, and one 250-watt station. On the frequency of 560 kilocycles, they placed four 500-watt stations, three 1,000-watt stations, one 2,500-watt station for daytime operation, and one 3,500-watt station for daytime operation. These are typical examples. It is true that some stations on these channels share time, but in practically every instance there are considerably more than three of such stations operating simultaneously.

Mr. Hogan also stated that—

One-hundred-watt stations may be distributed about seven to the channel if they are kept about 900 miles apart.

That, as I say, is for a set-up which will give substantially the full service range that is practicable, before the noise level is reached, to each of the stations.

And yet on the six channels assigned to local stations there are a total of 259 stations, of which 95 are 100-watt stations authorized to operate full time, seventy-one 100-watt stations which divide time, eight 250-watt stations authorized to operate in the daytime, besides 56 stations of less than 100-watt power authorized to operate full time, and 29 stations authorized to operate part time with less than 100-watt power. In other words, there are allocated to these channels an average of sixteen 100-watt stations authorized to operate full time, twelve 100-watt stations authorized to divide time, eight stations of less power authorized to divide time, and one and two-thirds stations authorized to operate in the daytime on 250 watts. Furthermore, two of these channels are shared with Canada.

I shall insert in the RECORD as Appendix C the table showing the stations operating on these six channels.

Wherefore, in the light of the advice of the radio engineers, it was inevitable that such an allocation would not prove satisfactory to the independent stations or the listening public.

Assuming for the sake of argument that we should have some cleared channels, I respectfully insist that 25 of such channels would be ample, avoid such crowding of the stations, and attain much better results.

Upon that question I wish to quote from Lewis B. F. Raycroft, vice president of the National Electrical Manufacturers Asso-

ciation, who made a statement at the hearing before the Radio Commission at the general allocation hearings last April, in which he said:

An examination of the existing allocations indicates quite clearly that 28 of the 39 stations now authorized to use 5 kilowatts or more are of a character to justify their being considered for exclusive channels. These 28 stations are on channels which could be cleared without great difficulty. There appears to be no present basis for clearing more than this number of channels.

On the subject of high power I am convinced that no broadcasting station should be authorized to use more than 5,000 watts power, or 10,000 watts as the very limit. No higher power is needed by a broadcasting station for any legitimate purpose, and any higher power will work havoc with other stations by its blanketing and heterodyning effects.

There are many 500 and 1,000 watt stations which can be satisfactorily heard over large areas—after midnight when the superpower stations have gone off of the air. There were recently a number of notices in the press of station KLCN, at Blytheville, Ark., operating with 7½-watts power, being distinctly heard at various points in the East. It is needless to state that this reception was after midnight. Similar instances of many other low-power stations can be cited. All of which goes to show that high power is not necessary to attain a reasonable distance and also that the superpower stations drown out the other stations, so that they can not be heard except when the high-powered stations are not operating.

For all practical and useful purposes a 5,000-watt station with proper apparatus and properly operated will serve as wide an area and serve it as well as a 50,000-watt station. As evidence of that I shall insert in the RECORD as Appendix D a letter from Mr. Burridge D. Butler, publisher of the Prairie Farmer and owner of station WLS, together with a summary, by States, of 12,961 voluntary letters and telegrams received from listeners in 46 States during one week, advising that they had heard and enjoyed the programs from this station. Station WLS uses the best crystal control and modification panel.

I venture the assertion that no 50,000-watt station in the country can excel that record.

As reflecting on this subject I shall insert in the RECORD as Appendix E a letter from Mr. W. J. Buttfield, of Plainfield, N. J., and as Appendix F one from Mr. C. W. Hamilton, of Brookfield, Mass. These are typical of numerous letters received from all over the country.

Commissioner Caldwell is perhaps the most inveterate and intemperate advocate of high power in the country, and yet upon cross-examination at the hearings a year ago, when seeking an excuse for not having authorized any stations outside of the East to use superpower, he stated:

Judge, our experience with these 50-kilowatt stations has been that they cause such interference with both sides of them that they render those channels practically useless and I think we should go slowly in granting this increased power.

Mr. H. A. Bellows, manager of station WCCO, Minneapolis, Minn., formerly a member of the Federal Radio Commission and generally regarded as a radio expert, at the recent hearings agreed with the statement of Caldwell just quoted.

If those superpower stations "cause such interference with both sides of them that they render those channels practically useless," it goes without saying that they cause interference on still other channels to an indefinite extent, dependent upon the kilocycle and geographical separation.

It is admitted by all the radio experts that the interference radius of a broadcasting station is from ten to one hundred times as great as the program radius.

Although practically all of the high-powered stations are chain stations, yet there is less reason for high power being employed by stations in the chain system than anywhere else. The chain stations are distributed throughout the country, the National Broadcasting Co. network embracing about 60 stations, and the Columbia network embracing 43 stations, and both networks still increasing. Chain programs are carried from station to station over telephone wires. It was proven at the hearings, and undisputed, that only six-tenths of 1 watt is required to transmit a chain program over the wire. Consequently, a chain station should only be permitted to operate with sufficient power to reach the listeners within its own area.

I could multiply indefinitely evidence against the advisability of high power. I expect to go into that subject more fully at a future time.

With respect to chain stations, I wish to state that I am not opposed to them. They are very useful and should have their proper place in the broadcast field, but they should not be permitted to practically monopolize the field. I have received more complaints about chain stations monopolizing the dial than any one other feature of radio. The listeners complain that when the chain stations are on the air, which is practically all of the time up until midnight, they drown out all other stations; wherever the listener turns the dial he hears the same program.

Mr. Bellows, before mentioned, in referring to the chain-program situation at the hearings, stated:

I believe that the duplication to which Mr. ABERNETHY has referred exists and is a somewhat serious menace to the rights of listeners to hear what programs they want.

In view of the fact that Mr. Bellows is manager of a chain station, it can not be claimed that he is prejudiced against them.

Commissioner Caldwell, in discussing the chain-program situation at the hearings a year ago, stated:

In other words, I think the analogy is like this: If you were giving a musicale at your house and you had selected six of the best musicians of the country to appear at this musicale, you would feel great confidence that you were going to have a wonderful musical evening; but, if one after another, they all go up and sing Annie Laurie—that is what we have discovered the chain stations are doing; they have all taken the same programs—you would feel that arrangement was entirely unsatisfactory, and certainly that identical arrangement is absolutely unsatisfactory in the public interest, and I feel your criticism is sustained. And I feel the next step of the commission, with the help of the other independent stations, is to substitute independent programs for a large number of chain programs on preferred channels, because those chain programs should be on local channels, wholly regional channels. There is no excuse for more than five of those chain programs being on national channels.

And yet he led the fight in having the Radio Commission assign 38 out of the 40 national channels to chain stations, and to grant practically all of the high power to these chain stations. If Commissioner Caldwell and his colleagues on the commission had pursued the course which he suggested, as above quoted, we would have an infinitely more satisfactory situation from the listeners' standpoint, not to speak of the independent stations, who have largely been crowded off of the radio map.

The baneful effects of the present chain situation can be largely eliminated in the manner suggested by Commissioner Caldwell in the above quotation, or by synchronization; that is, by requiring stations broadcasting the same program to use the same wave length. I am aware that the chain stations themselves do not want to synchronize and their engineers tell the Radio Commission that the art has not developed to such an extent that synchronization is practicable. Nevertheless, it is practicable and feasible and synchronization is being successfully done both in this country and in England.

The ideal broadcasting situation would be for the listener to be able to satisfactorily hear the programs from the stations within his reasonable range which he desires to hear and to be able to tune out those which he does not desire to hear. Such a situation can be reasonably attained under the equalization amendment by a proper allocation and the employment of correct policies and methods. However, such a situation can never even be approached with so many cleared channels, so much high power, the present chain situation, and so forth.

I sincerely trust that the Radio Commission will discard the disproven theories of technicians who admit that they change their views on radio every year or two and apply common sense to the solution of these problems. In this connection I quote from a recent address by President Coolidge as follows:

We need men of technical training. We could not maintain our modern life for any length of time without them. It is necessary for our progress to have individuals who make a life study of one subject to the exclusion of everything else. The danger to them and from them lies in their becoming lost in particulars. While they are wonderfully skilled in their own subject they often do not comprehend its relation to other subjects.

There would be a place in the world for the soldier and sailor who could see nothing but national defense, * * * and a place in every large enterprise for the experts in accounting, in production, in transportation, and in merchandising, though they might understand nothing of the broad principles of political economy. But these talents will reach their greatest usefulness only when directed and coordinated by the wisdom of a comprehending executive who may not always know, but who rarely fails to understand.

The accountants do not manage the banks, the mechanics do not manage the factories, the engineers do not manage the railroads, the navigators do not manage the steamship lines. And so the radio engineers should not be permitted to run the Radio Commission. This applies with peculiar force to the so-called radio experts who have "axes to grind."

APPENDIX A

Broadcast summary

States	Stations		Frequencies		Power in watts		C. P. Inc.	Total authorized
	Prior to Nov. 11, 1928	Subsequent to Nov. 11, 1928	Prior to Nov. 11, 1928	Subsequent to Nov. 11, 1928	Prior to Nov. 11, 1928	Subsequent to Nov. 11, 1928		
FIRST ZONE								
Connecticut	4	4	3	3	2,000	1,750	49,750	51,500
Delaware	1	2	1	2	250	350		
District of Columbia	3	3	3	3	1,150	850		
Maine	3	3	3	3	850	850		
Maryland	4	6	3	6	700	5,750		
Massachusetts	16	17	13	12	18,850	19,750		
New Hampshire	2	2	2	2	550	600		
New Jersey	25	15	19	8	53,925	14,750		
New York	46	56	33	28	126,740	166,010		
Rhode Island	6	5	6	4	1,550	800		
Vermont	2	2	2	1	110	110		
Porto Rico	1	1	1	1	500	500		
Total	103	116	89	73	207,175	212,070		
Total authorized								261,820
SECOND ZONE								
Kentucky	3	3	3	3	1,530	11,030	5,000	16,030
Michigan	18	19	16	11	9,910	10,330		
Ohio	27	26	20	17	25,292	71,335		
Pennsylvania	42	42	32	20	59,795	64,015	4,000	68,015
Virginia	11	11	9	8	12,680	16,765	4,000	20,765
West Virginia	4	6	3	5	660	5,875		
Total	105	107	83	64	109,867	179,350		
Total authorized								192,350
THIRD ZONE								
Alabama	5	5	5	5	1,325	5,575	4,000	9,575
Arkansas	8	8	8	7	2,465	7,500		
Florida	12	12	11	10	10,950	12,200		
Georgia	7	7	6	5	2,770	11,170		
Louisiana	13	10	11	7	6,830	27,180	15,000	42,180
Mississippi	5	5	5	4	845	1,010		
North Carolina	5	6	5	6	3,550	16,650	5,000	21,650
Oklahoma	10	11	9	8	3,225	12,600		
South Carolina	1	2	1	2	75	175		
Tennessee	16	16	13	12	14,490	19,825	45,000	64,825
Texas	31	33	24	16	19,535	80,935	40,000	120,935
Total	113	115	98	82	66,060	194,820		
Total authorized								303,820
FOURTH ZONE								
Illinois	47	40	29	19	80,715	162,400		
Indiana	17	18	16	12	7,415	39,700		
Iowa	19	19	15	13	26,220	14,800		
Kansas	9	8	8	5	4,350	9,650		
Minnesota	10	11	8	6	8,700	30,200	5,000	35,200

Broadcast summary—Continued

States	Stations		Frequencies		Power in watts		C. P. Inc.	Total authorized
	Prior to Nov. 11, 1928	Subsequent to Nov. 11, 1928	Prior to Nov. 11, 1928	Subsequent to Nov. 11, 1928	Prior to Nov. 11, 1928	Subsequent to Nov. 11, 1928		
FOURTH ZONE—con.								
Missouri	21	20	17	13	15,015	20,250		
Nebraska	15	9	13	7	9,370	4,650		
North Dakota	5	5	5	5	715	1,800		
South Dakota	9	9	8	8	7,330	2,930		
Wisconsin	17	17	13	14	5,770	8,800		
Total	169	156	132	102	165,600	295,180		
Total authorized								300,180
FIFTH ZONE								
Arizona	5	5	5	5	840	900		
California	48	47	38	30	23,810	44,050	45,000	89,050
Colorado	16	16	11	11	9,860	17,210		
Idaho	4	7	4	5	2,275	1,825		
Montana	6	7	6	5	915	1,660		
Nevada	0	1	0	1	0	100		
New Mexico	3	3	3	2	5,150	10,150		
Oregon	14	15	10	11	6,565	10,465		
Utah	3	3	3	3	1,150	6,050	4,000	10,050
Washington	23	23	16	15	11,475	17,810		
Wyoming	1	1	1	1	500	500		
Alaska	3	3	3	3	610	610		
Hawaii	2	2	2	2	750	750		
Total	128	133	102	94	63,900	112,080		
Total authorized								161,080
Total for United States	618	627	504	415	612,602	993,500	[1]225,750	
Grand total authorized								1,219,250

[1] Out of total increased power authorized by construction permits, 75,000 is authorized experimentally only.

NOTE.—The list prior to reallocation was compiled as of Aug. 15, 1928, and the list subsequent to real location includes changes up to Jan. 1, 1929.

APPENDIX A–1

The reduction of the number of frequencies allocated to each zone is due to the fact that the commission cleared 40 of the 90 channels, placing one or two stations on each of said cleared channels, thereby restricting their use, whereas previously there were a large number of stations assigned to these same channels, thus crediting their use to the different zones and States, according to the location of the stations formerly on said channels. However, this clearing of channels and the consequent restriction of their use was not directed by the Davis equalization amendment.

APPENDIX B

Stations on 40 cleared channels

Frequency	Call letters	Location	Owner	Power	Remarks
Kilocycles				*Watts*	
[1]640	KFI	Los Angeles	Earl C. Anthony (Inc.)	5,000	50,000, c. p.
640	WAIU	Columbus, Ohio	American Insurance Union	5,000	L. t.
[1]650	WSM	Nashville	National Life & Accident Insurance Co	5,000	C. p., 50,000.
[1]660	WEAF	Bellmore, N. Y	National Broadcasting Company (Inc.)	50,000	
660	WAAW	Omaha, Nebr	Omaha Grain Exchange	500	Daytime.
[2]670	WMAQ	Chicago	Chicago Daily News	5,000	
[1]680	WPTF	Raleigh, N. C	Durham Life Insurance Co	1,000	C. p., 10,000, l. t.
[1]680	KPO	San Francisco	Hales Bros. and The Chronicle	5,000	
[1]700	WLW	Mason, Ohio	Crosley Radio Corporation	50,000	
700	KFVD	Culver City, Calif	W. J. & C. I. McWhinnie	250	L. t.
[2]710	WOR	Newark, N. J	L. Bamberger & Co	5,000	
[1]720	WGN-WLIB	Chicago	Tribune Co	25,000	
[1]740	WSB	Atlanta, Ga	Atlanta Journal Co	10,000	
740	KMMJ	Clay Center, Nebr	M. M. Johnson Co	1,000	L. t.
[1]750	WJR-WCX	Silver Lake Village, Mich	WJR (Inc.)	5,000	
[1]760	WJZ	New York City	Radio Corporation of America	30,000	
760	WEW	St. Louis	St. Louis University	1,000	Daytime.
[2]770	WBBM-WJBT	Chicago	Atlas Co. (Inc.)	10,000	C. p. 25,000.
770	KFAB	Lincoln, Nebr	Nebraska Buick Auto Co	5,000	
[1]790	WGY	Schenectady	General Electric Co	50,000	L. t.
[1]790	KGO	Oakland, Calif	do	10,000	
[1]800	WBAP	Fort Worth, Tex	Carter Publishers (Inc.)	10,000	C. p., 50,000.
[1]800	WSAI	Mason, Ohio	Crosley Radio Corporation (lessee)	5,000	L. t.
800	KTHS	Hot Springs, Ark	Hot Springs Chamber of Commerce	5,000	C. p.
[2]810	WCCO	Minneapolis	Washburn-Crosby Co	7,500	C. p., 15,000.
810	WPCH	New York City	Concourse Radio Corporation	500	Daytime.
[1]820	WHAS	Jeffersontown, Ky	Courier Journal Co. and Louisville Times	10,000	C. p.
[1]830	KOA	Denver, Colo	General Electric Co	12,500	
830	WHDH	Gloucester, Mass	Matheson Radio Co. (Inc.)	1,000	Daytime.

[1] National Broadcasting Co. system.

[2] Columbia Broadcasting Co. system.

Stations on 40 cleared channels—Continued

Frequency	Call letters	Location	Owner	Power	Remarks
Kilocycles				*Watts*	
850	KWKH	Kennonwood, La	W. K. Henderson	5,000	C. p., 20,000.
[2]850	WWL	New Orleans, La	Loyola University	500	C. p., 5,000.
850	KFQZ	Hollywood, Calif	Taft Radio & Broadcasting Co. (Inc.)	1,000	L. t.
[2]860	WABC-WBOQ	New York City	Atlantic Broadcasting Co	5,000	
[1]870	WLS	Crete, Ill	Agricultural Broadcasting Corporation	5,000	
[1]870	WENR-WBCN	Chicago, Ill	Great Lakes Broadcasting Co	50,000	(Insull.)
970	WCFL	do	Chicago Federation of Labor	1,500	C. p., 50,000, l. t.-l. p.
[2]970	KJR	Seattle, Wash	Northwest Radio Service Co	5,000	
[1]980	KDKA	Pittsburgh	Westinghouse Electric & Manufacturing Co	50,000	
[1]990	WBZ	East Springfield, Mass	do	15,000	
[1]990	WBZA	Boston	do	500	
[1]1,000	WHO	Des Moines, Iowa	Bankers Life Co	5,000	
[1]1,000	WOC	Davenport, Iowa	Palmer School of Chiropractic	5,000	
1,000	KGFH	Glendale, Calif	Frederick Robinson	250	L. t.
[1]1,020	KYW-KFKX	Chicago	Western Electric & Manufacturing Co	5,000	
1,020	KYWA	do	do	5,000	
1,050	WFBM	Indianapolis	Indianapolis Power & Light	1,000	C. p., 25,000, l. t.
1,050	KNX	Hollywood, Calif	Western Broadcasting Co	5,000	
[1]1,060	WTIC	Hartford, Conn	Travelers Broadcasting Service Corporation	250	C. p., 50,000.
[1]1,060	WBAL	Baltimore, Md	Consolidated Gas, Electric Light & Power Co	5,000	
1,060	HJAG	Norfolk, Nebr	Norfolk Daily News	1,000	L. t.
1,060	KWJJ	Portland, Oreg	Wilbur Jerman	500	L. t.
[1]1,070	WTAM	Cleveland, Ohio	WTAM & WEAR (Inc.)	3,500	
[1]1,070	WEAR	do	do	1,000	
1,070	WAAT	Jersey City, N. J	Bremer Broadcasting Corporation	300	Daytime.
1,070	WCAZ	Carthage, Ill	Carthage College	100	Do.
1,070	WDZ	Tuscola, Ill	James L. Bush	100	Do.
[1]1,080	WBT	Charlotte, N. C	C. C. Coddington	5,000	C. p., 10,000.
1,080	WCBD	Zion, Ill	Wilbur Glenn Voliva	5,000	L. t.
1,080	WMBI	Chicago, Ill	Moody Bible Institute of Chicago	5,000	L. t.
[2]1,090	KMOX-KFQA	St. Louis, Mo	Voice of St. Louis (Inc.)	5,000	L. t.
1,100	WPG	Atlantic City, N. J	Municipality of Atlantic City	5,000	
1,100	WLWL	New York City, N. Y	Missionary Society of St. Paul the Apostle	5,000	6 to 8 p. m.
1,100	KJBS	San Francisco, Calif	Julius Brunton & Sons Co	100	Daytime.
[1]1,110	WRVA	Richmond, Va	Larus & Bro. Co	1,000	C. p., 5,000.
1,110	KSOO	Sioux Falls, S. Dak	Sioux Falls Broadcasting Association	1,000	L. t.
1,130	KFKB	Milford, Kans	John R. Brinkley, M. D. (KFKB Broadcasting Association).	5,000	L. t.
[1]1,130	KSL	Salt Lake City	Radio Service Corporation, Utah	5,000	C. p.
1,130	WOV	New York City	International Broadcasting Corporation	1,000	Daytime to 6 p. m.
1,140	WAPI	Birmingham, Ala	Alabama Polytechnic Institute	1,000	C. p., 5,000.
[1]1,140	KVOO	Tulsa, Okla	Southwestern Sales Corporation	5,000	C. p.
[1]1,150	WHAM	Rochester, N. Y	Stromberg-Carlson Telephone Manufacturing Co	5,000	
1,150	KGDM	Stockton, Calif	W. F. Peffer	50	Daytime.
1,160	WWVA	Wheeling, W. Va	West Virginia Broadcasting Corporation	250	
[2]1,160	WOWO	Fort Wayne, Ind	Main Auto Supply Co	10,000	
[2]1,170	WCAU	Philadelphia	Universal Broadcasting Co	5,000	C. p.
1,170	KTNT	Muscatine, Iowa	Norman Baker	5,000	L. t.
1,180	WJJD	Mooseheart, Ill	Supreme Lodge of World, Loyal Order of Moose	20,000	L. t.
1,180	KOB	State College, New Mexico	New Mexico College of Agriculture and Mechanic Arts	10,000	
[2]1,180	KEX	Portland, Oreg	Western Broadcasting Co	5,000	
1,180	WGB	Astoria, Long Island	General Broadcasting System (Inc.)	500	L. t.
[1]1,190	WOAI	San Antonio, Tex	Southern Equipment Co	5,000	
[2]1,190	WICC	Easton, Conn	Bridgeport Broadcasting Station (Inc.)	500	Daytime.

[1] National Broadcasting Co. system. [2] Columbia Broadcasting Co. system.

C. p.=construction permit.
L. t.=limited time.
85 stations, using a total of 622,150 watts; construction permits for additions, 314,250 watts; total, 936,400 watts.

APPENDIX C

Power of stations on following frequencies

	Number of stations	Full time	Limited time	Daytime
Kilocycles:				
1,200 (Canadian shared)	49			
Number of 100-watt stations	31	14	17	
Number of stations (other power)	18	14	1	3
1,210 (Canadian shared)	40			
Number of 100-watt stations	31	15	16	
Number of stations (other power)	9	6	3	
1,310	55			
Number of 100-watt stations	36	20	16	
Number of stations (other power)	19	8	11	1
1,370	42			
Number of 100-watt stations	32	19	13	
Number of stations (other power)	10	6	4	
1,420	40			
Number of 100-watt stations	20	14	4	2
Number of stations (other power)	20	12	7	2
1,500	31			
Number of 100-watt stations	18	11	7	
Number of stations (other power)	13	10	3	
6	259	{95 {56	71 29	8

Average stations per channel, 43.

The stations enumerated under the "Daytime" column are authorized to use 250 or 300 watts until sunset.

APPENDIX D

THE PRAIRIE FARMER

1230 WEST WASHINGTON BOULEVARD,
Chicago, Ill., January 30, 1929.

Hon. E. L. DAVIS,
House of Representatives, Washington, D. C.

DEAR JUDGE DAVIS: I have been greatly interested in your observations on high-powered radio stations, and in your efforts to improve conditions for the radio-listening public. Here are some things which I am sure will interest you:

WLS, the Prairie Farmer station, is a 5,000-watt station with a high percentage modulating system and crystal-control unit. It has been built the best that the brains of the radio engineers could devise.

During the past three weeks WLS received letters from its listeners as follows:

January 12: 10,479, for 46 States.
January 19: 12,261, for 45 States.
January 26: 12,961, for 46 States.

These were voluntary expressions from our listeners, mostly letters of appreciation for our programs which are designed primarily for rural listeners—that is, official detailed markets for Chicago and other centers, weather reports, farm news, and so forth. WLS is the only station devoted primarily to the agricultural interests. It is conducted by the Prairie Farmer to render a distinct service for the farm industry of the Nation.

These records were made in face of a number of 50,000-watt and other high-powered stations east of the Mississippi. It is my deliberate judgment that the character and quality of the programs are infinitely more important than the power of the station.

Sincerely yours,

BURRIDGE D. BUTLER, *Publisher.*

Letters received by WLS January 21 to 26

Alabama	39
Arizona	0
Arkansas	61
California	5
Colorado	66
Connecticut	82
Delaware	16
District of Columbia	23
Florida	6
Georgia	30
Idaho	3
Illinois (outside Cook County)	2,434
Illinois (Cook County)	854
Indiana	1,198
Iowa	433
Kansas	205
Kentucky	96
Louisiana	14
Maine	21
Maryland	63
Massachusetts	73
Michigan	507
Minnesota	444
Mississippi	24
Missouri	225
Montana	38
Nebraska	187
Nevada	1
New Hampshire	21
New Jersey	70
New Mexico	6
New York	453
North Carolina	31
North Dakota	260
Ohio	318
Oklahoma	90
Oregon	1
Pennsylvania	629
Rhode Island	16
South Carolina	13
Tennessee	65
Texas	134
Utah	0
Vermont	22
Virginia	47
Washington	0
West Virginia	59
Wisconsin	772
Wyoming	21
Canada	498
Cuba	1
Letters received by us	10,796
Letters received by Swifts	308
Letters received by Sears	1,067
Total	12,171
Total telegrams received	106
Total telephone requests	684
Total communications	12,961

APPENDIX E

PLAINFIELD, N. J., *December 18, 1928.*

Hon. C. C. DILL,
Senate Office Building, Washington, D. C.

DEAR SIR: Re your recent reported comments as to effect superpower broadcasting stations, it might be of interest to you to know that in Plainfield, N. J., WJZ at Bound Brook is audible in five distinct places on the dial, using the so-termed "one-spot" Radiola No. 60 superheterodyne.

The field strength of the first harmonic (say, at about 200 meters) of WJZ is about as great as at its assigned frequency, using any modern set. Not only do these high-powered stations play havoc with all others within a range of 40 kilocycles, but all low wave lengths (say, below 250 and down to 100 meters) must inevitably be heterodyned to such an extent as to become useless by the harmonics of superpowered stations.

Of course, if the purpose be to "crowd off the air" all but a favored few and generally "blanket the radio field," I can well understand Commissioner Caldwell's insistence upon superpower; also his reference to the transformation from a "lemon" handed out by Congress to a sweetened "lemonade" concocted by the commission; i. e., making the "advertising value of high-powered stations greater."

I trust the bill recently introduced by you will be enacted; a limit of 5,000 watts would be preferable.

* * * * * * *

Respectfully yours,

W. J. BUTTFIELD.

APPENDIX F

BROOKFIELD, MASS., *April 12, 1928.*

Hon. E. L. DAVIS,
House of Representatives, Washington, D. C.

DEAR SIR: More power to you in your scotching of the radio hogs.

WGY at Schenectady is a pest with this great power which blasts out other stations; and to make it worse, this station fades miserably and also fluctuates to either side of its wave length.

Chain programs are acceptable when something of national importance is broadcasted, such as a President's address, etc., otherwise they are an abomination and a trespass on the rights of all who want to listen to some special program on a near-by wave length.

Associated stations broadcasting chain programs should be compelled to shift to the wave length of the master station during such chain programs; that is, all rebroadcasts should be on one wave length for one program. This would confine the multiplied volume to one channel. Of course, this would be added expense and trouble to the chain stations, but would remove annoyance to thousands of people who can not afford the most expensive radio receivers.

This would also obviate the necessity of anything greater than 10,000 watts power, as you wisely suggest.

The big-hog stations, such as WGY, WEAF, WJZ, and Chicago Tribune, are all faders, with blasting volume one minute, the next minute they fade to unsatisfactory volume or fluctuate off their wave length, so I always time in to a weaker rebroadcast station to get the program satisfactorily.

I am glad to know some one has courage enough to put the octopuses where they belong. Stand by your guns, and don't let the "engineers" (paid employees of the G. E. and R. C. A.) put over anything on the great multitude of ordinary folks, who can't afford to buy or operate "coast-to-coast screen-grid 14-tube superselectodynes."

Yours very truly,

C. W. HAMILTON,
Box 176, Brookfield, Mass.

P. S.: Fading and fluctuating stations should not be allowed to operate until they correct the defects. WBZ is powerful, but does not fade or fluctuate.

I have no connection with any radio station or business.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 3. Prior to January 1, 1931, the licensing authority shall grant no license or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed three months and no license or renewal of license for any other class of station for a period to exceed one year.

Mr. FREE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FREE: Page 2, after line 9, add a new section, as follows:

"SEC. 4. The term of office of each member of the commission shall expire on February 23, 1930, and thereafter commissioners shall be appointed for service of 2, 3, 4, 5, and 6 years, respectively, as provided in the radio act of 1927."

Mr. DAVIS. I understood the gentleman from California enumerated that in section 5 of the pending bill. He offers it as a new section?

Mr. WHITE of Maine. I think it merely requires numbering as section 4 instead of section 5.

Mr. FREE. We inserted in this bill the language used in the last bill extending the life of the commission.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. The commission is authorized to appoint a general counsel and pay him a salary of $10,000 per annum and not to exceed three assistants to such general counsel, at salaries of $7,500 each per annum. It may appoint such other legal assistants as it may from time to time find necessary for the proper performance of its duties and as from time to time may be appropriated for by Congress.

Mr. WHITE of Maine. Mr. Chairman, I move to strike out the numeral "4" on line 10 of page 2 and insert in lieu thereof the numeral "5." It becomes section 5.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Maine: Page 2, line 10, strike out "4" and insert "5."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine.

The amendment was agreed to.

The CHAIRMAN. Under the rule, on the completion of the bill the committee automatically rises.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore, having assumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, reported that that committee had directed him to report the same back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Under the resolution under which this bill was considered the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WHITE of Maine, a motion to reconsider the last vote was laid on the table.

LOAD LINES FOR AMERICAN VESSELS

Mr. PURNELL. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 322.

The SPEAKER pro tempore. The gentleman from Indiana calls up House Resolution 322, which the Clerk will report.

The Clerk read as follows:

House Resolution 322

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1781, an act to establish load lines for American vessels, and for other purposes. That after general debate, which shall be confined to the act and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the act, the act shall be read for amendment under the five-minute rule. At the conclusion of the reading of the act for amendment the committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. PURNELL. Mr. Speaker, this resolution, if it is adopted, will make in order the consideration of Senate bill 1781, to establish load lines for American vessels, and for other purposes. It comes with a unanimous report from the Committee on the Merchant Marine and Fisheries.

Owing to the lateness of the hour, I do not desire to make any statement, and unless some gentleman on the other side wishes some time I shall move the previous question on the resolution.

Mr. BANKHEAD. I do not think any member of the Committee on Rules desires any time but I would like to have 10 minutes yielded to the gentleman from Oklahoma [Mr. MCKEOWN] a member of the Committee on the Merchant Marine and Fisheries.

Mr. PURNELL. Then, Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. McKEOWN. Mr. Speaker and gentlemen of the House, the necessity for load-line legislation is because of an attempt on the part of the United States to comply with the regulations that are imposed in foreign ports—that is to say, foreign countries require these load lines. They are provided for the safety of life at sea, and that is the main purpose underlying load-line legislation. The English nation and other great seafaring nations have these load-line regulations. The load lines are marked on the ships so that they can be seen when the ships are being loaded and these markings are on the ships in order to prevent loading beyond the safety point. They are known as Plimsoll markings and they are marked along the sides of the ships. There has been great difficulty in the United States in trying to get this legislation. For years and years we have tried to get it. The difficulty has arisen over the fact that some of us think that load lines should be applied to coastal and lake ships just as well as to foreign ships, but in order that this legislation may go through those who have adhered to that point of view have for the time being waived their objections. It causes a great deal of inconvenience and it causes a great deal of unnecessary expense to our ships going into foreign harbors where load lines are in effect. We think that in order to have safety at sea we should adopt a load line law in the United States.

Speaking for myself, I have always adhered to the idea that coastwise shipping ought to be included, the same as foreign-going vessels, but I am not making any contention for that in this bill, because it is important to have this legislation enacted at this time. Neither am I contending that it apply to the Great Lakes shipping, although, as I have thought, it should apply to the Great Lakes shipping.

We have as many disasters on our coastwise ships, and we have as many disaster on the Great Lakes, as we have on our foreign-going vessels. They say it is not necessary to apply this law to the Great Lakes, because the depth of the water through which the boats must ply in passing through the canals is so shallow that the boats can not be overloaded, and that therefore there is no loss of life on account of overloading, because if there was overloading the boats could not pass through these canals.

Mr. SHREVE. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SHREVE. I understand from what the gentleman has said that this law will not apply to the Great Lakes.

Mr. McKEOWN. It does not apply to shipping on the Great Lakes nor to barges in the coastwise trade.

Mr. SHREVE. The gentleman has correctly stated that the ships on the Great Lakes can not overload, because of the depth of the water.

Mr. BRIGGS. In the bill there is a provision which excepts barges and lumber schooners operating to and from contiguous territory in the coastwise trade.

Mr. McKEOWN. That is correct.

Mr. BRIGGS. And the bill does not apply to ships operating on the Great Lakes?

Mr. McKEOWN. The Great Lakes are entirely excluded.

Mr. DAVIS. If the gentleman will permit, I want to say to the gentleman from Pennsylvania that he will find the exceptions cited in section 9 on page 9 of the bill.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. COCHRAN of Missouri. If this is a necessity, why wait 18 months before the law goes into effect?

Mr. McKEOWN. That is in order to give the department time to set up an organization to carry out the provisions of the law. The law can not be put into effect immediately because it would be impossible. If that were done, requiring the boats to be immediately properly marked, they would come under the penalties provided in the bill. It is necessary to allow a certain time in which these boats may be properly marked. Therefore we do not put the law into effect immediately, because otherwise it would be detrimental and cost a lot of money.

Mr. PEERY. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. PEERY. If the underlying principle in this bill is to provide greater safety for the seamen why should barges and lumber schooners be excepted?

Mr. McKEOWN. I will frankly say to the gentleman that this is the situation: It is primarily for the safety of crews and safety of passengers, and I think myself it will eventually be necessary to apply such a law to barges, but it is necessary at this time, from the information we have, that we pass this bill as soon as possible so that they can put this load line law into effect.

Mr. PEERY. The Senate bill provided for a load line wholly in foreign trade, did it not?

Mr. McKEOWN. Yes.

Mr. PEERY. You have now put in coastwise vessels, and you have engrafted upon that three exceptions.

Mr. McKEOWN. Yes.

Mr. PEERY. If the underlying principle is to protect the lives of seamen, does not that apply with equal force to barges and lumber schooners?

Mr. McKEOWN. I am told that the barges are used principally on the inside, on the intercoastal canals. Furthermore, as to lumber schooners, I understand there is not much danger of their being overloaded because the cargo they carry is buoyant and raises the vessel, so that it does not have the effect of overloading.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. O'CONNOR of New York. If that is true of a lumber schooner, it would also be true of a lumber steam vessel, would it not, and lumber steam vessels are included?

Mr. McKEOWN. The lumber schooner loads on the outside or on the decks, as the gentleman knows.

Mr. WOLVERTON. Will the gentleman yield.

Mr. McKEOWN. I yield.

Mr. WOLVERTON. I notice that in section 9 lumber schooners operating to and from territory contiguous to the United States are excepted from the provisions of this bill. Why is it that you exempt lumber schooners operating to and from territory contiguous to the United States and do not exempt lumber schooners that are engaged in trade between our different States?

Mr. McKEOWN. I will say to the gentleman that it is the consensus of opinion among a great many of the members of the committee that lumber schooners are exempt. I do not agree with that construction. As to contiguous territory that is because lumber schooners going from Seattle, we will say, up into the Canadian ports, have no load line and we would put a hardship on our vessels if we undertook to put a load line on them when they have to compete with the schooners of Canada.

Mr. WOLVERTON. Will the gentleman answer this further question? Why should there be a load line then as between Oregon and Washington, by way of illustration, or between Georgia and New Jersey?

Mr. McKEOWN. It is the contention of some of the members of the committee that they are not included. I can not agree with that.

Mr. O'CONNOR of New York. Will the gentleman yield further?

Mr. McKEOWN. I yield.

Mr. O'CONNOR of New York. Speaking about schooners, has any load line been established for the rum runners?

Mr. McKEOWN. We are trying to put the Coast Guard out there to stop them and they are doing it rather effectively.

Mr. PURNELL. This is not a prohibition measure.

Mr. McKEOWN. I did not understand it had anything to do with prohibition.

Mr. PURNELL. It is not that kind of load line. [Laughter.]

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Nebraska. Does the gentleman have the approval of the admiral of the Oklahoma navy in his position?

Mr. McKEOWN. It has been submitted and found to be a very good bill and one that is very necessary. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. PURNELL. Mr. Speaker, I am assuming that the other Members who desire to ask questions are willing to ask them of the chairman of the committee when we go into Committee of the Whole, and if there is no further time desired by gentlemen on the other side, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. WHITE of Maine. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

The SPEAKER pro tempore. Does the gentleman wish to provide for control of the time? Under the rule it is to be equally divided between those favoring and those opposing the bill.

Mr. WHITE of Maine. Mr. Speaker, I presume I shall control the time in favor of the bill. I am not advised as to anyone in opposition to the bill.

Mr. WOLVERTON. Mr. Speaker, I may say to the gentleman that there are several of us who are opposed to the bill. Will the Chair grant one-half of the time to some one representing the opposition?

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that one-half of the time may be controlled by the gentleman from New Jersey [Mr. WOLVERTON] and one-half by myself.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that the time may be controlled one-half by himself and one-half by the gentleman from New Jersey. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1781, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. WHITE of Maine. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman and gentlemen of the committee, the necessity for this legislation is dictated by two major considerations. The load line is a mark placed upon the hull of the vessel below which it is unlawful or shall be unlawful to submerge that vessel.

SEVERAL MEMBERS. Above.

Mr. WHITE of Maine. That is, you can submerge the vessel to that load line, but you can not submerge it so the water is above the load line. It is dictated by two major considerations—first of all, so it seems to me, a proper regard for the safety of the ship, for the safety of the crew, and for the safety of the cargo.

The United States has enacted no load line law, but every other principal maritime nation in the world has one. So far as I know there is no outstanding maritime nation in the world that does not have a law on its statute books of this general character with this general purpose in view.

And so let me repeat that the prime reason for the legislation is safety. Then there is another consideration. I suppose that practically every maritime nation in the world has a load line of its own. Under the practice for many years past when a vessel of the United States without a load line goes into a port of a foreign country they have been obliged to place on the hull a load line worked out in conformity with the foreign law, at the dictation of the foreign government, or the foreign governments have been considerate enough to waive the provisions of their law and their penalties and permit our vessels to sail from their port.

It has been usual for many years with respect to American vessels leaving foreign ports to give assurance, and to constantly renew the assurance, that soon the United States would work out a load line bill of its own, and place American vessels on the same footing as the foreign ship.

Now I think it is time—I do not conceive that anyone can controvert the proposition that if American vessels are to have upon them a load line when clearing from a foreign port or going from our port to a foreign port—that that load line should be determined under the rules and authority of American law, and not be put on there by foreign authorities under the necessities of foreign law. And so, for these two major considerations, your Committee on Merchant Marine and Fisheries have unanimously reported this legislation to the House.

Mr. McDUFFIE. Will the gentleman yield? I had heard some suggestion that this legislation did not affect coastwise traffic.

Mr. WHITE of Maine. If the gentleman will permit, I will discuss that very briefly. The bill as passed by the Senate related only to vessels of 250 tons or over, engaged in foreign trade. In that form it met one of the necessities of the case; it took care of the situation so far as foreign legislation and foreign government was concerned, but it entirely neglected that other consideration to which I have alluded, the regard of the safety of the ship, the safety of the crew, and the safety of the cargo.

There is no nation in the world that has a coastline like that of the United States. No vessel of any other nation in the world engaged in its coastwise trade goes on a voyage comparable with a vessel on a coastwise voyage of the United States. Take as an illustration a vessel in the coastwise trade going from Boston to Pensacola or down around Florida up into the Gulf; she is on a voyage comparable with an oversea voyage or a trip to a foreign port. Every consideration of safety that demands a load line on a vessel in the foreign trade applies equally to a vessel of the United States engaged in that character of coastwise trade.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield at this point?

Mr. WHITE of Maine. Yes.

Mr. JOHNSON of Washington. About this amendment in section 9. I want to ask why a lumber schooner operating to and from territory contiguous to the United States should be exempted, when a lumber schooner loaded, we will say, on Grays Harbor for an American port should not be?

Mr. WHITE of Maine. There is not any sensible reason under the sun if we regard only safety.

Mr. JOHNSON of Washington. And why this amendment?

Mr. WHITE of Maine. We got into a very serious conflict in our committee over this bill. For the first time since I have been a Member of this House and on the Merchant Marine Committee, the American Steamship Owners Association, representing the largest group of steamship operators in the United States, came before our committee and urged that this load line should

apply not only to vessels in the foreign trade but should apply to our coastwise trade. Then immediately came the question as to whether there were not certain exceptions to that general rule which should be made. First of all, it was urged that we should except from that general provision trade on the Great Lakes, and there is a substantial, well-founded reason for excluding the Great Lakes. Not at any time are vessels long distances away from land. The harbor is always near at hand, and there is not too much water at the mouths of rivers and in ports. Then there is the further reason that Canada does not require a load line on her vessels on the Great Lakes so that the imposition of a load line on our vessels in the Great Lakes would involve a discrimination against our vessels as compared with Canadian vessels, and so we exempted the Great Lakes, and I think for sound reasons. Then the question came up about barges.

There were interests which appeared before the committee and insisted that barges should be exempted from the operation of the law, pointing out that barges did not have motive power of their own, but were always towed by some vessel having motive power; that that vessel was always near at hand, ready to lend aid in case of distress; and that those vessels were of a type which calls for loading until the vessel sat deep into the water. Then came this question of the lumber schooner. It was urged by interests on the Pacific coast that the lumber schooner was very similar to the barge; that it carried a small crew; that it was loaded with lumber, which was in itself buoyant; and that there was no great need for the imposition of these requirements upon the lumber schooners. After a very warm discussion in our committee, and a very decided difference of opinion, the committee voted these two exceptions.

Speaking now for myself, I think the exception of the Great Lakes is logical; but I think there is no logic in excepting either lumber schooners or barges and applying the requirements of the load line law to the balance of our coastwise or domestic trade, and that logically we ought to include within this bill both the barges and the lumber schooners or we should exclude altogether the coastwise trade from the operation of the law. I express the opinion that the load line should apply to every type of vessel falling within the general description of the bill, other than vessels upon the Great Lakes.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LEHLBACH. Do I understand that the gentleman will support any modification of the bill as it was reported from the committee?

Mr. WHITE of Maine. I have answered the question as to what my individual view is. I will not support an amendment that modifies the terms of the bill, because I conceive that as chairman of the committee it is my obligation to defend as best I may the action of the committee, and I am going to stand for this bill in the form in which my committee voted it out. I do that as chairman of the committee and as a servant of the committee, submerging my own individual views.

Mr. LEHLBACH. And as the gentleman has stated, and is the fact, this bill was reported out unanimously as a compromise, in which almost every member of the committee yielded his opinion on certain particulars.

Mr. WHITE of Maine. That is true.

Mr. LEHLBACH. If the gentleman who is in charge of the bill and will nominally support the bill in its entirety is inviting amendments to it, I wonder how far the rest of us are bound to support the bill as it is?

Mr. WHITE of Maine. Mr. Chairman, I grant the force of the gentleman's criticism, and of course that is what it is, but I do not retract what I said. I am going to support this committee bill. I realize that to speak individually while I am at the same time speaking as chairman of the committee is perhaps an unwise thing to do.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. BRIGGS. Is it not a fact that Congress has had before it for about 10 years the question of passing load-line legislation for the safety of the ships and lives of the passengers and the crews on those vessels at sea, that the United States vessels have been practically the only ones of any seafaring nation in the world that have not had the load line, and that our vessels have been subjected in the ports of foreign countries to compliance with load-line provisions of other countries and then only by sufferance, and subject otherwise to penalties, and so forth, which have militated against our shipping, and is it not a fact that in order to get some legislation at this session of Congress every member of the committee submerged some of his views in order to get the bill reported out?

Mr. WHITE of Maine. That is true.

Mr. BRIGGS. And I am standing by the committee.

Mr. WHITE of Maine. May I say one more word in response to the remarks made by the gentleman from New Jersey? His criticism may be sound, yet I was not inviting amendments. I knew they were coming.

Mr. WAINWRIGHT. If the gentleman will yield, if it is wise to make exception of vessels that come from Nova Scotia and Newfoundland into ports of the United States on the Atlantic coast, why not make some exception on lumber schooners coming from ports in the gentleman's own State and other ports in the United States?

Mr. WHITE of Maine. The bill as it is now written does except from the operation of the load line law vessels moving from my State to Canadian points.

Mr. WAINWRIGHT. It does not indicate outside of Canadian points and not vessels from the ports in the gentleman's own State to ports in other States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Maine. Will the gentleman from New Jersey use some of his time?

Mr. WOLVERTON. I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and members of the committee, on page 9, line 9, you will find section 9, an amendment by the Committee on Merchant Marine and Fisheries to the Senate bill. It reads as follows:

SEC. 9. This act shall not apply to vessels operating exclusively on the Great Lakes or to barges otherwise coming within the provisions of this act or to lumber schooners operating to and from territory contiguous to the United States.

That is a strange thing. Can you imagine a lumber schooner being required to have a load line, load at Grays Harbor to San Francisco or San Pedro, when that same schooner could have no load line if loaded for any ports in Mexico? The whole of it goes to contiguous territory.

Mr. MICHENER. Is not the real purpose of that exemption to permit your lumber vessels to compete with the Canadian lumber vessels?

Mr. JOHNSON of Washington. I presume the great bulk of the lumber schooner's cargo goes to California points.

Mr. MICHENER. Is not that the real point to it?

Mr. JOHNSON of Washington. I think only in part. But these lumber schooners are lumber schooners. One week they load for San Francisco and the next week they load for a port in Mexico or load for Panama, and it strikes me there is somewhat of an incongruity here.

Mr. NEWTON. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. NEWTON. If Canada requires a load line on commerce on the ocean, then this would give the American ships an advantage in that kind of trade to and from Canada.

Mr. JOHNSON of Washington. I will try and inform myself. I am not informed at present. Now, in reference to these lumber schooners, they have what is known as the Grays Harbor type of schooner, quite a large number of a scooped-out type. When they load this lumber they are not dangerous and the crews are not in danger. The captain and the crew's quarters are at one end. That is the kind of boat they use.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there for a question?

Mr. JOHNSON of Washington. Yes.

Mr. MONTAGUE. Is Grays Harbor in the United States?

Mr. JOHNSON of Washington. Yes. It is in the southwestern part of the State of Washington, on the ocean.

Mr. MONTAGUE. I understood the gentleman to say that if you had a vessel going out of Grays Harbor to a California point you would have to have a load line?

Mr. JOHNSON of Washington. Yes.

Mr. MONTAGUE. Does not this exempt such a vessel?

Mr. JOHNSON of Washington. No.

Mr. MONTAGUE. This does not apply to the lumber schooners that operate to and from territory contiguous to the United States?

Mr. JOHNSON of Washington. It applies to coastwise schooners and not to vessels going to contiguous countries.

Mr. MONTAGUE. If it goes to a port in the United States it must have a load line, but if it goes to the Mexican coast it requires no load line?

Mr. JOHNSON of Washington. No.

Mr. WHITE of Maine. This is confined to lumber schooners?

Mr. JOHNSON of Washington. Yes. That is what I am talking about.

Mr. WHITE of Maine. Mr. Chairman, we have only one other speaker.

Mr. WOLVERTON. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

The CHAIRMAN. The gentleman from New Jersey is recognized for 10 minutes.

Mr. LEHLBACH. Mr. Chairman, this bill was reported to the House by the Committee on the Merchant Marine and Fisheries without having behind it the complete satisfaction of any member of the committee that I know of. It is essentially a bill of compromise in order to secure a report.

Now, the situation leading to this legislation at this time and making it emergency legislation is this: That all maritime countries, with the exception of the United States, have a load line, and they have load-line legislation, just as is contained in this bill. Such legislation provides that any ship that enters or clears the ports of a nation having a load line must have that nation's load line and comply with the regulation applicable thereto, or else it can be detained, fined, subjected to penalty, and refused clearance until after a survey, and thereupon the affixing of that nation's load line; unless the country under whose registry the visiting ship sails has load-line legislation approved by maritime circles and the ship has complied with its provisions. In that case the load line of the ship's country is accepted.

That is true of Great Britain, and of Germany, and of France, and of the Netherlands, and of Belgium, and of all the Scandinavian countries. It is true of every civilized maritime country except the United States.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SCHNEIDER. How is it applied in Canada?

Mr. LEHLBACH. I do not know, except that the Canadians do not apply load-line regulations to ships on the Great Lakes. I do not know for certain whether they apply it on the coast or not. But I understand that all the dominions follow the load-line legislation of Great Britain throughout the British Empire.

We have in the past year or so become more and more engaged in trade wars and in keen competition for commerce with various nations, chiefly Great Britain. We have attempted to undersell and overbid in accommodations their line, recently established, sailing between New York and Habana, Cuba. We have gone out of the North Atlantic conference and started to a certain extent a rate war with our Government-operated vessels against Great Britain and the Netherlands. We are increasing this kind of competition and engendering the bitterness that inevitably flows from it.

Now heretofore these maritime nations with load-line legislation have as a matter of courtesy made exceptions of the ships of the United States on the plea that Congress would shortly enact load-line legislation for the ships flying the American flag. Now rumblings and grumblings and pointed inquiries from foreign nations with whom we are entering into this acrimonious competition are heard, "When are you going to get a load line?" and "How long must we be expected to act on promises?"

We are in a position where at any time any or all of these nations can outlaw our ships and cause disaster unimaginable to the American merchant marine. The State Department, through its foreign representatives and as a result of its study of the situation in this country, has urged both the House and Senate immediately to pass load-line legislation applicable to ships in foreign commerce, or, as it is expressed in the Senate bill, ships which are engaged in foreign voyages by sea. The Senate took up this matter and passed a load line bill applying exclusively to ships in foreign trade in order to meet the emergency which exists at the present time, and to avert the possible danger that might result if such legislation were not speedily passed. The request of the State Department has been seconded by the United States Shipping Board, which has become fearful of the penalties and harassment that might result from the absence of load-line legislation in foreign commerce. The Senate passed a bill providing for load-line legislation and applied it exclusively to vessels in foreign commerce, because that is where the emergency lies. When that bill was passed in the Senate without providing for coastwise or intercoastal load commerce, which is exclusively engaged in by ships of American registry, those engaged in various kinds of coastwise trade were lulled to sleep as well as various interests which indirectly are entitled to a say with respect to load-line legislation as applied to the coastwise trade. There were no hearings advertised on the subject of coastwise load-line legislation, but hearings were called on a Senate bill that exclusively applied to foreign-going vessels.

The American Steamship Owners Association, of which some are in the foreign trade, where the load line would necessarily be applicable, and a greater number engaged in the coastwise trade, were perfectly willing to accept coastwise load line legislation in order to eliminate the competition they were laboring under as furnished by barges and lumber schooners, which carry cargoes of either lumber or coal.

Mr. McDUFFIE. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. McDUFFIE. Will the gentleman kindly tell us to what extent our failure to provide load lines on our vessels has interfered with or hampered our commerce?

Mr. LEHLBACH. I just said that our commerce in the foreign ports of the world is at the sufferance and through the courtesy of the nations whose ports we visit, and they can stop it any day they feel like doing so. They have not stopped us as yet, but they are hinting that they will stop us unless we stop competing with them.

Mr. BLAND. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BLAND. As early as 1909 Great Britain was calling on this country to adopt a load line law, was it not?

Mr. LEHLBACH. Yes; and if we do not adopt it at this session I will not answer for our merchant marine in the foreign trade. So it seems to me it is necessary to pass this measure at once.

Mr. O'CONNOR of New York. How does that apply to a coastwise vessel?

Mr. LEHLBACH. It does not apply at all. A law that will protect our commerce against the application of foreign load-line legislation does not have anything to do with the coastwise trade at all, because no vessel can ply in that trade unless it is under American registry. The Senate passed a bill to meet this emergency. It did not go into the ramifications of coastwise load-line legislation at all. The House committee insisted on doing it, although the committee knew it was endangering the passage of the legislation at this session when they did so. Not having heard from the coastwise people and not having had an opportunity to give them an informative hearing, the committee included the coastwise trade and then began butchering the provision, taking out the Great Lakes, the barges, and then the lumber schooners that ply from Seattle to Canada but not from Seattle to San Francisco, a most illogical proposition.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. WOLVERTON. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. WAINWRIGHT. I think those of us who are doubtful about the bill concede everything the gentleman has said except with respect to the question of the coastwise trade.

Mr. LEHLBACH. Why on earth are we legislating about the coastwise trade when there is no present emergency with respect to that at all? [Applause.]

Mr. BACON. Why should we not pass the bill as it passed the Senate?

Mr. LEHLBACH. Why, that is the sensible thing to do. Restore the word "foreign" in line 8, on page 1, and you have the Senate bill. The other amendments do not amount to much anyhow.

Mr. WELSH of Pennsylvania. If the gentleman will yield, will the gentleman offer a motion to amend the bill in that way?

Mr. LEHLBACH. I am in the same position, exactly, as the chairman of my committee. We are supposed to be committed to the bill as reported, but if he knocks portions of the bill that I want in, I am going to knock portions of the bill that he wants in. [Laughter.]

I think the sensible thing to do is to take the Senate bill and vote down every committee amendment and pass it. Then it will go to the President and our merchant marine will be safe. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, the opportunity you have for passing some load-line legislation this year is better than it has ever been since my service in the Congress.

The Senate bill deals with the foreign trade only. Up until this year the coastwise trade has been very resistant against inclusion in any such legislation; but the president of the American Steamship Owners Association came before our committee this year voluntarily and asked that the coastwise and intracoastal services be included in the load-line legislation. He took occasion to state that the steamship association represented 52 steamship companies, including ships aggregating 3,780,000 tons and 655 vessels. He then went on and gave us the following long list of steamship companies, tonnages and ships embraced in the American Steamship Owners Association:

Mr. WALKER. H. B. Walker, president American Steamship Owners Association, representing 52 steamship companies, a list of which I will file with the secretary, 3,780,564 gross tons, and 655 vessels.

Mr. ABERNETHY. Are any of those in the coastwise trade?

Mr. WALKER. Some coastwise, some intercoastal, and others in the interforeign trade.

The list above referred to is as follows:

LIST OF MEMBER COMPANIES OF THE AMERICAN STEAMSHIP OWNERS ASSOCIATION

American-Hawaiian Steamship Co., 8 Bridge Street, New York, N. Y.
American Line Steamship Corporation, 1 Broadway, New York, N. Y.
American South African Line (Inc.), 39 Cortlandt Street, New York, N. Y.
American Sugar Transit Corporation, 117 Wall Street, New York, N. Y.
Argonaut Steamship Line, 26 Beaver Street, New York, N. Y.
The Atlantic Refining Co., 260 South Broad Street, Philadelphia, Pa.
Barber Steamship Lines (Inc.), 17 Battery Place, New York, N. Y.
Bliss, Dallett & Co. (Red "D" Line), 82 Wall Street, New York, N. Y.
A. H. Bull Steamship Co., 40 West Street, New York, N. Y.
Calmar Steamship Corporation, 25 Broadway, New York, N. Y.
Chile Steamship Co. (Inc.), 25 Broadway, New York, N. Y.
Cities Service Transportation Co., 60 Wall Street, New York, N. Y.
Clyde Steamship Co., Pier 36, North River, New York, N. Y.
Colombian Steamship Co. (Inc.), 17 Battery Place, New York, N. Y.
Colonial Navigation Co., Pier 44, North River, New York, N. Y.
Dollar Steamship Co., 230 California Street, San Francisco, Calif.
Eastern Steamship Lines (Inc.), India Wharf, Boston, Mass.
Freeport Sulphur Transportation Co., 52 Wall Street, New York, N. Y.
Grace Line (Inc.), 10 Hanover Square, New York, N. Y.
Great Northwestern Shipping Corporation, 39 Broadway, New York, N. Y.
Gulf Refining Co., 21–24 State Street, New York, N. Y.
Hartford & New York Transportation Co., 283 State Street, Hartford, Conn.
Luckenbach Steamship Co. (Inc.), 44 Whitehall Street, New York, N. Y.
C. D. Mallory & Co. (Inc.), 11 Broadway, New York, N. Y.
Mallory Steamship Co., Pier 36, North River, New York, N. Y.
Matson Navigation Co., 215 Market Street, San Francisco, Calif.
Moore & McCormack Co. (Inc.), 5 Broadway, New York, N. Y.
Munson Steamship Line, 67 Wall Street, New York, N. Y.
New York & Cuba Mail Steamship Co., foot of Wall Street, New York, N. Y.
New York & Porto Rico Steamship Co., 25 Broadway, New York, N. Y.
North Pacific Division of the Grace Line, 10 Hanover Square, New York, N. Y.
Ore Steamship Corporation, 25 Broadway, New York, N. Y.
Pan American Petroleum & Transport Co., 120 Broadway, New York, N. Y.
Panama Mail Steamship Co., 10 Hanover Square, New York, N. Y.
Peninsular & Occidental Steamship Co., Florida Life Building, Jacksonville, Fla.
Pocahontas Steamship Co., 1 Broadway, New York, N. Y.
Southern Pacific Steamship Lines, Pier 49, North River, New York, N. Y.
Southern Steamship Co., 321 Commercial Trust Building, Philadelphia, Pa.
C. H. Sprague & Son, 33 Broad Street, Boston 9, Mass.
Standard Oil Co. (California), 200 Bush Street, San Francisco, Calif.
Standard Shipping Co., 26 Broadway, New York, N. Y.
Standard Transportation Co., 26 Broadway, New York, N. Y.
Strachan Shipping Co., Brunswick, Ga.
Sun Oil Co., 1428 South Penn Square, Philadelphia, Pa.
The Texas Co., 17 Battery Place, New York, N. Y.
Tide Water Oil Co., 11 Broadway, New York, N. Y.
Union Oil Co., of California, Union Oil Building, Los Angeles, Calif.
Union Sulphur Co., 33 Rector Street, New York, N. Y.
United Fruit Co., 1 Federal Street, Boston, Mass.
United States Steel Products Co., 30 Church Street, New York, N. Y.
Vacuum Oil Co., 61 Broadway, New York, N. Y.
Williams Steamship Co. (Inc.), 11 Moore Street, New York, N. Y.

American Steamship Owners Association—tonnage and number of ships

Member company	Gross tonnage	Number ships
American-Hawaiian Steamship Co	147,573	22
American South African Line (Inc.)	28,204	5
American Sugar Transit Corporation	19,322	5
Argonaut Steamship Line	48,044	8
The Atlantic Refining Co	107,099	18
Barber Steamship Line (Inc.) (American-West African Line)	54,362	10
Bliss, Dallett & Co. (Red "D" Line)	16,553	6
A. H. Bull Steamship Co	62,172	20
Calmar Steamship Corporation	41,257	7
Chile Steamship Co. (Inc.)	20,632	4
Cities Service Transportation Co	[1] 39,411	[1] 6
Clyde Steamship Co	56,091	14
Colombian Steamship Co. (Inc.)	12,950	5
Colonial Navigation Co	5,775	4
Dollar Steamship Co	[1] 185,161	[1] 12
Eastern Steamship Lines (Inc.)	88,958	31
Freeport Sulphur Transportation Co	8,614	2
Grace Line (Inc.) (and Nosa Line)	54,067	11
Great Northwestern Shipping Corporation	4,826	1
Gulf Refining Co	165,560	25
The Hartford & New York Transportation Co	5,960	4
Luckenbach Steamship Co. (Inc.)	148,023	19
C. D. Mallory & Co. (Inc.)	140,730	20
Mallory Steamship Co	44,965	11
Matson Navigation Co. (Pacific)	134,481	22
Moore & McCormack Co. (Inc.)	55,618	13
Munson Steamship Line	[1] 93,794	[1] 16
New York & Cuba Mail Steamship Co	43,660	9
New York & Porto Rico Steamship Co	40,741	10
North Pacific Division of the Grace Line (Pacific)	32,583	6
Ore Steamship Corporation	71,547	9
Pan American Petroleum & Transport Co	175,664	31
Panama Mail Steamship Co. (Pacific)	23,724	6
Peninsular & Occidental Steamship Co	6,742	3
Pocahontas Steamship Co. (Inc.)	23,851	6
Southern Pacific Steamship Lines	129,470	23
Southern Steamship Co	18,407	7
C. H. Sprague & Son (Inc.)	18,335	4
Standard Shipping Co	330,502	40
Standard Oil Co. of California (Pacific)	[1] 112,679	[1] 17
Standard Transportation Co	232,650	33
Strachan Shipping Co	[2] 17,000	[2] 3
Sun Oil Co	69,624	9
The Texas Co	125,647	22
Tide Water Oil Co	54,085	9
The Union Sulphur Co	20,874	5
Union Oil Co. of California (Pacific)	74,641	12
United Fruit Co	104,642	24
United States Steel Products Co	193,932	34
Vacuum Oil Co	48,110	8
Williams Steamship Co. (Inc.)	21,252	4
	3,763,564	652

[1] Taken from 1928 reports. [2] Estimated.

Mr. Walker also testified before our committee, as follows:

Mr. WALKER. As I say, it is recommended that the word "foreign" be deleted and thus make the requirements of the bill applicable to all American flag vessels of 250 gross tons and over.

Inasmuch as the function of load-line regulations is to insure, as far as humanly can, safety to life and property at sea, there is no logical reason why the determination of a maximum safe load line should not apply to vessels in the coastal and intercoastal trades with the same force as to those vessels making a foreign voyage by sea. This does not mean that a vessel engaged in the coastwise trade shall be restricted to the same loaded draft as a similar vessel running in a foreign voyage—but if a body of practical men assisted by experts can determine what is the safe loaded draft for a vessel engaged in a foreign voyage, those same practical men and experts can also determine the safe loaded drafts for vessels engaged in coastwise and intercoastal trades.

The determination of maximum load lines for vessels engaged in the coastal and intercoastal trades will tend to the lowering of marine insurance rates for the reason it will put a curb upon the overloading by certain unscrupulous shipowners, which forces, by reason of keen competition, other owners engaged in the same trades to overload their vessels against their better judgment. This overloading results in excessive voyage damages, to cover which the insurance companies must keep up premium rates and, at the same time, it places the lives of the crew in greater jeopardy.

The majority of the shipowners in this country are members of the American Steamship Owners Association. The majority vote of those members were strongly in favor of applying load-line regulations to coastwise and intercoastal vessels as well as to vessels in the overseas trades.

Mr. PEERY. Will the gentleman yield right there?

Mr. BRIGGS. Yes; I will be pleased to yield.

Mr. PEERY. Did he request that any exceptions be made of the three classes you have engrafted on the bill here?

Mr. BRIGGS. Not one that I know of. On the contrary, his contention was that if you are making this bill to provide a line of safety for ships at sea for the passengers and crews, as well as the ships themselves, you should establish it generally.

But your committee has been confronted with a practical proposition that every Member of this Congress has met, and that is the proposition of getting through some load-line legislation. We have had difficulty in getting through any kind of such legislation. First one objection and then another objection

has been lodged against load-line bills from those who feared that they might be harmed. There is nothing in the bill, in my opinion, that can be harmful. If you do not overload your ship, you do not suffer anything.

The American Steamship Owners Association, including the large coastwise steamships, admit there is no reason why you should put a load-line mark on a ship going into the foreign service and not on one going into the coastwise service, but you have tremendous opposition from the barge owners threatening the passage of the bill.

We also had opposition from the lumber schooners on the Pacific coast, although they were ultimately willing to accept the provisions of the bill under which the Secretary of Commerce may prescribe the load line for that class of vessels; but when the barge lines went out they wanted to go out, and now we have this further amendment.

I say you now have an opportunity to protect the people of the United States who travel on ships and to protect the crews that go on the ships; and while this legislation which is presented to you evidences some yielding on the part of those who feel that all ships ought to be included, yet some exceptions were made in order that we may get a tremendous and a splendid advance along lines of safety of life and property comprising the great bulk of American shipping in foreign and domestic commerce.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. WAINWRIGHT. Can the gentleman see any reason why Canadian lumber schooners should be excepted and Maine lumber schooners should not be excepted?

Mr. BRIGGS. The gentleman must know I can not; and there is no such exception in trade between the United States and Canada; and so far as I am concerned, if exceptions are to be made, I see no objection to your including lumber schooners engaged in coastwise trade as well as those in trade along the coast with contiguous countries, as the amendment already provides. The gentleman who proposed that amendment was apparently satisfied, however, and came from the Pacific coast, where apparently they had the largest lumber trade of that character; and that was the only trade that objected and raised any question about it outside of the barge lines and Great Lakes.

Mr. WAINWRIGHT and Mr. BEGG rose.

Mr. WAINWRIGHT. I simply wish to make a statement in connection with my former question. I simply wish to say that those of us who represent maritime districts on the Atlantic coast have been hearing quite strongly from representatives of the sailing-ship owners and the lumber-schooner owners on the Atlantic coast.

Mr. BRIGGS. I see no objection to it so far as the lumber schooners are concerned. It was my understanding they were really out of the bill, together with those who were dealing with contiguous territory to and from the United States and Canada or Mexico.

Mr. SCHAFER. Will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. SCHAFER. We have heard a great deal about how the shipowners feel about the proposed legislation. I rise to inquire whether or not the representatives of the Seamen's Union appeared before the committee.

Mr. BRIGGS. They appeared before the committee and favored the bill, only they wanted an all-inclusive bill. I have always entertained the same views; but it is a question of what we can get.

Mr. SCHAFER. If it is good for one, why is it not good for all?

Mr. BRIGGS. I think it is particularly good, if you can get it, for all; but if you can not get it for all, let us not deprive the people of the country from getting as much as they can get.

THE TARIFF HEARING

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to speak for one minute out of order.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to speak for one minute out of order.

Mr. BEGG. The gentleman can not do that without getting time from the gentleman in control of the time.

The CHAIRMAN. The House has fixed the time.

Mr. WOLVERTON. Mr. Chairman, I yield one minute to the gentleman from Oregon.

Mr. HAWLEY. Mr. Chairman and gentlemen, so far in the hearings on the readjustment of tariff schedules we have proceeded in the numerical order of paragraphs, but on account of the widely scattered number of people that want to be heard on paragraphs 311, 312, and 313, the administrative schedules, and the drawback provisions, the committee has fixed the hearings on those paragraphs for Tuesday, February 26, at 1.30 o'clock p. m.

LOAD LINE FOR AMERICAN VESSELS

Mr. WOLVERTON. Mr. Chairman, I yield three minutes to the gentleman from Virginia [Mr. PEERY].

Mr. PEERY. Mr. Chairman and gentlemen, I am heartily in favor of the Senate bill. I think that bill, with some minor amendments, will fulfill the demand for legislation of this kind. The gentleman from New Jersey [Mr. LEHLBACH] has told you of the necessity for this legislation as applied to American vessels plying in the foreign trade. I am opposed to most of the amendments which the House committee has put into this bill. We are all in accord with the underlying principle of the bill to provide for the safety of seamen engaged in the performance of their duty, but we are told, and it is manifest here, that if you base it on that principle it should apply to all classes of ships engaged in foreign trade and coastwise trade. I will go with them if they want to make it apply to foreign trade and coastwise trade. But difficulty arises when you come to engraft exceptions on that proposition. When you depart from its application to all vessels and begin to draft exceptions you get into trouble.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. PEERY. I will.

Mr. COOPER of Wisconsin. Where are these exceptions the gentleman speaks of?

Mr. PEERY. The exceptions are in section 9, where it excepts vessels of the Great Lakes, barges and lumber schooners that run to contiguous territory.

Mr. BEGG. Will the gentleman yield?

Mr. PEERY. Yes.

Mr. BEGG. Does the gentleman have any information as to the percentage of accidents on the Great Lakes which are due to overloading?

Mr. PEERY. No; I am not a member of the committee, and I am sorry I can not give the gentleman that information.

Now, I want to give you a specific instance. We have certain coastwise vessels engaged in the coal trade and there are barges engaged in the coal trade. That business has grown up under the law as it is; with no load line. If you engraft the exceptions which apply to vessels engaged in the coastwise trade and except barges, it is apparent that you may work a serious injustice. For that reason I think that this House should vote for the Senate bill. That is my position.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. PEERY. I will.

Mr. JOHNSON of Washington. The gentleman says that the barge with no load line would give them an advantage over ships that have a load line.

Mr. PERRY. Yes; it would give them an advantage.

Mr. WHITE of Maine. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Maine has 10 minutes remaining and the gentleman from New Jersey has 9 minutes remaining.

Mr. WHITE of Maine. Mr. Chairman, I have but one more speaker, and I ask the gentleman from New Jersey to now utilize his time.

Mr. WOLVERTON. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman, I am one who believes that half a loaf is better than no bread. I am one of those who believe that in taking up the question of American shipping we must make a clean-cut distinction between foreign shipping and our strictly local or coastwise shipping. They are two different and separate problems, and I greatly regret that the committee has seen fit to engraft on the Senate bill any regulation concerning our coastwise shipping.

Mr. FREE. Mr. Chairman, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. FREE. Does the gentleman know that both the shipowners of the Pacific coast and the Atlantic coastwise shippers have asked to come in under this bill?

Mr. WELSH of Pennsylvania. I know that, because that appears in the hearings, but so far as Philadelphia is concerned, those who want our flag not to be driven from the seas we feel that the best way to promote the interests of American shipping is not to hamper it by unnecessary legislation. I would like the gentleman to point out anything in the hearings which shows there has been any necessity for this legislation.

Mr. FREE. Does the gentleman know that foreign ships can not compete in the coastwise trade, that it is protected?

Mr. WELSH of Pennsylvania. Yes; but the more we hamper American shipping and the more we hinder it by legislation, the

fewer ships we will have floating on the seas and the fewer men we will have to sail those ships. No necessity for this legislation has been shown, and I hope the Committee of the Whole will see to it that there is an amendment placed in this bill which will confine the bill to its original purpose, as it passed the Senate. I asked my colleague, Mr. LEHLBACH, as a member of the committee, whether he would sanction such a motion. Whether he will or will not I do not know, but if he does not propose such an amendment, then I have such an amendment which I shall propose to section 9 of the bill, so that all our coastwise shipping, sail and steam, shall be exempted.

Mr. SHREVE. And what disposition does the gentleman propose to make of the Great Lakes?

Mr. WELSH of Pennsylvania. I understand that the Great Lakes shipping is exempted.

Mr. SHREVE. We want to be sure about that.

Mr. WELSH of Pennsylvania. Yes. The amendment which I have in mind is to exempt all lumber ships, whether they go to the United States or South American ports. The more lumber you have on a lumber ship, the bigger raft you have, and you can not sink one. It is a ridiculous proposition to say that a lumber ship can not be loaded below a Plimsoll mark. A Plimsoll mark is not necessary on lumber ships. We get great quantities of hard wood from South America. It comes into the port of Philadelphia and also into the district of the gentleman from New Jersey [Mr. WOLVERTON]. The piano manufacturers and the musical instrument manufacturers need these woods. I hope the committee will confine the bill to its original purpose. If not, I shall vote against the whole bill.

Mr. WOLVERTON. Mr. Chairman and members of the committee, this bill establishing load lines for American vessels, as passed by the Senate, relates solely and entirely to cargo-carrying vessels of 250 gross tons, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage by sea. The purpose of the Senate bill was to meet the situation that had arisen by reason of the intention of some foreign countries to enforce their load line laws against our vessels entering their ports. If such a threat should be carried into effect, it would be a serious handicap to our foreign shipping. This bill, in the form in which it passed the Senate, would provide the necessary relief to American shipping and would protect our shipping from the delays and annoyances that might otherwise occur. In other words, every necessity from an international standpoint would be taken care of by the bill as it was passed in the Senate. The House committee to whom it was referred, however, has widened the scope of the bill by making it apply to vessels engaged in coastwise as well as foreign trade. While the committee has thus widened the effect of the bill, it has, nevertheless, by the addition of section 9, provided certain exceptions to certain classes of domestic shipping. Section 9 of the bill provides that the act shall not apply to vessels operating exclusively on the Great Lakes, or to barges, or to lumber schooners operating to and from territory contiguous to the United States.

Reasons have been given for the elimination of vessels operating on the Great Lakes, and also barges, but no satisfactory explanation has been given why only lumber schooners operating to and from territory contiguous to the United States should be exempted. My objection to that section is based on that particular exception because it is not broad enough to include lumber schooners plying between our own States. I can not see why there should be any distinction. Whether you look at it from the standpoint of safety to our seamen, or any other viewpoint, there is no reason for a distinction to be drawn between a lumber schooner operating, for instance, between a port in the State of Washington to a port in Canada or Mexico, and a vessel operating between a port in the State of Washington and a port in the State of California. The former schooner is given a preference by the exemption granted it by section 9, while the latter schooner, operating between two ports within our own country, comes within the operation of this bill. Furthermore, I am conscious of the direct bearing this provision has upon my own State and other States that receive lumber by schooners from either the Carolinas or elsewhere.

The effect of the bill, as presently drawn, would undoubtedly increase the present shipping rates and this would add to the ultimate cost of lumber to the consumer. Of course, if safety to seamen was the basic reason, there would be no objection made, but such is not the case. The fact that the committee has exempted lumber schooners operating between this country and contiguous territory is sufficient proof that the element of safety is not necessary to be considered. In fact, the testimony of Capt. Walter J. Petersen, representing the Pacific-American Steamship Association and the Shipowners' Association of the Pacific coast, clearly and forcefully proves the absence of danger in the operation of lumber schooners. On January 21, 1929, he testified before the Merchant Marine and Fisheries Committee of this House, and said:

> In a survey of marine accidents and total losses on the Pacific coastwise ships from 1907 to 1928, it will be seen that the overloading of ships has had but little, if anything, to do with the total losses, accidents, or loss of life. * * * There is no record during this period of time of a lumber-loaded steam schooner sinking, as it is practically impossible to sink a vessel loaded with a cargo of lumber.

He then further said:

> There is no record during this period of time of a lumber-loaded steam schooner sinking as it is practically impossible to sink a vessel loaded with that kind of lumber.

Therefore, it would seem that the argument that has been advanced by some that this bill affords a necessary protection to seamen, certainly does not apply to those operating lumber schooners, nor have we been shown why, if it does promote safety, there should be a distinction made between a lumber schooner operating between this country and contiguous territory and one operating between different States in our own country.

Mr. DAVIS. Will the gentleman yield?

Mr. WOLVERTON. I will.

Mr. DAVIS. In reply to the gentleman's question I want to state it has already been stated that exception was made in this particular instance so that our lumber schooners would be at no disadvantage or different situation with Canada and Mexico steamers; but with respect to lumber schooners operating coastwise and intercoastal they will have no competition except by other American steamers, and all of them be on the same footing. That is the reason for the distinction.

Mr. WOLVERTON. Notwithstanding the explanation that has just been given by the gentleman from Tennessee, I see no reason why the distinction should exist, and judging from the statements made to-day upon this floor by members of the committee who have not understood the reason for any distinction in the bill it seems to me that with great propriety the amendment which has been suggested by several Members and that would remove this unwarranted and unfair distinction should be accepted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Maine. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee [Mr. DAVIS].

The CHAIRMAN. The gentleman from Tennessee is recognized for 10 minutes.

Mr. DAVIS. Mr. Chairman and members of the committee, I regret very much to see the plane upon which this debate has been pitched. Nearly all of the speeches have been predicated solely and alone upon selfishness, utterly disregarding the purpose of load-line legislation, the protection of life and property at sea. Every other important maritime nation on earth to-day has load-line legislation applying to all of its own vessels, both in the foreign trade and in the coastwise trade. For instance, in the case of Great Britain it applies to all of their vessels in the foreign trade and in the coastwise trade and between Great Britain and all of her possessions, and it applies to all vessels of 80 tons or over, whereas we except from the provisions of this bill all vessels of every character under 250 tons. Why have all of the other important nations on earth adopted load-line legislation? Was it because of selfishness? Was it because somebody else had it? Was it because they were afraid that they would be at a disadvantage if they did not adopt it? No; it was done for the purpose of protecting life and property at sea. [Applause.]

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. DAVIS. I am sorry I can not, my time is so limited. Now, in other words the representatives of the people in those countries were willing to protect their citizens, both seamen and passengers, upon ships, and legislation of this kind was enacted almost without opposition, even from the steamship interests.

And yet a small minority of the American shipping interests come in here and have been sending their propaganda telegrams to certain Members of Congress misrepresenting the facts, according to some of these telegrams I have seen, wanting to defeat the bill unless they are exempted. If you exempt everybody from the provisions of this bill except those engaged in the foreign trade, you exempt from the provisions of the bill 90 per cent of American vessels. In other words, only 10 per cent of our ships are engaged in the foreign trade. Yet it is a matter of common knowledge that frequently there is as much danger to life and property on coastwise and intercoastal vessels as there is in the foreign trade. We have numerous vessels engaged in the coastwise and intercoastal trade which sail through all the seas, in all kinds of weather, and making trips

as long as or longer than many of those engaged in the foreign trade. So that there is just as much reason from the standpoint of danger to apply it to the coastwise trade, as is done in all other enlightened countries, as to apply it to those engaged in the foreign trade.

I, for one, am opposed to the legislation if the coastwise trade is exempted, save the exceptions in section 9, and that was a compromise.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BEGG. Has the gentleman any information he can give us about the loss of life by reason of overloading in the case of American vessels as compared with those of Great Britain and other countries?

Mr. DAVIS. I can not give comparative figures, but witnesses have appeared before us when, during the last 8 or 10 years, we have been considering this question, who gave us numerous instances where our vessels went down, and the cause assigned was overloading, according to the reports and from all information available. Of course, when most ships go down there is no way of telling why, because there is no evidence left. Marine disasters are very numerous. All that this law does is to authorize the Secretary of Commerce to have load lines placed upon those vessels, and the only restrictions are that these load-line marks shall be so placed that the ship shall not be loaded beyond the line of safety.

This bill will not hurt any shipowner who does not overload his ships. No man will oppose the bill unless he deliberately intends to overload his vessel and thus endanger the lives and property of American citizens by so doing.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield there?

Mr. DAVIS. Yes.

Mr. COOPER of Wisconsin. There is no opposition to this bill by sailors before the mast, engaged in the navigation of the ships?

Mr. DAVIS. No. They have always advocated load-line legislation without exception. However, they do not want exceptions made.

Mr. COOPER of Wisconsin. But they are the ones who are absolutely powerless to help themselves in the matter?

Mr. DAVIS. Yes. Unless we help them, they can get no help.

I regret the grounds on which opposition to this bill is based. Are we not as humane and as solicitous of the preservation of the lives of our citizens as other countries are of their people? If we do not pass this bill with the committee amendments we will not be as considerate as other nations have shown themselves to be of their seamen, of the passengers, and of property.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. DENISON. Does this bill apply to vessels with a load on the upper deck?

Mr. DAVIS. That is a question that can not very well be answered, for this reason: Lumber schooners load inside and on the deck, and a different load line will have to be made upon them from that of the ordinary cargo vessel. But the Secretary of Commerce is given the widest sort of latitude, and the amendments which we propose to make to the Senate bill, as you will find, if you will turn to page 2 of the bill, to the amendments there shown in italic type, are for the specific purpose of permitting the Secretary of Commerce to make a different classification and to deal with different classes of vessels in a different way. That was done in the interest of the barges and schooners because they are differently constructed from the passenger or ordinary cargo vessel.

When you say this bill will do an injustice to anybody you say that the Secretary of Commerce will do an injustice to the shipowners. I am opposed to any exceptions, although I will say there is more reason for an exception with respect to the Great Lakes than the others; but really I do not think there ought to be any exception, because it works no hardship upon anybody. It will not hurt any man or any shipowner who wants to do the right thing, and if he is not willing to do the right thing we ought to enact legislation compelling him to do the right thing. However, it was a question of give and take; of compromise, as is frequently necessary. The committee unanimously reported the bill with amendments, including section 9, making certain exceptions; and I will stand by the bill with the committee amendments as reported. The American Steamship Owners' Association, composed of the largest American lines and embracing most of the important lines engaged in coastwise shipping, have indorsed this bill with amendments applying it to all coastwise vessels. They ask that it apply to the coastwise trade and without exceptions. The only objection they now have to the bill is that we have made an exception, as I understand.

A year ago Secretary of Commerce Hoover, recognizing the importance of enacting legislation of this kind, appointed a load-line committee, composed of representatives of all the various different branches of the industry. They have been studying the problems ever since and have had numerous meetings; and this load-line committee has recommended this bill and the amendments we adopted, save the exceptions that were made in certain classes in section 9 of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read down to and including line 2, page 2.

Mr. WHITE of Maine. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1781) to establish load lines for American vessels, and for other purposes, and had come to no resolution thereon.

Mr. LEHLBACH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEHLBACH. My understanding is that to-morrow has been set aside for memorial exercises, and I desire to know whether this bill will be the unfinished business immediately after the reading of the Journal and disposition of business on the Speaker's table on Thursday.

The SPEAKER. The Chair thinks so.

LINCOLN AND DOUGLAS

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to print in the RECORD, an address delivered by Hon. Claude G. Bowers, of New York, at the annual meeting in Springfield, Ill., of the Lincoln Centennial Association, February 12, 1929.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by printing an address delivered by Mr. Bowers at the annual meeting in Springfield, Ill., of the Lincoln Centennial Association. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. Claude G. Bowers, of New York, at the annual meeting at Springfield, Ill., of the Lincoln Centennial Association, February 12, 1929:

It is a privilege to participate in ceremonies of this nature in this room redolent of the memory of one of the most memorable utterances of one of the world's immortals. A small room, in a comparatively small building, in what was then a small town—and yet from this little room went forth a phrase which made a profound impression on the minds of men and soon took on the dignity of prophecy. "A house divided against itself can not stand"—a simple phrase, controversial at the time, and yet expressive of a tragic truth.

When Abraham Lincoln thus spoke that day no one could possibly have foreseen that after 70 years this room would seem a shrine because he then spoke within its walls, or that the speaker's name would be revered in every land and clime. For no pompous pose, no pride of opinion, no gasconading glitter and dash set him on a pedestal apart from his friends and neighbors, and he stood among them a simple, unpretentious man with his feet upon the ground. He had literally fought his way from poverty and obscurity and he bore scars upon his soul. He had known disillusionment and sorrow and many rebuffs of fortune, and he was no longer young.

Even in the year of the memorable debates he was not appreciated or understood by those most intimately identified with his campaign. The politicians thought he blundered when he challenged one of the most brilliant figures that ever fascinated a people in the arena of debate. The strategists were alarmed because of the audacity of his utterances. And yet within six years this man who really plowed a lonely furrow all his life had enriched the literature of the language with an immortal oration, had wisely and patiently supervised the preservation of the Union, and had struck the shackles from 10,000,000 slaves.

It is a remarkable fact that the ability, the genius, the breadth and depth and power of Lincoln was less appreciated by his political associates 70 years ago than by his lifelong rival, Stephan A. Douglas. He appreciated Lincoln more than Seward, more than Chase, infinitely more than Sumner. On the eve of the struggle of 1858 he knew he was girding his loins for a supreme effort when many of the folllowers of Lincoln were reconciling themselves to the political burial of their leader.

THE RIVALRY

No two great leaders of opposing forces in all history have been more strangely identified in their careers. When we think of the younger Pitt we think of Charles James Fox, with whom he waged

his memorable parliamentary battles of the golden age of the House of Commons. Mention Gladstone and we think of Disraeli. Name Jefferson and the figure of Hamilton moves into the picture evoked. And so with Lincoln and Douglas. They were cast for opposing parts in more than one drama of their day; their lives had touched at many points; and so long as Lincoln is remembered Douglas can not be forgotten.

There has been a foolish tendency to assume that there is something of disrespect to Lincoln in doing justice to the rival who finally, in a crisis, became his most powerful ally. It has been reserved for Mr. Beveridge to do Douglas justice in his monumental biography of Lincoln, and to show that one need not depress the historic stature of the one to maintain that of the other.

Stephen A. Douglas is one of the most majestic figures in all our history. He had a genius for statesmanship. He had constructive capacity of a very high order. He was a master in the management of men and of conflicting forces. In the Senate of Webster, Calhoun, and Clay he met the greatest on equal terms and without a dipping of his colors. There he was the Bayard of debate. He caught the popular fancy as few men have, and his followers were legion in every quarter of the land. He envisioned as only Benton did the westward march of an adventurous people to the redeeming of the wilderness to the purposes of man. It was his statesmanship that molded many States from Territories and ushered them into the council chamber of the Nation. It was his prescience that planned the binding of the East and West with bands of steel, and he led the way. His devotion was to the Constitution, his passion for the Union. He fought throughout his life for one, and for the other he died, at length, as literally as Lincoln.

Lincoln no more underestimated Douglas than Douglas Lincoln.

THE BACKGROUND OF THE DEBATES

The world is familiar with the contacts of these extraordinary men from 1858 until they were broken by the death of Douglas. That which gives something of romance and drama to their relations lies in the half-hidden years before. Here were two men whose birthplaces were separated by mountains and streams and wildernesses of primeval woods, whom fate predestined should complement each other.

By all the dictates of convention all the advantage in the contests of these two men should have been with Douglas. When he first saw the light in a neat cottage in the thoroughly settled town of Brandon, in Vermont, the child Lincoln, in his fourth year, was toddling about a sordid cabin in a Kentucky clearing.

The father of one was an educated and successful physician; that of the other the most tragic of all failures—an unsuccessful and illiterate ne'er-do-well. Douglas had the background of success; Lincoln of failure.

When Douglas was regularly attending school and living in an atmosphere of study the other, deprived of schooling, was trudging weary miles to borrow books, hiring out to the neighboring farms, and finding his companionship in an illiterate population. The environment of Douglas was an incentive to ambition; that of Lincoln was a discouragement.

The year that Douglas was admitted to the bar Lincoln was elected to the legislature, where he was soon joined by Douglas, and these two youths instantly took rank as debaters and managers of men. At this time Lincoln was more the conventional politician; Douglas more the statesman. It was Douglas, not Lincoln, who proposed the constructive measures. The first clash of the two rivals came when Lincoln voted against the election of Douglas as State's attorney.

One year later their contact tightens in their common life in Springfield. Both were deeply engrossed in politics, and neither underestimated then, or ever, the power of the press. Turn the pages of the Springfield Republican of 1837 and you will find the imprint of Douglas's mind; read the comments of the Springfield Journal and you will find the reflection of Lincoln's thought. These men were debating then under cover.

Another year and Douglas, 25 and a nominee for Congress, is elected and counted out and Lincoln's partner counted in, and it was Lincoln who feverishly prepared the defense against an anticipated contest.

Two years more, in 1840, we find them stumping the State in opposition. Often their paths crossed; frequently they drove together; occasionally they divided time; and the renown of both was spread among their partisans.

And then Douglas forged ahead, with his election, at 30, to the House of Representatives. The next three years were the least attractive in the career of Lincoln; the most fruitful in that of Douglas. In the great arena of the Nation the Little Giant was amazing many by his brilliancy as statesman and debater. His stirring defense of Andrew Jackson immediately fixed his status as a partisan; his arguments on constitutional construction established his standing as a thinker, and he was compelling attention by the nationalism of his views that knew no section. There was something of Websterian majesty in this bright youth of Illinois that captivated Congress and captured the imaginations of the people far beyond.

Thus while Lincoln was resorting to the common, uninspiring methods of politicians seeking a congressional nomination, Douglas was moving to the Senate, and soon these great rivals were under the dome of the Capitol together.

THEY MET IN CONGRESS

Lincoln entered the House without prestige of any sort and left in two years without the enhancement of his reputation, and during these two years Douglas was sweeping forward, looming larger, and ever more imposing in the public eye.

Now, note this evidence of their relative positions. In those years two men were minutely keeping diaries in the Capital. John Quincy Adams loved to gossip with himself in the privacy of his journal and to record his opinions of public men with whom he worked. Time and again he found occasion to mention Douglas; not once did Lincoln's activities or personality impel him to record his name. At the same time President Polk was daily writing in his diary of events and people at the Capitol and White House, and scores of Members of both Houses figure in his pages. Douglas is mentioned times without number; and there is not a line in the "Diary of Polk" to indicate that he knew of the existence of Abraham Lincoln.

And how different their lives in Washington! While Douglas was moving in the gay circles of a brilliant society, Lincoln was amusing himself in a bowling alley; while Douglas was busy with conferences and on the floor, Lincoln was delighting his colleagues with characteristic stories in the cloak rooms; while Douglas was a leader of the leaders, Lincoln remained one of the most inconsequential and unimpressive of the rank and file.

This then is one of the mysteries of Lincoln—9 years before the great debates, 11 years before the presidential struggle in 1860, no human prescience could have foreseen the possibility of the reversal of their positions.

INCUBATION OF THE GREAT LINCOLN

Manifestly the five years between Lincoln's retirement to private life and his return to politics were the most fruitful and yet mysterious in his career. No one understood better than he that he had failed to measure up to his opportunities. It is impossible to believe that he did not make disheartening comparisons of himself with Douglas, with whom he started out. To one of his ambition, and I reject the bizarre theory that he had it not, this must have been gall and wormwood. In the quiet five years that followed he underwent a metamorphosis intellectually and spiritually. He had the time to take a sober inventory of his equipment; to weigh the comparative worthlessness of his achievements; to measure the things for which he had striven against the realities; to meditate for the first time selflessly upon the conditions and the movements of the times. He came to know himself in the long rides on the circuit, in the lonely vigils of the country taverns, and in the silences and the solitudes, far from the cheering multitudes that beset and confused Douglas, he found the time to turn his philosophy into a formula and to strip the outstanding problems of the hour of their legalistic wrappings and reduce them to simple moral terms.

Thus when the Kansas-Nebraska act called him again to face his old antagonist it was a new Lincoln that appeared—a deeper, sadder, stronger, simpler, humbler, firmer Lincoln, convinced of the elemental truth of his position. Henceforth until the last phase, while Douglas was dealing with who we now know were phantoms and fighting shadows, Lincoln, with inspired vision, was struggling for the eternal verities on which depend the cause of humanity and the ultimate preservation of democracy.

THE ORATORS

A comparison of Lincoln and Douglas without a reference to their oratory would be the omission of an essential; for Lincoln was perhaps the only one of the Presidents who owed his elevation to his eloquence; and Douglas won his position by his extraordinary mastery in argument and speech.

Douglas was more debater than orator; for oratory at its best implies imagination, emotion, a sense of poetry, and a capacity for spiritual exaltation, in all of which he was deficient. But in the field of parliamentary debate he carried forward the noblest traditions of the art, and ranks with the younger Pitt. If he fell short of Charles James Fox, it was because he lacked the latter's imagination and sympathy, which frequently interspersed his arguments with the purple patches of the finest eloquence. But he resembled Fox in the molten rush of his fervent argument. To him debate was a battle, and he sought to take the enemy by storm. He marshaled his facts as a master disciplinarian marshals his battalions. When the problem was simple, and he was munitioned with the facts, there was everything that was irresistible in the devastating sweep of his logic; when the field before him was studded with pitfalls of adverse truths, no one could hurdle them or evade them with more felicity and plausibility.

It was his fluency, his familiarity with his subject, and his ardent manner that set him apart from the political orators of his day. His enemies resented the impression he invariably conveyed of absolute

honesty, and I, for one, am thoroughly convinced that he could always reconcile his course with his conscience.

And yet his was a mind that moved in the grooves of convention—a legalistic mind that knew no higher law than that which is written in the statutes; he made no appeal to the heart; he spoke to the mind alone.

Thus while there are many to whom he might be compared, there is no one with whom to compare Lincoln—among the moderns he made a style. He had one advantage over Douglas: His training was in dealing with the plain people of the farms, the villages, the workshops with whom plain speaking and the homely phrase are necessary. Among these he lived. He knew the way to their minds and, better still, to their hearts. He studied the psychology of the mass mind in the familiar conversations of the country store; he mastered simplicity of expression through necessity; he learned the virtue of the homely illustration and the humorous touch; he knew what the academic scholar little suspects that in the heart of the most elemental there is that strain of poetry through which Christ wrought his revolution and entered into the heart of humanity.

Thus Douglas was the speaker of the Senate and Lincoln of the open spaces and the market places. One was the logician; the other was the orator. One was an advocate; the other was an artist.

And that to me is the most amazing thing of all. For Douglas, living from boyhood with men of education and scholastic training, lacked the literary impulse; and Lincoln, unschooled and for many years deprived of books, developed a passion for the precise word and phrase that made him the artist that Douglas never became.

This literary impulse of Lincoln was comparatively late in development. It was only after his return from his unfortunate experience in Congress that we find him in the throes of composition struggling for the precise word, the illuminating and the haunting phrase. This he mastered as no other American orator.

Thus his advantage over Douglas. The throbbing, pulsating multitude listening to the two were pleased according to their partialities or politics—each convinced that his favorite was the master. But the real test comes when the voice of the orator is still and his personal magnetism is withdrawn. Then one could remember only the general impression of the Douglas speech; but one carried away from Lincoln's some immortal phrase expressive of an eternal truth that goes singing through the generations in the hearts of men.

Posterity knows that Douglas spoke; it knows what Lincoln said.

AS POLITICIANS

Now, both were consummate politicians, else neither would have had the chance to demonstrate capacity as statesmen, and here they differed too. The measure of a politician is his capacity to anticipate and mold and lead public opinion, as well as to organize and direct the movements of men. Lincoln and Douglas resembled in their common possession of intuition. This in politics is the quality that stands for genius. Both possessed the trait which for want of a more graceful word may be called cunning. They knew how to play force against force, prejudice against prejudice, interest against interest, and to set machinery in motion without appearing on the scene.

Both understood the virtue of organization; both assiduously cultivated the leaders down to the trenches, and both under cover made cunning use of the press in the creation of sentiment.

But they had their differences and these are important.

Douglas was dictatorial; Lincoln persuasive.

Douglas was arrogantly commanding; Lincoln was gently conciliatory.

Douglas moved among his worshippers of the rank and file with the haughtiness of a conqueror; Lincoln mingled with the common workers with the familiarity of a comrade.

Douglas issued ukases with the rattling of the sword; Lincoln, like Jefferson, insinuated suggestions with a smile.

Douglas's domineering nature impelled him to plunge impetuously into needless danger; Lincoln moved more cautiously and with greater circumspection. What Essex was to Burleigh, Douglas was to Lincoln.

Sagacious as both men were as politicians, it is a strange coincidence that each in the supreme crises of his career encountered opposition and embarrassment from his own party. In the senatorial contest of 1858 Douglas was forced to fight not only the natural enemy but the concentrated power and prejudice of a Democratic administration; and Lincoln in the Presidency was constantly harassed by the congressional leaders of his own party. A Democratic Senator had to fight a Democratic President, and a Republican President had to submit to the hectoring of a Republican Congress. And now with the passing of the passions of those days of struggle, the Muse of History has given its approval to Senator Douglas and to President Lincoln.

THEIR FUNDAMENTAL PRINCIPLES

It is possible to show that on the fundamentals of government Lincoln and Douglas were not remote. Both avowedly were disciples of Jefferson. One as well as the other subscribed to the Jeffersonian theory of State sovereignty. Douglas preached it aggressively all through life; Lincoln less frequently, and yet he was elected in 1860 on a platform pledged to the preservation of the rights of the States.

Both consistently declared adherence to the Jeffersonian doctrine of the rule of the people, and the most unpopular acts of Douglas's life were based upon that theory. And yet Douglas was less the professing disciple of the Sage of Monticello than Lincoln, who quoted him frequently and declared that "the principles of Jefferson are the definitions and the axioms of a free society."

But when a Jeffersonian principle of government for the people was involved in Jackson's Homeric battle against privilege and the rule of money in the fight on the national bank, we find Lincoln fighting with the Whigs on the side of Biddle and privilege. The first time these remarkable rivals met in joint debate was in this city, one in defense and the other in denunciation of Jackson's destruction of the bank. And yet scornful as Lincoln seemed of Jackson in those days when in the most solemn moment of his career he retired to a room for the preparation of his inaugural address he took with him a copy of the Constitution and Jackson's nullification proclamation, and nothing more.

Douglas was a militant Jacksonian from the beginning of his career. Lincoln became a Jacksonian in the crisis of his life. It was the Jacksonian spirit that moved Douglas in his battles to keep down the spirit of disunion; it was with Jacksonian weapons that Lincoln sternly put it down when it reared its head.

If we find inconsistencies in the lives of both, it must be borne in mind that both were party men, and on the minor issues that come and go were loyal to the party program, but on the elementals they were very close. They both believed in government of the people, by the people, and for the people, and where either deviated from the principle in practice it was a concession to party harmony or to meet the political exigencies of the moment. In all vital things they were robust champions of the distinctively American conception of the proper relations of the people to the State.

ON ABOLITIONISM

In the last days of their rivalry these gladiators crossed swords on slavery—and yet, even here, they had their contacts. They were agreed that the institution of slavery was protected by the Constitution; that under the constitutional guaranty the owners of slaves were entitled to protection in their property; and that the fugitive slave law was in accord with the fundamental law of the land.

There is nothing of record to show that Lincoln, any more than Douglas, approved of the provocative methods of the extreme abolitionists, their contempt for the Constitution, or their indifference to the Union. If he did not indulge in public criticism, he was in private life and need not speak; but Douglas, fighting against all extremes that were driving the Nation toward disunion, was forced to speak. His hatred of the abolitionist was the hatred of the law-abiding man for what he conceived to be lawlessness; of the practical realist for what he thought to be a destructive idealism; of a lover of the Union for what he knew to be a force making for the destruction of the Union. He attacked them openly, vigorously, repeatedly, contemptuously in the Senate and on the platform; and they hung him in effigy in Boston and hooted him in the streets of Chicago. Neither Lincoln nor Douglas expressed sympathy with Lovejoy or John Brown. That is the reason Sumner stained his scholastic lips with vulgar epithets hurled at Douglas, and the reason Wendell Phillips called Lincoln "that slave hound from Illinois."

And there was a personal reason why neither could sympathize with the extreme abolitionist view of slavery and slave owners. The father-in-law of each owned slaves; the wives of both had black mammies in their childhood; and neither was a stranger to households overrun by slaves. Douglas, familiar with plantations, had seen no Simon Legrees, and Lincoln never forgot the patriarchal atmosphere of the Speed home in Kentucky. They each knew that good men and women lived in the land of slavery, and both were repelled by the unmeasured denunciation of the people of the South.

ON SLAVERY

With the passing of time, a tradition has grown up that Lincoln in his early years swore an eternal war on slavery; but it was 20 years after he saw the slave auction episode in New Orleans before he deeply concerned himself with the problem. Until the last phase was reached the difference between Lincoln and Douglas on the morals of slavery was this—Lincoln had declared slavery unjust; and if Douglas believed slavery wrong he never gave utterance to the thought.

Now, it does not follow from Douglas's silence on the morals of slavery that he thought it right. There may have been other reasons for his silence. As a youth in Congress he had read the dire possibilities of slavery agitation by the red flare of the burning abolition pamphlets taken from the mails. He knew that agitation aimed at the greatest property interest in the South threatened the perpetuity of the Union—and he was as passionately devoted to the Union as Jackson when the nullification reared its head. For that he would have put down the agitation, right or wrong, since he could see no solution through Federal action. One who paid tribute to his memory when he died has given in a sentence one sufficient reason for his silence on the morals of the institution—"he never criticized a wrong for which he did not provide a remedy"—and he saw no remedy.

Thus for years Douglas, in close contact with the Southern extremists in the cloak rooms of the Capitol, knew better than even Lincoln could have known in Springfield, the desperate danger to the Union—and he concentrated on its preservation, with slavery or without. Thus the mistakes he made; the compromises for which, like Webster, he has been damned—he loved the Union more than he hated slavery.

And so, too, in the end, when men were fighting and falling on bloody fields, Lincoln assumed a position not dissimilar when he said that if he could save the Union by freeing part of the slaves, he would; if by freeing all the slaves, he would; if by freeing none of the slaves, he would—but he would save the Union.

Thus the paths of these two majestic rivals led at length to this common Jacksonian ground—"the Union—it must be preserved."

DOUGLAS RECRUITING FOR LINCOLN

It were superfluous to dwell on the great debates—these have been described and characterized through 70 years. Never in human history a more epochal contest involving two men of greater genius, honesty, or courage.

Nor can aught now be gleaned from reviewing the story of the campaign of 1860 when they contested for the Presidency. With the sectional division of the Democracy, the inevitability of Lincoln's triumph was soon forseen. Here at Springfield Lincoln awaited the result in silence, resting his case on the arguments of the great debates.

But there was no rest for Douglas; and so for weeks he feverishly swept over the country, looming larger than Lincoln, for the moment, in the drama of those tragic times. Permit me to suggest that it was with the realization of his defeat that Douglas rose to his greatest stature as a patriot. If he was lost, the Union might still be saved. The candidate was merged in the patriot, the politician in the statesman, and soon the Nation fairly rocked with his burning denunciation of the extremists on both sides. Sweeping into the South he served notice that the election of Lincoln would not justify secession, and that the Union, cemented by the blood of all sections, would be maintained, if need be by the force of arms.

The first and greatest recruiting officer that Lincoln had was Douglas in the last days of that campaign.

AFTER THE ELECTION

And now the election is over; the simple man at Springfield has risen on his misfortunes to the supreme height of power; the brilliant, dashing rival of the Senate has been cast down by fate. All over the South the rumblings of preparation for resistance are heard. And with Lincoln, more than helpless now to speak the word or do the act to stay the movement, we see Douglas hastening to the Senate to do what he, better than any other public man, could do. He sought to do what Clay with his aid had done before—to hold the States together yet a while and calm the storm. He tried to shame and crush the extremists on both sides—there was no other way. Did he criticize Lincoln and his party? Give him credit for the strategy and psychology of the act—he was seeking to stay the hands of men who honestly believed that Lincoln's election meant the solidification of the North against the South.

And he failed—the day of compromise was over.

DOUGLAS JOINS LINCOLN

And with the realization of the fact Douglas put all partisanship aside and moved in the full panoply of his power to the side of Lincoln to sustain him in the fight for the preservation of the Union of the States. On the eve of the inauguration we see Douglas pleading with Lincoln for his consent to a constitutional amendment to remove the slavery question from the field of congressional debate and hear Lincoln give consent.

And then the day of the great defiance of the forces of disunion—the scene on the east portico of the Capitol, when Lincoln took the oath with Douglas sitting by his side to hold his hat. I challenge you to search the records of the great rivalries of all time and find me a more thrilling picture for a canvas.

It was not Douglas alone who stood there that historic hour at Lincoln's side—there, too, were the more than a million and a quarter men who voted for Douglas in the nonseceding States whom he represented there that day.

And now, one other picture, more inspiring still. It was on the day that sent a cold chill to the hearts of the people when secession unlimbered its guns and fired on Sumter. It meant war. It was war. The hour for argument and persuasion was now past. The challenge to the Union has been made. The day has passed and night has come, and there are lights in the windows of the White House, and a carriage stops near midnight at the portico, and a man alights, and a moment later Stephen A. Douglas has reported to Abraham Lincoln for duty! The rivalries of the years have dropped away; the political differences are forgotten; and among all the millions in the land these two men, whose unity of purpose was most essential to the salvation of the State, sat down together at a table with a map to plan a campaign of defense. And when, that night, the word flashed over the wires to the four corners that Douglas had been with Lincoln and had pledged himself "to fully sustain the President in all his constitutional functions, to preserve the Union, and maintain the Government," a million Douglas followers saluted the President and prepared to march.

More epochal than the conference of the Roman triumvirate to divide the world at the fall of Caesar was this midnight conference of Lincoln and Douglas to save a nation from disunion—and more inspiring.

And now the call goes forth for volunteers, and now Douglas, worn and sick, is rallying the friends of the Union to the standard here, there, and everywhere, and now the footbeats of many marching men and the flying of the flag and the sound of the fife and drum.

And then, too soon, one summer's day, crowds throng the street before the hotel in Chicago where Douglas lay dying. The death of Douglas was one of the greatest casualties of the war. He fell on no bloody field, but none the less his was an immolation on the altar of his country. And though his spirit passed, it lingered yet a while a determining factor in the policies of men and it flashed in the swords of the McClernands as they turned to the battle fields; and it hovered, too, about the lonely man whom Douglas crossed so many times in life—hovered about him when so many of the living stayed away.

What a rivalry! What a union! These choice spirits who met in early life in opposition, and through the many years went their divergent ways, had met at last with a common purpose, a common passion, a common patriotism, on the top of the hill besides the guns where fluttered the flag of the Union to the preservation of which they both gave up their lives.

Had Lincoln and Douglas died on the same day in the first year of the war, the historical status of the martyr would not have been much more impressive than that of his lifelong rival. The Lincoln of history and of immortality was developed or brought out by the sufferings and struggles of four blood-soaked, tear-drenched years of ineffable loneliness and anxiety. As he passed through the flames all that was ordinary or small in Lincoln was consumed and all that was fine and noble was left, and thus he stands on the pedestal of eternity a figure of pure gold. His patience, his prescience, his unerring sense of justice, his generosity and genius, his tenderness and magnanimity made for soldiers in the field and their families awaiting their return a pillar of cloud by day and of fire by night. The politicians scorned him to the end of his life, and the plain people will love him to the end of time.

These two marvelous men who fought each other throughout their lives will live in a companionship of glory, vivid and imposing, through all the countless generations yet to be.

THE DISTRICT APPROPRIATION BILL

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks upon the District of Columbia appropriation bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRIFFIN. Mr. Speaker, the House and Senate conferees have agreed on the District of Columbia appropriation bill for the fiscal year 1930. The magic $9,000,000 lump-sum contribution of the Federal Government to the District is confirmed, sanctioned, and sanctified for another year.

GOVERNMENT BY RULE OF THUMB

My objection to adhering to the unchangeable fixed sum of $9,000,000 as the annual contribution of the Federal Government is that it is arbitrary, illogical, and unscientific. It is not even a rough and ready "rule of thumb"—for such rules always attempt an approximation and are generally short cuts to fairness and justice. But no one can logically defend the inexorable, steadfast, and unvarying nine million lump sum, because its accuracy will always be challenged as the District appropriation varies—as it always does—from year to year.

HOW THE RATIO HAS VARIED FROM YEAR TO YEAR

For instance, in the fiscal year 1925 the $9,000,000 lump sum was 30.8 per cent of that year's appropriation; in 1926 it was 31 per cent; in 1927 it was 27.6 per cent; in 1928 it was 28.4 per cent; in 1929 it was 28.6 per cent; and in the current bill for 1930 it will be about 28.4 per cent. Such a method of handling so delicate a matter is unbusinesslike and reflects no credit on the intelligence that maintains it.

Sooner or later we must face the issue frankly and boldly and establish a formula that will bear some recognizably just relationship to a budget, which in the very nature of things inevitably varies from year to year.

GUESSWORK VERSUS CALCULATION

When this controversy was at its height last year the defenders of the lump sum maintained that the primary obligation of the Federal to the District government was the amount of taxes which Federal-owned property in the District would be obliged to pay at the current tax rate of $1.70. They estimated this at $6,000,000 and maintained that the Federal Government therefore was awarding a gratuity of $3,000,000.

I made some study of the subject and arrived at $7,055,000 as the amount of the Federal tax obligation. According to my figure, therefore, the Federal gratuity—although I do not like the word—was $1,945,000.

HOUSE DOCUMENT NO. 506

Not being able to agree among ourselves as to the basic figure of the Federal tax obligation, the aid of the Bureau of Efficiency was invoked to determine the precise figure. Its report, published recently as House Document No. 506, discloses that the Federal obligation on the basis of tax indebtedness on Federal property amounts to $7,440,000.

This fixes the gratuity involved in the $9,000,000 lump sum as $1,560,000. Thus the defenders of the lump-sum principle are faced with three separate figures of the amount of the gratuity, namely, $3,000,000, $1,945,000, and $1,560,000, but, no matter what the margin is, they seem to be ready to maintain that whichever one turns up in their calculation is perfectly just and proper, a contention the mere statement of which shows its inherent absurdity.

Of course, it is difficult to say precisely what should be the amount of this gratuity or contribution; in other words, what the margin should be above the mere indebtedness of the Federal Government as a taxpayer.

WHAT ARE THE OBLIGATIONS OF THE FEDERAL GOVERNMENT?

Having now reached the point where we can say what the Federal Government ought to pay as a mere taxpayer, it is generally agreed that we ought not to stop there. The Federal Government is not a disinterested taxpayer. It is the instrumentality for which, and by which, the District has grown into a city of some consequence.

The country demands a capital worthy of the Nation, with broad streets and avenues, capacious and attractive parks, and public buildings of a high order of merit.

All of these things attract a continuous stream of visitors. Washington is a city of historic background and associations. It is the Mecca toward which the youth of our land come daily in constantly increasing pilgrimages. A huge traffic from all parts of the Nation encumbers its streets and uses its parks and other municipal facilities. The Nation itself should contribute a part of the upkeep of such national features.

TAXATION WITHOUT REPRESENTATION IS TYRANNY

The residents of the District are disfranchised. Their morale timbre is depreciated. They are taxed without their consent and governed by instrumentalities they have no influence in shaping or directing.

It constitutes a serious blot on our system of government. It is the one striking anomaly, the most marked inconsistency in the whole circle of our Government. It implies—yes; more than implies—it actually is a tyranny; and that, too, in a nation founded on the maxim, "No taxation without representation."

THE MAGIC "NINE MILLION"

I had a dream and beheld a vision. It seems I stood at the base of the Peace Monument, and as I mused I heard a voice cry "Behold!" Looking up, I saw two trains of figures descending from the Capitol. As they approached I noticed that one group was clad in white Roman togas, while the other wore colored yogi gowns—their heads topped by what were once called "plug hats." All wore patriarchal beards.

On reaching the plaza, they fell into one column and marched with stately tread along the Appian Way. I followed at a respectful distance—

> As we passed along we passed a load of hay,
> But whither it was going I would not dare to say.

After marching a few blocks or squares the cavalcade turned to the right into the forum, or what was once called the "community center," a great plaza flanked by magnificent marble buildings.

Here a great concourse of inhabitants was milling to and fro in great agitation and confusion. Some carried banners on which were inscribed various strange mottoes, such as "We want paved streets," "We want more schools," "We want street lights," "We want sewers."

As the bearded column approached, a stentorian voice cried out "Peace! Here come the conscript fathers!" And there was silence.

In the center of the forum was a raised marble platform on which stood a mysterious figure, and as he stood up to greet the conscript fathers the people all cried out in a loud voice "Hail to the oracle."

After a few words of salutation the oracle proceeded promptly to the business of the hour. "Fellow inhabitants," he said, "we have assembled here to-day to fix the amount of the annual contribution to be paid by the imperial Government toward the upkeep of this magnificent Capital for the fiscal year 1980 anno Domini. [Loud cheers.] The assessed valuation of the imperial property within the District confines amounts to so many million dollars, and the amount of tax due thereon would be so many million dollars. We will now proceed to determine in a scientific manner according to the ancient science of numerology the amount of the imperial contribution."

He thereupon passed around among the conscript fathers a pack of what looked like playing cards and requested a number of the fathers to draw. When nine had drawn, the cards were taken up and spread on an altar, and the oracle picked them up and read off certain figures. These were copied off on a large blackboard. He added, subtracted, multiplied, and divided; but, no matter what the figure, he invariably reduced the result by either one or the other of these processes to $9,000,000.

Closing his eyes as if in deep reflection, he suddenly opened them and with a lofty glance of exaltation declared: "Fellow inhabitants, you will observe that there has been no deception. You have seen that no matter how we shuffle these cards the fates seem to decree that we invariably arrive at the magic figure of $9,000,000; and that, therefore, will be the imperial contribution for the year 1980 anno Domini; the fates be kind to you. The assembly stands adjourned."

THE CRUISER BILL AND THE IMPORTANCE OF NEW ORLEANS AS A NAVAL BASE

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the cruiser bill and the importance of New Orleans as a military naval base.

The SPEAKER. Without objection, it is so ordered.

There was no objections.

Mr. O'CONNOR of Louisiana. Mr. Speaker, if one will stand before a wall map of the United States, such as is issued by the Department of the Interior, he will be rewarded by securing a liberal education in a short time and with the exercise of a minimum of energy and a modicum of intellectual effort, he will understand why we need a navy. For this is a map not only of continental United States but includes the Territories and insular possessions as well, and shows the extent of public surveys, Indian, military, and forest reservations, railroads, canals, national parks, and other details. The great geographical and historical epochs in our history are graphically set forth; for these so-called details show the territory of the original thirteen States, the Louisiana Purchase from France in 1803, the Texas Annexation in 1845, the Oregon Territory acquisition in 1846, that which was ceded by Mexico in 1848, the Gadsen Purchase in 1853, the Alaskan Purchase, the Philippine Islands, the Hawaiian Islands, Porto Rico and the Virgin Islands, the Canal Zone, and Guam. Each will one by one claim the interest of the student of our marvelous territorial developments, as every one of these distinct steps in the growth of the United States has a history and romance of its own. But that feature of the map which has an absorbing interest for the American who looks at it frequently out of a sheer love to grasp the greatness of our territorial expanse is the Mississippi River and its tributaries. Down from Lake Itasca in Minnesota it comes in a zigzag and tortuous course until it strikes the Gulf of Mexico. Joining it at different places in its mighty course are great tributaries that run from the Alleghenies westward and from the Rockies eastward. This river, so small at its beginning that a man may jump across it, broadens out in a lordly and majestic way until it is about a mile wide in the vicinity of New Orleans, by which it sweeps onward to breast the eternal sea. The stream so insignificant in its beginning is toward its end one of the greatest rivers in the world. It carries from its tributaries a cubic mile of earth annually, suggesting the tremendous change that is going on in this vast part of the continent.

The surface or top soil, the richest farm land in the valley, is being carried southward building up an alluvium in the Gulf of Mexico which will surpass in fertility the banks of the Nile, the Euphrates, or the Tigris. All of that land was once claimed by Spain by a right of discovery; for Narvaez, one of her conquistadores, passed by the mouth of the Mississippi River in 1528, on a trip from Vera Cruz to Florida. For be it remembered that the ownership of territory and the government of those occupying it was a fixed principle of international law known as the right of discovery. And the discovery of a river carried with it the tributaries of that river and all of the land drained by the main stem and the affluents to the possession of the sovereignty of the discoverer. That river literally divides the United States east and west. It was on that river the Battle of New Orleans was fought. That battle determined that the Louisiana Purchase should remain a part of the United States and not be another Canada westward of the Mississippi River, which would have forever precluded the flag of the United States from waving along the shore of the Pacific Ocean. It

was the possession of that river secured by Farragut in 1862 that broke the backbone of the Confederacy and made for this country remaining a Union of indestructible States. Out of that river flows an enormous commerce and into it from every part of the world come riders of the sea whose cargoes are carried northward by the Inland Waterways Corporation and barge line or by the railroads that connect with every part of the country. Millions of bales of cotton are transported from the Father of Waters and the other Gulf of Mexico ports and harbors. That export makes for the prosperity, yes, the very living of a large section of the United States. Above New Orleans is the Standard Oil plant. I am going to here insert a statement made by Mr. A. C. Bedford, chairman of the board of the Standard Oil Co. of New Jersey, on May 25, 1925, in connection with a proposed bridge across the Mississippi River near New Orleans, a matter that has now been adjusted to the satisfaction of the parties who were then in controversy:

STATEMENT OF MR. A. C. BEDFORD, CHAIRMAN OF THE BOARD, STANDARD OIL CO. OF NEW JERSEY

Mr. BEDFORD. General Taylor, I am glad of an opportunity to say a few words to you with reference to this proposition, not at all, of course, from the technical side, because that I do not pretend to be familiar with, but perhaps a statement of some of the reasons which led us to establish our large plant at Baton Rouge would be pertinent to the discussion which we are having here to-day.

Some of the reasons which determined the company to decide upon this location were due to a good many causes, because we believed it made an ideal location for a refinery. In the first place, it is the first highland on the Mississippi inland from the Gulf; it sits 20 feet above high flood, the highest flood ever known in the Mississippi Valley, which, of course, is a very vital consideration in the establishment of so large a plant. Moreover, it had a feature which is very vital to a large operation of that character, in that it is an excellent labor center; we have obtained a splendid water supply; the climatic conditions are such that we can operate to great advantage during the whole period of the year; living conditions are good; our labor has been happy and contented; and our turnover is remarkably small for an industry of that character.

Another point was—and this is a very vital one—that it is the shortest location on the navigable waters of the Mississippi River from the oil fields of Oklahoma, Arkansas, and northern Louisiana. Now, to a refinery that, of course, is absolutely essential. We must have two things if we can get them:

We must have deep water and we must have access to the producing fields. This situation is more ideal than any other location.

The greatest producing fields that we have in the United States are the fields of the mid-continental basin, from which we draw our largest supply of oil. Seventy-five per cent, at times, of the production of this country has come from that field. We do not, of course, know how long that is going to last, but if you will ask oil men to-day, men who are conversant with the facts, they will tell you they look upon that territory as the basis from which we are going to secure the bulk of our supply for a very long period of years to come. There is a very large amount of oil still left in the ground. Seventy-five per cent of the oil is still within these sands, to be gotten out. It is merely a question of price with regard to getting that oil out. The oil that is there is going to be available for the needs of the country and the oil business for a great many years to come. It is very expensive to get it out, and that is the reason it has not been taken out before. Methods must and will be devised for getting the oil when the time comes, and as oil becomes more costly we must get out the very large amount of oil that still remains in that territory.

Major General TAYLOR. I have seen statistics recently to indicate that at the rate we are using oil at the present time the supply of this country would be exhausted in about 10 years. Do you agree with that?

Mr. BEDFORD. I do not agree with that at all, sir. The matter, however, has got to be studied very carefully, and will be taken up and discussed with the President's Conservation Board. The whole subject will have to be gone into very thoroughly. I have seen some statements by the Petroleum Institute with reference to that matter, and I think that they are going to be able to assure the country that no danger exists of any immediate diminution of the oil supply, such as you have indicated, that that need not be considered at the present time.

Major General TAYLOR. That is a very vital question in this connection.

Mr. BEDFORD. Another point about this is that this location affords deep-water transportation. I have spoken of the accessibility to a pipe line. Now, as to our getting the oil to the refineries from other sources, because we must get oil not only from one source but we must get it from other sources as well, so that we have there at that location cheap water transportation, making available to this refinery the sources of crude oil supply from Mexico which, as you know, have been very prolific; from South America, which is now looming up as one of the great producers of the world. I might say, incidentally, that we are now building in Central America a pipe line that is going to cost $12,000,000, in order to open up a field there, the products of which will come up to this refinery. So in addition to Mexico we have that field in sight. We also will get oil from other markets in the world. I might say that we have a large production to-day in Peru. That oil is being brought through the Canal.

We also found it very necessary here a year ago, in fact, during the last two or three years, to bring a very large quantity of oil from California. The amount of oil brought from California to the Atlantic coast during the time of the great production in California amounted to at least 300,000 barrels a day. We were bringing, in our own vessels, anywhere from 50,000 to as high as 75,000 barrels a day at one time. That meant more than an average of one vessel a day, and a very considerable amount of that oil went to the Baton Rouge Refinery for its supply. At that time there was some oil in the central part of the country that was being used in other directions, and it was very essential for us to have a supply, and it was a very available source of supply.

Any vessel can enter the mouth of the Mississippi River and come to Baton Rouge, as matters are now, with safety, either by night or by day. I am told that the construction of a bridge of the type proposed here would impair this very favorable navigation condition.

I might speak of another matter that is worthy of consideration and which has been touched upon, and that is the probable scarcity of crude oil. If there should be a scarcity of crude oil in this country, then, of course, we have got to go abroad for our supplies of crude. We have been supplying 75 to 80 per cent of the world's needs in oil. If the time comes when we will have to get some of our supply from abroad because of the diminished home product, then a great deal of that oil can come from South America, and from the investigations my own company has made it is shown that there will be very good opportunity to secure the supply in that territory.

Most of the large refineries of the country are located on the coast or on the Gulf. Probably 70 per cent of the refining capacity of the mid-west is in the mid-continent field.

Now, one of the important propositions about the whole business is that our pipe line can be put into reverse, the oil can be sent up from the coast in reverse process through the pipe line; in other words, it can be pumped the other way. We have a large-capacity pipe line coming down from the mid-continent field for the purpose of supplying the refinery at Baton Rouge and also for the purpose of carrying the crude oil to our other refineries along the Atlantic coast. Now, if we assume for the sake of argument that the oil supply from the mid-continent field should diminish and we wanted to get crude in from abroad, we could then simply reverse the process in the pipe line and send the crude up through the mid-continent field and protect that great area of country. It would be a simple proposition. As a matter of fact, that can actually happen and actually did happen years ago, when we first established a refinery in Chicago—in 1908, I think it was. We had to take the oil in from the Illinois field and pump the oil from the Illinois field to Chicago, and when the mid-continent field became a potential factor and the Illinois field began to fall off, and we needed the oil at the Atlantic seaboard, we simply went in reverse and pumped the oil down by Chicago through the pipe line and around through and on to New York to the refineries there. That is a thing that actually occurred. That is a possibility.

Furthermore, the location of the refineries on the Mississippi River means cheap water transportation for the marketing of our product, not only in the interior, through the tributaries of the Mississippi and the Mississippi itself, but through the Ohio River, and so on, and it gives us cheap transportation which we must have if we are to compete with others who bring in oil all along our Atlantic coast. A large amount of the supply through all that section of the country, from the Gulf north to Maine, is supplied from our refinery at Baton Rouge, and we make distribution all along the coast by coastwise vessels; and we also ship a large amount of oil abroad. It also, of course, has the advantage of splendid rail distribution which enables us to supply a very large amount of territory naturally tributary to that location.

There is another matter, General Taylor, to which I would like to call your attention, and I am sure you will appreciate that it is of very vital importance in connection with this matter of the navigation of the Mississippi River, and that is that the State of Texas is now a very large producer of crude oil and has great potentialities along that line. This oil is brought from the center of the State down to the Gulf coast by pipe lines, it is brought from Texas City around by steamer to Baton Rouge refinery, so that it makes available, through the water transportation which we now have, that field, the supplies that are needed at the Baton Rouge refinery.

There is another matter that I believe is of vital national importance in the consideration of this subject, and that is that this refinery's location on a fresh water inland harbor 240 miles from the Gulf renders it impregnable against attack by land or sea, which is of critical importance to the Nation in time of war. This point is of particular importance. A very large part of the refining capacity in the United States is located on the Atlantic and Gulf seaboard, and due to their location are more or less subject to destruction from the sea in time of war.

The refinery at Baton Rouge is substantially the only large refinery located inland but sufficiently near to the seaboard and with access to the sea that there is in the United States. Its importance in case of war might become very vital to the safety of the Nation at a critical time.

I make that statement not as an argument in relation to this particular thing but to impress its importance upon you. We all know what a tremendously important part oil played in the war. Lord Curzon, you will remember, stated "that we floated to victory on a sea of oil." Everyone remembers the critical situation during the war, when a commission came over from the other side, sent over by the British Government, and a member of that commission sent for me immediately when he landed, and I called on him at his hotel and we had a long talk, and the most important thing that they had to consider was the supply of the necessary oil for the fleet. I was chairman of the oil board during the war and know exactly what I am talking about, and I know what the conditions were at that time. In addition to the information I had there I had telegrams from the French Premier and President telling us of the critical conditions that existed at Verdun, and we knew that oil had to be produced as fast as possible. The result was that we restricted our production of by-products at the Baton Rouge refinery, and our Baton Rouge refinery played no small part in furnishing the necessary fuel oil and gasoline at that time. We simply made a skimming plant of it, turning our attention entirely to the production of fuel oil and gasoline just as fast as we could. We put aside our other products and just did that one thing.

Now, I think it is an actual fact that if, during a critical period, the navigation of the Mississippi had been blocked for 10 days—and I think, perhaps, the mayor (Behrman) will bear me out—if it had been stopped for 10 days the war would have been lost. It was a very vital thing at that time, and that is what the navigation of the Mississippi River might mean at some time when the safety of the United States might be at stake. Now, here is a refinery which at all times is so located, so situated, that it can furnish the necessary oil for war purposes, and I believe it is necessary to take every precaution to see that the navigation of that river shall be made safe.

The confidence we have felt in this strategic industrial location can be best evidenced by our investment of substantially $40,000,000 at Baton Rouge and over $75,000,000 in the State of Louisiana as a whole. I think the State of Louisiana is rather proud of this industry. We have tried to be good citizens; we have tried to establish there an industry for the benefit of the State; we have obeyed laws, we have lived with its people, and we have built up there a substantial industry which has done a great deal for the State as well as for ourselves. As a matter of distinct economic interest, it may be stated that since our company's entry into Louisiana 16 years ago it has spent over $250,000,000 in wages and salaries, freight payments, State and local taxes, and for the purchase of crude oil produced by others than ourselves.

Our confidence and judgment in the selection of this site have been abundantly justified by the splendid record accomplished; the efficient and economical operation of this refinery has encouraged our company year by year to spend upon it huge and ever-increasing sums for its expansion, to a point where it will shortly become one of the world's largest refineries, with a crude distillation capacity of 80,000 barrels daily to coke.

This company is the largest single user of the Mississippi River, having handled 3,223 ocean-going cargoes exceeding 27,000,000 net tons and over 3,000,000 net tons by river barges, an aggregate of over 30,000,000 tons, substantially 180,000,000 barrels of oil having thus been handled by the company during its 16 years of existence. Our operations last year were the largest in the history of our company.

We have established there an industry which we believe is beneficial to the Nation and to the locality, as well as to the industry itself, and we hope nothing will be done which will impair the usefulness of that location and of that great enterprise.

I remember very well some years ago coming down the river, when we came just inside of that point, and I noticed in the distance a ship coming up bedecked with flags. I was told that was the *A. C. Bedford,* and that was the first time I had ever seen the ship which was named after me. It was built in California. It was explained to me at the time, and I remember it very well, because I was somewhat anxious about the vessel—it was explained to me the difficulties of navigation, especially at that particular point. Now, if anything should be done to add to those difficulties and to jeopardize these great industries I submit it will not be in the national interest.

That statement, in my judgment, shows the importance of New Orleans as a naval and military base, although that was not its purpose. It shows the necessity of maintaining the navy yard at New Orleans as a going concern, though that was not its purpose. That yard is to-day inactive, inoperative, though there are many shore stations from Charleston northward on the Atlantic coast and an extraordinarily large number of shore stations on the Pacific Ocean. The Atlantic and Pacific coast lines are well supplied with shore stations, distributed in the judgment of many students of national defense in a most illogical manner. The only excuse that can be offered for the present distribution is that like Topsy the situation has grown that way. To those who are philosophically inclined this is not strange, for everything in our civilization is the result of an illogical growth, or, rather, it is not the result of a well-planned or a scientific system. If anyone has any doubt on that subject let him read Emerson's Essay on Education.

I represent the district in which the New Orleans Navy Yard is located and though it might cause some of the cynical to snicker I am going to make the statement that I am not interested in the maintenance or development of that yard from the standpoint of patronage, or as a seeker of fishes and loaves. Nor am I an Oliver Twist with his cup out for more soup. I am a Democrat, and not looking for patronage for obvious reasons. But I do believe in national defense, and at the risk of incurring the suspicion of those that are not mindful of a scientific and well-balanced distribution of shore stations, I am going to insist as I have in the past insisted that the navy yard in New Orleans should be made operative and active. If there were but three navy yards, one on the Atlantic, one on the Pacific, and one on the Gulf at New Orleans, that one at New Orleans would be the most important for the reason that may be gathered from the remarkable and illuminating statement of Mr. Bedford. That statement alone shows, though that was not its purpose, the importance of New Orleans as a military and naval base, for it is at the bottom of the river that winds its way through the heart of North America. Railroads might be cut and thus prevent an enemy from proceeding inland from New Orleans, but he could use the river and reach every city in the valley, for there is not a fort along the banks of the great stream or its tributaries. But when his statement is studied in connection with the exports and imports that so vitally concern the Mississippi Valley and its well being it carries conviction that New Orleans is the great base for the United States. It is unanswerable in its implications and inferences. We have not forgotten, I hope, the plight of the cotton-growing section of the United States during the World War, when, as a result of a blockade declared by Great Britain, with its zones neutral and unneutral we were unable to move a bale of cotton. So desperate were our cotton growers that in hopes of easing off an unendurable situation we started the "buy-a-bale movement."

I will not weary the reader of this or the officials who may notice it with statistics and details but suffice it to say that the North Atlantic States have profited to the extent of hundreds of millions of dollars from the operation of navy yards and private shipyards, in both of which were built and repaired Navy and other vessels, though no one believes that a naval battle will ever be fought in that vicinity. Hundreds of millions have been spent along the Pacific coast. My section of the country, looking at it purely from the standpoint of that fairness in governmental operation which makes for sectional equality in the benefits flowing from national expenditures, has received but little but does not complain. Even Jackson Barracks has been abandoned as a military reservation, and now there is not a soldier to be seen on the banks of the mighty river in its lower reaches. If one has any doubt about the very large number of shore stations in operation let him read these pages from the Navy Directory under date of October 1, 1928:

ACTIVITIES ON THE SEVERN AND POTOMAC RIVERS, ETC.

(Excluded from the jurisdiction of the fifth naval district by art. 1480 (4), United States Navy Regulations)

The navy yard, Washington, D. C.: Naval Gun Factory; wind tunnel; Board of Survey, Appraisal, and Sale; naval air station, Anacostia, D. C.; naval magazine, Bellevue, D. C.; receiving barracks; United States Naval Hospital, Washington, D. C.; marine barracks; torpedo station, Alexandria, Va. (inoperative).

Marine barracks, Washington, D. C.: United States Marine Band, Marine Corps Institute.

Recruiting station, Washington, D. C.; United States Marine Corps recruiting station, Old Land Office Building, Seventh and E Streets NW.

Radio and compass stations: Washington station, Navy Building, Washington, D. C. (central control station for Arlington, Va., Annapolis, Md., Sayville, Long Island (inoperative), and navy yard, Washington, D. C.); United States naval powder factory station, Indianhead, Md.; Dahlgren station, United States naval proving ground, Dahlgren, Va.; Annapolis high power station, Annapolis, Md.; Arlington radio station, Arlington, Va.; navy yard station, Washington, D. C.; Anacostia radio station, naval air station, Anacostia, D. C.; Quantico radio station, Quantico, Va.

Pigeon stations: Anacostia, D. C.; Dahlgren, Va.

United States naval powder factory, Indianhead, Md.: Marine barracks.

United States naval proving ground, Dahlgren, Va.: Aeronautic detail.

United States naval research laboratory, Bellevue, D. C.

Marine barracks, Quantico, Va.: Marine officers' schools, aircraft squadrons, east coast expeditionary force.

United States naval ordnance plant, South Charleston, W. Va. (inoperative); marine barracks.

United States Naval Academy, Annapolis, Md.; postgraduate school, engineering experiment station, marine barracks, naval hospital, aviation detachment.

THE NAVAL DISTRICTS

FIRST NAVAL DISTRICT

(Includes Maine, New Hampshire, Massachusetts, Rhode Island (including Block Island and Nantucket Light Vessel))

District headquarters, Boston, Mass.

Navy yard, Portsmouth, N. H.: Naval prison; marine barracks; naval hospital.

Navy yard, Boston, Mass.: Destroyer and submarine base, Squantum, Mass. (inoperative); naval fuel depot, Boston, Mass.; naval hospital; marine barracks.

Naval training station, Newport, R. I.: Naval torpedo station; naval hospital; aeronautic detail; naval fuel depot, Melville, R. I.; marine barracks, naval torpedo station.

Naval War College, Newport, R. I.

Navy purchasing office, Newport, R. I.

Naval air station, Chatham, Mass. (inoperative).

Naval Reserve air station, Squantum, Mass. (reserve training).

Naval ammunition depot, Hingham, Mass.: Marine barracks.

State rifle range, Wakefield, Mass.

Radio stations: Bar Harbor, Me.; Boston, Mass.; Newport, R. I.; Portsmouth, N. H.

Compass stations: Bar Harbor, Me.; Cape Elizabeth, Me.; Deer Island, Mass.; Fourth Cliff, Mass.; Thatchers Island, Mass.; North Truro, Mass.; Surfside, Mass.; Prices Neck, R. I.

Pigeon station: Newport, R. I.

Recruiting stations: Navy recruiting inspector, Boston, Mass. Naval main recruiting stations, Boston, Mass.; Providence, R. I.; Springfield, Mass. Marine Corps recruiting stations, district, Boston, Mass. (Art. 1480 (3) Navy Regulations).

Inspection offices: Inspector of naval material, Boston, Mass. Naval inspectors of ordnance, Quincy, Mass. Inspector of machinery, Quincy, Mass. Superintending constructor, Quincy, Mass. Navy cost inspector, Quincy, Mass.

Branch hydrographic office: Boston, Mass.

THIRD NAVAL DISTRICT

(Includes Vermont, Connecticut, New York, northern part of New Jersey, including counties of Mercer, Monmouth, and all counties north thereof)

District headquarters, New York City.

Navy yard, New York.: Marine barracks.

Purchasing and disbursing office, New York City.

Submarine base, New London: Naval mine depot; torpedo depot; marine barracks.

Naval air station, Rockaway Beach. (Reserve training.)

Naval hospital, Brooklyn.

Naval supply depot, Brooklyn.

Naval medical supply depot, Brooklyn.

Naval ordnance plant, Baldwin, Long Island.

Naval ammunition depots: Iona Island, marine barracks; Lake Denmark, marine barracks; Fort Lafayette, marine detachment.

Radio stations: Navy yard, New York, and New London, Conn.

Compass stations: Fire Island, N. Y.; Sandy Hook, N. J.; Amagansett, Long Island; Manasquan, N. J.

Recruiting stations: Navy recruiting bureau, New York. Naval main recruiting stations: New Haven, Conn.; Albany, N. Y.; Brooklyn, N. Y.; Newark, N. J.; New York, N. Y.; Buffalo, N. Y. Marine Corps recruiting stations, districts: New York, N. Y.; Buffalo, N. Y. (Art. 1480 (3), Naval Regulations.)

Inspection offices: Inspector of naval material: Schenectady, N. Y.; Hartford, Conn.; New York, N. Y. Naval inspectors of ordnance: Long Island City, N. Y.; Rochester, N. Y. Naval inspector of powder, east coast, New York, N. Y. Inspectors of naval aircraft: General inspector, naval aircraft, eastern district, New York, N. Y.; Garden City, Long Island; the Loening Aero Corporation, Thirty-first and East River, New York, N. Y.; the Chance Voight Corporation, Long Island City, N. Y.; Consolidated Aircraft Corporation, Buffalo, N. Y. Navy cost inspector, Brooklyn, N. Y. (at naval supply depot). Inspector of navigation material, navy yard, New York. Inspector of machinery, Bayonne, N. J.; General Electric Co., Schenectady, N. Y.

Branch hydrographic offices: New York, N. Y.; Buffalo, N. Y.

FOURTH NAVAL DISTRICT

(Includes Pennsylvania, southern part of New Jersey, including counties of Burlington, Ocean, and all counties south thereof. Delaware, including Winter Quarter Shoal Light Vessel)

District headquarters, Philadelphia, Pa.

Navy yard, Philadelphia, Pa.: Naval aircraft factory; aeronautical engine-testing laboratory; receiving barracks; naval hospital; marine barracks.

Naval air stations: Lakehurst, N. J., marine barracks; Cape May, N. J. (inoperative).

Naval ammunition depot, Fort Mifflin, Pa.: Marine barracks.

Naval home, Philadelphia, Pa.

Marine depot of supplies, Philadelphia, Pa. (Art. 1480 (3) Navy Regulations.)

Marine Corps pay office, Philadelphia, Pa. (Art. 1480 (3) Navy Regulations.)

Radio stations: Philadelphia, Pa.; Lakehurst, N. J.

Compass stations: Bethany Beach, Del.; Cape Henlopen, Del; Cape May, N. J.; Lakehurst, N. J.

Pigeon station: Lakehurst, N. J.

Recruiting stations: Naval main recruiting bureau, Philadelphia, Pa. Marine recruiting stations, eastern division headquarters, 1100 South Broad Street, Philadelphia, Pa.; districts, Philadelphia, Pa.; Pittsburgh, Pa. (Art. 1480 (3) Navy Regulations.)

Inspection offices: Inspector of naval material, Bethlehem, Pa.; Philadelphia, Pa.; Pittsburgh district, Munhall, Pa. Naval inspector of ordnance, Camden, N. J.; Marine Engineering Corporation, Philadelphia, Pa.; Midvale Co., Nicetown, Philadelphia, Pa. Inspector of machinery, Camden, N. J.; East Pittsburgh, Pa.; Marine Engineering Corporation, Philadelphia, Pa. Superintending constructors, Camden, N. J.; Marine Engineering Corporation, Philadelphia, Pa. Navy cost inspectors, South Bethlehem, Pa.; Philadelphia, Pa.; Camden, N. J. Inspector of naval aircraft, Keystone Aircraft Corporation, Bristol, Pa.

Branch hydrographic office, Philadelphia, Pa.

FIFTH NAVAL DISTRICT

(Including Maryland, West Virginia, North Carolina, and Virginia)

District headquarters naval operating base, Hampton Roads, Va.

Navy yard, Norfolk, Va.: Marine barracks.

Naval operating base, Hampton Roads, Va.: Naval training station, naval air station, receiving barracks, submarine base (inoperative), naval supply depot, marine depot of supplies, naval fuel depot, torpedo depot (inoperative), marine barracks.

Naval mine depot, Yorktown, Va.: Naval fuel depot, marine barracks.

Naval ammunition depot, St. Juliens Creek, Va.: Marine barracks.

Radio stations: Naval operating base, Hampton Roads, Va.; navy yard, Norfolk; Virginia Beach, Va.

Compass stations: Cape Hatteras, N. C.; Cape Lookout, N. C.; Poyners Hill, N. C.; Virginia Beach, Va.

Pigeon station, Hampton Roads, Va.

Recruiting stations: Naval main recruiting stations, Baltimore, Md.; Raleigh, N. C.; Richmond, Va.; Norfolk, Va. Marine Corps recruiting station, Baltimore, Md. (Art. 1480 (3) Navy Regulations.)

Inspection offices: Inspector of machinery, Newport News, Va.; superintending constructor, Newport News, Va. Naval inspector of ordnance, Newport News Shipbuilding & Dry Dock Co., Newport News, Va.

Branch hydrographic offices: Baltimore, Md.; Norfolk, Va.

SIXTH NAVAL DISTRICT

(Includes South Carolina, including Frying Pan Shoals Light Vessel, Georgia)

District headquarters, navy yard, Charleston, S. C.

Navy yard, Charleston, S. C.: Naval hospital, marine barracks, naval ammunition depot.

Marine barracks, Parris Island, S. C.: Naval prison. (See Art. 1480 (3) Navy Regulations.)

Naval hospital, Parris Island, S. C.

Radio stations: Charleston radio receiving station, Charleston, S. C.; Parris Island, S. C.; Savannah, Ga.; Charleston Navy Yard.

Compass stations: Folly Island, S. C.; North Island, S. C.

Recruiting stations: Navy recruiting inspector, Atlanta, Ga.; naval main recruiting station, Atlanta, Ga.; Marine Corps recruiting station, southeastern district, Atlanta, Ga. (Art 1480 (3) Navy Regulations.)

Branch hydrographic office, Savannah, Ga.

Marine Corps pay office, Atlanta, Ga. (Art. 1480 (3) Navy Regulations.)

Federal prison, Atlanta, Ga.

SEVENTH NAVAL DISTRICT

(Includes Florida, except counties west of Apalachicola River)

District headquarters, naval operating base, Key West, Fla.

Naval operating base, Key West, Fla.: Naval station (reduced basis), submarine base (inoperative), naval hospital, marine barracks, torpedo depot (inoperative).

Radio stations: Key West control, Key West, Fla.; St. Augustine, Fla.; Key West transmitter, Key West, Fla.

Radio-compass station: Jupiter, Fla.; Key West, Fla. (inoperative).

EIGHTH NAVAL DISTRICT

(Includes Florida, counties west of Apalachicola River; Alabama, Tennessee, Louisiana, Mississippi, Arkansas, Oklahoma, Texas)

District headquarters, naval station, New Orleans, La.

Naval station, New Orleans, La. (inoperative): Marine barracks, naval hospital.

Naval air station, Pensacola, Fla.: Torpedo depot, marine barracks, naval hospital.

Radio stations: Brownsville, Tex.; New Orleans, La.; Pensacola, Fla.

Compass stations: Pensacola, Fla.; South Pass, La.; Galveston, Tex.

Pigeon station, Pensacola, Fla.

Recruiting stations: Navy recruiting inspector, New Orleans, La. Naval main recruiting stations: Birmingham, Ala.; Nashville, Tenn.; New Orleans, La.; Dallas, Tex.; Houston, Tex.; Little Rock, Ark.; Oklahoma City, Okla. Marine recruiting stations, southern division headquarters, United States post office and court building, New Orleans, La. Districts: Southern, New Orleans, La.; Houston, Tex. (Art. 1480 (3), Navy Regulations.)

Branch hydrographic offices: New Orleans, La.; Galveston, Tex.

NINTH NAVAL DISTRICT

(Includes Ohio, Michigan, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas)

District headquarters naval training station, Great Lakes, Ill.

Naval training station, Great Lakes, Ill.: Naval hospital; marine barracks.

Radio stations, Great Lakes, Ill.

Compass stations: Detour, Mich.; Grand Marais, Mich.; Whitefish Point, Mich.; Eagle Harbor, Mich.

Recruiting stations: Navy recruiting inspectors, Chicago, Ill.; Omaha, Nebr. Naval main recruiting stations, Chicago, Ill.; Cincinnati, Ohio; Detroit, Mich.; Indianapolis, Ind.; Des Moines, Iowa; Kansas City, Mo.; Omaha, Nebr.; St. Louis, Mo.; Minneapolis, Minn.; Louisville, Ky.; Milwaukee, Wis. Marine recruiting stations, Central division headquarters, 720 West Monroe Street, Chicago, Ill. Districts, Chicago, Ill.; Cleveland, Ohio; Detroit, Mich.; Cincinnati, Ohio; St. Paul, Minn.; St. Louis, Mo.; Indianapolis, Ind.; Kansas City, Mo.; Des Moines, Iowa. (Art. 1480 (3) Navy Regulations.)

Inspection offices: Inspectors of naval material, Chicago, Ill.; Cincinnati, Ohio. Inspectors of naval aircraft, general inspector naval aircraft, central district, Wright field, Dayton, Ohio; Cleveland, Ohio; Detroit, Mich.; Arkon, Ohio.

Branch hydrographic offices: Duluth, Minn.; Sault Sainte Marie, Mich.; Chicago, Ill.; Cleveland, Ohio; Detroit, Mich.

ELEVENTH NAVAL DISTRICT

(Includes New Mexico, Arizona, southern part of California, including counties of Santa Barbara, Ventura, Los Angeles, and San Bernardino, and all counties south thereof)

District headquarters, naval operating base, San Diego, Calif.

Naval operating base, San Diego, Calif.: Naval air station, marine barracks, destroyer base, naval training station, naval hospital, naval supply depot, naval fuel depot, torpedo depot, Marine Corps base, aircraft squadrons, West Coast Experitionary Force.

Navy freight office, San Pedro, Calif.

Radio stations: San Diego, Calif.; Point Loma, Calif.; Chollas Heights, Calif.

Compass stations: Imperial Beach, Calif.; Point Arguello, Calif.; Point Fermin, Calif.; Point Hueneme, Calif.

Pigeon station, San Diego, Calif.

Recruiting stations: Naval main recruiting station, Los Angeles, Calif. Marine Corps recruiting stations, district, Los Angeles, Calif. (Art. 1480 (3), Navy Regulations.)

Inspection offices: Inspector of naval aircraft, Santa Monica, Calif. Inspector of naval petroleum reserves, Los Angeles, Calif.

TWELFTH NAVAL DISTRICT

(Includes Colorado, Utah, Nevada, northern part of California, including counties of San Louis Obispo, Kern, Inyo, and all counties north thereof)

District headquarters, naval operating base, San Francisco, Calif.: Pacific communication officer.

Purchasing and disbursing offices, San Francisco, Calif.

Navy yard, Mare Island, Calif.: Naval prison, Mare Island; naval fuel depot, Tiburon; naval ammunition depot; naval medical supply depot; naval hospital; marine barracks.

Receiving ship, San Francisco, Calif.

Headquarters Marine Corps, Department of the Pacific, San Francisco, Calif.: (See Art. 1480 (3), Navy Regulations.)

Radio stations: Eureka, Calif.; San Francisco, Calif.; South city, San Francisco, Calif.; Mare Island, Calif.

Compass stations: Farallon Islands, Calif.; Point Montara, Calif.; Eureka, Calif.; Point Reyes, Calif.; Point St. George, Calif.

Recruiting stations: Navy recruiting inspector, San Francisco, Calif. Naval main recruiting stations: Salt Lake City, Utah; San Francisco, Calif.; Denver, Colo. Marine recruiting stations: Western division headquarters, 100 Harrison Street, San Francisco, Calif. Districts: San Francisco, Calif.; Denver, Colo.; Salt Lake City, Utah. (Art. 1480 (3), Navy Regulations.)

Inspection offices: Inspector of naval material, San Francisco, Calif. Branch hydrographic office, San Francisco, Calif.

THIRTEENTH NAVAL DISTRICT

(Includes Washington, Oregon, Idaho, Montana, Wyoming, Alaska)

District headquarters, Pier 1, Seattle, Wash., Navy yard, Puget Sound, Wash.: Naval hospital, marine barracks.

Submarine and destroyer base, Astoria, Oreg., (inoperative).

Naval air station, Sand Point, Wash.

Naval ammunition depot, Puget Sound, Wash.: Marine barracks.

Pacific coast torpedo station, Keyport, Wash.: Marine barracks.

Radio stations: Astoria, Oreg.; Cordova, Alaska (Eyak and Hanscom); Dutch Harbor, Alaska; Kodiak, Alaska; Puget Sound, Wash.; Sitka, Alaska; St. Paul, Alaska; Keyport, Wash.

Compass stations: Cape Hinchinbrook, Alaska; Cattle Point, Wash.; Empire, Oreg.; Klipsan Beach, Wash.; Fort Stevens, Oreg.; New Dungeness, Wash.; Smith Island, Wash.; Soapstone Point, Alaska; Tatoosh Island, Wash.; Destruction Island, Wash.; St. Paul, Alaska.

Recruiting stations: Naval main recruiting stations; Portland, Oreg.; Seattle, Wash. Marine Corps recruiting stations, district: Portland, Oreg.; Seattle, Wash.; Spokane, Wash. (Art. 1480 (3), Navy Regulations.)

Inspection offices: Inspector naval material, Seattle, Wash. Inspectors of naval aircraft, Boeing Airplane Co., Seattle, Wash. Inspector of naval petroleum and oil shale reserves Colorado, Utah, and Wyoming, Casper, Wyo.

Branch hydrographic office: Portland, Oreg.; Seattle, Wash.

FOURTEENTH NAVAL DISTRICT

(Includes Hawaiian Islands and islands to westward, including Midway)

District headquarters, naval operating base, Pearl Harbor, Hawaii.

Naval operating base, Pearl Harbor, Hawaii: Navy yard, naval air station, submarine base, naval hospital, marine barracks. Naval ammunition depot, Kuahua.

Radio stations: Pearl Harbor, Hawaii; Hegia, Oahu, Hawaii; Honolulu, Hawaii; Hilo, Hawaii; Wailupe, Hawaii.

Pigeon station: Naval air station, Pearl Harbor.

FIFTEENTH NAVAL DISTRICT

(Includes Panama Canal Zone)

District headquarters, Balboa, Canal Zone.

Naval operating base, Canal Zone: Naval air station, Coco Solo; submarine base, Coco Solo; torpedo depot, Coco Solo; marine barracks, submarine base, Coco Solo.

Radio stations: Darien, Canal Zone; Balboa, Canal Zone; Cape Mala, Panama; Colon, Panama; La Palma, Panama; Puerto Obaldia, Panama.

Compass stations: Toro Point, Canal Zone; Cape Mala, Panama.

Pigeon station: Coco Solo, Canal Zone.

SIXTEENTH NAVAL DISTRICT

(Includes the Philippine Islands)

District headquarters, Naval Station, Cavite, P. I.: Asiatic communication officer, Los Banos, P. I.

Naval station, Cavite, P. I.: Submarine base; naval ammunition depot; naval hospital, Canacao; naval medical supply depot, Canacao; fuel depot, Sangley Point; marine barracks; naval prison.

Naval station, Olongapo, P. I. (inoperative): Marine barracks.

Radio stations: Cavite, P. I.; Los Banos, P. I.; Olongapo, P. I.

OUTLYING NAVAL STATIONS AND ACTIVITIES

STATIONS IN MID-PACIFIC—ISLAND OF GUAM—OFFICE OF THE GOVERNOR, GUAM

United States Naval Station, Guam: Naval hospital; naval coal depot, Cabras Island; marine barracks. United States Marine Patrol Squadron Three; pigeon station.

Radio stations: Guam (Libugon and Agaña).

American Samoa: Office of the governor, naval station, Tutuila; United States Naval Station, Tutuila.

Radio station: Tutuila, Samoa.

STATIONS IN WEST INDIES

United States Naval Station, St. Thomas, Virgin Islands: All naval activities in the Porto Rico-Virgin Islands area are under the commandant of this station for purposes of administration. Marine barracks, St. Thomas. Naval hospital. United States naval station, Culebra, Porto Rico (inoperative).

Radio stations: St. Thomas, Virgin Islands; St. Croix, Virgin Islands; Cayey, Porto Rico; San Juan, Porto Rico; St. John, Virgin Islands.

United States Naval Station, Guantanamo Bay, Cuba: Marine barracks, First Separate Battalion.

Radio stations: Control, Guantanamo Bay, Cuba; transmitter, Guantanamo Bay, Cuba.

NAVAL FORCES IN HAITI

Haiti, high commissioner to Haiti; First Brigade, United States Marine Corps, headquarters, Port au Prince, Haiti; Radio station, Port au Prince; Marine Observation Squadron 9, Port au Prince, Haiti; United States Navy disbursing office, Port au Prince, Haiti; gendarmerie d'Haiti; pigeon station.

STATIONS IN ASIA

China: United States marine detachment, American Legation, Peking; Third Brigade, United States Marines, China; radio station, Peking, China; United States Navy purchasing office, Shanghai, China.

Inspection offices: Inspector of machinery, Shanghai, China; superintending constructor, Shanghai, China; naval inspector of ordnance, Shanghai, China.

STATIONS IN MEXICO, CENTRAL AND SOUTH AMERICA

Brazil: United States naval mission to Brazil, Rio de Janeiro, Brazil. Peru: United States naval mission to Peru. Nicaragua: Second Brigade, United States Marines, Nicaragua; Guardia National, Nicaragua.

Radio station: Managua, Nicaragua.

SHORE ESTABLISHMENT (PERSONNEL)

THE NAVY YARD DIVISION

432. Commander E. R. Shipp.
463. Commander A. Sharp.
501. Commander C. H. J. Keppler.
6945. Commander W. R. Van Buren (SC).
7575. Capt. E. G. Kintner (CC).
7734. Lieut. L. T. Haugen (CC).

THE ASSISTANT SECRETARY OF THE NAVY FOR AERONAUTICS

1289. Lieut. Commander W. K. Harrill, aide Assistant Secretary of Navy for Aeronautics.

OFFICE OF CHIEF OF NAVAL OPERATIONS

12. Admiral C. F. Hughes, Chief of Naval Operations.
57. Rear Admiral W. H. Standley, Assistant Chief of Naval Operations.
488. Commander F. Gygax.

COMMUNICATION OFFICE

315. Capt. S. C. Hooper, director.
400. Commander R. M. Fawell.
721. Commander B. V. McCandlish.
871. Lieut. Commander R. E. Sampson.
884. Lieut. Commander J. M. Ashley.
1094. Lieut. Commander H. E. Fischer.
1249. Lieut. Commander T. A. M. Craven.
1368. Lieut. Commander A. D. Struble.
1492. Lieut. Commander L. K. Swenson.
1721. Lieut. E. E. Stone.
1801. Lieut. L. P. Lovette.
2075. Lieut. O. H. Briggs.
2113. Lieut. A. T. Sprague.
2481. Lieut. E. K. Jett.
2839. Lieut. W. A. P. Thompson.
3035. Lieut. B. Anderson.
3096. Lieut. K. N. Gardner.
3408. Lieut. A. R. McCracken.
3913. Lieut. (Junior Grade) C. C. Wood (temporary).
4405. Lieut. (Junior Grade) A. H. Graubart.
8551. Radio Electrician J. D. Durkee.
10192. First Lieut. J. B. Weaver, United States Marine Corps.

INSTRUCTION

3821. Lieut (Junior Grade) G. L. Burt.
3980. Lieut. (Junior Grade) J. W. C. Brand.
4039. Lieut. (Junior Grade) W. B. Bailey.
4216. Lieut. (Junior Grade) W. C. Dey, jr.
4972. Ensign D. McGregor.

DIVISION OF FLEET TRAINING

42. Rear Admiral L. McNamee, director.
299. Capt. A. C. Stott.
640. Commander C. H. Davis.
683. Commander W. R. Purnell.
1124. Lieut. Commander R. E. Kerr.
1328. Lieut. Commander W. D. Baker.
1359. Lieut. Commander J. H. Brown.
1501. Lieut. Commander R. B. Carney.
1696. Lieut. K. M. Hoeffel.
2027. Lieut. R. P. McConnell.

I do not believe that any one doubts the fundamental soundness of a public policy which requires the Nation to maintain navy yards and military posts on the Atlantic, the Pacific, and the Gulf, particularly on the Gulf, because it is in the Gulf of Mexico or the Caribbean Sea that the naval battles will be fought out, should we grip with any trans-Atlantic power. As a matter of fact, though it is trite to mention it, all of the approaches to the Panama Canal are under the control and in the possession of Great Britain. I have no doubt that our navy yards could be made to serve a very useful purpose in peace times in addition to discharging an absolutely necessary function during a war period. A navy yard should be so situated that it can take care of vessels damaged and injured during an engagement. From this standpoint New Orleans, which is neglected, is the most advantageous site and should be the most desirable from the national defense standpoint. I have no doubt as a fundamental policy of government whose purpose ought to be the national defense and at the same time a desire to minimize the chances of war that navy yards on the Atlantic, Pacific, and the Gulf ought to be maintained for the purpose of building and repairing naval vessels exclusively, thereby avoiding the propaganda, the pressure, and the danger that may result from the desire of private shipbuilding plants when idle to secure employment for their workers and enrichment of the owners by yelling vociferously and suspiciously for more battleships and cruisers in order to insure the national defense. War is hell, as was declared by Sherman and probably expressed by others long before him in different phraseology. But its meanness, its sordidness, its dirt, its pestilence, fever, and death are rendered far more hideous, dreadful, and revolting when it is thought that wars are generated and lengthened out by the cry and at the instigation of those who profit out of war.

I hope that the officials of the Navy and the Army will read these remarks. I hope they will see New Orleans as the military and naval base that I see it. I hope that some day there will be a relocation and a redistribution of our military and naval establishments. I hope and most fervently hope that the day is not far off when a strongly crystallized public and national opinion will demand that all of our war instrumentalities, including even the uniforms that the men in the service of the country wear, shall be made, built, constructed in Government plants, yards, and arsenals.

Take the greed out of war. Take the thought of profit out of our grappling with some other fellow across the Atlantic or the Pacific over a matter that might be determined by conference. Remove the influence of propaganda that emanates, radiates, and thunders from private interests that become so engrossed with profits as to forget the rights of humanity. Commerce, industry, finance, agriculture—all offer private enterprise great and magnificent fields in which to operate. Let them exploit those fields and make for a finer civilization even than that which we now enjoy. But render unto Cæsar that which is due unto Cæsar. Let the Government exclusively discharge the function of a national defense which will include the building of all war vessels and the making of all munitions and the supplies that are necessary for the support of an Army and a Navy. Give us a proper national defense. Put into operation the New Orleans Navy Yard, because it is one of the few stations that can be justified from the national-defense standpoint, as it is essentially a most important military and naval base.

A great controversy has raged since the advent of private shipyards as competitors with the navy yards as to the cost of operation in both. This matter was gone into in a large way in the hearings on H. R. 10967, to relieve unemployment among civilian workers of the Government, to remove the financial incentives to war, to stabilize production in Federal industrial plants, to promote the economical and efficient operation of these plants, and for other purposes, conducted by the House Committee on Naval Affairs in November, 1922. A great deal has been said about the extravagance of the cost-plus system which prevailed during and shortly after the war, and the unparalleled extravagance of that system, which lead to a conviction on the part of those that knew that war indeed is hell.

But why light candles when the sun shines bright? Why ignore the obvious? Does anyone expect the private shipyards to hold that they are less economical units than Government navy yards? And how can the Navy Department admit its lack of economy in administration without practically alleging the incompetency, the ignorance, the incapacity of the men whom the people of the United States have spent hugely to educate at Annapolis?

But back to the river, even as a dreamer:

> And I long for the dear old river
> Where I dreamed my youth away;
> For a dreamer lives forever,
> And a toiler dies in a day.

The control of the Mississippi River is as important to-day as when the pioneers who had threatened even to the setting up of a new republic to wrest the control of it in its lower reaches,

from New Orleans to the Gulf, from Spain or France or both. Dwelling contiguous to its east and west banks, in a day when there were no highways or railways, the free navigation of the Mississippi was life to them, while lack of control meant death. If it were not for their menacing attitude, it is doubtful that Jefferson would have consented to the purchase of the Louisiana Territory, which carried with it the full possession and control of the great river.

The control of the river to-day by an enemy who could penetrate to all parts of the valley by barges capable of carrying thousands of soldiers would not only prevent the movement of commerce northward and southward but eastward and westward. It would cut the West off completely from the Atlantic and Gulf. Strategically it will always be the key to the military operations that might on some tremendous day be inaugurated against the heart of the Republic, and therefore its absolute and exclusive possession is essential to that domestic commerce that must move in war as well as peace. I submit these remarks in the remote hope that they may prove of some value to my country. Should they fall on deaf ears, that will not lessen my affection for the Army and the Navy nor affect in the slightest way my conviction in the safety and sanity of an adequate national defense. If I have at any time directed a criticism it was done in the hope that it might better the service.

This Republic must be prepared at all times for the thunderbolt that might be hurled by Mars at any time, for who can tell what a day may bring forth? That preparedness should not be of such a character as to precipitate the very catastrophe we seek to avoid. But it should be adequate, well balanced, rounded, symmetrical, and as scientific as a national defense can be planned. And the motto of that system should be "Semper Paratus." Let us strive to reduce the chances of war. Let us try to prevent war, but we should never forget that war is at times inevitable, for we dwell in a world of force.

That should always be with us, for it is a realization that the law of force rules all things animate and inanimate that will make for our safety and reduce the chances of war.

Brutal that law and grim. Across this orb
Hurled through the ghastly trackless depths of space,
Sweet visions, dreams, and glowing phantasies;
Then fade and pass—one law alone holds place,
The law of power, immutable and old.
For life that dwells upon this sphere of clay
Thus it is writ, the powerful shall survive,
The strengthless weak decay.

Behold: For ye were not the first to rise;
There have been others in the gulf of time.
And after you come others still to come,
That clay can not be cast in form sublime.
Ye may not mold a diamond from the mud
Nor form a lustrous pearl from salty tear,
In other worlds may other laws prevail;
Ye can not change them here.

PERMISSION TO ADDRESS THE HOUSE

Mr. BERGER. Mr. Speaker, I ask unanimous consent to address the House next Thursday, after the load-line bill has been disposed of, for 45 minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that after the bill which has just been before the House is disposed of on Thursday he be permitted to address the House for 45 minutes. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, was not Thursday set aside for the consideration of the Consent Calendar?

The SPEAKER. It was.

Mr. SCHAFER. Can not the gentleman make his request for another day?

Mr. BERGER. No; I can not, because my wife is ill.

Mr. SCHAFER. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that on Friday next, after the reading of the Journal, the disposition of business on the Speaker's table, and following the address of the gentleman from Pennsylvania [Mr. BECK], I be permitted to address the House for 45 minutes on the policy of the Interstate and Foreign Commerce Committee as embodied in bridge legislation.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday next, after the reading of the Journal, the disposition of business on the Speaker's table, and following the address of the gentleman from Pennsylvania [Mr. BECK], he be permitted to address the House for 45 minutes on the policy of the Interstate and Foreign Commerce Committee as embodied in bridge legislation. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes following the gentleman from Illinois [Mr. DENISON] on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. LUCE. Mr. Speaker, I present for printing a conference report on the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 13582. An act authorizing and directing the Secretary of the Interior to issue a patent to Lucile Scarborough;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River; and

H. R. 16920. An act granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 1530. An act for the relief of Gilpin Construction Co.; and

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; to the Committee on Interstate and Foreign Commerce.

S. 5664. An act to extend the times for the commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy;

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; and

H. R. 16279. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co.;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson;

S. 2439. An act for the relief of Arthur Waldenmeyer;

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; and

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a constant frequency monitoring radio station, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; and

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

APPROPRIATIONS FOR THE WAR DEPARTMENT

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that I may have until 12 o'clock to-night to present a conference report, for printing under the rule, on the War Department appropriation bill.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman if this is in accordance with an understanding with the minority members of the committee?

Mr. BARBOUR. Yes; I will say to the gentleman from Tennessee that I have conferred with the ranking minority member on the subcommittee and this is agreeable to him.

Mr. GARRETT of Tennessee. May I ask the gentleman, Mr. Speaker, if it is his purpose to call up that report on Thursday or on to-morrow?

Mr. BARBOUR. Not to-morrow. We hope to get it up just as soon as we can—Thursday, if possible.

Mr. BANKHEAD. Is it a full agreement?

Mr. BARBOUR. Yes; a full agreement.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SISKIYOU NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table the bill (S. 3162) with House amendments, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. COLTON, SMITH, and HILL of Washington.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, I present a conference report, for printing under the rule, on the District of Columbia appropriation bill.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 7, 13, 14, 15, 17, 33, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52, 53, 54, 55, 57, and 58, and agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,658,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That effective July 1, 1933, that portion of section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, entitled 'An act to establish a normal school for the city of Washington' (section 42, chapter 57, of the Compiled Statutes in force in the District of Columbia), which provides that the graduates of the normal schools in the District of Columbia shall have preference in all cases when appointments of teachers for the public schools are to be made, is hereby repealed"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$5,982,600"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That upon completion of such building, the building now occupied by the Business High School shall be used as an elementary school"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That hereafter no more than $50 per annum shall be paid as extra compensation to members mounted on bicycles, and no more than $312 per annum to members who may be called upon to use motor vehicles, furnished and maintained by themselves"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the study and preparation of plans for a sanatorium for the care, treatment, and education of tubercular children, $1,500, and the Commissioners of the District of Columbia shall submit such plans with recommendations to the first session of the Seventy-first Congress"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 36.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

HIRAM BINGHAM,
L. C. PHIPPS,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Appropriates $9,000,000, as provided by the House, instead of $10,000,000, as provided by the Senate, out of the Federal Treasury as the Federal Government's contribution to the expenses of maintaining the District of Columbia government.

On amendment No. 2: Strikes out a provision, as provided by the House, proposing that hereafter the superintendent of licenses of the District of Columbia shall not issue a registration certificate or identification tags for any motor vehicle upon which any personal taxes are due and unpaid to the said District.

On amendments Nos. 3, 4, 5, and 6: Makes several language corrections, as proposed by the Senate, under the office of the highways department.

On amendment No. 7: Appropriates $63,700, as provided by the House, instead of $59,900, as provided by the Senate, permitting the employment of a superintendent of the District repair shop, under the office of the municipal architect.

On amendment No. 8: Permit 2¾ per cent, as proposed by the Senate, instead of 2½ per cent, as proposed by the House, of all apportionments of appropriations in excess of $2,000,000 for the use of the municipal architect in payment for the services of draftsmen, assistant engineers, clerks, copyists, and inspectors employed on construction work.

On amendments Nos. 10 and 11: Appropriates $95,400, as provided by the Senate, instead of $95,135, as provided by the House, which permits the purchase of a truck instead of a passenger car, already provided.

On amendment No. 12: Appropriates $25,000, as provided by the Senate, instead of $22,000, as provided by the House, for postage for strictly official mail matter.

On amendment No. 13: Appropriates $3,900, as provided by the House and stricken out by the Senate, for the paving of Upton Street NW., Thirty-eighth Street to Wisconsin Avenue.

On amendment No. 14: Appropriates $9,900, as provided by the House and stricken out by the Senate, for the paving of Forty-second Street NW., Jenifer Street to Military Road.

On amendment No. 15: Strikes out an appropriation of $21,000, as proposed by the Senate, for the paving of Western Avenue NW., Forty-first Street to Chevy Chase Circle.

On amendment No. 16: Makes a correction in language, as proposed by the Senate.

On amendment No. 17: Appropriates $4,900, as proposed by the House and stricken out by the Senate, for the paving of Eighteenth Street NW., Allison Street to Webster Street.

On amendment No. 18: Appropriates $10,800, as provided by the Senate, for the paving of Tunlaw Road NW., Thirty-seventh Street to Beecher Street.

On amendment No. 19: Appropriates $7,400, as provided by the Senate, for the paving of Benton Street NW., Tunlaw Road to Huiderkoper Place.

On amendment No. 20: Appropriates $1,600, as provided by the Senate, for the paving of Observatory Place NW., Benton Street northward to concrete.

On amendment No. 21: Appropriates $6,200, as provided by the Senate, for the paving of Eighth Street NW., Tuckerman Street to Underwood.

On amendment No. 22: Appropriates $5,400, as provided by the Senate, for the paving of Tewkesberry Street NW., Seventh Street to Eighth Street.

On amendment No. 23: Appropriates $6,500, as provided by the Senate, for the paving of Neal Street NE., Bladensburg Road to Holbrook.

On amendment No. 24: Appropriates $14,000, as provided by the Senate, for the paving of Newton Street NE., Rhode Island Avenue to Eastern Avenue.

On amendment No. 25: Appropriates $12,800, as provided by the Senate, for the paving of Myrtle Avenue NE., Central Avenue to Walnut Street.

On amendment No. 26: Appropriates $8,800, as provided by the Senate, for the paving of Evarts Street NE., Twentieth Street to Twenty-second Street.

On amendment No. 27: Appropriates $2,900, as provided by the Senate, for the paving of Summit Place NE., T Street to Todd Place.

On amendment No. 28: Appropriates $12,300, as provided by the Senate, for the paving of Douglass Street NE., Queens Chapel Road to Twenty-fourth Street, instead of $7,300, as provided by the House, for the paving of Douglass Street NE., Twenty-second Street to Twenty-fourth Street.

On amendment No. 29: Appropriates $6,500, as provided by the Senate, for the paving of Twenty-third Street SE., Minnesota Avenue to Q Street.

On amendment No. 30: Corrects a street-paving designation as proposed by the Senate.

On amendment No. 31: Appropriates $80,000, as proposed by the Senate, instead of $75,000, as provided by the House, for grading streets, alleys, roads, etc.

On amendment No. 32: Corrects the figures covering the total amount to be disbursed and accounted for as "Gasoline tax, road and street improvements."

On amendment No. 33: Strikes out the provision, as proposed by the Senate, providing that so much of the cost of the work for the reconstruction of the floor system and handrail of the Anacostia River Bridge as relates to the paving between and 2 feet exterior to the outer rails of the street-car tracks, and to the reconstruction of the street-railway track system, shall be paid by the street-railway company using the bridge.

On amendment No. 34: Appropriates $612,000, as proposed by the Senate, instead of $600,000, as proposed by the House, for suburban sewers.

On amendment No. 35: Strikes out language, as provided by the House, making applicable only 25 per cent of the graduates of the normal schools to the preferential provision of section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, beginning July 1, 1931, and inserts language in lieu thereof repealing entirely the provision referred to on and after July 1, 1933.

On amendment No. 37: Appropriates $5,983,400 for the salaries of teachers in the District of Columbia, instead of $5,982,600, as provided by the House, and $6,000,000, as provided by the Senate.

On amendment No. 38: Appropriates $12,000, as provided by the Senate, for transportation for pupils attending schools for crippled pupils.

On amendment No. 39: Corrects a date.

On amendment No. 40: Corrects language.

On amendment No. 41: Includes, as proposed by the Senate, the words "and sanatorium," in the language appropriating $150,000 for the erection of a new health school for colored pupils.

On amendment No. 42: Includes language, as proposed by the Senate, in the appropriation for the construction of a new school building for the Business High School, extending the amount appropriated for the necessary remodeling and enlargement of the heating plant at the McFarland Junior High School to provide heat for the new Business High School.

On amendment No. 43: Inserts the language, as proposed by the Senate: "exclusive of the treatment of grounds" under the contract authorization for the erection of the new Business High School.

On amendment No. 44: Inserts language as provided by the House and stricken out by the Senate, proposing that upon the completion of the new Business High School, the building now being used by the Business High School shall be used as an elementary school, but strikes out the words, proposed by the House but stricken out by the Senate: "for colored pupils."

On amendment No. 45: Corrects language, as proposed by the Senate.

On amendment No. 46: Inserts language, as provided by the Senate, providing a new platoon school building, and a colored health school and sanatorium, in the appropriation for the purchase of a site on which to locate a new junior high-school building.

On amendment No. 47: Strikes out language, as proposed by the House, for the purchase of a site for a colored health school.

On amendment No. 48: Corrects a total.

On amendment No. 49: Inserts language as proposed by the House, but stricken out by the Senate, limiting the amount to be paid to policemen for bicycle and automobile compensation, but strikes out language, as proposed by the House and stricken out by the Senate, reducing the amount to be allowed to policemen for extra compensation for horses.

On amendment No. 50: Strikes out language as proposed by the Senate, limiting the appropriation for the payment of salaries for police, affecting the salary of a local police officer.

On amendment No. 51: Appropriates $78,600, as proposed by the Senate, instead of $74,000, as proposed by the House, for personal services in the conduct of hygiene and sanitation work of public schools.

On amendment No. 52: Corrects language.

On amendments Nos. 53, 54: Provides, as proposed by the Senate, for seven stenographers, instead of six as proposed by the House, for the Supreme Court of the District of Columbia.

On amendment No. 55: Appropriates $22,000, as proposed by the Senate, instead of $18,000, as proposed by the House, for the Children's Hospital.

On amendment No. 56: Strikes out language proposed by the Senate appropriating $150,000 for the erection and equipment of a tubercular hospital for children, but makes available, as proposed by the Senate $1,500 for the preparation of plans for such purpose.

On amendment No. 57: Corrects a subtotal.

On amendment No. 58: Corrects language.

The committee on conference have not agreed on the following:

On amendment No. 36: Inserting language, as provided by the Senate, converting the two normal schools in the District of Columbia into a teachers' college, and at the end of the fourth year thereof to award appropriate degrees.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) House adjourned until to-morrow, Wednesday, February 20, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 20, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

EXECUTIVE COMMUNICATIONS, ETC.

863. Under clause 2 of Rule XXIV, a letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of the Gulf Refining Co. against the United States, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 16612. A bill granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.; with amendment (Rept. No. 2591). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 16726. A bill authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.; without amendment (Rept. No. 2592). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16988. A bill to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.; without amendment (Rept. No. 2593). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.; with amendment (Rept. No. 2594). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 15850. A bill authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington; with amendment (Rept. No. 2595). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 16954. A bill granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.; with amendment (Rept. No. 2596). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 16955. A bill granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; with amendment (Rept. No. 2597). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16959. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; without amendment (Rept. No. 2598). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17007. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.; with amendment (Rept. No. 2599). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17075. A bill to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.; with amendment (Rept. No. 2600). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 17127. A bill to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa; without amendment (Rept. No. 2601). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 17140. A bill to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; without amendment (Rept. No. 2602). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 17141. A bill to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; without amendment (Rept. No. 2603). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 16838. A bill granting the consent of Congress to Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their survivors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows; with amendment (Rept. No. 2604). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 16982. A bill authorizing J. E. Robinson, his heirs, legal representatives, and assigns; to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.; with amendment (Rept. No. 2605). Referred to the House Calendar.

Mr. LETTS: Committee on the Public Lands. H. R. 17062. A bill to provide for the conveyance of Deer and Virgin Islands in Wheeler Lake, Oconto County, Wis., to the county of Oconto, State of Wisconsin, for public-park purposes; with amendment (Rept. No. 2606). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes; with amendment (Rept. No. 2607). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. S. 5255. A bill for the relief of present and former postmasters and acting postmasters, and for other purposes; with amendment (Rept. No. 2615). Referred to the Committee of the Whole House on the state of the Union.

Mr. WATRES: Committee on the Post Office and Post Roads. S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers; without amendment (Rept. No. 2616). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 17101. A bill to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes; with amendment (Rept. No. 2617). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA: Committee on Interstate and Foreign Commerce. S. J. Res. 201. A joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River; with amendment (Rept. No. 2621). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Washington: Committee on the Public Lands. H. R. 14089. A bill for the relief of Dale S. Rice; without amendment (Rept. No. 2608). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14137. A bill for the relief of Patrick P. Riley; with amendment (Rept. No. 2609). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. S. 61. An act granting an increase of pension to Louise A. Wood; with

amendment (Rept. No. 2610). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. S. 1678. An act for the relief of the estate of George B. Spearin, deceased; without amendment (Rept. No. 2611). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. S. 4276. An act granting a pension to Edith Bolling Wilson; without amendment (Rept. No. 2612). Referred to the Committee of the Whole House.

Mr. QUIN: Committee on Military Affairs. S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.; with amendment (Rept. No. 2613). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15590. A bill for the relief of Henry I. Power; without amendment (Rept. No. 2614). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15564) granting an increase of pension to Octavia Evans; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16856) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANKFORD: A bill (H. R. 17178) providing for the necessary surveys, studies, investigation, and engineering of a drainage and reclamation project to be located in south Georgia and north Florida, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. MAJOR of Missouri: A bill (H. R. 17179) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17180) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. W. T. FITZGERALD: A bill (H. R. 17181) to provide for the payment of compensation to World War widows in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT: A bill (H. R. 17182) granting certain public lands to the State of Montana for the use and benefit of the State educational institutions and common schools of the State of Montana, and for other purposes; to the Committee on the Public Lands.

By Mr. NEWTON: A bill (H. R. 17183) to continue in effect for five years the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes, approved November 23, 1921"; to the Committee on Interstate and Foreign Commerce.

By Mr. FREAR: A bill (H. R. 17184) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Buffalo County, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: A bill (H. R. 17185) to extend the times for commencing and completing the construction of a bridge across the Ohio River, at or near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 17186) authorizing the Secretary of the Treasury to reconvey to the State of South Carolina certain lands in said State; to the Committee on Public Buildings and Grounds.

By Mr. CONNERY: A bill (H. R. 17187) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. GAMBRILL: A bill (H. R. 17188) adjusting the salaries of the Naval Academy Band; to the Committee on Naval Affairs.

By Mr. HUDDLESTON: A bill (H. R. 17189) to protect the right of recovery for damage in connection with the operation for hire of passenger motor vehicles in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: Resolution (H. Res. 330) for the consideration of H. J. Res. 406, to authorize a merger of street-railway corporations operating in the District of Columbia, and for other purposes; to the Committee on Rules.

By Mr. PORTER: Resolution (H. Res. 331) to provide for the printing of the report of the Foreign Service Building Commission transmitted to Congress January 28, 1929, as a House document; to the Committee on Printing.

By Mr. GAMBRILL: Resolution (H. Res. 332) that the Postmaster General furnish the House of Representatives a statement of facts with respect to routes Nos. 13210 and 13211 in the State of Maryland; to the Committee on the Post Office and Post Roads.

By Mr. FISH: Joint resolution (H. J. Res. 426) to establish a commission to be known as a commission on a national museum of engineering and industry; to the Committee on the Library.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of Minnesota memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis; to the Committee on Ways and Means.

By Mr. KVALE: Memorial of the State Legislature of Minnesota memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis; to the Committee on Ways and Means.

By Mr. THOMPSON: Memorial of the State Senate of the State of Ohio, memorializing the Congress of the United States to distribute radio broadcasting facilities equitably in accordance with the population of the States; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 17190) granting a pension to Dallas R. McClintock; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 17191) granting an increase of pension to Catherine Campbell; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 17192) granting a pension to Zolla M. Wolfe; to the Committee on Pensions.

Also, a bill (H. R. 17193) granting a pension to Nellie York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17194) granting a pension to Mary C. E. Haworth; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 17195) for the relief of Harvey Collins; to the Committee on Naval Affairs.

By Mr. JENKINS of Ohio: A bill (H. R. 17196) granting a pension to Nettie A. Lanier; to the Committee on Pensions.

Also, a bill (H. R. 17197) granting a pension to Catherine Hutchison; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17198) granting an increase of pension to William B. Fuller; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 17199) granting an increase of pension to Margaret J. Van Dyke; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 17200) granting an increase of pension to Julia A. Furman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17201) granting an increase of pension to Sarah Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17202) granting an increase of pension to Sara J. Sprague; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 17203) for the relief of John W. Green; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11298. By Mr. BOYLAN: Petition of New York Retail Shoe Dealers, protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

11299. By Mr. CRAIL: Petition of the Ellsworth Co., Los Angeles, Calif., opposing an increase in the duty on linseed oil and favor a duty on linseed oil meal; to the Committee on Ways and Means.

12300. Also, petition of Cosmo Morgan Co., of Los Angeles, Calif., favoring a tariff on imported canned oysters and canned clams; to the Committee on Ways and Means.

12301. By Mr. CULLEN: Petition of the Senate of the State of New York, requesting that the Hon. Harry S. New, Postmaster General of the United States, be, and he is hereby, requested to cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

12302. By Mr. EATON: Petition of 24 retail shoe dealers and customers of Trenton, N. J., protesting against any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12303. By Mr. EVANS of Montana: Resolution of the State Legislature of Montana, being a protest against the enactment of a bill now in Congress, the purpose of which is to provide for the taking of property located in Glacier Park by the United States Government; to the Committee on the Public Lands.

12304. Also, petition of the Legislature of the State of Montana, memorializing Congress for the passage of necessary legislation providing for an increase of the tariff on manganese and related ores; to the Committee on Ways and Means.

12305. By Mr. JENKINS: Petition protesting against any change in the present tariff on hides and leather used in the manufacture of shoes, signed by 22 retail shoe dealers in Nelsonville, Ohio, and Zanesville, Ohio; to the Committee on Ways and Means.

12306. Also, petition protesting against any change in the present tariff on hides and leather used in the manufacture of shoes, signed by 18 retail shoe dealers in Wellston and Wilkesville, Ohio; to the Committee on Ways and Means.

12307. By Mr. JOHNSON of Washington: Resolution of the city council of the city of Tacoma, Wash., urging designation of Fort Lewis as the location for an airship base on the Pacific coast; to the Committee on Naval Affairs.

12308. By Mr. JOHNSON of Texas: Petition of Judge A. R. Stout, of Waxahachie, Tex., indorsing Senate bill 860 and House bill 10422; to the Committee on the Post Office and Post Roads.

12309. Also, petition of Texas Cotton Seed Breeders' Association, favoring a tariff on cotton; to the Committee on Ways and Means.

12310. Also, petition of E. D. McCarver, president of the Corsicana Steam Laundry Co., of Corsicana, Tex., protesting against a tariff on oils used in the manufacture of soap; to the Committee on Ways and Means.

12311. By Mr. KVALE: Petition of 113 residents of the seventh district of Minnesota, urging passage of House bill 10958; to the Committee on Agriculture.

12312. Also, petition of Midland Lumber & Coal Co., Minneapolis, Minn., opposing any changes in tariff rates on Canadian lumber; to the Committee on Ways and Means.

12313. Also, petition of Hanley Falls Chapter, I. W. L. A., Hanley Falls, Minn., urging passage of the Shipstead-Newton bill; to the Committee on the Public Lands.

12314. Also, petition of the Women's Study Club, of Cottonwood, Minn., and the Euterpean Club, of Alexandria, Minn., urging passage of the Shipstead-Newton bill; to the Committee on the Public Lands.

12315. By Mr. LAMPERT: Letter by Otto G. Egelhoff, director of Wisconsin Shoe Dealers' Association, to which is attached petition signed by laboring class of people, business men, mayor, city of Fond du Lac, Wis., bankers, and railroad men, as well as letters from the Fond du Lac Association of Commerce and Wisconsin Shoe Dealers' Association, of Appleton, Wis., requesting a duty on finished leather; to the Committee on Ways and Means.

12316. By Mr. LANKFORD: Petition of the principal, faculty, and students of Clifton School, with 535 present, Clifton, S. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

12317. By Mr. NEWTON: Joint resolution by the State Legislature of Minnesota, memorializing Congress to amend section 5219, Revised Statutes of the United States, with reference to taxation of shares of national banks; to the Committee on Ways and Means.

12318. By Mr. MORROW: Petition of letter carriers and clerks of the Albuquerque (N. Mex.) post office, Garnett Armstrong, president of the clerks; E. J. Kemper, president of the letter carriers, favoring same wage scale for regular post-office clerks and carriers as prevails for the railway mail clerks; also indorsement of Dale retirement bill (S. 1727); also favoring a half day holiday on Saturdays for letter carriers, and a 44-hour week for post-office clerks; to the Committee on the Post Office and Post Roads.

12319. By Mr. O'CONNELL: Petition of John Dowd, president Maritime Exchange, New York City, favoring certain amendments to Senate bill 1781; to the Committee on the Merchant Marine and Fisheries.

12320. Also, petition of John J. Noonan, of Washington, D. C., favoring the reduction of street-car fare for school children in the District of Columbia; to the Committee on the District of Columbia.

12321. Also, petition of the Dimon Steamship Corporation, New York City, opposing the passage of Senate bill 1781, loadline regulation; to the Committee on the Merchant Marine and Fisheries.

12322. Also, petition of the Western Pine Manufactures Association, Portland, Oreg., with reference to the tariff on lumber; to the Committee on Ways and Means.

12323. By Mr. SELVIG: Petition of 45 residents of the ninth district of Minnesota, urging the passage of House bill 10958; to the Committee on Agriculture.

12324. By Mr. SWING: Petition of residents of San Diego, Calif., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

12325. By Mr. VINCENT of Iowa: Petition from George W. Gerlach, presenting claim against the Federal Government; to the Committee on Claims.

12326. Also, petition from C. H. Larison et al., Mondamin, Iowa, with reference to retention of KWKH in her present allocation and channel; to the Committee on Interstate and Foreign Commerce.

12327. Also, petition from the First Baptist Church of Oklahoma City, Okla., to remedy certain discriminations that are being practiced against Christian churches of the Nation by various radio-broadcasting companies; to the Committee on Interstate and Foreign Commerce.

12328. By Mr. WELCH of California: Petition of United Spanish War Veterans, Department of California, requesting the enactment of House bill 14676; to the Committee on Pensions.

12329. Also, petition of California Bean Dealers' Association, requesting an increase in the tariff on beans to 5 cents per pound; to the Committee on Ways and Means.

12330. By Mr. WYANT: Petition of the Ladies' Patriotic Association, of Avonmore, Pa., with a membership of 150, protesting against any bill or amendment which would tend to weaken our present immigration laws; to the Committee on Irrigation and Reclamation.

12331. Also, petition of the Woman's Christian Temperance Union, of Avonmore, Pa., with a membership of 40, protesting against any bill or amendment which would weaken our present immigration laws; to the Committee on Irrigation and Reclamation.

SENATE

WEDNESDAY, *February 20, 1929*

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLTON, Mr. SMITH, and Mr. HILL of Washington were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15430. An act continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; and

H. J. Res. 425. Joint resolution providing an investigation of Francis A. Winslow, United States district judge for the southern district of New York.

THE JOURNAL

Mr. CURTIS. Mr. President, I ask unanimous consent that the Journal for the calendar days of February 15, 16, 18, and 19 stand approved.

The VICE PRESIDENT. Without objection, it is so ordered.

FATALITIES IN THE AVIATION SERVICE OF THE ARMY (S. DOC. NO. 225)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate Resolution 296, agreed to January 16, 1929, a list of the fatalities in the aviation service of the Army during the past five years, and reporting relative to "the causes of each accident, and what, if anything, is needed in the way of legislation or appropriations to make safe and more efficient this important arm of the military service," which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed with illustrations.

UNITED STATES PULASKI SESQUICENTENNIAL COMMISSION

The VICE PRESIDENT. In pursuance of House Joint Resolution 304, creating the United States Pulaski Sesquicentennial Commission, the Chair appoints as members on the part of the Senate the Senator from Indiana, Mr. WATSON, and the Senator from Kentucky, Mr. BARKLEY.

GRAND TETON NATIONAL PARK, WYO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5543) to establish the Grand Teton National Park in the State of Wyoming, and for other purposes, which were, on page 5, to strike out all after the word "Wyoming," in line 23, down to and including the word "Congress," in line 3, page 6, and insert:

Provided, That no new roads shall be constructed and no hotels or permanent camps shall be established on such lands except under authority of appropriations specifically made therefor by Congress, but nothing herein shall be held to restrict the establishment and construction of trails on said lands.

Page 6, strike out all after the word "Park," in line 9, down to and including the word "lands," in line 17, and insert:

Provided, That under rules and regulations to be prescribed by the Secretary of the Interior any bona fide claimant or entryman claiming or owning land reasonably adjacent to the land in said park shall have the right to graze upon land in said park reasonably adjacent to the lands claimed or owned by him such number of livestock as he has been accustomed to so graze in the past or as may be reasonably necessary to the conduct of his business and shall also have the right subject to such rules and regulations to secure dead or down timber from park lands for use in the conduct of such business.

Mr. KENDRICK. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Indiana, which was referred to the Committee on Commerce:

A joint resolution concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such a system

Whereas Representative NOBLE J. JOHNSON, of the fifth congressional district of Indiana, has introduced two bills in Congress designated, respectively, as H. R. 9034 and H. R. 9309, authorizing and directing the Secretary of War to make an examination and survey of the Wabash River flowing through the State of Indiana and between the State of Indiana and the State of Illinois for the purpose of widening and deepening the channel of the Wabash River, for purposes of navigation, and the construction of the necessary canals, dams, and reservoirs to constitute a continuous waterway through the State, and maintain an adequate flood of water therein for purpose of navigation, and for the control of the floods of the Wabash River in accordance with the provisions of section 3 of the flood control act approved March 1, 1917; and

Whereas the enactment of these bills into law will be of paramount consequence and importance to the citizens of the State of Indiana and of widespread and lasting economic benefit generally; and

Whereas it is the sense of the General Assembly of the State of Indiana that every encouragement should be given to the establishment and construction of a comprehensive system of inland waterways: Therefore be it

Resolved by the General Assembly of the State of Indiana:

SECTION 1. That the General Assembly of the State of Indiana hereby approves of the establishment, construction, and operation of a comprehensive system of inland waterways; and that the Wabash River should be included in and made a component and integrated part of the system of waterways so established and constructed. The General Assembly of the State of Indiana hereby approves of the general purport of the bills introduced in Congress by Representative NOBLE J. JOHNSON providing for a survey of the Wabash River, and hereby urges and instructs the Senators and Representatives in Congress from this State to strive by all honorable means to secure the passage of these bills as introduced or in such amended form as the Congress, in its discretion, may deem to be most suitable.

SEC. 2. The secretary of the State is hereby directed to forward a certified copy of this resolution to each of the Senators and Representatives in Congress from the State of Indiana, and likewise to forward a certified copy to the Speaker of the National House of Representatives and the President of the United States Senate.

JAMES M. KNAPP,
Speaker of the House of Representatives.
EDGAR D. BUSH,
President of the Senate.

Approved January 13, 1929.

HARRY G. LESLIE,
Governor of the State of Indiana.

Filed February 13, 1929, 10.40 a. m.

OTTO G. FIFIELD,
Secretary of State.

Mr. KING presented a petition of the Uintah Sheepgrazers' Association, of Uintah County, Utah, praying for the passage of the so-called Colton bill regulating grazing on the public domain, which was referred to the Committee on Public Lands and Surveys.

IMMIGRATION QUOTAS BASED ON NATIONAL ORIGINS

Mr. WALSH of Massachusetts. Mr. President, I present several telegrams urging the repeal or postponement of the national-origins clause of the immigration law.

I ask that the telegram from the 14 members of the Massachusetts General Court of Scandinavian ancestry, and the other telegrams, representing Scandinavian organizations in Massachusetts, be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the telegrams were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *February 18, 1929.*

Hon. DAVID I. WALSH,
Massachusetts Senator, Senate Building, Washington, D. C.:

The 14 members of the Massachusetts General Court of Scandinavian ancestry respectfully urge you to use your influence to repeal the section of the immigration act of 1924 which, if put into operation, will discriminate unjustly against and greatly reduce the number of immigrants to the United States coming from Scandinavian countries of Europe. The Scandinavians have proven themselves desirable.

EDWARD J. SANDBERG, *Quincy, Mass.,*
JOSEPH L. LARSON, *Everett, Mass.,*
Representatives for the Delegation.

WORCESTER, MASS., *February 19, 1929.*

Senator DAVID I. WALSH,
Washington, D. C.:

Is Congress going to adopt an immigration law that is contrary to both the Democratic and Republican platforms of the 1928 conventions? Your constituents look to you for a square deal. Support the repeal or postponement of national origin act to cut the Scandinavian quota two-thirds, with a distinct loss to the United States of America. May we look to your leadership on this measure?

SVEA (Swedish Newspaper),
A. H. TRULSON.

BOSTON, MASS., *February 14, 1929.*

Senator DAVID I. WALSH,
Massachusetts Senator,
United States Senate Office Building:

As president of the Swedish Charitable Society, I want to express the sincere feeling of our twenty thousand and odd numbers toward the unjust discrimination against the Scandinavians brought out by the national-origins clause. These constituents urge you to do your best toward repeal.

ELIAS B. FORSLIND,
Chairman, 28 Reynolds Avenue, Everett, Mass.

BOSTON, MASS., *February 14, 1929.*

Senator DAVID I. WALSH,
Massachusetts Senator, Senate Office Building:

May I ask you to work strongly for the repeal of the national-origins clause, which certainly is unjust to the Scandinavian countries? It is the sincere feeling of the Swedish-Americans of Boston, and it is to be hoped that some other solution of the immigration question can be found.

CARL W. JOHANSSON,
Swedish Vice Consul.

BOSTON, MASS., *February 14, 1929.*

Senator DAVID I. WALSH,
Massachusetts Senator, Senate Office Building:

Urge you propose any possible reconsideration of the unfair national-origins clause in behalf multitude Scandinavian-Americans of greater Boston.

ERIC NORLING.

WORCESTER, MASS., *February 20, 1929.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

The Vasa Committee of Worcester, representing the 10 local lodges of the National Order of Vasa, with a membership of 5,000 in Worcester, respectfully urge your support to the repeal or postponement of the national origin act now before Congress.

CARL J. NILSON,
President.
CARL J. ROLANDER,
Secretary.

WORCESTER, MASS., *February 19, 1929.*

Senator DAVID I. WALSH,
United States Senate:

The Swedish National Federation of Worcester has instructed its secretary to send you this communication urging you to action to repeal or postpone national origins act.

E. H. NORDSTROM,
Secretary Swedish National Federation of Worcester.

WORCESTER, MASS., *February 17, 1929.*

Senator DAVID I. WALSH,
Washington, D. C.:

On behalf of many Scandinavian voters, I appeal to you for action to repeal or postpone the national origins act as entirely contrary to the best interests and welfare of our country.

AXEL ROSENLUND.

PEABODY, MASS., *February 14, 1929.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Peabody Post, No. 153, American Legion, goes on record as opposed to remarks of John Taylor Thomas before Senate committee. Resolutions will follow.

Commander LEWIS BIRMINGHAM.

FARMERS' MARKET IN THE DISTRICT

Mr. TYDINGS presented a letter from T. B. Symons, director of cooperative extension work in agriculture and home economics, State of Maryland, College Park, Md., relative to the relocation of the farmers' market in the District of Columbia, which was ordered to lie on the table and to be printed in the RECORD, as follows:

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND
HOME ECONOMICS, STATE OF MARYLAND,
College Park, Md., February 5, 1929.

Hon. M. E. TYDINGS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I write to express the hope that you will oppose House bill 8298, on the calendar of the Senate, providing for the relocation of the farmers' market in southwest Washington and authorizing appropriation of $300,000 for this purpose.

If this bill should become a law it will change the entire character of the farmers' market, which has been serving the citizens of Washington for many years. The most accurate estimate that can be secured on the business conducted on the farmers' market shows that at least 30 per cent of the more than $2,000,000 business has been retail; that is, consumers buying direct from the farmers.

The purpose of a farmers' market is to furnish an opportunity for the consumer to buy direct from the producer. This bill violates this purpose.

Regardless of the wholesale feature and the arguments against the location provided for in the bill, it contemplates the purchase of a tract of land wholly unadapted for use as a farmers' market.

May we hope that these facts will cause you to give serious consideration to defeating this bill and in lieu thereof provide for the appointment of a competent commission to study this important matter further and to report its findings to Congress?

As director of the extension service of this institution I have no interest in this matter save that of public welfare. We are naturally keenly interested in facilitating the economical marketing of farm products. We hope that a model farmers' market may be erected in the city that will be of utmost service to both the consumer and producer.

Thanking you for your careful consideration of this matter, I am,

Very truly yours,

T. B. SYMONS, *Director.*

Mr. TYDINGS also presented a letter, in the nature of a petition, signed by John S. Blick, president of the Washington Convention Hall Co., and 60 farmers of Maryland and 27 farmers of Virginia, relative to the relocation of their business at the Convention Hall Market, at Fifth and K Streets NW., which was ordered to lie on the table and to be printed in the RECORD without the signatures, as follows:

WASHINGTON CONVENTION HALL CO. (INC.),
Washington, D. C., February 5, 1929.

HONORABLE SIR: As the bill for the location of the farmers' market—that is, the Stalker bill passed by the House of Representatives which would locate the farmers' market in southwest Washington—will come up for action by the Senate in the near future, it seems to us that every Senator should be advised of the latest development with respect to this site.

As fully 85 per cent of the people of Washington desire a site located north of Pennsylvania Avenue, as evidenced by the support and vote of 95 per cent of the citizens' associations, the advisory council, the unanimous vote of the Association of Women's Clubs, the Secretary of Agriculture, 90 per cent of the farmers, and various other organizations, we wish to bring to your attention the fact that at the instigation and proposal of the farmers a meeting was held in the offices of the Convention Hall Market Co. Friday, February 1, 1929, at which this company made then an offer of space on the property of this company suitable for conducting their business at the same rate as that in vogue at the present time, namely, 20 cents per day, said rate to continue for as long as they see fit to occupy this space. This proposition was accepted by the farmers, and on Saturday, February 2, 1929, a committee of farmers obtained the signature of 104 farmers, agreeing to relocate to this site in a body on Thursday, February 14, 1929. This list was obtained in one day and from the farmers who were located on the farmers' line on this day only. We were advised that this list could be increased to 350 through the signatures of others who were not on the farmers' line on this day.

We beg to submit for your consideration a list of the farmers who signed this petition, the original of which can be seen at the offices of this company.

There is to be held a meeting at the offices of this company on Friday, February 8, at 4 p. m., of farmers, merchants, and such others as may be interested for the completion of plans for the occupation of this site to be used by the farmers for the conduct of their business. We earnestly request that you be represented at this meeting in order that you may obtain information that is not only vital to the farmers, who absolutely refuse to occupy a site south of Pennsylvania Avenue, but which is vital to the citizens of this city, especially if you intend to vote for a southwest Washington site.

Very respectfully,

CONVENTION HALL MARKET,
By JOHN S. BLICK, *President.*

Mr. TYDINGS also presented a resolution adopted at a mass meeting of farmers doing business in the District of Columbia, which was ordered to lie on the table and to be printed in the RECORD, as follows:

FEBRUARY 14, 1929.

HONORED SIR: A mass meeting of farmers, representing the more than 350 who have signed an agreement to move their business to Fifth and K Streets NW., unanimously adopted the following resolutions on this date:

"Whereas the public press has indicated that proponents of the Stalker bill to establish a farmers' market in the southwest section of the District of Columbia are seeking to force that measure through this Congress; and

"Whereas the public of Washington has overwhelmingly expressed itself as opposed to the location of the market on the river front in an isolated spot; and

"Whereas a majority of the dealers formerly in business on the old B Street site have removed their activities to a new and improved farmers' produce market at Fifth and L Streets NW.; and

"Whereas the new location has been made available at no expense to the taxpayers of the District of Columbia, but, because it is centrally located and means a saving in time and money for the public: Therefore be it

"*Resolved*, That this mass meeting of farmers, merchants, and citizens do hereby protest against further consideration by Congress of the Stalker bill.

"*Ordered*, That a copy of this resolution be transmitted to the chairmen of the Senate and House District of Columbia Committees and to the press of Washington."

Dr. T. B. SYMONS (Maryland),
J. H. CRAIG (Vienna, Va.),
L. J. HARRISON (Anacostia, D. C.),
Committee.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Immigration, to which was referred the bill (S. 5472) to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes, reported it without amendment and submitted a report (No. 1841) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5779) to establish the Badlands National Monument in the State of South Dakota, and for other purposes, reported it with amendments and submitted a report (No. 1842) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Richards, Jr., Dredging Co.;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson;

S. 2439. An act for the relief of Arthur Waldenmeyer;

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; and

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5839) making the physician in charge of the Narcotics Division of the Bureau of the Public Health Service an Assistant Surgeon General; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 5840) for the relief of H. L. Redlingschafer; to the Committee on Agriculture and Forestry.

By Mr. NORBECK:

A bill (S. 5841) granting a pension to Charles L. Edgerton (with accompanying papers); and

A bill (S. 5842) granting a pension to Frank M. Lockhart (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5843) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROOKHART:

A bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 5845) granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio; to the Committee on Commerce.

By Mr. GOFF:

A bill (S. 5846) for the relief of Louis Vauthier and Francis Dohs; to the Committee on Military Affairs.

By Mr. VANDENBERG:

A bill (S. 5847) authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 5848) to establish a commission to be known as a commission on a national museum of engineering and industry; to the Committee on Education and Labor.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York, was read twice by its title and referred to the Committee on the Judiciary.

FEDERAL RADIO COMMISSION

The bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, was read twice by its title and ordered to lie on the table.

GEORGE WASHINGTON MEMORIAL

Mr. CURTIS. Mr. President, I ask unanimous consent that a letter from Mrs. Susan Whitney Dimock, of the city of Washington, in regard to the George Washington Memorial, may be read, printed in the RECORD, and referred to the Committee on the Library. The people of the country are deeply interested in the splendid work of the George Washington Memorial Association.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The letter was read, ordered to be printed in the RECORD, and referred to the Committee on the Library, as follows:

1301 SIXTEENTH STREET,
Washington, D. C., February 18, 1929.

Hon. CHARLES CURTIS,
United States Senate, Washington, D. C.

DEAR SENATOR CURTIS: The George Washington Memorial Association, of which I am president, has determined to proceed at once to complete erection of the George Washington Memorial. We realize that unless this edifice, with its large auditorium, seating 11,000, is ready for use within the next three years, there will exist in the city of Washington no suitable and sufficiently large building in which to house the magnificent ceremonies being planned for Washington's Birthday in 1932. February 22, 1932, will be the two hundredth anniversary of the birth of George Washington, and it is already apparent that the American people, aided by foreign admirers of Washington, will join on that day in paying tribute to the memory of the first President of the United States to a degree unparalleled in the history of memorial celebrations.

As you know, in 1913 Congress donated a suitable tract of land in the city of Washington upon which was to be erected a memorial edifice in honor of George Washington. The idea of a memorial edifice found its origin in a desire, frequently expressed by George Washington, and written in his will, for the establishment of an institution for the general diffusion of knowledge and for the promotion of science, literature, and art. The task of planning, obtaining funds for, and erecting the building was intrusted to the George Washington Memorial Association, a corporation, composed of well-known Americans and having, among others, William Howard Taft, Elihu Root, and John Barton Payne as members of its advisory council.

The association, desirous of erecting an edifice that will take first rank among memorial edifices of the entire world, and bearing in mind the expressed wish of Washington referred to in the foregoing paragraph, decided upon a building that in addition to being architecturally beautiful and imposing, and in respect of grandeur second to none in existence, would also carry out Washington's desire by housing a very large auditorium to be used as a place of assembly by conventions and conclaves of every character, whether national, international, or State, whether business, political, religious, patriotic, or social.

Accordingly, the George Washington Memorial edifice, when completed, will house an auditorium seating 11,000 people, which will be made available to meetings in the city of Washington through the Smithsonian Institution, which will have charge of the administrative work of the memorial after its erection.

There will also be a number of smaller meeting halls, seating from 500 to 2,500. That these meeting halls, and particularly the main auditorium, will be of immense practical advantage to the American Nation as a whole is evident when we consider the numerous groups, desirous of meeting occasionally in Washington, who have been unable to do so because of lack of just such facilities as this memorial will afford.

In 1921, in the presence of an imposing audience, the corner stone was laid. President Harding made the principal address. The foundations are completed. It remains now to provide from seven to ten million dollars with which to complete the erection.

The memorial will become the home to several important historic exhibits. Not only will there be mementos of Washington, and of Revolutionary days, but there will also be collections of trophies, documents, and records representative of all periods and all phases of American history. The George Washington Memorial will be a very important American historic museum.

It is reasonable to assume that the commission appointed by President Coolidge to recommend a program for the bicentennial celebration in 1932 will desire that the central celebration on that day be held in the city of Washington, the Nation's Capital, and the city founded by and named for George Washington. Unless arrangements are made at this time for completing erection of the George Washington Memorial edifice there will be no building in Washington of sufficient capacity.

It is of equal importance, too, that the 1932 celebration be held amidst suitable surroundings, commemorative of his greatness. The exhibits in the memorial will provide the desired appropriate atmosphere.

The Hon. Charles Evans Hughes will deliver a radio address over a nation-wide chain of stations on the evening of Friday, February 22, 1929. Mr. Hughes, who will begin his address at 7.30 p. m., will explain details of the George Washington Memorial, and will outline a plan for popular subscription whereby ever man, woman, and child in America will be afforded an opportunity to participate in the erection. The association plans to accept subscriptions in amounts as low as $1, having in mind that this memorial should be truly the result of public donation.

In view of the foregoing, and in the light of your own interest in this project, I earnestly request that you invite the attention of the Members of the United States Senate to our current plans for erecting the George Washington Memorial edifice, and by public announcement urge all patriotic Americans to avail themselves, on Friday evening next, of the opportunity which Charles Evans Hughes will afford them to learn first hand of the memorial and plans for its construction. Mr. Hughes will speak from station WEAF, New York City, over the National Broadcasting Co. chain.

Very sincerely yours,

SUSAN WHITNEY DIMOCK
(Mrs. Henry F. Dimock),
President, George Washington Memorial Association.

ORDER OF BUSINESS

Mr. ROBINSON of Indiana obtained the floor.

Mr. EDGE. Mr. President, will the Senator from Indiana yield to me?

Mr. ROBINSON of Indiana. I will yield for a question only.

Mr. EDGE. I wish to make a very brief statement.

Mr. ROBINSON of Indiana. Very well.

Mr. EDGE. The unfinished business, it is well known, is Senate Joint Resolution 117, authorizing an investigation and survey for a Nicaraguan canal. I understand that the Senator from Maine [Mr. HALE] desires to have the unfinished business temporarily laid aside in order that he may call up the naval appropriation bill. I simply wish to state that I am entirely satified that this should be done, but I give notice that I propose as vigorously as possible to press the consideration of the unfinished business in order that other business may take its place. With an appropriation bill pending, I am, of course, entirely satisfied that the unfinished business should be temporarily laid aside.

Mr. HALE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Maine?

Mr. ROBINSON of Indiana. I yield for a question only.

Mr. HALE. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. I object.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. ROBINSON of Indiana. I yield.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Simmons
Barkley	Fess	McMaster	Smith
Bayard	Frazier	McNary	Smoot
Bingham	George	Mayfield	Steck
Black	Gerry	Moses	Steiwer
Blaine	Gillett	Neely	Stephens
Blease	Glass	Norbeck	Swanson
Borah	Glenn	Norris	Thomas, Idaho
Bratton	Goff	Nye	Thomas, Okla.
Brookhart	Gould	Oddie	Trammell
Broussard	Greene	Overman	Tydings
Bruce	Hale	Phipps	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Pittman	Wagner
Caraway	Hastings	Ransdell	Walsh, Mass.
Copeland	Hawes	Reed, Mo.	Walsh, Mont.
Couzens	Hayden	Robinson, Ind.	Warren
Curtis	Heflin	Sackett	Waterman
Dale	Johnson	Schall	Watson
Deneen	Jones	Sheppard	Wheeler
Dill	Kendrick	Shipstead	
Edge	King	Shortridge	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is still detained from the Senate by illness. I will let this announcement stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement stand for the day.

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] is detained from the Senate by illness.

Mr. BRATTON. I wish to announce the necessary absence of my colleague [Mr. LARRAZOLO] on account of illness. I will let this announcement stand for the day.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague the senior Senator from Florida [Mr. FLETCHER]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. CURTIS. I desire to submit a unanimous-consent agreement.

Mr. ROBINSON of Indiana. I yield to the Senator from Kansas for that purpose.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. CURTIS. I submit the unanimous-consent agreement which I send to the desk.

The VICE PRESIDENT. The clerk will read the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on Monday, February 25, 1929, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of the bill (H. R. 11725) for the apportionment of Representatives in Congress.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SHIPSTEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. ROBINSON of Indiana. I yield for a question.

Mr. SHIPSTEAD. I want to ask the Senator from Kansas when we are going to have a morning hour?

Mr. CURTIS. I hope we can adjourn to-night and have a morning hour to-morrow. I intend later to ask unanimous consent for an evening session to consider unobjected bills on the calendar, and still later for an evening session to consider bills on the calendar under Rule VIII. We shall have a morning hour to-morrow if it is possible to do so.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, will the Senator from Indiana yield to me?

Mr. ROBINSON of Indiana. I am anxious to proceed with my address.

Mr. BRUCE. I merely wish to ask to have something printed in the RECORD.

Mr. ROBINSON of Indiana. I will yield for that purpose, if it leads to no discussion.

Mr. BRUCE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post and an article from the New York Times relating to the prohibition question.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial and article referred to are as follows:

[From the Washington Post, Monday, February 18, 1929]

THE PROHIBITION LAW

Senator REED of Missouri tells the truth in declaring that the prohibition law is not only not enforced but is made the means of hypocrisy, crime, corruption, graft, demoralization of justice, and fraud upon both Government and people. Powerful as is Senator REED'S arraignment of the hypocrites and criminals who take advantage of the prohibition amendment and the Volstead law, he could have made it more powerful and still remained within the bounds of truth. But even if he should publish the names of all Members of Congress who support the prohibition law and then violate it, and should expose every official who makes dishonest money out of the present blundering attempt to suppress the liquor traffic, the fact would remain that the American people have outlawed the traffic and are supporting efforts to make their will effective.

If any improvement is to be made in existing conditions it does not lie in increasing the penalties for infractions of the law. Senator JONES'S bill, if enacted, will only make matters worse by stimulating perjury and violence on the part of prohibition violators. If he should prescribe death as the penalty of every infraction of the Volstead Act it would still be violated, but in the violation there would be a train of perjury, murder, and gangster terrorism following the violations.

The fundamental fault lies in the mistake made by the people when they transferred the police power of the States to the Federal Government. Prohibition or regulation of the liquor traffic is essentially an exercise of police power. The United States Government is not reorganized in such fashion as to make it possible for it to exercise the police power effectively. Its attempt to do so within the States stirs up a hellbroth of confusion and corruption. The more actively the Government interferes and the more severe the penalties it imposes the greater is the resistance and the more habitual is the corruption of Government agents.

If the people should conclude that highway traffic had passed beyond the control of the States and should empower the Federal Government to regulate it, a situation would arise similar to the attempt to stamp out the liquor traffic. Federal agents would have to be stationed at every crossroads, Federal traffic courts would be set up, millions would be expended, and yet the public would violate the traffic laws, corrupt traffic officials, and find sympathy and support in all State officials.

Wherever public opinion favors liquor prohibition the law can be made effective, but where public opinion opposes prohibition it is not in the power of the United States Government to enforce the law. In other words, where the State exercises its police power the law is enforced, and where the State refuses to exercise its power the Federal Government can not enforce the law. It is not a question of money, men, or severe penalties. It is a question of attempting to use a Government controlled by the people to enforce a law that is opposed by the people.

Two other constitutional amendments are opposed by the people of certain States. The whole Nation tacitly accepts this situation and very sensibly refuses to attempt to use the power of the Government to enforce the amendments in those States. That is what must happen in regard to the prohibition amendment if it is not repealed. In the States which oppose prohibition there will be an abandonment by the Federal Government of its attempt to enforce the law.

When the United States Government bars out foreign liquor and prevents its transportation between the States it has done its full duty. The authority to enforce the law within the States rightfully belongs to the States. When the Federal Government enters a State and tries to exercise the police power it creates the situation that now exists.

[From the New York Times of Monday, February 18, 1929]

ONE THOUSAND FIVE HUNDRED MINISTERS ASK CHANGE IN DRY LAW—EPISCOPAL CLERGYMEN SUPPORT SOCIETY'S FIGHT ON "WORST FOE OF TEMPERANCE"—VOLSTEAD ACT THE TARGET—BUT IT MAY BE HELD NECESSARY TO ALTER EIGHTEENTH AMENDMENT TO TRY CANADIAN PLAN—SOCIETY EXPLAINS STATUS—SAYS CHURCH HAD TO DISSOCIATE ITSELF FROM CAMPAIGN TO AVOID BEING IN POLITICS

The Church Temperance Society, which professes to voice the sentiment of the majority of the clergy and members of the Episcopal Church, although denied the position of official spokesman, issued a call yesterday for support of a movement to modify the prohibition laws—a movement to which 1,500 ministers of the church already have pledged cooperation.

The call was contained in a statement to be published this week in the Churchman, an independent religious periodical. It was designed to end "misapprehension" regarding the society's "relationship" to the church and to restate the society's opposition to "compulsory total abstinence" as the worst foe of temperance. The statement was signed by Archdeacon J. H. Dodshon, president; the Rev. William P. Taylor, secretary; the Rev. James Empringham, general superintendent; and the Rev. C. A. Livingston, chairman of the executive committee.

HOLDS VOLSTEAD ACT NOT "HONEST"

Declaring that the Volstead Act "is not an honest or a scientific attempt to define an intoxicant," the society makes a plea for its revision "as the first step toward obtaining that measure of public support without which no law in a democracy ever can be enforced." If that is not enough, the society continues, "it will ultimately be necessary to amend the eighteenth amendment so as to permit the introduction of the Canadian system of governmental control," which has "eliminated the saloon, while we have merely changed its name to 'speakeasy,' and done away with beer, the one harmless thing it sold."

Although the society admits that the modification movement is "certain to fail at first," it holds that victory can be won "if we do not shirk the task."

"It is the duty of everyone who believes that the Volstead Act either should not or can not be enforced to write to his Senators and Congressmen urging modification," the statement continues. "We are told it is impossible to change the law. The same thing was said about the efforts of the drys to have Federal prohibition laws adopted. Is it as impossible to change the law as it is to enforce it, or can we acquiesce in leaving things permanently as they are?

ELECTION NOT A REFERENDUM

"The election was not a referendum on the prohibition issue. Apart from the wet victories in the Montana and Massachusetts referendums, it is necessary only to point out that five States—New York, New Jersey, Pennsylvania, Wisconsin, and Maryland—are so strongly opposed to prohibition that not one of their 10 Senators is a dry—yet they voted for Mr. Hoover.

"But it is not only on the present opponents of the Volstead law that our hopes for the future are founded. We believe also that when a majority of the drys in the country realize what enforcement would really mean, they will not approve of it themselves, let alone believe that they can force the country as a whole to accept it. When this time comes, all but a few of the fanatical extremists (who would rather brand any drinking as a crime than reduce the actual amount of drunkenness) will prefer the honorable course of modification to the cowardly hypocrisy of nullification.

"Fifteen hundred Episcopal clergymen have offered to cooperate with the Church Temperance Society in a campaign to obtain more practical legislation in the interest of temperance. This campaign has only just begun. If the American people are once roused from their lethargy, they will end the present orgy of anarchy and corruption; and in order to arouse them it is necessary only for our religious and civic leaders to abandon the silence which most of them have maintained hitherto."

TEMPERANCE AIM STRESSED

The issue between modification and enforcement, "the only honorable alternatives," must be fought out in the court of public opinion in a spirit of fair-mindedness and scientific searching for the truth without appeal to fanaticism or abuse, the society's statement says, insisting that the real end of prohibition, "which is temperance," must not be forgotten. The present policy of retaining the law "regardless of whether it is enforced or not," the society says, is the policy of nullification, which is neither honorable nor conducive to achievement of the desired end.

Real enforcement of the present laws in communities "where a majority or even a large influential minority of the public opposes them" is impossible, the society concludes, "without resorting to methods of the most extreme oppression and cruelty." Among such measures, it says, would be:

"The imposition of prison sentences only, since a fine means no more to a bootlegger than a saloon keeper's license; the elimination of trial by jury in liquor cases as the only means of getting such sentences imposed, or even of dealing with the cases fast enough; the institution of an army of agents, spies, and reformers, highly paid to improve the personnel and to reduce the temptation to graft; together with the building of innumerable new courts and prisons; and all this at a vast cost which would involve a great increase of taxation rather than tax reduction, and render impossible such vital social measures as farm relief."

Regarding its relationship to the church, a matter which was in controversy after the first publication of the results of a poll in which 3,000 Episcopal clergymen declared themselves as opposed to prohibition, the society, in its latest statement, conceded it had no authority to speak for the whole church.

The church, "in justice to itself," the statement points out, had to dissociate itself from the prohibition propaganda which the society undertook in 1917, since "this was putting politics into the church." Then it adds:

"The same reasons which caused the Council of Bishops to dissociate themselves from our prohibition propaganda at a time when a majority in the church probably favored it now prompts them to hold aloof from a movement in favor of modification."

But since this is the case, the society contends, there is more need of an "unofficial organization" like itself "to discover and express the consensus among individual Episcopalians on this the most pressing of all moral problems."

INTERIOR DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. SMOOT. Mr. President, will the Senator from Indiana yield to me?

Mr. ROBINSON of Indiana. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I move that the Senate recede from its amendment No. 39. I will state to the Senator from Montana [Mr. WALSH] that we have held conference after conference on the bill. I insisted that before I would ask that the Senate recede from the amendment there should be a vote on the amendment in the House of Representatives, not a standing vote, as had been previously taken, but a yea-and-nay vote. On yesterday the House voted upon the amendment, and there were 304 against the amendment and 28 for it. Under the circumstances there is but one of two things which we can now do: We can either recede from the amendment or still further insist upon it. From the experience which I have had in the con-

sideration of the bill in conference, it seems to me it is useless to try any further to get the House to yield on No. 39, which is the condemnation provision inserted in the bill by the Senate.

Mr. ROBINSON of Indiana. Mr. President, I can not yield further for the discussion of this matter. I desire to get through with what I have to say, and then the debate on the amendment to the Interior Department appropriation bill may go on.

Mr. WALSH of Montana. Mr. President, will the Senator from Indiana yield to me for a short statement in relation to the matter suggested by the Senator from Utah [Mr. SMOOT]?

Mr. ROBINSON of Indiana. I would rather not yield for that purpose if it shall provoke any discussion, but I will yield to the Senator from Montana in order that he may make a statement.

Mr. WALSH of Montana. Mr. President, I trust the Senate will disagree to the motion which has been made by the Senator from Utah [Mr. SMOOT] that the Senate recede from amendment No. 39. That amendment, as I have heretofore explained, authorizes the Secretary of the Interior at his sweet will to condemn any lands held in private ownership in the national parks. I merely desire to advise the Senate at this time that all manner of suggestions for an adjustment of this controversy have been made with the approval of the Park Service. In the first place, inasmuch as the Senators from California have offered no objection, I suggested that it would be entirely satisfactory to me if that provision were made applicable to the Yosemite Park. That would take care of the trees in Yosemite Park concerning which the country has been circularized. That was unsatisfactory.

I then proposed that the provision be made applicable to lands chiefly valuable for timber in any of the public parks, including the Glacier Park. That was unacceptable. The Director of the Park Service then proposed that the condemnation provision be made applicable to all lands in any of the parks except those lands occupied as homes; and that seems to have been unacceptable. So that all question of the preservation of the trees in the Yosemite Park or the trees in any park is entirely out of the controversy. It is simply a question now as to whether the Secretary of the Interior shall be given power to go in and take the homes of two dozen settlers in Glacier National Park and the homes of other people who have acquired homes there before the park was created.

I trust, Mr. President—and I acknowledge the courtesy of the Senator from Indiana—that the motion of the Senator from Utah that the Senate recede from amendment numbered 39 will not be agreed to.

INVESTIGATION OF SALT CREEK OIL LEASES

Mr. ROBINSON of Indiana. Mr. President, last Friday the senior Senator from Montana [Mr. WALSH] discussed the report, written and prepared by himself, presumably, on the question of the Salt Creek investigation. I had expected to address the Senate on that subject on that day, but because the hour was late I postponed anything I might have to say until the next day. Then, because the unfinished business was before the Senate with a limitation on debate to go into effect at 4 o'clock, I did not proceed; nor did I get an opportunity on Monday or Tuesday to discuss the question. So I shall now undertake to say something about what was discussed at that time and on the general subject of Salt Creek.

Mr. President, on the 30th day of April, 1928, the Committee on Public Lands and Surveys was authorized and directed by the Norris resolution to—

> make a full and complete investigation as to the occupation, leasing of, and contracts for oil and oil lands in the Salt Creek field in the State of Wyoming, and any other adjacent Government oil lands.

The resolution in some detail states rather specifically what the committee is expected to do. It is to investigate—

> (a) "Whether said occupation, leases, or contracts * * * were illegal or fraudulent," and (b) "whether the assigning * * * or the operation under said leases or contracts has given to any individual, agency, association, partnership, or corporation a monopoly" or "has tended toward * * * any monopoly in the production or distribution of oil," and to report to the Senate (a) "whether said occupation, leases, or contracts * * * are illegal or fraudulent and * * * should be annulled * * * by the United States" and (b) "what, if any, legislation should be enacted by Congress" to cure the evils disclosed by the investigation authorized.

Every Member of the Senate knows that the resolution contemplated a thorough investigation of the freely alleged irregularities connected with the wholesale leasing of the Salt Creek field in 1920 and early in 1921.

Subsequently, the committee held hearings and witnesses were examined.

In December, 1922, Albert B. Fall, then Secretary of the Interior, entered into a contract with the Sinclair Crude Oil Purchasing Co. for the sale of the royalty oil accruing to the Government from leases within the Salt Creek field for a period of five years, beginning January 1, 1923.

The contract contained a clause giving the purchaser the option of renewing the contract at its expiration for an additional five years, providing proper notice was given the Government.

In accordance with this clause, and after notice was seasonably given, Hubert Work, Secretary of the Interior, on the 20th day of February, 1928, executed a renewal contract.

This was but little more than two months prior to the adoption of the Norris resolution in the Senate.

On February 7, 1929, the senior Senator from Montana [Mr. WALSH] offered to the Senate a report on the investigation conducted, with a resolution of his own, asking that the report be adopted as the judgment of the Senate.

Under all the circumstances, this is a strange report, and speaking of it one might almost borrow the words of the celebrated character who said, "Thou comest in such questionable shape."

First of all, it completely ignores the exceedingly grave matters which the committee was directed to investigate. Not a word with reference to the inexcusable looting of Salt Creek field, as a result of which it is estimated the Government has lost a billion dollars or more.

In the next place it is a minority report, expressing views only of a minority of the committee, and this minority composed only of Democrats.

It has all the appearance of being a partisan report, presented for partisan purposes, and ends by severely censuring executive departments of a Republican administration.

So far as the facts are stated, they are substantially correct, but on the other hand, many additional facts are glossed over, or omitted entirely.

The conclusions drawn are in my judgment thoroughly erroneous.

It appears from the record that Secretary Work in renewing the contract was supported unanimously by his advisors in the department.

The solicitor of the department, Mr. E. O. Patterson; Mr. Newman, of the departmental board of appeals; the assistant secretary, E. C. Finney; George Otis Smith, Director of the Geological Survey, and nine members of the force of the Geological Survey and the General Land Office, all agreed on the legal proposition, that under the renewal clause of the original contract, the Government was bound to execute the new contract.

These facts are absolutely undisputed by the record.

It is true that protests had been lodged against renewal, but upon invitation to show how the Government could avoid the contract, the objectors failed completely to advance any method by which renewal could be legally escaped.

Even the learned Senator from Montana was in agreement with the Interior Department on this question, for on the 17th day of February, 1928, three days before the contract was executed, in a letter to a correspondent in New York, he said among other things:

> I regret to say that I am obliged to agree with the Secretary that he is legally bound to renew.

It must be assumed that the Senator from Montana [Mr. WALSH] was more or less familiar with this option clause at that time, for he had had much correspondence concerning a very similar contract covering a period of several years.

At practically the same time the Sinclair contract was entered into in 1922 Secretary Fall executed an agreement with the Lewistown Oil & Refining Co. for the sale of Cat Creek oil. This contract also contained a renewal clause, and under that clause was renewed in 1928.

The senior Senator from Montana interested himself considerably in that matter, for the purchasers were constituents from his State.

Chronological record of the correspondence follows:

CAT CREEK CONTRACT

February 11, 1922: Rockwood Brown to Senator T. J. WALSH, advising that Montana Refining Co. has recently erected a refinery at Billings, Mont., and that it desires to secure a supply of oil from the Cat Creek field.

February 16, 1922: Senator T. J. WALSH to Secretary Fall, inclosing letter from Hon. Rockwood Brown, Billings, Mont., asking for reply.

March 11, 1922: Rockwood Brown to Senator T. J. WALSH relative to securing crude oil in the Cat Creek field.

March 16, 1922: Senator T. J. WALSH to Secretary Fall, referring to previous letter of February 16, and asking him to give consideration to the letter of Brown of March 11, 1922.

March 22, 1922: Letter from First Assistant Secretary Finney to Senator T. J. WALSH, referring to letter of March 11 from Rockwood Brown, advising Senator WALSH that the whole matter is under consideration by the Secretary and that he will be further advised.

March 25, 1922: Letter to Senator T. J. WALSH from First Assistant Secretary Finney, transmitting copy of telegram of March 25 to Rockwood Brown.

January 22, 1923: From Senator T. J. WALSH to Secretary Fall, requesting that copy of contract between the Lewistown Oil & Refining Co. and the United States be sent him.

January 27, 1923: Letter to Senator T. J. WALSH by Secretary Fall, complying with request for copy of contract.

February 17, 1923: Secretary Fall to Senator T. J. WALSH, calling attention to the letter of contract for the sale of Cat Creek oil to the Lewistown Oil & Refining Co. and of his interest in the contract, and that he had been "courteous enough to counsel me in the disposition of that oil in an effort to secure the greatest revenue from it."

March 3, 1924: Secretary Work to S. C. Palmer, United States Emergency Fleet Corporation, inclosing copies of contracts for sale of royalty oil in Salt Creek and Cat Creek fields.

January 17, 1927: Senator T. J. WALSH to Secretary Work, asking for construction of the option clause in Cat Creek contract.

January 26, 1927: Secretary Work to Senator T. J. WALSH, advising of the opinion of the department that Lewistown Oil & Refining Co. would be entitled to a renewal.

February 9, 1928: Recommendation of Thomas C. Havell, Acting Commissioner of the General Land Office, and W. C. Mendenhall, Acting Director of the Geological Survey, for approval of renewal of Cat Creek contract.

March 24, 1928, renewal approved by Edward C. Finney, First Assistant Secretary of Interior.

October 17, 1928: First Assistant Secretary to the Director of the Geological Survey, directing examination of contract Lewistown Oil & Refining Co. pertaining to Government royalty oils in Cat Creek, and accompanying papers, and submission to the department, through the office of the solicitor, with recommendation and statement of facts as the record may justify in the light of the Attorney General's opinion in the Salt Creek case.

October 22, 1928: Solicitor Patterson to First Assistant Secretary, opinion holding Lewistown Oil & Refining Co. contract exactly same status as Salt Creek.

October 22, 1928: Secretary of the Interior to Attorney General, transmitting memorandum opinion of solicitor and copy of contract in the Lewistown Oil & Refining Co. matter, and requesting opinion.

The record further shows that the Secretary of the Interior forwarded a copy of the Sinclair contract to the Committee on Public Lands and Surveys, and a copy also to Messrs. Pomerene and Roberts, counsel for the Government in the naval oil reserve matters.

Early in April, 1928, the White Eagle Oil & Refining Co., a competitor of the Sinclair Co., protested to the Department of the Interior against the renewal contract that had been entered. The protest was referred to the solicitor of the department, who prepared an opinion upholding the contract.

Upon receiving the solicitor's opinion, the protest, with explanations, was referred by the Assistant Secretary to the Department of Justice for opinion.

Col. William J. Donovan, Assistant to the Attorney General, ordered Messrs. Kenyon and Chandler, of the department, to investigate the matter. Those attorneys conferred with the Senator from Montana regarding it, by arrangement made by Colonel Donovan with the Senator.

Upon investigation it appears from the record that attorneys in the Department of Justice were in accord with the Department of the Interior on the questions of law involved.

Subsequently, however, James P. Kem, counsel for the White Eagle Co., was able to convince Colonel Donovan that a different theory of law obtained and that the contract could and should be annulled.

The record shows that in October, 1928, Mr. Kem called on the Senator from Montana, at Helena, and succeeded in causing him also to change his views, just as other Government officials had changed theirs.

Whereupon the Senator from Montana felt called upon to take the matter hurriedly to the New York World. This is one of the strangest episodes in the whole matter.

The record shows that Colonel Donovan had tried to enlist the cooperation of the Senator from Montana. As early as March or April he had even arranged for Kenyon and Chandler to confer personally with the Senator, and had every reason to expect the latter's full cooperation in the interest of the Government.

It is easy to imagine his amazement when he learned of the Senator's excursion into the newspapers.

In this connection I quote the following from page 323, part 2, of the hearings before the committee:

Senator WALSH. Do you remember just how this matter of the contract for the Salt Creek royalty oil first came to the department?

Mr. DONOVAN. It first came by letter from the President to the department, and the Attorney General sent for me and asked me to take care of it.

In that letter it was requested I get in touch with you. I did at once. I talked with you about it and asked if you could help me. You said you would do it. I then replied to your letter to Mr. Williams, which you read, and we were of the view then, with that being correct, that there was no technical invalidity, but wondered whether it could be invalidated if we showed fraud. You expressed doubt as to whether we could do that. I said that might well be, but I ought to thresh it out, and I thought there was a further question in it as to whether the Midwest had violated the monopoly provisions of the leasing act; and, if not, if we could get no good basis there, whether or not there had been a violation of the Sherman Act. I asked you if you would see two men that I had selected to handle the case. You said you would. They saw you and you gave them an opinion; aided them. And then there was a hearing by this committee. I came to the committee; I pointed out to it what we had in mind—the difficulties; that we felt we were in control of the business, and we felt that there was a fraud action.

Here was Colonel Donovan doing his utmost to protect the United States Government and frankly stating his plans to the committee.

Without saying a word to the Assistant Attorney General, but immediately upon changing his views as to the legal questions involved, the Senator hastens to the New York World.

Again quoting from the hearings before the committee, pages 343–344, part 2:

Mr. DONOVAN. The only thing—and I say this, Senator, and I say it with no criticism but solely as a matter of record. I will tell you my frank reaction as I read that. I had gone to you and asked for cooperation. You said you would give it to me, and you did give it. You said you would provide us with information. I came to the committee. We agreed upon that cooperation. When this came to Senator NYE, he came to see me; it came to Senator Sterling, and he came to see me; it came to Senator CAPPER, and he called me by telephone. When it came to you, it may be that you felt you did not need to give me that courtesy of calling me up, but it did strike me that it would have been the decent thing if you had done so.

Senator WALSH. I am very glad you spoke about that, Colonel, because I would like to give you my reaction. No word came to me with this particular point that was presented to the Department of the Interior immediately by letter dated April 11, 1928. No one came to me, likewise, that it came to the attention of the Department of Justice as early as the month of June. I now learn that it came to the Department of Justice on April 27, 1928. Hearings were had before the committee charged with the investigation of this particular subject, and Mr. Kenyon and Mr. Chandler attended those hearings, and it was in the month of October, and nobody had even ever suggested to me that such a question was intimated, or given me information concerning any facts, and I rather thought that I had not been treated very courteously by the department.

Mr. DONOVAN. Well, Senator, that could have been easily determined. You could have called up and said, "Donovan, what is the matter with you about this?" That would have been the obvious thing to do with the fellows you were cooperating with.

Senator WALSH. Colonel Donovan, Mr. Kem told me that he tried to get this opinion from the Interior Department and he could not get it. He told me that he went to the Department of Justice and tried to get it and they told him that it was confidential.

Mr. DONOVAN. Which I think Mr. Kenyon was perfectly right in doing; but that does not bear upon the point of your relation and mine, it seems, Senator. I think that in view of what our arrangement had been, that rather than prejudge, you would have ascertained what the real facts were. I am just telling you what my reaction was.

Senator WALSH. And I am telling you what mine was.

The able and exhaustive opinion of Mr. Kenyon was presented to Colonel Donovan on October 8. The latter concurred in the opinion, it was redrafted in substantially the same form, and was ready for the Attorney General's signature on October 15.

On that day the New York World carried the matter, furnished by the senior Senator from Montana.

How refreshing is the naïveté of the learned Senator on this point.

Quoting from his own report, page 12:

He [Senator WALSH] interested the New York World in the affair, and that journal on Monday, October 15, published a story of the

affair with an interview with Kem and Senators CAPPER and WALSH, the opinion of the latter, mentioned above, being a feature of the article so published.

How different was the opinion of the Senator, which featured this article, from the opinion he had given his correspondent in New York on the same subject matter back in February.

And, again, how delightfully nonpartisan the Senator appears, hurrying with his new-formed opinion to that staunch old Democratic newspaper, in the midst of a presidential campaign, with the election only three weeks away.

Why, in common decency, did not the Senator communicate at once with Colonel Donovan, who had every reason to believe that he was entitled to and would receive his cooperation?

As a direct result of the Attorney General's opinion, the Sinclair contract was canceled as was also the Cat Creek agreement.

Litigation is pending, instituted by Colonel Donovan, and there is every reason to assume that the Government will, in the end, not lose a single cent.

The learned Senator from Montana, in his report, deals in captious criticism of practically everybody connected with two of the great executive departments.

Government, in the final analysis, is conducted by human beings, and no one is perfect.

Down across the centuries have come the words from the lips of the only perfect Man: "Be ye also perfect," but throughout the years, men and women, too, in their endeavors to live up to that high precept, have met with only varying degrees of success.

Perhaps the Senator from Montana has reached the heights and feels impelled to admonish his fellows in the same exalted language.

Certain it is that he can find only the grossest imperfection in the United States Government as it is conducted by human beings of the Republican Party.

In his remarkable report he shows his utter contempt for many of those in the departments, and uses this language:

> Some of them lawyers, some not, the lawyers getting the munificent salary of from $2,000 to $3,000 a year.

He seems to lose sight of the fact that many good men and women, too, are willing to sacrifice something in money that they might render service to the country they love. The Senator himself has in the past given some indication that he may be inspired by kindred feelings.

On April 5, 1928, speaking on this floor, he said:

> If I should be thus employed and should succeed as well as was the case here, the court would probably make allowance for attorney's fees that would make me richer than I ever expected to be or hoped to be or desired to be, but I have been very much more amply repaid by, as I think, the gratitude of the American people.

That is doubtless true. The Senator deserves the gratitude of the people for all the good he has done, and if he has no imperfections it is all good. I seem to remember, however, that last year the learned Senator offered himself as a candidate for President in two typical Western States, California and Oregon, and even the members of his own party proved themselves so ungrateful that the Senator found it advisable to retire from the race.

This he may charge to the ingratitude that is said to characterize republics.

The record shows conclusively that both the Department of the Interior and that of Justice have labored earnestly and faithfully to protect the interests of the country.

Yet the report of the Senator from Montana severely criticizes officials in those departments, and while I can not believe the United States Senate would ever adopt the report, the language made public therein tends in itself to hold up to ridicule and disgrace such men as Doctor Work, Attorney General Sargent, and Colonel Donovan.

Who are these men that have been so freely criticized and censured by the Senator from Montana?

I have taken occasion to find out something about them.

Hubert Work is a physician in private life, First Assistant Postmaster General and Postmaster General under the late President Harding, and Secretary of the Interior under President Coolidge.

Secretary Work was born and reared on a farm in Indiana County, Pa. He attended the public schools and the Indiana (Pa.) State Normal School, continuing to work on the farm during the summer vacations. He matriculated in the University of Michigan medical department; two years later he entered the University of Pennsylvania and was graduated the following year as doctor of medicine.

Secretary Work then went West and began the practice of medicine at Fort Morgan, Colo. He later settled at Pueblo, Colo., where he founded, owned, and operated for 20 years the Woodcroft Hospital for mental and nervous diseases; then entered the Army Medical Corps. Commissioned a major, he was assigned by Surgeon General Gorgas to the staff of Provost Marshal General Crowder, where he served as liaison officer between these two branches with direct supervision of the medical features of the draft. He was promoted to the rank of lieutenant colonel and later advanced to the grade of colonel in the Reserve Medical Corps.

During his professional career extending over a period of 32 years, Secretary Work served at various times as president of the Colorado State Medical Society; member of the Colorado State Board of Health; president of the American Medico-Psychological Society; and president of the American Medical Association.

A staunch and lifelong Republican, Secretary Work has been active in his party organization both State and national. He was a delegate at large from Colorado to the Republican National Convention in 1908; chairman of the Colorado Republican State central committee in 1912; Republican national committeeman for Colorado from 1913 to 1919; at present chairman Republican National Committee.

The service of Doctor Work during more than five years as Secretary of the Interior was distinguished by a businesslike administration and a tireless attention to the details of that exacting office.

Doctor Work expressed his ideals of Government service in his annual report for the fiscal year 1925, as follows:

> The Government is an impersonal employer. There is no mentor for official acts except public opinion, no safeguard against errors of judgment except detail knowledge, and no rewards except conscience. * * * The temptation is great to purchase official popularity through complaisance in the expenditure of public funds. The Government administrator who promises, trusting to time or circumstances to relieve him of the obligation, gains immediate applause, but he speculates with his integrity of purpose.
>
> Government service should be regarded as an ethical profession. It should not enlist those ambitious to acquire wealth. Its material compensation is fixed by statute, but its lasting rewards come through the spirit of service.
>
> The administrators of the Interior Department's affairs are trustees of public and trust funds. Their moral obligations are limited only by their number and measured by their magnitude. (P. 1, Annual Report of the Secretary of the Interior, 1925.)

The Department of the Interior is concerned primarily with the conservation of the natural resources of the United States. Of the 12 bureaus and offices in the department the majority of them are charged under the law with functions connected with the disposal, development, conservation, and administration of the public domain. There are approximately 13,000 permanent employees in 40 States and Territories and an additional temporary force numbering about 5,000 employees during the summer season. Appropriations for conducting the department are about $300,000,000 annually.

The successive annual reports presented to Congress by Secretary Work show a systematic reorganization of the department under his direction, with painstaking attention to detail unusual in the directing head of a great department of the Government. His services represent to the taxpayers a saving of more than $131,000,000 in the operating expenditures of the department.

What about the Attorney General?

Hon. John G. Sargent, of Vermont, was graduated from Tufts College with an A. B. degree in 1887; received his A. M. in 1912; was State's attorney of Windsor County, Vt., from 1898–1900; secretary civil and military affairs of Vermont from 1900–1902; attorney general of Vermont from 1908–1912; trustee of the Black River Academy; member of the American Bar Association, Vermont State Bar Association, Windsor County Bar Association, the Vermont Historical Society, and chairman of the Vermont Commission on Uniform State Laws. He was appointed Attorney General of the United States March 17, 1925, and from then until now he has served the country well and worthily.

But the Senator from Montana especially criticizes Colonel Donovan, notwithstanding his splendid record of public service. I have looked a little into his accomplishments.

William Joseph Donovan was born at Buffalo, N. Y., on January 1, 1883. From Columbia University he received the degree of bachelor of arts in 1905 and the degree of bachelor of laws in 1907. He took a very active interest in athletics during all of his school life.

In 1916 he went to Poland with the American Relief Commission, which was sent abroad to give relief to the starving people of Europe. He came back to serve on the Mexican border with Troop I, New York Cavalry, of which troop he was captain.

At the outbreak of the war he was assigned to the Twenty-seventh Division. When the One hundred and sixty-fifth Infantry—old Sixty-ninth New York—was ordered overseas Donovan asked to be assigned to that regiment, of which he later became lieutenant colonel and then colonel. During his service overseas he was wounded three times and received the distinguished-service cross, the distinguished-service medal, the congressional medal, the Legion of Honor, croix de guerre star and palm.

In 1919 he went to Siberia with Ambassador Roland Morris, at Tokio, on the mission to investigate the Kolchak government.

In 1922 he served as counsel to the New York State Fuel Administration and also served as a member of the diplomatic delegation representing the United States in the international conference between the United States and Canada relative to customs regulations.

On February 7, 1922, he was appointed the United States attorney for the western district of New York, in which office he served until August 14, 1924, when President Coolidge appointed him Assistant Attorney General in charge of criminal matters. This office he held until March, 1925, when he became the Assistant to the Attorney General. In addition to his other duties he has charge of the antitrust division of the Department of Justice, and as such directs all activities of the department against combinations of whatsoever kind in restraint of trade.

Such are the public officials the Senator from Montana would ask the Senate to censure and disgrace forever.

But I have too much faith in the sense of justice and fair play that prevail in this body to believe any such action could be taken.

Mr. President, allow me now to touch on another phase of this subject. The amazing thing about the report is its utter silence with reference to the matters the committee was directed to investigate.

So superficial is this report that one is led to wonder whether or not it is meant to be a smoke screen to divert attention from the real rottenness of the Salt Creek mess.

I undertake to say that the Government has been defrauded out of hundreds of millions of dollars in the Salt Creek region, that the rottenness can be uncovered and much of the property reclaimed.

Why has the learned Senator from Montana not given us a report on this very vital question?

On the 18th of January, 1921, Robert C. Bell, a special assistant to the Attorney General in the last Democratic administration, submitted to the Department of the Interior and to the Attorney General of the United States a memorandum with reference to the leasing of the Salt Creek field.

The memorandum was carefully prepared after many months of most painstaking investigation.

It purported to show colossal fraud in the leases and wholesale and illegal wildcatting as a result of which this area passed into the hands of private exploiters unlawfully.

Salt Creek is unquestionably the richest oil field in the world.

Mr. Bell had been with the Department of Justice for several years and gave it as his opinion that the Government could and should regain possession of this field.

No heed was given to the pleading of Mr. Bell, however, and under the leasing act of 1920, sponsored by the Senator from Montana, the leases asked for by the alleged exploiters were allowed by the Government, and this great inheritance was lost to the American people.

An excerpt from the Bell report reads as follows:

> Iba used the names of more than 100 persons from whom he obtained powers of attorney containing the above-mentioned provision, before the locations were made. None of his colocators ever claimed any interest or received any benefits or profits.
>
> Certain of the above-named applicants before they had settled their differences and joined in their common cause against the United States, alleged and contended, in a number of "adverse" proceedings in the district court of Natrona County, Wyo., that the Iba locations were void and unlawful, because the locators were dummies and the locations were entirely abandoned long prior to the order of withdrawal. Surely these same applicants will not now be permitted to avail themselves of the claims that they once contended were so bad.
>
> The question naturally presenting itself is why were so many locations made, and why were they invariably bad? The reason is simple. Some ambitious individual who had acquired some knowledge of the oil business would hear something about the prospects for oil at Salt Creek. Such an individual, of course, was not content with one location of 20 acres, or a number of locations in which he had an interest of only 20 acres, so he would borrow the names of his friends and relatives and proceed to locate for his own use and benefit vast areas of the public lands. Generally no pretense was made at complying with the law in any respect, except to make the "paper" locations so as to acquire a color of title which might be sold at a profit to some real oil operator or promoter.
>
> For several years delegations appeared before Congressmen, Senators, and other officials beseeching "relief" for the poor, honest, oppressed prospectors, who were much discussed, but in truth unknown to the history of the Salt Creek field. If such ever existed, they have long since, at the behest of the Midwest interests, vi et armis or otherwise, passed on.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. I yield.

Mr. WHEELER. How long ago was that?

Mr. ROBINSON of Indiana. How long ago was what?

Mr. WHEELER. When the conspiracy took place that the Senator has narrated?

Mr. ROBINSON of Indiana. It was years ago. It went on through a number of years, according to the Bell report, which is in the possession of the Senator.

Mr. WHEELER. In my possession?

Mr. ROBINSON of Indiana. It should be, because I inserted it in the RECORD something like a year ago; and immediately following the conclusion of my remarks to-day I shall insert it in the RECORD again.

Mr. WHEELER. It is not in my possession.

Mr. ROBINSON of Indiana. I assumed the Senator had the CONGRESSIONAL RECORD in his possession.

Mr. WHEELER. It may be some place in the RECORD, but it is not in my possession. What I want to ask the Senator is why the present Attorney General, knowing such a conspiracy existed, has not during the past eight years done anything to prosecute these men for conspiracy to violate the law?

Mr. ROBINSON of Indiana. The Department of Justice has been going into this matter all the time and is continuing to do so. There has been a Senate committee going into these oil matters almost constantly, and all they could see was Teapot Dome and Elk Hills, which are tiny in comparison to the fraud and corruption connected with the Salt Creek field.

Mr. WHEELER. But there has been an Attorney General who had something to do besides Teapot Dome, because he did not do anything with reference to that.

Mr. ROBINSON of Indiana. Oh, yes; much has been done with which perhaps the Senator is not familiar.

Mr. WHEELER. Oh, yes.

Mr. ROBINSON of Indiana. And more is going to be done, and in my opinion all of the rottenness and corruption connected with the Salt Creek field will be uncovered and the Department of Justice will recover these valuable properties for the United States Government.

Mr. WHEELER. I am very glad to hear that the Department of Justice is actually going to do something, but I am pointing out the fact that we have had a Republican Attorney General for eight years and he has not done anything about it, notwithstanding the fact that the Senator from Indiana, as he said, placed in the RECORD a complete report showing all of the facts of corruption and crookedness.

Mr. ROBINSON of Indiana. Immediately after placing the report in the RECORD, as I stated, the distinguished Senator from Nebraska [Mr. NORRIS] offered his resolution directing that the Committee on Public Lands and Surveys inquire into the whole Salt Creek matter and make a thorough investigation, and presumably that is what they have been doing. I mean to show that the committee has not scratched the surface; that the committee should continue going into that matter; that its investigation should be carried into the next Congress; that it would be unthinkable to let the investigation lapse with this Congress. I am going to say something more pointed on that subject in a few moments even though some members of the committee may think the criticism is directed at them personally.

Mr. WHEELER. If the Senator will yield again, I do not quite understand yet. Does the Senator mean to say that his friend, Mr. Donovan, and the Department of Justice have not done anything in this matter because——

Mr. ROBINSON of Indiana. Oh, no; I do not say that. I said much had been done of which the Senator evidently is ignorant, judging from what he said here a moment ago. If he will go into the record he will find a tremendous lot of work has been done in that connection, but we still have not scratched the

surface of the rottenness connected with the latter part of the Wilson administration, into which we propose to go. It was left to us as an inheritance. It was hard to dig out because many of the corrupt features of the matter were so carefully buried and therefore were difficult to get at. It takes time to do it, but we propose to do it.

Mr. WHEELER. Does the Senator mean to say that John Barton Payne had any part in this conspiracy of corruption?

Mr. ROBINSON of Indiana. If the Senator will read what I have had to say about the matter——

Mr. WHEELER. I am asking the Senator now. Does he not want to answer my question?

Mr. ROBINSON of Indiana. Of course I am going to answer the Senator's question.

Mr. WHEELER. Why not answer it and not avoid it?

Mr. ROBINSON of Indiana. I will answer the Senator's question in this way: John Barton Payne came in during the latter part of the last Democratic administration. He was in office almost a year, approximately a year at any rate, and during that year the entire Salt Creek field was given away or leased away, and there is where the corruption lies.

Mr. WHEELER. Then am I to understand the Senator to say that he thinks John Barton Payne was corrupt when he gave this field away?

Mr. ROBINSON of Indiana. I would not go to the extent of saying that John Barton Payne was corrupt. I am a little more careful in my choice of language than some Members on the other side of the Chamber have been in connection with this investigation. I will say that it is the function of the committee to find out whether he was or not, and I hope they will investigate carefully, and if he was, then he will deserve the same fate that was meted out to Mr. Fall—disgrace forever.

Mr. WHEELER. But why is it that it should be necessary to have a committee of Congress to do it when we have a great Department of Justice that ought to be doing this very thing?

Mr. ROBINSON of Indiana. Then the Senator would like to have the committee cease functioning?

Mr. WHEELER. Not at all. I would like to have it continue, because I think we have an incompetent Department of Justice, and that is the reason why I want the committee to go on. I am simply saying to the Senator that he can not excuse the Department of Justice for what he says has taken place or has not taken place.

Mr. ROBINSON of Indiana. How does the Senator account for the fact that A. Mitchell Palmer, Attorney General at the end of the Wilson administration, refused absolutely to prosecute these matters when his own assistant, Bell, had brought the report to him showing conclusively there was fraud and corruption throughout the Salt Creek field? Why did the Department of Justice, as it was then being conducted in that administration, refuse absolutely to prosecute the matter?

Mr. WHEELER. The Senator never knew me on this floor or any place else to hold any brief for A. Mitchell Palmer. What excuse is there, if what the Senator said is true and these reports have been in the Department of Justice, for the present Attorney General and the Attorneys General during the last eight years for not taking up the matter and prosecuting it?

Mr. ROBINSON of Indiana. I have just told the Senator from Montana that it will be done, and, perhaps, in language too strong to suit the Senator from Montana.

Mr. WHEELER. Oh, no.

Mr. ROBINSON of Indiana. I hope the Senator will be pleased with what will be done, and will be pleased with those who may be branded in the end.

Mr. WHEELER. I will be pleased with the branding of any of them whether they are Democrats or Republicans.

Mr. ROBINSON of Indiana. Exactly. That is what we propose to do. Let the guilty be brought to justice whether they be Democrats or Republicans. What difference does it make? That is what we propose to do.

Mr. WHEELER. I am trying to get the Senator to tell me why it has not been done during the past eight years.

Mr. ROBINSON of Indiana. Is not that the same question I have answered three or four times?

Mr. WHEELER. I have not heard the Senator answer it.

Mr. ROBINSON of Indiana. I do not like to refer any further to the Senator's ignorance of the matter. If he will consult the records of the Department of Justice, he will find out that much has been done. That is the fact. The Senator does not want a detailed statement from me of just what has been done, does he?

Mr. WHEELER. For eight years they have been doing much about it, the Senator says?

Mr. ROBINSON of Indiana. Exactly; and will do more.

Mr. WHEELER. And yet they have not filed one single case in court with reference to it nor have they indicted anybody at all, have they?

Mr. ROBINSON of Indiana. Will the Senator be satisfied when he hears of the indictments, if they do come?

Mr. WHEELER. Of course. If there is anybody who has done anything that is corrupt or crooked in the matter, I will be delighted to know that they have been indicted. But the Senator now is criticizing Mr. Palmer because he did not do anything, and has said that he had these facts before him; but during the past eight years we have had a Republican administration and nothing has been done under that administration.

Mr. ROBINSON of Indiana. I think it will all be done.

Mr. WHEELER. Of course, we know that when we investigated the Daugherty case, whenever we brought in anything else we were constantly told, "Mr. Daugherty is going to do it," but he never got around to doing it.

Mr. ROBINSON of Indiana. When the Senator brings in the Daugherty matter, let me remind him that the only matters which were investigated at all were Teapot Dome and Elk Hills, naval leases Nos. 1, 2, and 3. The Salt Creek field was scarcely touched. Teapot Dome and Elk Hills are mole hills in comparison with the mountain of Salt Creek. Teapot Dome was little in value compared with Salt Creek. But if there was a little graft in Teapot Dome, if several millions or hundreds of millions of dollars can be characterized as "little graft," then in Salt Creek there was tremendous graft, and it should have been brought out by this same committee during these years.

Mr. WHEELER. The Senator tells us there was only a little graft.

Mr. ROBINSON of Indiana. No; I did not say only a little graft. I made a comparative statement. I said if there were graft connected with Teapot Dome and Elk Hills, then by comparison the graft connected with Salt Creek field was tremendously greater. I am violently opposed to graft anywhere, whether it be big or little.

Mr. WHEELER. Will the Senator tell us now and point out just which official of the Government grafted in connection with the Salt Creek field?

Mr. ROBINSON of Indiana. I am hoping we will get to that very point.

Mr. WHEELER. Oh, but the Senator said there was big graft. Who was it that grafted? What official of the Wilson administration was it that grafted?

Mr. ROBINSON of Indiana. I think that will be gone into very fully.

Mr. WHEELER. Oh, yes; but the Senator has made the statement. When we made any statement with reference to graft in the Daugherty administration and in the Fall administration we did not say it was graft until we had the facts and brought them to the Senate. Will the Senator tell me a single official that took any graft under Wilson?

Mr. ROBINSON of Indiana. I can tell the Senator a number of officials that took oil employment—many members of the force of the Interior Department and even executive heads of the department.

Mr. WHEELER. Tell us the name of one single, solitary Democratic official that took any money.

Mr. ROBINSON of Indiana. That is asking a question which, of course, I would not attempt to answer. It is a matter that must be referred to a grand jury and to the courts of justice. It would not be becoming for me to stand here and attempt to say that any member of the Wilson administration who is not even on trial was a criminal. Of course, I shall not do that; but I do say, Mr. President, that there is evidence of corruption throughout these leases covering a period of years, not only in 1920 and 1921 but previous to that time and going back as far, perhaps, as 20 years. I say it is the province of the committee to go into that whole matter; dig it out and let the American people know where the graft and corruption are if they are there. Then let a grand jury do its work on indictments for fraud and corruption and let the guilty suffer.

I shall not attempt to state that some certain person is a criminal. I am objecting to the report of the Senator from Montana, and one of the reasons I am objecting to it is because he would disgrace men who have not done exactly as he would like to have them do in great executive departments of the Government, and he would place the censure of the United States Senate behind that criticism of his against the honor and integrity of these men. I say it is not the province of the Senate or of any Member of the Senate to designate some official as a criminal or as a crook until he has been convicted, because under our theory every man is presumed to be innocent until proven guilty.

Mr. WHEELER. Mr. President——

Mr. ROBINSON of Indiana. I do not care to yield further to the Senator on that question. I think I have answered it completely, and I can not yield at this time.

Mr. WHEELER. The Senator refuses to yield to me. Is that correct?

Mr. ROBINSON of Indiana. I can not yield at this time.

Mr. TYDINGS. Mr. President, will the Senator yield to me for a question?

Mr. ROBINSON of Indiana. No; I will not yield any further at this moment.

The PRESIDING OFFICER. The Senator from Indiana refuses to yield.

KNOWLEDGE OF FRAUD

Mr. ROBINSON of Indiana. Mr. President—

The contracts above mentioned, between Henshaw and Fitzhugh, were on record in Natrona County, Wyo., wherein the Salt Creek field is situated; therefore, every applicant basing a claim on the Henshaw-Fitzhugh locations had notice of their contents, and consequently of their fraudulent character. The Iba powers of attorney likewise were of record. Moreover, the applicants had actual knowledge of the fraud, by and through the knowledge, acts, and conduct of their incorporators, officers, and agents.

That Salt Creek had been unlawfully exploited and monopolized was commonly asserted on all sides, so on April 16, 1928, I had the Bell report inserted in the RECORD.

Subsequent thereto, the senior Senator from Nebraska [Mr. NORRIS] offered his resolution, which was duly adopted, and under color of which the Senator from Montana brings forward his remarkable report, which ignores completely the grave questions at issue, and has the practical effect of diverting attention from the fraudulent Salt Creek leases that mean hundreds of millions of dollars to the American people.

In the meantime, the Rocky Mountain News, of Denver, Colo., published an editorial on March 31 which I desire to read.

I invite the attention especially of the junior Senator from Montana to this editorial.

Mr. WHEELER. Is the owner of that newspaper the same man who took money in the Teapot Dome case?

Mr. ROBINSON of Indiana. I shall not yield. I want to read this editorial to the Senator for his benefit. The editorial was published on March 31 last in the Rocky Mountain News, of Denver, Colo.

Mr. WHEELER. I think the Senator ought to identify the owner of the paper, and say whether he is the man who took money in the Teapot Dome case.

Mr. ROBINSON of Indiana. I must decline to yield. I should like to show the Senator every courtesy, but I hope he will not interrupt me unless I give him permission to do so. I do want him to listen to this editorial, not to talk. The editorial bears the headline:

Salt Creek's bitter oil.

Mr. WHEELER. What editorial is that?

Mr. ROBINSON of Indiana. It is an editorial from the Rocky Mountain News, of Denver, Colo., a newspaper which is published right in the midst of where the transactions took place and where people know all about them. It is one of the Scripps-Howard chain of newspapers. As I have said, the editorial was published on March 31 last, and reads:

Keep Teapot Dome and Elk Hills in their class and finish with them——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. When I finish reading this editorial I will yield to the senior Senator from Montana. I will read the entire editorial.

SALT CREEK'S BITTER OIL

Keep Teapot Dome and Elk Hills in their class and finish with them and expose all the rottenness.

But do not stop there. Give Salt Creek, Wyo., the thrice over.

Acre for acre, the Salt Creek field has been the richest find on the continent. It has been producing actively 16 years, and there are a good many years ahead of it. Actually billions in it.

The greater part of its public-land sections was traded off during the Democratic national régime of 1913–1921, but more particularly during the last year or two of the Wilson administration, when the big man was absent or physically unable to check on things.

Go back to the discovery of the rich field. It becomes an international story. Some comedy and romance; but, above all, tragedy. The tragic is showing up now. The romance and the comedy are all gone; the Greek climax is nearing.

Find out all about the preemptors of Salt Creek and what became of them. Several of them victims of mercenaries, one or two with millions which they did not know what to do with, poor fellows!

Learn something of the means taken to be rid of homesteaders and prospectors—a fierce tale in itself.

Find out a whole lot about the passage of the leasing act—a novel in its plots and counterplots.

The intent was good; the result was ignoble.

Find out regarding the limited number of owners and lessees now in the field and in what way they gained possession. A 3-volumed novel.

Beyond everything else, let the investigators dig deep into the "highjacking" propositions practiced over the Salt Creek field. This we guarantee will cause the ears of the Nation to prick up. It will be a story of stories. Neither the Teapot Dome nor the California hold-up will compare with it. Millions in blackmail!

Or should it be told?

As a lesson in national morality, we believe the whole scandal should be uncovered—"given the air!"

That is more, Mr. President, than I myself have charged in all that has gone on in connection with this discussion. Now I yield to the senior Senator from Montana.

Mr. WALSH of Montana. Mr. President, I merely rose to say that this is the first information I have had that the Rocky Mountain News is a Scripps-Howard newspaper.

Mr. ROBINSON of Indiana. That is my understanding. I may be wrong about it.

Mr. WALSH of Montana. When the Teapot Dome investigation was in progress it was developed that it was owned by one Shaffer, who owns a chain of newspapers in the State of the Senator from Indiana.

Mr. ROBINSON of Indiana. I am informed that it is a Scripps-Howard paper, and I think I am right about that; but the Senator may have some information that I do not have.

Mr. WHEELER. If it is a Scripps-Howard paper, it was acquired by the Scripps-Howard interests recently, during the last year.

Mr. ROBINSON of Indiana. Mr. President, Mr. Bell is an exceedingly able lawyer, experienced, courageous, energetic, and thoroughly familiar with the whole history of Salt Creek.

Mr. WHEELER. Mr. President, will the Senator yield there?

Mr. ROBINSON of Indiana. I will yield to the Senator in a moment or two.

When the Norris resolution was adopted, I supposed, of course, that the Committee on Public Lands and Surveys would engage Mr. Bell as counsel.

Considering all the circumstances, where could a more valuable man be found?

Instead, however, the committee selected Hon. Thomas Sterling, a former Member of this body.

I have no intention of criticizing the committee for its selection, nor Senator Sterling for accepting the employment. So far as I know he is a man of ability and integrity.

I think it is fair to observe, however, that he is well advanced in years, and has no knowledge specially qualifying him for this gigantic task.

That he has done his best is a fair assumption, but the surface has not been scratched as yet, and it is unthinkable to let this investigation lapse with the passing of this Congress.

It is true that Mr. Bell was summoned before the committee and that his evidence was heard, but on going over the record, one must be surprised at the manner in which it was treated.

For instance, I shall quote from page 242, part 1, of the hearings.

I am now going to read from the evidence given in the hearings, and if the Senator from Montana cares to ask me a question before I proceed to do so, I shall yield to him.

Mr. WHEELER. I was going to ask the Senator if Mr. Bell, or if the Senator, for Mr. Bell, ever showed the report of Bell's to the Department of Justice?

Mr. ROBINSON of Indiana. No; I never have done so, Mr. President.

Mr. WHEELER. The Senator never had done so. Does he know whether Mr. Bell ever called it to the attention of the department?

Mr. ROBINSON of Indiana. I am not certain of that. After he went out of the Democratic administration, I am not certain whether or not he ever brought it to the attention of the successors of the Democratic administration.

Mr. WHEELER. The Senator does not know as to that?

Mr. WALSH of Montana. Mr. President, I think I can answer the question.

Mr. ROBINSON of Indiana. I, myself, can not say as to that.

Mr. WALSH of Montana. Mr. Bell's report was on file in the Department of Justice. Some years ago I asked for a copy of it and the officials said the report was not there, but I persisted and finally they found it.

Mr. ROBINSON of Indiana. Then, it was there?

Mr. WHEELER. In view of the fact, as I said before, that the report, which the Senator says is absolutely correct, was there, I am curious to know why it was that they did not act upon it, and whether the Senator thinks it is absolutely necessary for the committee to proceed and bring out these facts in order to force the hand of the Department of Justice.

Mr. ROBINSON of Indiana. That is precisely the same question the Senator has asked time and time again.

Mr. WHEELER. But the Senator has not answered it.

Mr. ROBINSON of Indiana. I have answered it. I have told the Senator that much has been done of which he apparently is ignorant, but which he can learn about if he will take the time to do so, and that much more will be done, in my opinion. However, Mr. President, I really do not care to take my time or the time of the Senate to continue with that question any longer.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. WHEELER. Well, I will not press the question.

Mr. ROBINSON of Indiana. The Senator can speak on that question. If he desires to criticize, he is perfectly within his right.

Mr. President, I wish to discuss now some of the evidence that was taken before the committee recently, in order to show the Senate and the country the manner in which Mr. Bell was treated before the committee by those who examined him. For instance, from page 242, part 1, of the hearings, I quote the following:

Senator WALSH. Well, at that time the bills which evidently became the leasing act of 1920 were pending before the Congress and hearings being had?

Mr. BELL. I do not remember exactly as to that; hearings were being held, I think about that time.

Senator WALSH. Well, was not the situation this, that Attorney General Palmer took the position that the matter ought to remain in abeyance to await action by Congress? At least that is what was done.

Mr. BELL. That was what was done. I won't pretend to say what the whole purpose behind it all was.

Senator WALSH. You spoke about your information about the matter, Mr. Bell.

Mr. BELL. Yes.

Senator WALSH. And I asked you what you knew about it. Now, from what source did your information come?

Mr. BELL. I would say from the officials of the Department of Justice. I did not talk to Attorney General Palmer about it, and, of course, what I stated is hearsay.

Senator WALSH. Yes. Well, now, anyway, you did not file the bills. I would like to know where you got your information which really, apparently, suspended your operations on the matter, where your directions came from.

Mr. BELL. From the Department of Justice. I would not say direct from Mr. Palmer; perhaps from an Assistant Attorney General in the public lands division.

Mr. President, there is no mention of this in the report of the Senator from Montana, although the witness states plainly that he was deterred in his work by the Department of Justice in that administration.

Again, I quote from pages 244 and 245 of the record:

Mr. BELL. That is true; and it was the position of the Attorney General that prevented us from filing the suits.

Senator WALSH. That being so, your work thus being interrupted, was there some hiatus there between that time and the time that you got active in the matter in some other way?

Mr. BELL. Yes; but we continued our work of study and investigation and preparation to conduct that litigation, because we did not know but what we would have to do so in the future.

Senator WALSH. To file the suits?

Mr. BELL. We kept ourselves in readiness to conduct the litigation and to——

Senator WALSH (interposing). When you speak of "we," who was associated with you in that work?

Mr. BELL. Mr. Bouton.

Senator WALSH. Mr. Bell, will you not please go on and tell us about your further connections with the matter?

Mr. BELL. Of course, when these bills were prepared and it became apparent that this litigation was going to be commenced there was very great activity on the part of the claimants to the oil lands to secure the enactment of the leasing law. Our whole work was held in abeyance.

Senator WALSH. Let me interrupt, with reference to that. You speak about their activity in endeavoring to secure the enactment of the leasing law. Do you mean the entire law or the relief provisions of it?

Mr. BELL. I had in mind the entire bill.

Senator WALSH. Yes.

Mr. BELL. Of course, the relief provisions in the bill, Senator, undoubtedly were very largely responsible for the enactment of the leasing law; at least, that is my impression.

Senator WALSH. How did you get that impression?

Mr. BELL. From the records of the hearings before the committee of Congress; the statement of witnesses who appeared, interested parties who appeared.

Senator WALSH. Let us see. Great areas all throughout the West had been withdrawn from entry, because believed to be oil bearing, to await legislation upon that subject, had they not?

Mr. BELL. Yes.

Senator WALSH. And were you not aware that all the representatives from the West were desirous of having enacted some legislation which would permit the appropriation of those lands?

Mr. BELL. There were a great number, as I remember, that appeared before the committees of Congress seeking the enactment of the leasing law; but my recollection is a large majority of them were parties who were interested in securing relief under the relief provisions of the act.

Senator WALSH. Yes.

Mr. BELL. A greater number of them were from Denver, Colo., Wyoming, and California.

Senator WALSH. Let us dismiss that for a single moment, now.

Mr. BELL. Yes.

Senator WALSH. These people who are endeavoring to vitalize their locations under the placer mining act: Were you unaware of any sentiment or demand for legislation which would unlock these great public lands to development and appropriation?

Mr. BELL. I think there was a purpose for the enactment of the leasing law, and undoubtedly there was some sentiment.

Senator WALSH. Now, in the State of Montana—did you know of any controversies in the State of Montana of this character?

Mr. BELL. I am not familiar with the controversies in Montana. I believe there were very few anyway, Senator.

Senator WALSH. You did not know of any controversies of that character in Montana, did you?

Mr. BELL. I will not say I did.

Senator WALSH. Your attention was not directed to any controversies in Montana?

Mr. BELL. I believe not, Senator.

Senator WALSH. Very well. Do you mean to say there was no sentiment in Montana for the enactment of a law that would permit the appropriation of oil lands in Montana or their development?

Mr. President, I point out to you and to the Senate that these questions were directed by the Senator from Montana to his own witness; to a man who was there, if there for any purpose at all, to assist the committee in uncovering the rottenness of Salt Creek; yet he is cross-examined as if he were completely unfriendly.

Mr. BELL. No; I do not mean to say that at all, Senator. I think there was some.

Senator WALSH. It is quite likely that people in the State of Montana would not come down here where nobody had, up to that time, discovered any oil in Montana.

Mr. BELL. That is perhaps true.

Senator WALSH. Of course, these other people, who had discovered oil and were asking for the relief provisions, were down here in force.

Mr. BELL. They certainly were.

Senator WALSH. Everybody realized that; but I wish you would tell us, Mr. Bell, whether, as you gathered it, these people who were here were interested in the enactment of some legislation dealing with the whole subject of oil lands, or whether they were particularly interested in the relief provisions of the act.

Apparently the whole purpose of this examination, Mr. President, is to justify the leasing act, which has been, it seems to me, the cause of so much of our trouble and our misfortune.

Mr. BELL. Well, I think they were interested in the enactment of a general leasing law; but I think their great interest—that is, the great interest of most of those who appeared—was to secure the relief provisions. That was my impression.

From which it would appear that the Senator from Montana was dealing with his own witness as if he feared he might be unfriendly to the investigation.

On pages 252 and 253 appears the following—more of the same examination:

Senator WALSH. You had always lived in the eastern country?

Mr. BELL. Yes; I am a Missourian. I never lived as far west as Helena, Mont., Senator. I want to say this, though, I do not think it is necessary for me to make a statement here to sustain my position. Most of this evidence I have referred to are matters of record. These contracts between Henshaw and Fitzhugh were on record up in Natrona County, Wyo., and a suit had been tried down in Arizona in courts in which Henshaw and Fitzhugh both testified and, if they are to be believed, these locations were certainly dummy locations.

Senator WALSH. Well, reference is made in your report to that, Mr. Bell, and we were eager to see that testimony, but I think that Judge Payne told us that he did not remember that that had been produced and there was no record of it there.

Let me make this suggestion to you—

This is the senior Senator from Montana, now giving a concrete illustration of what might happen—

Let me make this suggestion to you: When the Klondike discoveries were made in 1898 there was quite a flocking from Montana to Arizona and some enterprising prospector whom we knew well, and whom we trusted, was about to go, and he had not any money and wanted to go, and a half dozen of us would get together and put up the money for him under an arrangement that he was to go up there and locate placer mining claims, put the names of all of us on the claims, do just what he saw fit with them; if he got a chance to sell, why, all well and good. So he would go up there and locate a claim with eight names on it, the gentlemen who assisted him in financing his enterprise, and then he would make a contract with some one to sell the claim, or make a contract by which some one was to have a three-quarters interest in the claim for the purpose of furnishing additional money to work the claim, and he was to have a one-fourth interest, but that one-fourth interest he had, of course, for the benefit of all eight of us. Is it not conceivable that that is what Mr. Fitzhugh did?

Apparently trying to justify Mr. Fitzhugh, Mr. President.

Mr. BELL. That is not my conclusion from the contracts, the testimony, and all the information that I have been able to obtain in connection with these locations.

Senator WALSH. But just now, Mr. Bell, we are simply considering the effect of these contracts to which you have called our attention. Of course, there may be much other evidence that will confirm the other view, and I should think that this testimony given in the Arizona case would be exceedingly important, but at the present time I am calling your attention merely to these particular contracts, which as I understand you, themselves demonstrate the invalidity of these locations.

Mr. BELL. I had the impression when I prepared this memorandum in 1920 that the contracts disclosed the dummy character of the locations beyond any question, because the contract provided that Henshaw should have a three-fourths interest and Fitzhugh a one-fourth interest. Why? Why, because Henshaw was furnishing the money. The contracts certainly disclose that there is no other interest except Henshaw's and Fitzhugh's.

Senator WALSH. Unless, of course—

More of the cross-examination, Mr. President:

Senator WALSH. Unless, of course, they were acting in a representative capacity in making the contract.

Senator PITTMAN. Was there not a suit brought in California in which these silent partners were made a party to the suit?

Mr. BELL. I am not sure as to that.

Senator PITTMAN. Well, it is in this testimony here in which you appeared. Right here it testifies when the suit was brought that they made all of these parties in interest a party to it. It is right in the hearing you sat at.

Mr. BELL. Well, it has been six or seven years ago, Senator, and I do not pretend to remember all the details of what occurred at that hearing. I am giving you my best recollection.

Here the senior Senator from Nevada seems uneasy about the good faith of the witness.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. PITTMAN. If the Senator were not a lawyer, he would be more pardonable; but, of course, I assume that he has had nothing to do with mining law.

Mr. ROBINSON of Indiana. I do not hear the Senator. Will he speak louder?

Mr. PITTMAN. Yes, sir. I say that the question submitted was whether certain evidence constituted a fraudulent location, known as a dummy location. If evidence was presented to the committee by Mr. Bell or any one else that would lead a lawyer to believe that it was a dummy location, it would be the duty of the members of the committee to vote instantly to request the institution of proceedings to set it aside. The question was whether or not he had any other evidence than the contract of sale.

The contract of sale was subject to interpretation. Those who thought the contract of sale constituted a dummy location would so vote; those who did not would vote the other way; but the evidence that Mr. Bell referred to was as to whether or not these parties had any interest in it other than that of dummy locators.

The Senator from Nevada called attention to a suit in California in which all of these parties were alleged to have an existing interest in those claims, and also appeared and asserted an existing interest in those claims. While that would not be at all conclusive as to their having that interest, it would indicate that the plaintiffs in the case thought they had an interest; the answer would indicate that the defendants thought they had an interest; and what we were trying to find out from Mr. Bell was the evidence, and all of the evidence, upon which he based his conclusion.

As a matter of fact, I will state frankly now as a lawyer—of course, lawyers differ with regard to these matters—that I do not think the evidence he submitted disclosed that they were dummy locators. That, of course, is a matter for different people to determine. I think Mr. Bell was absolutely sincere about it, and I think he told us very frankly what he based his conclusion upon. Since that time, so as to get an outside opinion of another lawyer, or to get the opinion of a lawyer for the benefit of the members of the committee who were not lawyers, the committee appointed an ex-Member of this body, an ex-Senator, former Senator Sterling, as the counsel and investigator of this committee to take all of the evidence that had ever been submitted to any committee we have, all of the evidence that has ever been submitted to the Department of Justice, everything that could be found, go into it, examine it, and make his report.

Former Senator Sterling was a distinguished Republican Member of this body. He was not even an independent. He has reported to the committee; and, as is published in to-day's paper, he did not find anything to justify the charges of Mr. Bell or any other charges.

That is the situation which you find to-day.

Mr. ROBINSON of Indiana. Mr. President, I am perfectly well aware of the attitude the Senator from Nevada took in this whole investigation, so far as the hearings disclosed his attitude. I am not quarreling with any conclusions at which the Senator may arrive. I am saying that the Senator from Nevada [Mr. PITTMAN], the senior Senator from Montana [Mr. WALSH], and to some degree the junior Senator from Wyoming [Mr. KENDRICK] treated this witness, who was there to give light on this subject, there in the interest of the United States Government—he has no other interest—as if he were a hostile witness. They cross-examined him and they heckled him.

Mr. WALSH of Montana. Mr. President——

Mr. ROBINSON of Indiana. I am reading the record, Mr. President, to show just how they heckled him——

Mr. WALSH of Montana. Mr. President——

Mr. ROBINSON of Indiana. How he was subjected to this argument and this question and that question and the other question——

Mr. WALSH of Montana. Mr. President——

Mr. ROBINSON of Indiana. And I submit that in my judgment it was wrong.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. I do.

Mr. WALSH of Montana. I venture to assert that if Mr. Bell were interrogated about it, he would say that he was treated with every courtesy by the committee.

Mr. ROBINSON of Indiana. Well, let the Senate judge, and let the country judge. I am reading the testimony of Mr. Bell, and the questions that were propounded, and the manner in which they were propounded.

Mr. WALSH of Montana. I will give you Mr. Bell's judgment.

Mr. PITTMAN. Just one word——

Mr. ROBINSON of Indiana. And now, one other word with reference to the Senator from Nevada. I grant the Senator that Mr. Bell could be mistaken.

Mr. Bell's report was chiefly an indictment. It was an indictment of the conditions that prevailed out there for years. It was a statement of what he believes is the fact or what are the facts connected with the whole Salt Creek situation. In fact, after his long study of years, it goes back years before the lands were withdrawn. But it seems to me it is wholly without the province of this committee, an impartial committee, or

any member of the committee, to insist to Mr. Bell that, in their judgment or its judgment or his judgment, his facts are not correct, and that the conclusions he draws are unwarranted. This committee, if it is anything at all, is a committee that is directed by the Senate to procure the facts.

Mr. PITTMAN. Mr. President——

Mr. ROBINSON of Indiana. And if Mr. Bell could not supply all the facts, he could tell them where they could get additional facts, and, if necessary, the committee could go out into Wyoming, and go all over Wyoming, or all over the West, to the end that these lands might be reclaimed by the United States Government.

Mr. PITTMAN. Mr. President——

Mr. ROBINSON of Indiana. I am suggesting that the report of the hearings indicates to an unprejudiced mind that the committee was prejudiced to begin with, if not against the investigation, certainly against Mr. Bell.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. PITTMAN. I can speak only for myself in the matter. I was not present on all occasions, because I did not know what Mr. Bell would testify to or what the facts were. As a member of the committee I hold that it is not my duty as a member of the committee to attempt to sustain the Government, or attempt to sustain one claiming title under the Government. Our committee has no authority of adjudication. What we were trying to do was to get Mr. Bell to submit to that committee every bit of evidence he had obtained in his long investigation, covering several years, and it was necessary, as he had filed a written statement, to question him for hours in trying to follow down to see what he had, and when he had completed his statement, after the long examination to which the Senator refers, he was asked the question, "Do you know of any other evidence bearing on this subject?" And you will find in the record that he said "No."

Some of us have listened to this matter on several occasions, have listened to it over years, not from this witness but from many witnesses; we had a number of investigations made, we paid $60,000 or more to have an investigation several years ago; if we had been prejudiced in this matter, if there had been any desire to hasten it or foreclose it, we would have sought a vote on it. There was no evidence of that at all. We did not even seek to foreclose further investigation.

Instead of that, the committee unanimously voted to employ disinterested, able, impartial counsel to take this evidence of Mr. Bell's, to take every charge that Mr. Bell had made, to take every letter that had been written to the committee, or the Department of Justice, or the Secretary of the Interior, to take every scrap of evidence and go out to Wyoming, or go to California, if necessary, to follow up these suspicions, these charges, investigate and report on them, and in doing that we selected an ex-Senator from this body, a Republican Senator, whose reputation is high, whose honor is unquestioned, whose ability as a lawyer is equal even to that of the Senator from Indiana, and we asked him to report to us.

Mr. ROBINSON of Indiana. Mr. President, why was Senator Sterling chosen? I would like to have the Senator explain that to me.

Mr. PITTMAN. I will ask the Senator, why should he not have been chosen?

Mr. ROBINSON of Indiana. For one reason, because he was interested in the leasing act and assisted in putting the leasing act through this body when he was a Member of this body.

Mr. PITTMAN. And the Senator says that every man——

Mr. ROBINSON of Indiana. No; I am not saying that. Wait until I have finished.

Mr. PITTMAN. The Senator means to say that every Senator in this body who voted for the leasing act is so prejudiced that he could not on behalf of the Government investigate as to whether or not a fraud had been committed against the Government?

Mr. ROBINSON of Indiana. No; I do not mean to say that. I am saying that he voted for the leasing act, and I have been informed that he was the father of several amendments to the act, some of which have been under very severe attack.

Mr. PITTMAN. That is not true.

Mr. ROBINSON of Indiana. If that is true, does the Senator think he was a proper man to act as counsel for this committee?

Mr. PITTMAN. From whom did the Senator understand that an amendment to that bill offered by Senator Sterling was ever adopted?

Mr. ROBINSON of Indiana. I have heard it from several sources.

Mr. PITTMAN. From whom?

Mr. ROBINSON of Indiana. I think the RECORD so shows. I have been through the RECORD, and, if my memory serves me right, I think the RECORD will show that.

Mr. PITTMAN. Then get the RECORD.

Mr. ROBINSON of Indiana. The Senator can have a page get him the RECORD and see if Senator Sterling did not, as a matter of fact, introduce amendments.

Mr. PITTMAN. The Senator means to charge——

Mr. ROBINSON of Indiana. The Senator was here. Did Senator Sterling, or did he not, introduce amendments?

Mr. PITTMAN. I do not remember that Senator Sterling ever introduced or offered an amendment in connection with that measure. I know one thing—that he was not responsible for any one of the so-called relief acts in that bill—not one of them.

Mr. ROBINSON of Indiana. Why was the Senator so anxious not to appoint Mr. Bell as counsel, a much younger man, who knows this whole subject?

Mr. PITTMAN. We wanted to appoint some one, a high-class lawyer——

Mr. ROBINSON of Indiana. How about Mr. Bell?

Mr. PITTMAN. Mr. Bell is not a high-class man.

Mr. ROBINSON of Indiana. He was five years Assistant Attorney General, and he is a Democrat, and nobody can say a word against his character or his courage.

Mr. PITTMAN. I did not want a Democrat appointed.

Mr. ROBINSON of Indiana. Oh, that was it!

Mr. PITTMAN. I wanted to take this thing out of politics.

Mr. ROBINSON of Indiana. Oh, I see! So the Senator wanted appointed a Republican, so that it would not be in politics.

Mr. PITTMAN. Absolutely; and stated in committee that I did not want to vote for any Democrat. I wanted a man appointed whose reputation was known, whose honor could not be questioned; and I am surprised that the Senator from Indiana should question either the honor or the purpose or the fairness or the integrity of the former great, distinguished Senator from this body who was chosen. He will not be agreed with by either Republican or Democrat on either side. As far as saying that a man may be prejudiced because he voted for the leasing bill, if the Senator will examine the RECORD he will find that 85 per cent of his colleagues who were here then and who voted for the leasing act are here now. He will find that only five or six Senators in this body voted against that bill. This selection was as impartial as it could possibly have been made, and it was unanimous.

Mr. ROBINSON of Indiana. Mr. President, without going into that, I shall have something more to say about the counsel of the committee in a few minutes.

Mr. PITTMAN. I will have something to say to-morrow with regard to this particular subject myself, in which I will quote the record and not make assertions.

Mr. ROBINSON of Indiana. The Senator can do that in his own time. I have been very generous with him in giving him whatever of my time he wanted.

Mr. NYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. ROBINSON of Indiana. I yield.

Mr. NYE. I would like to have the attention of the Senator from Nevada. I understood him to say that the adoption of the leasing act was unanimous. I am told that he maintained that the selection of Mr. Sterling was unanimous by the committee.

Mr. PITTMAN. I stated that, according to my recollection, about 85 per cent of the United States Senate voted for the leasing act.

Mr. ROBINSON of Indiana. Did not the Senator say also——

Mr. NYE. The Senator did not maintain, then, that the selection of Senator Sterling as counsel for the committee was unanimous on the part of the committee?

Mr. PITTMAN. It was by unanimous vote, I understand.

Mr. NYE. It was not, Mr. President.

Mr. PITTMAN. Who voted against him?

Mr. NYE. I did.

Mr. PITTMAN. Did anyone else?

Mr. NYE. Not that I know of.

Mr. PITTMAN. Does the record disclose that the Senator voted "no"?

Mr. NYE. The record discloses my opposition.

Mr. PITTMAN. Does the record disclose that the Senator voted "no"?

Mr. NYE. As I recall it, there was no roll call upon that subject.

Mr. PITTMAN. No roll call upon the subject?

Mr. NYE. No roll call.

Mr. PITTMAN. Who voted "no"? Did anyone?

Mr. NYE. It was by the choice of the committee.

Mr. PITTMAN. Did the Senator state at the time we selected him, "I want to be recorded as opposed to this selection"?

Mr. NYE. I certainly did, Mr. President.

Mr. PITTMAN. I have no recollection of it.

Mr. NYE. I most assuredly did.

Mr. PITTMAN. I have no recollection of it, for the simple reason that when Senator Sterling's name came up there, when we selected him there, by a vote of that committee, if there was any single, solitary vote against him, I never heard it.

Mr. ROBINSON of Indiana. The Senator from Nevada does not question the Senator from North Dakota in that statement, does he?

Mr. PITTMAN. I do not question anything except his recollection as to a vote. As to whether or not he was opposed to him is a matter I know nothing about. If he says he is opposed to him, he is opposed to him; I do not doubt his word. But certainly nothing took place to indicate that every member of that committee was not satisfied with his appointment, at least that anyone was opposing his appointment.

Mr. ROBINSON of Indiana. Mr. President, more remarkable still, from pages 258, 259, 260, and 261:

Senator KENDRICK. I wanted to ask you a question there, Mr. Bell. For some time, in reference to those contracts, you have referred to them as a matter of record in Natrona County, and also as to this reference to them, as I understand, in the affidavits, they are referred to in those affidavits. Did it not strike you that if there had been anything questionable about the validity of those contracts that they would have been withheld from record?

Mr. BELL. Well, if the gentlemen who placed them on record had had any knowledge of their invalidity, of course, they would not have done that.

Senator KENDRICK. Well, the affidavits of Mr. Schuyler and Mr. Shoup, as I recall, testified to their knowledge of the mining law and the placer claims, and about things dealing with oil locations on the part, as I remember it, of Henshaw and Fitzhugh. It is stated under oath that they were both experienced in that kind of location, and particular reference is made as to their familiarity with what constituted a valid location.

Mr. BELL. I have no knowledge of the experience or information that either Fitzhugh or Henshaw had, Senator.

Senator KENDRICK. But the affidavits, I mean, testified to that effect.

Mr. BELL. Yes. At this point, as you mention those affidavits, I want to add that I had no knowledge of what was going on in the Interior Department in connection with the applicants for these leases and did not see these affidavits until I think the day that the matter was presented orally before the Secretary.

Now, something has been said about no reply having been made to those affidavits by Mr. Bouton or myself. I considered that when I gave the Secretary of the Interior the information contained in that memorandum and handed him the original of it that day, and the information contained in my oral statement to him, that I had done my duty. The law imposed no further duty upon the Department of Justice to make any contrary showing. The fact of the matter is the law imposed the duty upon the Secretary of the Interior to administer the leasing act. I had no right or authority under the law to proceed to try any sort of a case or present further evidence to the Secretary of the Interior.

Senator WALSH. You were there really only for the purpose of helping him?

Mr. BELL. That was my only purpose and thought that when I furnished that much evidence to the Secretary of the Interior I had performed my duty, and that it was his duty and obligation to make proper investigation and ascertain the facts in connection with these applications for leases, and I did not ask, as I remember it, that the leases be rejected. I asked that testimony be taken before the register and receiver of the land office and all the facts ascertained, and that these leases not be granted on ex parte application or showings made by the applicants themselves. That was the only thing I asked. I wanted the Secretary not to start into this thing without full knowledge of the situation. That was all.

Senator PITTMAN. As a matter of fact, there was really but one question involved in those leases, and that was under the section of the act that if they had reasonable ground to believe that fraud had been committed by those locators, we will say, that then they were bound by that fraud and could not obtain a lease. That is true, is it not?

Mr. BELL. That was my idea of it, Senator.

Senator PITTMAN. Exactly. Now, then, what notice did the companies have of fraud? That was the contract, was it, because they were assumed to have notice of it?

Mr. BELL. It was the contract. It was the thorough information that Mr. Shoup and Mr. Schuyler must have had of the whole situation when they negotiated the contract with Henshaw, as I have said, they refer to the contracts between Fitzhugh and Henshaw.

Senator PITTMAN. Exactly. That is true, is it not? Now, the question is they had notice of the contract, did they not?

Mr. BELL. Yes.

Senator PITTMAN. Now, we admit that. Everybody admits it. It is proven at least that they had notice of the contracts.

Mr. BELL. Yes.

Senator PITTMAN. Now, then, if those contracts were, as you claim, that those were dummy locations, then they had knowledge of the fraud, because dummy locations are fraudulent.

Mr. BELL. Yes.

Senator PITTMAN. They had knowledge of the fraud, and they could not obtain a lease, but the construction of the contract determined whether or not there was fraud. You contended that it showed fraud. Personally, I do not think it is proved.

There, Mr. President, was the position of the Senator from Nevada [Mr. PITTMAN] long before the investigation had been concluded.

Senator WALSH. Let me put it this way, Mr. Bell: If the contracts are fraudulent on their face, then these people had notice and they did not exonerate themselves as the statute required. That is correct, is it not?

Mr. BELL. I think so.

Senator WALSH. Well, then, does it not all come back to the question, then, as to whether these contracts do show that the locations were dummy locations?

Mr. BELL. No; because there might have been a great deal of other evidence.

Senator WALSH. Other evidence?

Mr. BELL. Yes; we are not confined to those contracts.

Senator WALSH. And you did not feel under any obligation to go and hunt up the other evidence?

Mr. BELL. My recollection is, Senator, that there was a vast amount of other evidence that had been accumulated over a period of a great many years by agents of the Land Office and was on file in the Land Office. Whether the Secretary had actual knowledge of this information in that office or not, I do not know, but I thought it my duty to advise him in a general way of the facts.

Senator PITTMAN. Had you not been, as an examiner for the Department of Justice, making your preparation of your case to file these bills?

Mr. BELL. About the first work I did was a study of the files and assisted in preparing these bills.

Senator PITTMAN. Did you not prepare your case and get the evidence as diligently as you would expect the Secretary of the Interior to do?

Mr. BELL. Why, certainly. I was making every effort to be familiar with this situation.

Senator PITTMAN. How long had you been preparing this case before you prepared these bills?

Mr. BELL. I became connected in an unofficial way, as I remember, in November, 1918, with these oil-land matters, and these leases were granted in the latter part of January and February; I think the greater part of them in 1921.

Now, I had spent a good portion of that time in connection with these matters.

Senator WALSH. The information that we got was that while a considerable number of them were authorized in January and February of 1921, the leases themselves were not executed until the new administration came in.

Mr. BELL. Yes; I see.

Senator PITTMAN. Let me follow this up just a second, sir. You commenced to investigate this Salt Creek oil field when?

Mr. BELL. In November, 1918, Senator, to the best of my recollection.

Senator PITTMAN. November, 1918; and you continued that investigation until you filed these bills?

Mr. BELL. The bills were never filed.

Senator PITTMAN. I mean until you prepared the bills.

Mr. BELL. A good portion of my time was spent in connection with these oil-land matters.

Senator PITTMAN. When did you prepare these bills?

Mr. BELL. During the winter of 1918 and 1919.

Senator PITTMAN. 1918 and 1919?

Mr. BELL. Yes.

Senator PITTMAN. Did you have any facts with regard to that available to you outside of what you got?

Mr. BELL. A vast amount of data collected by the agents of the General Land Office.

Senator PITTMAN. Did you file your bill or prepare your bill until you had gotten all of the information that you could get?

Mr. BELL. I thought we had a fair idea of the situation when these bills were drawn.

Senator PITTMAN. And you felt you had sufficient information to justify the filing of those bills and the prosecuting of those suits?

Mr. BELL. Absolutely.

Senator PITTMAN. Did you conceal anything from the Secretary of the Interior at the time you had your hearing before him in 1920?

Mr. BELL. I have never concealed anything in connection with these from anybody.

Senator PITTMAN. Then you presented everything to him that you had when you prepared your bills?

Mr. BELL. No; I do not mean to say that at all.

Senator PITTMAN. Did you gather something between the time you prepared the bills and the time you appeared and testified before him in 1920?

Mr. BELL. I certainly acquired a much more accurate knowledge of the situation between the time I prepared these bills and the time I presented this matter to the Secretary.

Senator PITTMAN. Did you include the additional matter in your report to him?

Mr. BELL. Why, Senator, I did not undertake to go into all the details in presenting this matter to the Secretary; not at all.

Senator PITTMAN. Why did you conceal some parts of this information when you were trying to urge him to bring proceedings not to grant those leases?

I point out that this was the Government's witness being dealt with in this matter.

Mr. BELL. I did not conceal any information.

Senator PITTMAN. Well, if you gathered information between the time you prepared that bill in 1918 and when you made your report in 1920, why did you not include it in your report?

Mr. BELL. I have stated that I considered it my duty, not under the law but my duty under my oath and as a special assistant to the Attorney General, to give the Secretary of the Interior enough of the facts pertaining to the fraudulent character of these locations and the knowledge of fraud so that he might be on his guard.

Senator PITTMAN. Now I want something you did not have in the report. That is what we want to know. Let us take what you did not have in the report.

Mr. BELL. I am not sure that the report calls attention to the fact that the Fitzhugh-Henshaw locations were made after the order of withdrawal. I am quite confident the report does not contain an outline of the dummy character of a large number of these locations made from 1883 on down to 1908.

Senator PITTMAN. I am not referring to those. I am only referring to the Henshaw-Fitzhugh locations. Now, is there any information with regard to those which you did not have in that report?

Mr. BELL. Well, I would not undertake to say. I do not remember.

Senator PITTMAN. We would like to know, as a committee, if you have any information.

Mr. BELL. I understand that, Senator; and I am giving you the best I can from my recollection, having been disconnected from the work entirely for six or seven years. Now, for instance, we have in the files, or had in the files, a statement of Mr. Knowles, one of the Fitzhugh-Henshaw locators, in which he admitted that he had no interest in these locations. I believe that is in my memorandum.

Senator WALSH. It is here; yes.

Senator PITTMAN. Yes.

Mr. BELL. And then I believe the investigation showed that others of the locators——

Senator PITTMAN (interposing). Did you give that at the hearings?

Mr. BELL. I think so, but I am not positive.

Senator PITTMAN. I know you did. But, now, what knowledge did the companies applying for leases have as to what this man had in his mind, one of these locators, that he never had any interest?

Mr. BELL. They had the knowledge acquired by Mr. Shoup and Mr. Schuyler, who organized the Midwest Oil Co., the Reed Investment Co., and the little Reed companies. They became the officers, directors, and the stockholders of those companies.

Mr. President, that was an interesting examination, but the witness continues to testify that there was both fraud and monopoly (pp. 266–267):

Mr. BELL. I have never been fully convinced that the relief provisions in the act, unless they were very judicially administered, were feasible, Senator.

Senator WALSH. That is to say, you feel the relief provisions opened the door for fraud?

Mr. BELL. You can accept the present situation. I feel that there is fraud. I feel that there was fraud in these claims to this field, and ordinarily applicants had knowledge of it, and these leases ought not to have been issued.

Senator WALSH. For the present, Mr. Bell, I wanted to see what your attitude was with respect to the law itself. Now, if it be admitted that the original prospector, the good-faith prospector, who went out into the desert, miles away from anywhere, the Government never knowing or even suspecting that there was any oil there at all, actually went out there and took—risked his money in the matter and had sunk the well and had not really got oil anywhere, so he had not any legal title to the property at all when the withdrawal order came on, but he went on, persisted, actually demonstrated by his actual results that the property was immensely valuable to the Government of the United States. We want to take the case of that fellow. Do you think that the law ought to make provision for him?

Mr. BELL. That is a very sympathetic case, Senator.

Senator WALSH. So that, so far as the law is concerned, you find no fault with the law except that the opportunities for fraudulent claims were opened up?

Mr. BELL. It appears to me—that appears to be the situation. What has happened in the Salt Creek field? One concern is getting the oil to-day, all of it, as a practical proposition from the Salt Creek field—namely, the Standard Oil Co. of Indiana.

The CHAIRMAN. Was that concern interesting itself at the time of the hearings prior to the enactment of the leasing law?

Mr. BELL. The whole property and all the claims in a measure had been consolidated in the Midwest Refining Co. I think that was about January, 1914, that the Midwest Refining Co. was organized, and through the representatives of the Midwest Refining Co. they were seeking the enactment of the relief provisions, and it was the Midwest Refining Co. that has had the relief and not the old prospector who went out and spent his life and his money.

Senator WALSH. If the Midwest Refining Co. was the transferee of that old prospector, of course it was entitled to just the same relief, Mr. Bell. * * *

Senator KENDRICK (interposing). Well, now, you investigated that field when you were out there?

Mr. BELL. I did, Senator. I think at that time I had a fairly comprehensive knowledge of the situation. And I want to say this, that my recollection is that the Reed interests paid Fitzhugh $10,000, and the rest of the consideration he was to get out of the oil, if he got anything. They paid Henshaw $325,000—$25,000 cash, and the balance, if he ever got any balance, was to be paid out of the oil—so that the Reed interests actually paid $35,000 in cash and acquired a majority of the lands of the valuable Salt Creek field. Perhaps you consider that a big consideration to be paid by them at that time, but it does not appear to me to be the fact.

Mr. President, that was the testimony of Mr. Bell, showing how the Salt Creek field was acquired and taken from the United States. From the foregoing it appears conclusively that the witness can not be shaken in his statements.

At pages 272–273 appears the following:

Mr. BELL. But, as a practical proposition, according to all the information I have been able to obtain, the Standard Oil Co. of Indiana receives most of the oil that comes from the Salt Creek field.

Senator KENDRICK. Receives it at its refinery?

Mr. BELL. Yes.

Senator KENDRICK. That does not interfere with the development of the field, not the operation of the leases.

Mr. BELL. And the Midwest Refining Co., that is owned almost wholly by the Standard of Indiana, has contracts with all these applicants, all of these leaseholders in the Salt Creek field, whereby the Midwest Refining Co. gets the oil. In other words, according to all the information I have at my command, the Standard Oil Co. of Indiana has practically a monopoly of the oil business in Wyoming and adjacent thereto, not only for producing but also the transportation through pipe lines, the refinery and distribution of the oil, and the Government is largely responsible for the situation because of its method of leasing the Salt Creek field and the sale of the Salt Creek royalties; and then it finished the job by leasing the Teapot naval reserve to certain other interests that were controlled by the Standard Oil Co. of Indiana.

Senator WALSH. The committee wants what information they can get about that. Let us understand about that. The Standard Oil Co. owns practically all the stock of the Midwest Refining Co. and the Midwest Refining Co. owns the—but if there are independent operators in the field, there is nothing in the law to prevent all of them from selling their oil to the refining company, is there?

Mr. BELL. I think there is nothing in the law, but as a practical proposition, if the situation is now as it was when I made an investigation of the situation, it would hardly be possible for them to accomplish much independently because the pipe lines are owned by the Midwest interests. The refinery is owned by the Midwest interests. They have a greater part of the production of the field, if not through the ownership of subsidiary companies themselves, they acquired it through operating agreements or contracts entered into, I think, in 1914, extending for a period of 20 years, that gave them almost a complete monopoly of the whole Salt Creek field.

Here is evidence of monopoly gone mad, just what the committee was directed to ascertain, but there is not a word on that subject in the report of the Senator from Montana.

Finally, on page 275, the witness gives his conclusions definitely in answer to questions by the chairman.

The CHAIRMAN—

The junior Senator from North Dakota [Mr. NYE] is the chairman of the committee—

It has been very helpful, Mr. Bell. There is just one question: Do you feel that the filing of suits at the time you were making your investigation was prevented by any source at all?

Mr. BELL. I can answer that only by giving hearsay testimony. I was advised by officials or employees of the Department of Justice that the Attorney General did not desire the bills of complaint filed; that the matter was in course of settlement, and they were not filed because those of us in charge felt that we did not have, at least, specific authority to file them.

The CHAIRMAN. Now, in conclusion: Do you think a thorough examination might eventually disclose under the law the opportunity and the occasion for annulling and canceling leases and contracts which had been granted in that field?

I say "might."

Mr. BELL. Yes; the Government owns title to this land. There are certain lessees on the land. If the Government in its investigation should ascertain leases were obtained in violation of the fraud provisions of the leasing act, I would think that suits to cancel these leases could be successfully maintained.

So there you are, Mr. President.

Mr. Bell believes, and I believe, that the enormously valuable Salt Creek field can be recovered for the people of the United States. At any rate, the effort should be made.

In my judgment this committee should be authorized to carry over its work into the next Congress, and I have no doubt that the distinguished Senator from Nebraska will insist that this is done.

Furthermore, Mr. Bell should be engaged as counsel for the committee. Let Senator Sterling continue if it be desired, but in any event, let the Government have the services of the one man who is thoroughly conversant with the whole situation. He knows of the rottenness and corruption that exist there, and has the courage to expose it.

Fortunately, in the person of the Senator from North Dakota, the committee has a chairman who commands universal confidence.

Let us get down to rock bottom, have done with side issues and smoke screens, and recover for the American people the heritage that is rightly theirs.

Mr. President, at this point I ask to have inserted again in the RECORD a copy of the so-called Bell report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

LEASING SALT CREEK OIL FIELD

Leases to the withdrawn oil lands of the Salt Creek field, Natrona County, Wyo., have been requested under the act of February 25, 1920, by:

Applicant:	Acreage applied for
Wyoming Associated Oil Corporation	5,963
Midwest Oil Co	1,970
Central Wyoming Oil & Development Co	920
Petroleum Maatschappij Salt Creek	160
Salt Creek Consolidated Oil Co	2,347
E. J. Sullivan, trustee	560
Mountain & Gulf Oil Co	960
New York Oil Co	120
New York Oil Co. and Northwestern Oil Co	480
National Petroleum Co	960
Federal Oil & Development Co	320
Parkman Oil Co	160
Total	14,920

These applications should be denied because—

1. The applicants have been guilty of fraud, had knowledge or reasonable grounds to know of fraud, and have not acted honestly and in good faith.

2. The applicants are requesting a greater acreage than the maximum allowed by said act, and the leases if granted as requested, or at least interests therein, would inure to persons, associations, or corporations for a greater aggregate area or acreage than the maximum in said act provided for.

FRAUD

Section 18 of the act of February 25, 1920, provides:

"No claimant for a lease who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section."

All the debates in both the Senate and House of Representatives, all the records of hearings before the Committees on Public Lands and the reports of these committees, show that the question of fraud was a subject of very serious consideration when this act was before Congress. Because of the fact that rights were to be conferred that did not then exist under the law, it was feared that relief might be extended to claimants who were not justly entitled thereto. The above-mentioned provision, which was included in the bill introduced in the Senate, was modified in the House so as to be less stringent, but was adopted in conference and finally enacted. It does not require that a claimant shall be guilty of fraud or shall have actual knowledge of fraud, but only that a claimant shall have had reasonable grounds to know of any fraud, or shall not have acted honestly and in good faith. It now behooves those who administer or interpret this law to give it the effect it was intended to have. This intention of Congress is indicated in the language of Senator Lenroot, as follows:

"But the Senator forgets that this entire section is a section extending a privilege to a certain class of claimants. The Senator well knows that it is this section that has caused the greatest controversies of any portion of the oil-leasing legislation. Complaint has constantly been made that legislation which has been proposed in the past has opened the door of relief to fraudulent claimants. This is the strongest provision against fraud that has ever been found in any relief section in an oil leasing bill." (CONGRESSIONAL RECORD, 66th Cong., 1st sess., vol. 58, p. 4536.)

The rights asserted by the claimants were initiated under the placer mining laws, a provision of which is as follows:

"Legal subdivisions of 40 acres may be subdivided into 10-acre tracts; and two or more persons, or associations of persons having contiguous claims of any size, although such claims may be less than 10 acres each, may make joint entry thereof; but no location of a placer claim, made after the 9th day of July, 1870, shall exceed 160 acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide preemption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser." (Act July 9, 1870, 16 Stat. L. 217, 6 Fed. Stat. Ann. 577, sec. 2330.)

Another provision is as follows:

"When placer claims are upon surveyed lands and conform to legal subdivisions no further survey of plat shall be required, and all placer claims located after the 10th day of May, 1872, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than 20 acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions survey and plat shall be made as on unsurveyed lands; and whereby the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than 40 acres remains, such fractional portion of agricultural land may be entered by any party qualified by law for homestead or preemption purposes." (Act of May 10, 1872, 17 Stat. L. 94, 6 Fed. Stat. Ann. 579, sec. 2331.)

The object of these provisions is to limit the quantity of placer mineral land which may be located by one person to 20 acres, in order to make a general distribution among as large a number as possible, rather than favor a few individuals who might wish to acquire princely fortunes by securing large tracts of such lands, and to secure the prompt development of such lands as are located; therefore it is contrary to this policy for one person to cover more than 20 acres by one location by the device of using the names of his employees, friends, and relatives as locators.

Regardless of any kind of a definition that might be given for "fraud," the courts repeatedly have held that it is a fraud on the law and on the Government where locations are not made in good faith for the use and benefit of the named locators, each with an interest not to exceed 20 acres. Such a scheme is condemned in the case of Cook *v.* Klonos et al. (164 Fed. 529), wherein the court said:

"The prohibition contained in section 2231 against the location of 'more than 20 acres for each individual claimant' is direct and positive and limits the amount of ground that any one claimant may appropriate, either individually or in association claim, at the time of the location. * * * The question here is not whether an individual can purchase mining claims after they have been located and hold them in his own name but whether an individual can, by the use of the names of his friends, relatives, or employees as dummies, locate for his own benefit a greater area of mining ground than that allowed by law. * * * The few restrictions imposed are only intended to prevent the primary location and accumulation of large tracts of land by a few persons, and to encourage the exploration of the mineral resources of the public land by actual bona fide locators. The scheme of using the names of dummy locators in making the locations of a mining claim for the purpose of securing a concealed interest in such claim appears to be contrary to the purpose of the statute; but when this scheme is used to secure an interest in a claim for a single individual, not only concealed but in excess of the limit of 20 acres, it is plainly in violation of the letter of the law, and when, as in this case, all the locators had knowledge of the concealed interest and were parties to the transaction, it rendered the location void."

In the case of Nome & Sinook *v.* Snyder (187 Fed. 385–388, 389) the court said:

"It follows, therefore, with exact logic, that five persons may by means of proper association make valid location of 100 acres in one claim, so that it did not include more than 20 acres to each individual. This does not mean that while the five may, by associating themselves together, locate 100 acres in one claim, one or two of the five can acquire by such location substantially all the claim, leaving the others with proportionately a very small or normal interest therein.

"Any scheme or device entered into whereby one individual is to acquire more than that amount or proportion in area constitutes a fraud

upon the law, and consequently a fraud upon the Government, from which the title is to be acquired, and any location made in pursuance of such scheme or device is without legal support and void. The proposition seems to be well established.

"Now, in the case under review, the very articles of agreement put the claimant beyond the pale of the law, while the testimony establishes the illegality of the scheme beyond peradventure. The location, although made in the name of the association, two of the parties thereto were to have but a nominal interest in the claim, one less than one-fifth, and one more than one-half, giving the latter, of course, more than 50 acres proportionately in the claim. So that, regardless of the discovery, regardless of the marking of the ground, or even the assessment work, the claim was void and could not avail the locators in any stage."

In the case of The United States *v.* Brookshire Oil Co. et al (242 Fed. 718–721) the court said:

"It is manifest that Burge could acquire no right in mineral lands as against the Government by such subterfuge, and since the Brookshire Co. was in possession and claiming under him, and as his representative or agent, it necessarily follows that its interest was no greater than his. It is true there is no limitation as to the number of mining claims an individual or association of individuals may locate, but it is provided that no claim shall exceed 20 acres for each individual (sec. 2331, R. S.; Comp. St. 1916, par. 4630), or 160 acres for an association (sec. 2330, R. S.; Comp. St. 1916, par. 4629). This is a direct and positive limitation of the amount of mining ground any one claimant may appropriate individually or as a member of an association in any one claim, and he can not evade the law by the use of the names of his friends, relatives, or employees. Any device whereby one person is to acquire more than 20 acres, or an association more than 160 acres in area, by one discovery, constitutes a fraud upon the Government and is without legal support and void."

HENSHAW-FITZHUGH LOCATIONS

Preferential rights to leases to nearly all the Salt Creek field, which was withdrawn by Executive order of September 27, 1909, are based on what are generally known as the Henshaw-Fitzhugh locations which were made in the spring of 1910. These locations were void not only because they were made subsequent to the order of withdrawal but also because none of the said locations were made in good faith and for the use and benefit of the named locators, each with an interest not to exceed 20 acres of each tract; in other words, the locators were what are commonly called "dummies." These locations, 120 in number, were made by residents of San Francisco and Oakland, Calif., as follows:

"William G. Henshaw, financier; Hetty T. Henshaw, wife of William G. Henshaw; William M. Fitzhugh, mining operator; and Mary E. Fitzhugh, wife of William M. Fitzhugh."

The name of the four parties above mentioned were used on each of the 120 locations with four of the following, without any apparent method of selection or rotation:

"W. F. Henshaw, brother of William C. Henshaw; Helen W. Henshaw, wife of F. W. Henshaw; Lillie T. Hall, sister of Hetty T. Henshaw; E. N. Hall, husband of Lillie T. Hall; Alla S. Chickering, daughter of William C. Henshaw; Harry Chickering, husband of Alla S. Chickering; Ethel K. Nichols, niece of Hetty T. Henshaw; Henry D. Nichols, husband of Ethel K. Nichols; and H. J. Knowles."

The names of the four following-mentioned parties, all employees of William G. Henshaw, were used, two of them once and two of them twice:

"Charles T. Rudolph, Emil Nusbaumer, William H. Metcalf, and P. C. Black."

William G. Henshaw, a financier, furnished all the money for the enterprise, while William M. Fitzhugh made the locations and was to do such work in the field as was deemed necessary. Evidence is abundant that these two men were the parties in interest and that they received the profits of their operations.

H. J. Knowles freely admits that his name was used as an accommodation to William G. Henshaw, and that he never had any interest in the locations. The use of the names of the majority of these locators cost Henshaw the munificent sum of $12.50 for each time each name was used. But the best evidence of the character of these locations is contained in contracts—of record—between William G. Henshaw and William M. Fitzhugh which purport to define their respective interests. One of the contracts, dated August 15, 1909, recorded May 25, 1911, in Book 2 A. C. & L., 456 Natrona County, Wyo., provided "That Henshaw should have three-fourths and Fitzhugh one-fourth of any profits or property derived from the same, disposition, or development of any such property." Said contract further provided that a corporation should be organized to which all properties should be conveyed, and that "in consideration of such conveyances said corporation shall issue to the parties hereto its entire capital stock in the following proportions: To the party of the first part—Fitzhugh—one-quarter thereof, and to the party of the second part—Henshaw—three-quarters thereof."

Henshaw did not claim the right to a three-fourths interest because of representing himself and five associates in each location, but because he was furnishing the money for the enterprise, as recited in a paragraph of the contract of August 15, 1909, as follows:

"Said party of the second part hereby covenants and agrees, to advance, from time to time during such period as he shall elect to finance said project as aforesaid, any and all sums of money required to carry the interest of said party of the first part in said lands, leases, property, and corporation, and it is expressly understood and agreed by and between the parties hereto that two-quarters of said three-quarters' interest of said party of the second part is the consideration for the promise and covenant on the part of said party of the second part in this paragraph contained."

The contract of August 15, 1909, further provided "that upon the organization of such corporation and issuance of stock thereof the stock to which said party of the first part is entitled shall be issued and delivered to said party of the second part (Henshaw) as trustee, who shall hold the same in trust for said party of the first part for the term of five years, with the power, and said party of the second part is hereby given and granted for said period of five years the full and complete power to manage, control, sell, hypothecate, and dispose of all said stock so issued as aforesaid, and all the assets and property of said corporation, or any part of either of said stock, assets, or property for the joint benefit of the parties hereto, as their interests are herein set forth, upon such terms and in such manner as the best judgment of said party of the second part may dictate and determine."

This provision, it will be perceived, gave Henshaw absolute control of the enterprise.

Because of the uncertainty of this contract applying to the lands of the Salt Creek field, which they had not yet located, a supplement thereto was executed November 16, 1909, as follows:

"This is to certify that the attached contract dated August 15, 1909, between us, the undersigned, is hereby modified to the following effect and extent, to wit: The said Fitzhugh shall have 25 per cent and the said Henshaw shall have 75 per cent of all profits made by the said Henshaw, either directly or indirectly, from all oil lands or oil or gas discovered or produced from any lands or oil or gas interests either may acquire in the State of Wyoming, or either have acquired in the said State. This is intended to cover contracts, leases, conveyances, and other and all manner of methods of acquisition."

It would seem that no further evidence is necessary to prove conclusively the fraudulent scheme of these parties, but if so, it may be found in the record of the case of Wm. M. Fitzhugh et al. *v.* The Midwest Oil Co. et al. in the District Court of the United States for the District of Arizona, in the testimony of both William G. Henshaw and William M. Fitzhugh. For brevity I will not quote this testimony, but will refer to the "Memorandum on the bona fides of the Fitzhugh-Henshaw group of locators," submitted by A. B. Bouton, Esq., special assistant to the United States attorney, dated March 1, 1920, wherein the pertinent parts may be found. In all the testimony and statements of these parties, in their correspondence, and in their contracts it nowhere appears that any locator, except William G. Henshaw and William M. Fitzhugh, had any interest whatever, and William G. Henshaw claimed the "lion's share" of the profits and the right to control, because he furnished the capital. The contracts were executed by and between William G. Henshaw and William M. Fitzhugh only; and it does not appear that the other locators were represented therein or that their rights, if any, were taken into consideration. The provisions for the distribution of the profits and for the division of the capital stock of the corporation to be organized brand the locators as dummies, the locations illegal, and the whole plan as a fraud on the law and on the Government.

The above analysis of the agreement between Henshaw and Fitzhugh makes the locations bad enough, but let us consider briefly the interpretation thereof by Henshaw and later by his grantees. Henshaw contended that as the agreement of November 16, 1909, provided "The said Fitzhugh shall have 25 per cent, and the said Henshaw shall have 75 per cent, of all profits made by the said Henshaw, either directly or indirectly, from all oil lands or oil or gas discovered or produced from any lands or oil or gas interests either may acquire in the State of Wyoming or either have acquired in the said State," he was entitled to three-fourths of Fitzhugh's one-fourth. Strange as it may seem, he did not admit that his construction would give Fitzhugh a one-fourth interest in his three-fourths.

This interpretation, of course, would make Fitzhugh and wife dummies, because it would give Henshaw 30 acres of the 40 acres of each location, presumably the property of Fitzhugh and wife. If it were Henshaw's idea that the agreement entitled Fitzhugh to a one-fourth interest in his (Henshaw's) share (20 acres) of each location (which nowhere appears) still this would make Fitzhugh and wife dummies, as Henshaw would then have an interest in each location equivalent to 45 acres, and Fitzhugh and wife together only 15 acres. This is assuming, of course, that Henshaw's associates each had an interest of 20 acres, which at all times must be done to give the locations validity. If it should be contended that this agreement gave Henshaw and associates a three-fourths interest in the share of Fitzhugh and wife and mutually give the latter a one-fourth interest in the share of Henshaw

and associates, then Henshaw would have had no basis whatever for the "claim" or cause of action against Fitzhugh which he asserted, because the ultimate outcome under such a construction would have resulted in Henshaw getting three-fourths and Fitzhugh one-fourth of each location, which was not Henshaw's position at any time. It is impossible to arrive at any conclusion other than that Henshaw set out to acquire for himself practically all of each location of 160 acres.

The Reed interests, of Denver, Colo.—so called because they were financed and controlled by Verner Z. Reed and associates—purchased the claims of Henshaw and Fitzhugh. The negotiations on behalf of the Reed interests were conducted by Oliver N. Shoup, secretary and general manager of the Reed Investment Co. and Karl C. Schuyler, attorney. Fitzhugh conveyed to the Midwest Oil Co., a Reed company, on June 3, 1911, for a consideration of approximately 33 cents per barrel for the oil. In this transaction it was understood that Shoup and Schuyler should negotiate with Henshaw for a partition or segregation of Fitzhugh's interest in each location; accordingly they went to California and entered into negotiations with Henshaw July 21, 1911, which resulted in the Reed Investment Co. taking an option to purchase Henshaw's interest. Soon thereafter this transaction was completed by conveyance to the nine "Little Reed Companies."

Notwithstanding the fact that Shoup and Schuyler were the agents, representatives, and attorneys of Fitzhugh, as well as the Midwest Oil Co., they purchased Henshaw's so-called claim or cause of action above mentioned against Fitzhugh and without Fitzhugh's knowledge.

This claim was taken in the name of one F. P. Evans, who assigned all rights and interests acquired by him to O. H. Shoup, "trustee."

It is stated in an affidavit subscribed and sworn to by Karl C. Schuyler on December 6, 1920, and submitted to the Secretary of the Interior December 7, 1920, that "affiant and said O. H. Shoup also felt that as soon as Fitzhugh's anger subsided he might and probably would be willing to pay the sum of $25,000 to clear the matter up, especially if the claim should be asserted to some one other than the Henshaw interests, and for this reason the details of the transaction were not disclosed to Fitzhugh." At no time was Fitzhugh given an opportunity to settle the matter for $25,000. (Apparently his anger, like Tennyson's Brook, ran on forever and forever.) Two years thereafter he was sued on this claim in Natrona County, Wyo., not in the name of Shoup or Schuyler or any of the Reed companies, but by the California Oil Lands Co., a concern organized by Shoup and Schuyler in California for the sole purpose of bringing the suit. Not then did they let Fitzhugh know that they had brought the "claim" and were "after him." They still pretended to be his friends and counselors and that Henshaw was "the villain who still pursued him." They urged him by every conceivable artifice to settle, not for $25,000, but for 19 per cent of what he was to receive for his oil.

Fitzhugh in 1917 learned that he had been deceived, swindled, and defrauded, and soon thereafter filed suit against Shoup, Schuyler, the Midwest Oil Co. et al. in the District Court of the United States for Arizona, alleging the fraud and deceit above stated. This suit was compromised and all interest in the Salt Creek field purchased for the sum of $2,250,000.

IBA AND OTHER LOCATIONS

A large number of locations on the field were made under the placer mining law prior to the locations made by Henshaw and Fitzhugh. So-called claims of title issuing from these locations have been acquired by the applicants, and it is contended that these claims confer preferential rights to leases. Space will not permit us to detail the facts relative to these numerous locations; in fact, we must be content with stating conclusions only. Evidence is abundant in contracts and documents of record, in statements, affidavits, and sworn testimony that these locations are fully as bad as those made by Henshaw and Fitzhugh. They were and still are void and in violation of the law, because none of said locations was made and maintained in good faith for the use and benefit of the locators, each with an interest not to exceed 20 acres of each tract, and none of said locations was made in good faith for the purpose of developing the petroleum resources of any of said tracts by the named locators, but were made in every case for the purpose of excluding real prospectors from the land by a pretense of complying with the law until the locations could be sold at a profit to the real party in interest.

As many as eight locations were made on the same tracts, some as early as February, 1883; but most of them were entirely abandoned. However, the locations made by one Cy Iba, in 1887, are alleged to have some vitality. As evidence of the "dummy" character of these locations, we quote from a power of attorney to Iba from his colocators, as follows:

"* * * and having located the same, to appropriate the same to his sole use, together with all the right, title, and interest in the same, we selling and conveying the same to him as our grantee, for a valuable consideration." * * *

(This is an example of volumes of evidence that might be included herein.)

Iba used the names of more than 100 persons from whom he obtained powers of attorney containing the above-named provision, before the locations were made. None of his colocators ever claimed any interest or received any benefits or profits.

Certain of the above-named applicants before they had settled their differences and joined in their common cause against the United States, alleged and contended in a number of "adverse" proceedings in the district court of Natrona County, Wyo., that the Iba locations were void and unlawful, because the locators were dummies and the locations were entirely abandoned long prior to the order of withdrawal. Surely these same applicants will not now be permitted to avail themselves of the claims that they once contended were so bad.

The question naturally presenting itself is, Why were so many locations made and why were they invariably bad? The reason is simple. Some ambitious individual who had acquired some knowledge of the oil business would hear something about the prospects for oil at Salt Creek. Such an individual, of course, was not content with one location of 20 acres, or a number of locations in which he had an interest of only 20 acres, so he would borrow the names of his friends and relatives and proceed to locate for his own use and benefit vast areas of the public lands. Generally no pretense was made at complying with the law in any respect, except to make the "paper" location so as to acquire a color of title which might be sold at a profit to some real oil operator or promoter.

For several years delegations appeared before Congressmen, Senators, and other officials, beseeching "relief" for the poor, honest, oppressed prospectors, who were much discussed, but in truth unknown to the history of the Salt Creek field. If such ever existed they have long since, at the behest of the Midwest interests, vi et armis or otherwise passed on.

KNOWLEDGE OF FRAUD

The contracts above mentioned, between Henshaw and Fitzhugh, were on record in Natrona County, Wyo., wherein the Salt Creek field is situated, therefore, every applicant basing a claim on the Henshaw-Fitzhugh locations had notice of their contents, and consequently of their fraudulent character. The Iba powers of attorney likewise were of record. Moreover, the applicants had actual knowledge of the fraud, by and through the knowledge, acts, and conduct of their incorporators, officers, and agents.

Shoup and Schuyler from the beginning knew of the scheme of Henshaw and Fitzhugh. Because of the provisions in their contracts, which gave Henshaw control of Fitzhugh's interest, they secured a ratification by Henshaw of their transaction with Fitzhugh in which he conveyed to the Midwest Oil Co. The document signed by Henshaw expressly mentions his agreements with Fitzhugh of August 15, 1909, and November 16, 1909. The agreements are also mentioned in Henshaw's assignment of his "claim" against Fitzhugh to evidence.

Shoup, Schuyler, and Reed organized the Midwest Co., the Reed Investment Co., also the Crescent Oil Co., Control Oil Co., Bluestone Oil Co., Barbados Oil Co., Pinero Oil Co., Seattle Oil Co., California Oil Co., Fitzhugh Oil Co., and Henshaw Oil Co., commonly called the "Reed companies." They became the principal stockholders, officers, and directors; and had the active management and control of all these companies.

The Midwest Oil Co., which acquired Fitzhugh's interest, is an applicant for leases to 1,970 acres of the field. The Reed companies, which acquired the interest of Henshaw, conveyed to the Wyoming Associated Oil Corporation, an applicant to leases to 5,963 acres of the field. The latter was organized by the same group of promoters, and their knowledge of the fraud was knowledge to this applicant.

The applicants are all subsidiaries of the Midwest Refining Co., all organized by the same promoters and capitalists, all having very largely an identity of officers, stock ownership, management, and control. None of them were strangers to the true situation or innocent purchasers in any sense.

The general rule of law is that notice of a fact acquired by an agent while transacting the business of his principal operates constructively as notice to his principal; and as corporations from their nature can never act except through the instrumentality of agents, this principle applies with peculiar force to them. Notice to or knowledge of an officer or agent of a corporation obtained in the course of his employment, and with respect to a matter within the scope of his authority, or apparent authority, is notice to or knowledge of the corporation. (Simmons Creek Coal Co. *v.* Doran, 142 U. S. 417, 436; McCastill Co. *v.* United States, 216 U. S. 504, 515; Armstrong *v.* Ashley, 204 U. S. 272, 282; United States *v.* Coal Co., 246 Fed. 485; Mutual Investment Co. *v.* Wildman, 182 Ill. A. 137; Griffith *v.* Royal Arcanum, 182 Mo. A. 644, 656; Clark and Marshall on Corporations, vol. 3, secs. 718–724; Cook on Corporations, 6th ed., vol. 3, sec. 727; 10 Cyc. 1053–1062.)

When a corporation once gets knowledge, it continues to have it even though the officer or agent through whom the knowledge was obtained is no longer in its service. (Mechanics Bank *v.* Seton, 1 Pet. (U. S.) 299, 7 L. 3d 152; 10 Cyc. 1062, par. 2; Birmingham Trust Co. *v.* Louisiana National Bank, 99 Ala. 379, 13 S. 112; 20 L. R. A. 600; United States National Bank *v.* Forstedt, 64 Nebr. 855, 90 N. W. 919; Bird *v.* New York Central, etc., Railroad Co., 64 App. Div. 14, 71 N. Y. S. 734 (Aff. 172 N. Y. 637 mem. 65 N. E. 1113 mem.).)

EXCESS ACREAGE

Even should the question of fraud be decided in favor of the applicants, then they are entitled to leases in the Salt Creek field for 3,200 acres only.

Let us examine the so-called relief provision of the act, sections 18, 18a, and 19.

Section 18 provides:

"That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field, shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds 640 acres.

"All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear; subject, however, to the same limitations as to area and acreage as is provided for claimant in this section.

"That no lease or leases under this section shall be granted, nor shall any interest therein inure, to any person, association, or corporation for a greater aggregate area of acreage than the maximum in this section provided for."

Section 18a does not expressly provide an acreage limitation.

Section 19 provided that certain persons shall be entitled to prospecting permits upon "the same terms and conditions and limitations as to acreage as other permits provided for in this act."

The question is, How great an acreage is an applicant entitled to under the act? Was it contemplated that an applicant should be limited to a lease of 3,200 acres within the geologic oil or gas structure of a producing oil or gas field, or that an applicant should be entitled to 3,200 acres under section 18, an unlimited acreage under section 18a, and 2,560 acres under section 19? Of course, the act should be considered and construed as a whole. Undoubtedly the intention of Congress in providing an acreage limitation was to prevent monopoly, to insure competition, and to extend the privileges to the many and not to the few. To accomplish this purpose applicants are limited by the act to a maximum of 3,200 acres. Any other construction would, in effect, invalidate the acreage limitation provisions and circumvent the clear intention of Congress.

The desire to limit the acreage to each applicant is discernible throughout the act. In section 13, the first on "Oil and gas," it is provided that a permit shall be granted to prospect for oil and gas on not to exceed 2,360 acres. Section 14 provides that if the permittee discovers valuable deposits of oil or gas, he shall be entitled to a lease of one-fourth of the land embraced in the permit at a royalty of 5 per cent and shall be entitled to a preference right to a lease on the remainder of the land embraced in the prospecting permit at a royalty of not less than 12½ per cent. Section 17 provides that all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same not subject to preferential lease may be leased to the highest bidder in areas not exceeding 640 acres.

When it comes to section 18, the first of the so-called relief provisions, Congress, in its liberality in extending a preferred right to honest claimants, goes further than in the preceding sections and increases the limitation to 3,200 acres. Section 18a in the original draft of the act in the House was a part of section 18; and it was by an amendment at a late hour of its consideration that it was separated from section 18. All of the provisos of section 18, such as the provision relative to the naval petroleum reserve, the question of frauds, the acreage limitation, etc., were not painstakingly added to 18a; but undoubtedly all these provisions were intended to apply to 18a the same as to 18. In fact, 18a is in a sense another proviso to 18 which authorizes the President to direct the compromise of a controversy by an exchange or division of land (very desirable under certain conditions) or the proceeds of operation. Will the idea be indulged that this section authorizes the President to direct the granting of a lease to a claimant guilty of fraud, or to an unlimited acreage, or that it extends any greater measure of relief in any case than section 18? If so, many of the provisions of the act absolutely are of no avail. It merely authorizes, first, the President to make or direct a settlement, and, second, to make it in a different manner from that authorized by section 18; but it is not intended that such a settlement shall violate the provisions of section 18.

Section 19 is for the purpose of protecting a bona fide claimant who had not made a discovery on or before the passage of the act. It authorizes the granting of prospecting permits to claimants "upon the same terms and conditions and limitations as to acreage as other permits provided for in this act." It further provides, "Where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe, unless otherwise provided for in section 18 hereof," clearly indicating that the lease must be granted under section 18 if the facts are such as to bring it within the provisions of that section; and if the claimant already had the maximum under section 18, then, of course, no further lease could be granted. In this connection it is important to note the provisions of section 18: "That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange." It will be seen that anyone who claimed an area in excess of 3,200 acres should not receive any benefit from the excess, either by obtaining a lease thereon or by the sale thereof, the idea being that a lease or leases on as much as 3,200 acres would be ample relief to any claimant. When the maximum is granted under section 18, surely an additional acreage is not permissible under section 18a or 19.

Let us next consider who these applicants are and what they are asking.

The applicants are "the allied and associated powers." They are closely related by contract, by stock ownership, and by corporate officials and directorates.

By the time oil was being produced in any considerable quantities the Salt Creek field in one way or another had passed largely into the hands of the Midwest Oil Co., the Reed companies, and the "Franco" companies (commonly so called because they were organized and controlled by citizens of France, Belgium, and Holland). These companies, for the purpose of combining their claims and interests into one operating company, early in 1914 joined in organizing the Midwest Refining Co., which in the beginning was made the biggest and most powerful of all the concerns interested in the field. It was made the overlord of the domain by contracts between it and its creators, which in substance gave it the exclusive right for a period of 20 years from January 1, 1914, to possess and mine for oil the lands claimed by these companies, respectively, and to possess and operate all pipe lines, refineries, wells, tanks, machinery, and equipment already installed for the extraction, storage, transportation, and refining of oil.

The Midwest Refining Co. agreed in substance to extract the oil from said lands, transport it to the refineries, refine it, sell the refined products, and to pay said companies one-half of the net proceeds of the refined products of the oil extracted from the lands claimed by them, respectively. These contracts are in reality leases. The result, if not one of the chief purposes of the organization of the Midwest Refining Co., was to secure a complete monopoly of the entire product of the field, and thereby enable it as the creature and agent of the combining claimants to purchase the crude oil produced from the few remaining tracts of the field at the cheapest possible price. The lands of the field not claimed by said combining companies were in the hands of various small operators who, in order to dispose of the oil they produced, were forced to enter into long-term contracts to sell such oil to the Midwest Refining Co. at a price arbitrarily fixed by it. Consequently, no lease to any part of this field can be granted that will not inure to the benefit of the Midwest Refining Co. In fact, a lease to any of the applicants above mentioned is indirectly a lease to the Midwest Refining Co.

ANALYSIS STOCK OWNERSHIP

An analysis of stock ownership will throw considerable light on the respective interests of the Midwest Refining Co. and the applicants:

(a) The Mountain Producers Association owns 52 per cent of the stock of the Wyoming Associated Oil Corporation, an applicant for 5,963 acres. The Midwest Refining Co., by owning 32 per cent of the Mountain Producers Association, is interested in these applications to the extent of 992 acres.

(b) The Salt Creek Producers Association owns 60 per cent (possibly 76 per cent) of the stock of the Midwest Oil Co., applicant for 1,970 acres. The Midwest Refining Co., by owning 32 per cent of the stock of the Salt Creek Producers Association, has an interest in these lands equal to 416 acres.

(c) The Wyoming Oil Fields Co., owning all the stock of the Central Wyoming Oil & Development Co., an applicant for 920 acres. The Salt Creek Producers Association owns all of the stock of the Wyoming Oil Fields Co. and the Midwest Refining Co. by owning 32 per cent of the stock of the Salt Creek Producers Association, has an interest in these applications equal to 924 acres.

(d) The Petroleum Maatschappij Salt Creek applied for lease to 160 acres for the reason that its name had been used in a patent application. It long ago conveyed to the Wyoming Oil Fields Co., whose stock is all owned by the Salt Creek Producers Association; but the Midwest Refining Co., by owning 32 per cent of the stock of the Salt Creek Producers Association, is interested to the extent of 31 acres.

(e) The Salt Creek Consolidated Oil Co. has applied for 2,347 acres, but 50 per cent of its stock is owned by the Wyoming Oil Fields Co., Wyoming Associated Oil Co., and the Midwest Oil Co. The Salt Creek Producers Association owns the Wyoming Oil Fields Co. and 52 per cent of the Wyoming Associated Oil Corporation. The Midwest Refining Co. owns 32 per cent of the Salt Creek Producers Association and the Mountain Producers Association, and is therefore interested in these applications to the extent of 273 acres.

(f) E. J. Sullivan, "trustee," has applied for leases for 560 acres, not disclosing for whom he is acting; by written agreement (not of record), the Salt Creek Consolidated Oil Co. and the E. T. Williams Oil

Co. are each to have one-half of the lands if the leases are granted. As stated under (e), 50 per cent of the Salt Creek Consolidated Oil Co. is owned by the Wyoming Oil Fields Co., the Wyoming Associated Oil Corporation, and the Midwest Oil Co., and that the Salt Creek Producers Association owns 66 per cent of the Midwest Oil Co. The Mountain Producers Association owns 52 per cent of Wyoming Associated Oil Corporation and the Midwest Refining Co. owns 32 per cent of both the Salt Creek Producers Association and the Mountain Producers Association, and therefore has an interest of 32 acres.

(g) The Mountain & Gulf Oil Co. has applied for 960 acres, section 6, township 39 north, range 78 west, and the north half of section 11, township 40 north, range 79 west. The New Brandford Oil Co. (predecessor of the Salt Creek Consolidated Oil Co.) and the Northwestern Oil Co. at one time had an interest in section 6, but we have not the evidence to give the present ownership of this section. The north half of section 11 was leased by the Parkman Oil Co. to B. D. Townsend, one-tenth of the oil being reserved to the Parkman Oil Co. Townsend assigned to the National Petroleum Co., who assigned to the Mountain & Gulf Oil Co., reserving 40 per cent of the net profits. The National Petroleum Co. deeded its interests to the Salt Creek Producers Association. Apparently, then, 10 per cent is owned by the Parkman Oil Co., 36 per cent by the Salt Creek Producers Association, and 54 per cent by the Mountain & Gulf Oil Co. The Midwest Oil Co. owns 95 per cent of the Parkman Oil Co. and the Salt Creek Producers Association owns 66 per cent of the Midwest Oil Co. The Midwest Refining Co. owns 32 per cent of the Salt Creek Producers Association, and therefore has an interest equal to 43 acres.

(h) The New York Oil Co. and the Midwest Oil Co. have applied for 160 acres—the southwest half of section 13, township 39 north, range 79 west. We do not know the facts relative to the interests involved, but have evidence that the New York Oil Co. is now controlled by the Midwest interests.

(i) The New York Oil Co. and the Northwestern Oil Co. are applicants for 480 acres—the southwest half of section 34 and the south half section 1. The New York Oil Co. has a royalty interest of one-eighth in the southwest quarter of section 34, the balance going to the Northwestern Oil Co., which is owned by the Boston-Wyoming Oil Co., and 41 per cent of the latter is owned by the Midwest Oil Co., which would give it 35⅞ per cent interest in this 160 acres. The New York Oil Co. has a 23¼ per cent interest in the south half of section 1. The Midwest Oil Co. has a 10¾ per cent interest plus the 41 per cent of the interest of the Boston-Wyoming, which makes it (sic) total interest in the south half of section 1, 28¾ per cent, or 149.3 acres. The Salt Creek Producers Association, owning 66 per cent of the Midwest Oil Co., would have an interest equal to 98 acres and the Midwest Refining Co., owning 32 per cent of the Salt Creek Producers Association, would have 31 acres.

(j) The National Petroleum Co. has applied for 960 acres formerly claimed by the Parkman Oil Co., who leased to B. D. Townsend, who assigned to the National Petroleum Co. This lease was assigned by the National Petroleum Co. to T. A. Dines, a vice president of the Midwest Refining Co., and we assume that any interest acquired by him went direct to the Midwest Refining Co. The National Petroleum Co. retained a 40 per cent interest. Therefore 10 per cent goes to the Parkman Oil Co., 36 per cent to the National Petroleum Co., and 54 per cent to T. A. Dines. The Midwest Oil Co., owning 95 per cent of the Parkman Oil Co., the Salt Creek Producers Association, owning 66 per cent of the Midwest Oil Co., and the Midwest Refining Co., owning 32 per cent of the Salt Creek Producers Association, plus the Dines share, would have an interest equal to 538 acres.

(k) The Federal Oil & Development Co. has applied for 320 acres, which was leased by it to B. D. Townsend, reserving a royalty of 15 per cent. This lease was assigned by Townsend to the National Petroleum Co., who assigned the northeast one-half of section 13 to T. A. Dines, and the southeast one-fourth of section 13 to the Mountain & Gulf Co., reserving in each instance a royalty of 40 per cent of the net profits. The National Petroleum Co. and Dines then conveyed to the Salt Creek Broducers Association for stock in the latter. Then the Federal Oil & Development Co. holds an interest of 15 per cent, the Mountain & Gulf Oil Co. 25½ per cent, and the Salt Creek Producers Association 59½ per cent, the interest of the latter being 190 acres, of which the Midwest Refining Co. is credited with 32 per cent, or 61 acres.

(l) The Parkman Oil Co. has applied for 160 acres, which it leased October 1, 1915, to B. D. Townsend, reserving a 10 per cent royalty; Townsend assigning to the National Petroleum Co., and it assigned to T. A. Dines, reserving 40 per cent of the net profits. The National Petroleum Co. and Dines then conveyed to the Salt Creek Producers Association, the Midwest Oil Co. owns 95 per cent of the Parkman Oil Co., the Salt Creek Producers owning 66 per cent of the Midwest Oil Co., and all the interest of the National Petroleum Co., and Dines has an interest of 154 acres, of which 32 per cent, or 49 acres, is credited to the Midwest Refining Co.

By using the above-mentioned percentage of stock ownership, the acreage applied for by the respective claimants, and the total acreage applied for, we compile the following:

Applicants	Corporations		Salt Creek Consolidated		Wyoming Oil Field Co.		Wyoming Associated Oil Corporation	
	Area	Per cent	Area	Per cent	Area	Per cent	Area	Per cent
Wyoming Associated Oil Corporation	*Acres* 5,963	39.95	*Acres*		*Acres*		*Acres* 5,963	39.95
Midwest Oil Co	1,970	13.2						
Central Wyoming Oil & Development	920	6.16			920	6.16		
Petroleum Maatschappy Salt Creek	160	1.07			160	1.07		
Salt Creek Consolidated Oil Co	2,347	15.7	2,347	15.7	391	2.62	391	2.62
E. J. Sullivan, trustee	560	3.75	280	1.9	46.6	.31	46.6	.31
Mountain & Gulf Oil Co	640	4.3						
	320	2.15						
New York Oil Co	120	.8						
New York Oil Co. and Northwestern Oil Co	480	3.2						
National Petroleum Co	960	6.5						
Federal Oil & Development Co	320	2.15						
Parkman Oil Co	160	1.07						
Total	14,920	100	2,627	17.6	1,517.6	10.16	6,400.6	42.88

Applicants	Midwest Oil Co.		Salt Creek Petroleum Association		Mountain Producers' Association		Midwest Refining Co.	
	Area	Per cent	Area	Per cent	Area	Per cent	Area	Per cent
Wyoming Associated Oil Corporation	*Acres*		*Acres*		*Acres* 3,101	30.78	*Acres* 992	6.65
Midwest Oil Co	1,970	13.2	1,300	8.17			416	2.79
Central Wyoming Oil & Development			920	6.16			294	1.97
Petroleum Maatschappy Salt Creek			160	1.07			51	0.34
Salt Creek Consolidated Oil Co	391	2.62	649	4.35	203	1.36	273	1.83
E. J. Sullivan, Trustee	46.6	.31	77	.52	24	.16	32	.22
Mountain & Gulf Oil Co	30	.2	135	.9			43	.29
New York Oil Co. and Northwestern Oil Co	149.3	1	98	.66			31	.21
National Petroleum Co	91	.61	60	.4			538	3.6
Federal Oil & Development Co			190	1.27			61	.41
Parkman Oil Co	15	1	154	1.03			49	.33
Total	2,693	18.04	3,743	25.07	3,338	32.30	2,780	18.64

List of 10 individual largest holdings of capital stock in Midwest Refining Co.

Total outstanding capital is $25,000,000, divided 500,000 shares, of the par value of $50 each.

Henry Bondonneau, Paris, France	5,900
Chopy & Co., Paris, France	5,904
Equitable Trust Co., trustee for Mrs. Mary D. Reed	7,500
Equitable Trust Co., trustee for Verner Reed	7,500
Verner Z. Reed	12,144
Wyoming Securities Co	7,335
Debenture & Securities Corporation	11,487
Arthur S. Gibbs	30,180
International Securities Investment Corporation	15,461
P. E. DeCaplane, Paris, France	5,600

Were a list of the largest stockholders in a number of the corporate applicants accessible the names of those mentioned in the lists above would again be found.

Therefore, not only because of the contractual relationship, but also because of the interlocking stock ownership of the respective corporations in each other and of the large stockholders, do we find the same control and the same interests subserved in each and every application.

OFFICERS AND DIRECTORS

A list of the officers and directors of the Midwest companies is interesting. The names appearing in parentheses are officers, but not directors, the other officers being members of the board of directors in each instance:

"The Midwest Refining Co.: H. E. Blackmer, president; R. D. Brooks, T. A. Dines, R. S. Ellison, vice presidents; (C. E. Titus, secretary); (H. H. Brooks, treasurer); L. A. Reed, Tyson S. Dines, H. C. Naylor, E. S. Osler, John D. Clark.

"Mountain & Gulf Oil Co.: R. M. Aitkin, president; L. L. Aitken, vice president; A. C. Campbell, secretary-treasurer; H. L. Ritter, T. A. Dines, Vernon F. Taylor, Ralph Hartzell.

"Salt Creek Producers' Association: N. S. Wilson, president; T. A. Dines, vice president; T. A. Dedley, secretary-treasurer; H. A. DeCompiegne, B. D. Townsend.

"Midwest Oil Co.: L. L. Aitken, president; W. P. Schuyler, vice president; (T. A. Pedley, secretary-treasurer); J. L. Waren, C. A. Fisher, H. L. Ritter, R. H. Forbes.

"Salt Creek Consolidated Oil Co.: James Owen, president; Warwick M. Downing, vice president; (F. C. Roberts, secretary-treasurer); C. E. Abbott, L. L. Aitken, F. S. Mitchell, Norwood Johnston, N. S. Wilson.

"Mountain Producers' Association: John T. Barnett, president; George T. Bradley, vice president; J. L. Waren, secretary-treasurer; Harold D. Roberts, A. C. Campbell.

"Wyoming Associated Oil Corporation: John T. Barnett, president; D. M. Barrington, vice president; J. L. Waren, secretary-treasurer; F. C. Foberts, Verner Z. Reed, jr.

"Wyoming Oil Fields Co.: Otto Gramm, president; C. W. Burdick, vice president; B. O. Lummis, secretary; (H. C. Bretschneider, treasurer); W. R. Dubois, H. E. Mason, Patrick Sullivan, A. D. Johnston.

"Natrona Pipeline & Refinery Co.: C. W. Burdick, president; A. D. Johnston, vice president; A. C. Campbell, secretary; H. C. Bretschneider, treasurer; B. O. Lummis, W. E. Mullin, S. Ledeboer.

"Central Wyoming Oil & Development Co.: H. C. Bretschneider, president; C. W. Burdick, vice president; (E. Percy Palmer, secretary-treasurer); A. C. Campbell, A. D. Johnston, L. A. Thompson, jr.

"Petroleum Maatschappij Salt Creek: C. W. Burdick, president; A. C. Campbell, vice president; B. O. Lummis, secretary; H. C. Bretschneider, treasurer; Wilfred O'Leary.

"New York Oil Co.: Frank G. Curtis, president; Alonzo G. Setter and H. D. Curtis, vice presidents; Minal E. Young, secretary-treasurer; O. Nelson Rushworth, Robert B. Stewart, Maxwell W. Winter.

"Northwestern Oil Co.: A. D. Aitken, president; L. L. Aitken, vice president; (A. W. Warren, secretary-treasurer); C. A. Fisher, H. L. Ritter, C. C. Dillard.

"National Petroleum Co.: B. D. Townsend, president; F. C. Rabb, vice president; Hugh Thompson, secretary-treasurer.

"Federal Oil & Development Co.: H. L. Ritter, president; H. J. Barry, secretary; A. D. Aitken, treasurer; Valentine Mix, Maurice W. Samuels.

"Parkman Oil Co.: Eugene Mackey, president; H. L. Ritter, vice president; D. S. Hare, secretary-treasurer; E. G. Quinn, Janet Mackey."

CONCLUSION

The paramount reason urged by the applicants in support of their claims is that they innocently and in good faith have expended vast sums in the development of the field, but the true facts render this contention impotent, because almost all the capital used, not only for development but also to purchase claims, was the money received for the oil taken by these trespassers from the public lands. So resourceful were these promoters and capitalists that at no time did they risk any considerable part of their own means. They let the property pay for itself and for its development. It will be remembered that the Fitzhugh claims were secured by an agreement to purchase the oil to be produced at 33 cents per barrel, only $10,000 in this case being advanced, and that the Henshaw claims were purchased for $325,000, but this consideration was not paid till it was derived from the oil. Any other capital that was used very largely came from France and Holland.

The crowd asking such valuable concessions at the hands of the Government already have become immensely wealthy at its expense. They have no equities worthy of consideration. It is true that stocks have been sold to the public, but surely the Government should not sacrifice the public property, a greatly needed natural resource, to make these oil stocks good.

The Midwest Refining Co. has an absolute monopoly of the Salt Creek field, and in one way or another controls every one of the above-named applicants. It is interested in every acre sought by them, and a lease to any one of them will inure to its benefit. Its claims are based on titles that are thoroughly saturated with fraud, and from the beginning its promoters, officers, and directors unquestionably have had full knowledge of the fraud. It not only is not acting honestly and in good faith, but it now is compounding fraud by seeking to secure leases on a greater acreage than the maximum allowed by law. For several years it maintained a large force of paid lobbyists, lawyers, and agents at the Capitol to secure the passage of the act with the relief provisions included, and evidently it will continue so to do till its subsidiaries have secured leases thereunder. They are not "in the court with clean hands."

When the leasing bill was before Congress it was emphatically asserted and maintained that the Standard Oil Co. had no interest whatever in the Midwest Refining Co. or the applicants, and that it was not concerned with the relief provisions, but now it is conceded that the Standard Oil Co. of Indiana absolutely controls the Midwest Refining Co. Only a little while ago the Government was courageously engaged in "dissolving" the Standard Oil Co., but now it is requested to dispense relief to this object of charity and to bestow upon it leases to the most valuable known oil acreage in the world—public property of the value of at least $1,000,000,000. Is this the character of claimant Congress intended to relieve?

The relief provisions extend rights and privileges to claimants which they did not have under the preexisting law and enable them to take advantage of claims they could not establish or defend in the courts; therefore the law very justly confines the relief to honest claimants and limits them to leases on a maximum of 3,200 acres.

This matter demands the most careful consideration, and under the circumstances leases should not be granted on an ex parte showing, but a hearing before the register and receiver of the local land office in Wyoming should be ordered, so that all the evidence pro et con may be taken, a complete record made, presented, and fully considered before a final action is taken.

Respectfully submitted.

ROBERT C. BELL,
Special Assistant to the Attorney General.

JANUARY 18, 1921.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the action of the House of Representatives insisting on its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. SMOOT] that the Senate recede from its amendment No. 39 to the Interior Department appropriation bill.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. If the motion of the Senator from Utah shall be adopted, will that displace the unfinished business?

The PRESIDING OFFICER. The Chair will state that the question before the Senate is in the nature of a message from the House of Representatives, and that makes it privileged.

Mr. WALSH of Montana. I understand, of course, that the receipt of a report of a conference committee is privileged; but this, as I understand, is a motion to proceed to the consideration of the conference report, which is not privileged.

If the Chair will indulge me a moment, I will call attention to Rule XXVII, which reads:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Then it becomes the business before the Senate, and, of course, will retain its place as such until disposed of.

The PRESIDING OFFICER. The Chair will suggest that paragraph 7 of Rule VII provides as follows:

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

The pending motion refers to a message from the House of Representatives.

Mr. WALSH of Montana. Will the Chair advise us what the nature of the message is?

The PRESIDING OFFICER. The clerk will state the message.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 19, 1929.

Resolved, That the House further insists on its disagreement to the amendment of the Senate numbered 39 to the bill (H. R. 15089) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes."

Mr. WALSH of Montana. The motion is not relevant to the message, which simply advises us that the House disagrees to the Senate amendment.

The PRESIDING OFFICER. The question is on the motion that the Senate recede from its amendment No. 39 to the Interior Department appropriation bill.

Mr. WALSH of Montana. Yes; but that brings up for consideration, does it not, the original bill?

Mr. MOSES. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his point of order.

Mr. MOSES. This being a conference report presented, and a motion made to proceed with its consideration, the question is not debatable.

The PRESIDING OFFICER. The Chair holds that this is only a message from the House of Representatives and is not itself a conference report.

Mr. MOSES. Did not the Senator from Utah present a conference report?

Mr. SMOOT. The Senator from Utah made a motion that the Senate recede from its amendment No. 39.

Mr. MOSES. What has become of the existing conference? Does not this relate to the Interior Department appropriation bill?

Mr. SMOOT. It relates to the Interior Department appropriation bill, all the amendments to which have been agreed to except amendment No. 39.

Mr. MOSES. The bill has been in conference nearly all winter, has it not?

Mr. SMOOT. It has been in conference for quite a while. It was taken back to the House, and, as I stated this morning when I made the motion, the House voted 304 to 28 against the amendment. We have been in conference for a long time; I have tried in every way in my power to get the House to yield. It will not yield; and, that being the case, rather than see the bill fail, I have made the motion that the Senate recede from its amendment No. 39.

Mr. WALSH of Montana. That is the very question now. What is the status of that motion? That, of course, presents for consideration the appropriateness and the wisdom of the Senate amendment to the House bill. Now, the question is, Does that motion displace the unfinished business, and is that now the business before the Senate?

The PRESIDING OFFICER. The Chair will hold that it does not displace the unfinished business.

Mr. WALSH of Montana. I desire to say that the discussion of this matter will take considerable time.

Mr. MOSES. Very well, let us proceed with its discussion.

Mr. SMOOT. It will be necessary to have it, sooner or later, or else let the bill fail.

Mr. MOSES. We might as well have it now.

Mr. WALSH of Montana. We might as well let the bill fail one way as another. The question is whether the Senate, whenever the House disagrees to its views, shall simply subside and let the House have its way, which really means in this particular case, as well as in most questions arising on an Interior Department appropriation bill, that Mr. CRAMTON shall have his way.

Mr. MOSES. I am of the opinion, Mr. President, that the matter comes here in rather a difficult form. If it had come here in the form of a conference report, the procedure would have been very simple, but it having arisen in the form in which it has, and the Chair having made the ruling which he has just made, I do not see why we might not as well proceed now with the discussion of the question, under the motion made by the Senator from Utah, as to let it wait until some other time in the session. Of course, I am not unmindful of the implied threat contained in what the Senator from Montana has said with reference to the time which it will take, because I am fully aware that the few remaining days of the session should be consumed as I have seen them consumed on previous occasions somewhat similar to this.

Mr. WALSH of Montana. I think the matter can be very readily solved.

Mr. MOSES. In what way?

Mr. WALSH of Montana. By the Senate promptly rejecting the motion made by the Senator from Utah.

Mr. MOSES. And let the bill fail?

Mr. WALSH of Montana. Let the bill fail. The responsibility is not on this House any more than it is upon the other.

Mr. MOSES. But whether the Senate wants to take the responsibility——

Mr. WALSH of Montana. Let me give this information to the Senate, and to the Senator from New Hampshire for his enlightenment, upon the situation. The only matter in controversy is the question whether the Senate amendment, which strikes out a provision of the bill giving to the Secretary of the Interior full authority to condemn as he pleases any land in the national parks, shall be retained.

Mr. MOSES. The Senator from New Hampshire is familiar with that because he sat in the chair during the prolonged and illuminating discussion which was carried on here in regard to it.

Mr. WALSH of Montana. I thank the Senator, but something has transpired since, of which the Senator from New Hampshire is, perhaps, not so fully advised.

Let me say, Mr. President, that the argument is made that the great trees in the Yosemite Park are imperiled unless this legislation shall be immediately enacted; that the owners of the lands upon which these valuable trees grow are about to cut the timber. I put a telegram and a letter in the RECORD a week or 10 days ago from the owners of these lands saying that they had no such purpose whatever.

Mr. MOSES. I recall it.

Mr. WALSH of Montana. Then the Senate conferees proposed to the House conferees to make the provision in relation to the condemnation applicable only to the Yosemite Park, which would take care of the trees there. That was rejected.

The Senate conferees then proposed to the House to make the provision applicable to all timberlands in all of the parks—that is to say, giving the Secretary of the Interior power to condemn any lands in any of the parks chiefly valuable for the timber. That proposal was rejected.

Mr. WARREN. Mr. President, will the Senator yield for a moment in order that I may ask him a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming.

Mr. WALSH of Montana. Yes.

Mr. WARREN. I take it for granted that the Senator wishes at some proper time to extend his remarks quite largely. I ask if it would be agreeable to him to suspend now, in order that I may take up an appropriation bill?

Mr. WALSH of Montana. Yes; just as soon as I finish this statement. I wish to make just a few further remarks to show the situation to the Senator from New Hampshire and the rest of the Senate.

The Senate conferees then proposed to the House conferees that the provision be made applicable to timberlands in all of the parks. That was rejected.

They then proposed that the provisions for condemnation be made applicable to all lands except those occupied by homes, and that was rejected.

Now the thing simply stands as a controversy between the two Houses as to whether the Secretary of the Interior shall be given power to condemn homes in the national parks.

Mr. MOSES. Without any reference to the subject matter involved, I will say to the Senator from Montana that that is not at all a unique position for conferees on the part of the House to take. They have become increasingly insistent in recent years upon having exactly their way or legislation would fail.

Mr. GLASS. Mr. President, just in that connection I may add that the House conferees are proposing right now and have determined right now to let the first deficiency bill fail because they are asked to comply with their five-times-repeated promise to take a certain matter back to the House for a recorded vote.

Mr. SMOOT. Mr. President, I want to say to the Senator that I have done everything that it was possible for me to do to secure an agreement upon this one amendment. The Senator has recited the circumstances just exactly as they have taken place. Finally we had to decide this question, or else the bill would fail, so I said to the chairman of the House conferees, "I am not going to ask the Senate of the United States to recede on this amendment unless the matter is taken back to the House and there is a vote of the House—not a standing vote, as you had before, but a yea-and-nay vote of the House—upon this one proposition." The only way to do that was to have the House reject the report, and have the matter come back here for a conference, and have us reject it and send it back to them, so that they could get a yea-and-nay vote. That was done, and on Monday the vote was taken on this one amendment, and the vote was 304 against the amendment and 28 for it.

Mr. WALSH of Montana. Mr. President, let me interrupt by saying, however, if the Senator will permit me, that the House never has been apprised by anybody of these various proposals of compromise between the members of the conference committee. Its Members are voting upon the matter just as it was originally, without any suggestion of a change at all.

Mr. SMOOT. Mr. President, I understand from what Mr. CRAMTON says that they were fully aware of the amendment, because of the fact that the Member from Montana introduced in the House a bill on the subject, and the bill was voted upon in the House in about the same proportions.

Mr. WALSH of Montana. That was quite a different matter.

Mr. SMOOT. I am only saying what was reported to me by the conferees.

The PRESIDENT pro tempore. May the Chair make a suggestion?

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. NORRIS. Will the Senator yield to me?

Mr. WALSH of Montana. I agreed to yield to the Senator from Wyoming [Mr. WARREN].

Mr. NORRIS. The Senator from Wyoming desires to take up an appropriation bill.

Mr. WALSH of Montana. Very well; then I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I deplore the fact that we are in this terrible condition here; but I desire to caution Senators

that we shall have to swallow a whole lot of legislation that we do not like, because the 4th of March is just ahead of us, and we shall have to adjourn then, and all this legislation will die; and, in accordance with the usual thing that happens every two years, we must overlook a lot of jokers and a lot of bad things and let them go into the law in order that we may be prepared for adjournment on the 4th day of March.

I hope, therefore, that Senators will not take up the time in quarreling over a controversy which, after all, is only a method of procedure; and in the interest of haste, in order that we may get as much done as we possibly can by the 4th of March, I ask that the motion be taken up, unless otherwise disposed of, and voted on.

The PRESIDENT pro tempore. May the Chair make a suggestion in the interest of time? If the Senator from Utah will withdraw his motion for the present, the message from the House may lie upon the table, and then the Senate may proceed with the bill the consideration of which is requested by the Senator from Wyoming. The Senator from Montana then will have preserved all of his rights.

Mr. SMOOT. I shall make that request, then; but I want it distinctly understood that the conference report is lying on the table.

The PRESIDENT pro tempore. The motion of the Senator from Utah may be renewed at any appropriate time.

The Senator from Utah withdraws his request; the message from the House lies upon the table, and the Senator from Wyoming asks unanimous consent for the temporary laying aside of the unfinished business in order that the Senate may proceed to the consideration of H. R. 17053, the legislative appropriation bill. Is there objection? The Chair hears none.

Mr. NORRIS. Mr. President, I am not going to object. I simply wanted to add to what I said a while ago, that if we can induce the great political leaders in the country, and particularly in the House of Representatives, to agree to the constitutional amendment that the Senate has passed four times doing away with the "lame-duck" sesssion of Congress, we will never get into this difficulty again.

Mr. BLEASE. Mr. President, some of the "lame ducks" we have here are the brainiest men here.

Mr. GLASS. Mr. President, I desire to add to what I said that there is something more involved here than the particular question presented by the Senator from Montana. If this body has one particle of self-respect left it should and will put an end to a literally intolerable condition.

There are one or two people in another House who insist upon controlling the legislation of this body. I want to say that in my judgment the Senator from Utah [Mr. SMOOT] has done everything he possibly could do in reason to meet this situation; but this is not the only situation. As I have already indicated, the great deficiency bill has practically been abandoned, and the avowal has been made that it will be abandoned because conferees are unwilling to keep faith with their own House, and, in the face of a promise five times made, refuse to carry a bill back for a yea-and-nay vote.

In the 30 years that I have been a Member of one or the other of these Houses there never has been such an exhibition of moral timidity and such a defiance of the authority of this body.

I have nothing to say as to the merits of this question. I should not like to see the Interior Department bill beaten upon a question of this sort; but, as I have indicated, it has resolved itself into a question of the right of this body to legislate and to assert its power and its dignity. I want to say, furthermore, that it is going to be very difficult, if not impossible, to get through this body before the 4th of March another deficiency appropriation bill embodying every provision of that which has been abandoned except the one provision objected to by House conferees.

The conferees of the other House were assured that if they would comply with their promise, five times made, and have a yea-and-nay vote over there, the matter could be settled in conference in 15 minutes thereafter, regardless of the result of the yea-and-nay vote; and they rejected even that suggestion.

So far as I am concerned, I have never indulged in a filibuster for three minutes in my life; but I think it is time that the Senate of the United States ought to let another branch of Congress know that it is the Senate of the United States and can not be controlled by one or two contumacious Members of another body.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, may I say now that we have three appropriation bills yet unacted upon. It takes time to have conferences, even when all are in good temper. There are perhaps some indications of bad temper, as my colleague on the committee has stated. In my judgment we should pass these three appropriation bills early enough so that they can go through conference and be carefully considered, and the result of the conference reported to this House.

Of course, it is nothing to me personally whether these bills fail or whether they pass, so far as I am pecuniarly concerned; but I have some pride in the fact that we are not only ready and willing to do our duty here but that we can actually accomplish it, and there should be no delay upon any one of these three bills.

The one that I ask to take up now I do not believe will take 15 minutes, because we have made scarcely any amendments so far as the amount of money is concerned, and only perhaps half a dozen amendments of all kinds.

So, Mr. President, I ask that the formal reading of the bill may be dispensed with, and that the bill may be read for consideration of the committee amendments.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments first. Is there objection?

Mr. NORRIS. Mr. President, a parliamentary inquiry. Is there not a request for unanimous consent to take up the conference report?

The PRESIDENT pro tempore. No; that has been laid aside. The motion of the Senator from Utah was withdrawn, and the message from the House of Representatives lies upon the table. Is there objection?

Mr. NORRIS. What is the request?

The PRESIDENT pro tempore. Unanimous consent has been asked and granted for taking up the legislative appropriation bill. A unanimous-consent request is now pending for dispensing with the formal reading of the bill, and reading the bill for action on the committee amendments only. Is there objection?

Mr. KING. Let the bill be read. Some of us have not had a chance to see what it contains.

The PRESIDENT pro tempore. Objection is made, and the formal reading of the bill will be proceeded with.

THE CIVIL SERVICE

Mr. WAGNER. Mr. President, I ask unanimous consent to offer a resolution which simply seeks information from one of the departments of the Government, and before the resolution is read I ask that a telegram be read from a newspaper called the Chief, which is devoted to civil service and the promotion of the competitive civil-service system.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. Mr. President, unless the matter leads to debate, I will yield.

Mr. WAGNER. If it leads to debate, I will ask that the resolution go over after it is read.

The PRESIDENT pro tempore. The Chair hears no objection. The Secretary will read the telegram.

Mr. WAGNER. I desire to say, for the benefit of the reader, that the words "The Chief" refer to a newspaper of that name.

The Chief Clerk read as follows:

NEW YORK, N. Y., *February 18, 1929.*

Hon. ROBERT F. WAGNER,
United States Senate:

The Chief, in the interest of honest enforcement of the Federal civil service law, appeals to you in behalf of the large number of men and women who competed in civil-service examinations conducted by the United States Civil Service Commission for positions in the Prohibition Bureau. Notwithstanding the fact that eligible lists were established in August, 1928, almost two years after the law took effect which placed the Prohibition Bureau under civil service, those in charge of the Prohibition Bureau in various parts of the country, particularly in the city of New York, have failed to make all the appointments from said eligible lists, thus ignoring the act of Congress of March 3, 1927, placing these positions in the competitive class. In disregard and defiance of said law those in charge of the Prohibition Bureau have appointed persons without qualifications for the positions in question presumably for political reasons and as political patronage. Therefore The Chief urges that you introduce a resolution in the Senate of the United States so that an investigation of the entire matter can be had. As an outline we suggest the following points for development:

1. Why the eligible list for prohibition agent was never made public.
2. The names of temporary incumbents who have been retained in office in violation of the act of Congress of March 3, 1927.
3. The names of those appointed from the eligible list.

4. Causes for the delay in establishing civil-service eligible lists and reason for holding three examinations for prohibition agent.

5. Amount of money spent on examinations for Prohibition Bureau and amount paid in salaries in violation of the civil service law.

Unless this situation is corrected the merit system, in so far as the Federal civil service is concerned, is a farce and a mockery. The Chief appeals to you as Senator from the State of New York, where many of the violations referred to have occurred, to assist in correcting the conditions.

THE CHIEF,
FRANK J. PRIAL, *Editor.*

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution submitted by the Senator from New York?

Mr. WARREN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. WAGNER. I ask that the resolution be read for the information of the Senate. I understood that unanimous consent had already been granted me for the reading of the resolution.

The PRESIDENT pro tempore. The Chair thinks the Senator from New York is correct. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 332), as follows:

Resolved, That the Secretary of the Treasury and the Civil Service Commission be requested to inform the Senate on or before March 4, 1929, concerning the following matters:

(1) The reasons for the failure to publish lists of eligibles for appointment to the field service of the Bureau of Prohibition.

(2) The names of all persons employed in the field service of the Bureau of Prohibition who have not been appointed pursuant to the provisions of the civil service laws as contemplated by the act of March 3, 1927, entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury."

(3) The names of all persons employed in the field service of the Bureau of Prohibition who have been appointed pursuant to the provisions of the civil service laws.

(4) The sums expended for examinations held for appointment to the field service of the Bureau of Prohibition.

(5) The total amount of salaries paid to employees of the field service of the Bureau of Prohibition not appointed or retained pursuant to the act of March 3, 1927, entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury."

The PRESIDENT pro tempore. The resolution will lie over, under the rule.

Mr. WAGNER. Was objection made to its present consideration?

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] objected.

UNIFICATION OF RAILROADS

Mr. FESS. Mr. President, I wish to announce that on Saturday, as soon as the Journal is read, if we adjourn on Friday, I shall address the Senate upon the bill (S. 5817) to authorize the unification of carriers engaged in interstate commerce, and for other purposes, at which time I shall make a report from the Committee on Interstate Commerce on the bill.

FEDERAL RESERVE BOARD

Mr. HEFLIN. Mr. President, I have here an able and interesting statement by former Senator Robert L. Owen, of Oklahoma. He is discussing the recent action of the Federal Reserve Board. No Member of Congress had more to do with creating the Federal reserve banking system than did Robert L. Owen. He is one of the authors of that great system. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York World, Wednesday, February 20, 1929]

COAUTHOR OF FEDERAL RESERVE ACT ACCUSES BOARD OF USURPING POWER IN ITS DRIVE FOR CURBING OF CREDIT

By Basil Manly

WASHINGTON, February 19.—The action of the Federal Reserve Board in issuing its blast against excessive speculation was unwise, unnecessary, and unjustified by the condition of the Nation's industry, commerce, and finance former Senator Robert L. Owen, of Oklahoma, one of the authors of the Federal reserve act, said to-day.

"The remedy chosen by the Reserve Board," says Senator Owen, "may produce conditions more serious than the disease which they are seeking to cure.

"The board's admonition may curb speculation by destroying the confidence of the trading public in the existing market and in the credit situation. But there is a real danger that its warning may have the effect of producing a totally unwarranted lack of confidence in the fundamental stability of our industrial and commercial structure and thus create a depression which is totally unjustified by the present condition of business.

"I do not believe," continued the former Senator from Oklahoma, "that it is a part of the functions of the Federal Reserve Board to attempt to regulate and control the use which American citizens make of their money and credit. If they choose to utilize their credit in stock-market speculation, they do so at their own risk.

DUTY OF THE BOARD

"It is, of course, the duty of the board to protect the reserves of the system and to use the machinery with which they have been provided by law to maintain them in sound condition. An examination of the latest available reports on brokers' loans shows clearly that these loans are not based upon credit secured from the banks but are largely financed with credit loaned by corporations and individuals.

"The report for February 15 shows that the loans made by the New York banks for their own account amounted to only $1,097,000,000 and the loans for the account of out-of-town banks amounted to $1,859,000,000. This is a total of less than $3,000,000,000 for the account of all banks and is only slightly more than half of the total brokers' loans outstanding. The loans made by the banks on stock-market collateral are now substantially the same as they were a year ago, when the Federal Reserve Board officially assured the Senate that there was no reason to be concerned about the situation.

"The New York Stock Exchange and the minor exchanges in other cities perform a legitimate and useful function in providing a market where citizens may at any time buy and sell securities at a definitely ascertainable price. That there have been abuses connected with the operations of these exchanges is true. It is also true that the present prices of certain securities may be much higher than the earnings of those corporations warrant. Radio stock, for example, has reached heights which have amazed the officers and directors of that company. The future may or may not justify these present quotations, but certainly it is the business of nobody except those who are doing the trading.

"Any attempt by the Federal Reserve Board to force deflation of the stock market," Senator Owen declared, "is as unjustifiable as would be action on its part to stimulate the market artificially."

CALLS ACTION UNWISE

"The present action of the board seems to me as unwise as the drastic deflation policy which it instituted in 1920, which led to the depression of 1921," Senator Owen declared with emphasis. "As early as the summer of 1919 I registered with the board my protests against the policies which it was pursuing and warned it of the disaster which was certain to follow. When these private communications failed to alter the board's policies I took the matter to the floor of the Senate and forecast the agricultural and business depression which would inevitably result from such deflationary policies. In a few months my prophecies were exceeded by the terrible conditions which came upon the country. Agriculture was prostrated, 3,000 banks failed, great industries were forced to liquidate their stocks of commodities in a falling market and some of the greatest financial institutions in the country were for a time imperiled.

"The Federal reserve system was created to provide the Nation with an elastic currency and credit, and not to act as a regulator of industry, commerce, finance, or speculation. The board should limit itself to its legitimate and proper functions—safeguarding its own reserves and those of the member banks—and leave whatever speculative fever may have seized upon the country to run its natural course."

"Do you believe," the writer asked, "that the action of the board in maintaining low interest rates during the latter part of 1927 and a part of 1928 in order to assist the Bank of England and other European central banks in reestablishing the gold standard was responsible in any large measure for the development of speculation in this country?"

INTEREST RATES IGNORED

"No; I do not," replied the Senator. "Exhaustive studies by the Harvard School of Business Research and other authorities have proved that interest rates do not control stock-market movements. Easy money will not make a bull market. The dullest markets usually are found when interest rates are at rock bottom. I believe that the action of the Federal reserve system in cooperating with the central banks of Europe for the purpose of enabling them to put the fiscal systems of their respective countries in sound condition was highly desirable, and I do not believe that the maintenance of low rediscount rates during that period had any appreciable effect in promoting speculation in this country."

"What do you consider the greatest defect in the present operation of the Federal reserve system?" the writer asked.

"One of the fundamental defects, which must be apparent to all, is the fact that the system is primarily under the control of the sellers of credit," was the reply. "The Bank of England is governed by a board made up of merchants and other large users of credit. The policy of the Federal reserve system, on the other hand, is primarily

controlled by the class A directors, who are bankers, and who naturally look at the situation from the standpoint of those who sell credit rather than from that of those who use it. I believe that it would be wise and desirable for American merchants, manufacturers, and other business executives to have a larger voice in the control of the system."

MISSOURI RIVER BRIDGE NEAR BROWNVILLE, NEBR.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4861) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr., which were, on page 3, line 11, to strike out "twenty" and insert "five"; on page 6, after line 3, to insert:

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

And on page 6, line 4, to strike out "8" and insert "9."

Mr. NORRIS. I move that the Senate concur in the House amendments. I make this motion at the request of my colleague [Mr. HOWELL] who is ill and unable to be present.

The motion was agreed to.

RELATIONS WITH THE PHILIPPINES

Mr. KING. Mr. President, I desire to present for the consideration of the Senate some observations concerning what has come to be known as the Philippine question. I am led to a brief discussion of this matter because it is understood that Congress will soon be convened in extraordinary session for the purpose of enacting a tariff law, and attempts will be made to incorporate therein provisions seriously affecting the Filipinos.

An extensive propaganda is being carried on in the United States in favor of either limiting the amount of sugar produced in the Philippine Islands which may be brought into the United States or imposing a tariff upon all sugar imported into the United States.

In 1916 the policy of the United States with respect to the Philippine Islands was announced in an act, "To declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands."

The act contains this language:

Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without in the meantime impairing the exercise of the rights of sovereignty by the people of the United States, in order that by the use and exercise of popular franchise and governmental powers they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence.

Following the language which I have just read are provisions relating to the government of the Philippine Islands. When this bill was under discussion it was understood that the Philippines were soon to have their independence.

It is true there were some imperialists in the United States who insisted that the Philippine Archipelago should be held for exploitation and that the Filipinos should be treated as a conquered race. Those entertaining this view were unwilling to extend the provisions of the Constitution to the Filipinos or to incorporate their country into the United States. This view assumed that there was no inconsistency in a republic such as this holding colonial possessions and subjecting the inhabitants thereof to military rule. They repudiated the position of Senator Hoar and other patriotic Americans, who protested against the conquest of the Philippine Islands and the adoption of a policy looking toward holding them as a colonial possession for an indefinite period. Those who contended for the independence of the Filipinos in that memorable contest during and immediately following the war with Spain were unsuccessful in having their views adopted. But as the years went by the American people perceived that it was not in harmony with American ideals and with democratic institutions for an alien race to be subjected to military control and to have imposed upon it a government not of its own choosing.

It soon became apparent that the Filipinos, with their different traditions, customs, language, and culture, were unwilling to become a part of this Republic, and regarded with resentment the suggestion that their land should be held as a territorial possession, and that they should be subject to any form of government—military or otherwise—which the United States willed to impose upon them.

There never has been a time since American military forces landed upon Philippine soil that the Filipinos were willing to be an American colony or even an American State. They have desired to be free and independent; they have had confidence in their ability to govern themselves and to maintain an independent and sovereign state, possessing a liberal form of government and adequate to protect its people and discharge its international obligations.

I believe that a majority of the American people regarded the Jones Act, from which I have read, as a solemn pledge upon the part of the American people to grant independence to the Filipinos.

It can not be contended that the declaration contained in the Jones Act, that "it has always been the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government would be established therein," is ambiguous or meaningless; and I sincerely hope that it will not be urged that it was made for the purpose of deceiving the Filipinos, if not the people of other countries.

The United States can not afford to be insincere or to indulge in sharp practice or to trifle with a proud and progressive people. The Philippine Islands belong to the Filipinos, not to the United States. They are demanding that this Government redeem its promise and withdraw its sovereignty over the Philippine Islands and recognize the independence of the Filipinos. They have demonstrated their capacity for self-government; they have a stable government; they have made progress and are advancing in a satisfactory manner along the pathway of national development and intellectual and moral progress.

I regret to say that there are unmistakable evidences that the party in power intends to disregard the pledges made by the United States and to hold the Filipinos under American control, and at the same time deny to them the rights of American citizens. They are to be treated as outside the Constitution and to be denied constitutional guaranties and constitutional protection, and are not to be permitted to set up their own government and to be a free and independent people. The letter and the spirit of the Constitution are to be violated in order that the Philippine Islands, thousands of miles away, may be held as a colonial possession and its inhabitants subjected to unconstitutional and un-American rule.

Mr. President, I protest against any course that would subject this Republic to the charge that it had violated its plighted faith; that it was guilty of Punic faith; that while professing the principles of democracy and the right of self-government it had refused independence and freedom to an alien people who were competent to govern themselves and coveted only the liberty and freedom to which the people of the world are entitled.

It is apparent that within the past few years the party in power has exhibited a less liberal attitude toward the Filipinos, and has been seeking pretexts for refusing to grant them the independence which they covet and to which they are entitled. President Coolidge made it clear in a statement prepared by him a short time ago that the Filipinos need not expect independence in the near future. I think the statement, properly interpreted, was the announcement of a backward and reactionary policy, and was intended to advise the Filipinos that the promises contained in the Jones Act would not be redeemed, and that their aspirations for independence were not to be realized, at least for many years to come. This statement was a rebuff to the Filipinos. It was a challenge to their requests for independence. It was equivalent to a declaration that the United States was under no obligation to withdraw its sovereignty or to permit the Filipinos to establish their own government.

I have offered measures in the Senate providing the necessary steps to be taken for the redemption of the promises made to the Filipinos. I have asked the Senate upon various occasions

to grant independence to the Filipinos, to enact legislation that would enable them to call a constitutional convention in order that the fundamental law which is to be the basis of their government might be prepared. All appeals have been in vain. The majority party has not only indicated its purpose to prevent such legislation but it has signified its intention to enact laws that would fasten more powerfully the grip of the United States upon the Filipinos.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. Has the Committee on Territories held hearings on this subject?

Mr. KING. Mr. President, there have been hearings in the House and in the Senate dealing with the question of independence for the Filipinos. As stated a moment ago, I have offered measures providing for the calling of a constitutional convention and for the adoption of such procedure as would bring about the withdrawal of American sovereignty from the Philippine Islands and the establishment of an independent government by the Filipinos. There were hearings upon one of my bills by the Committee on Territories and Insular Possessions of the Senate.

Mr. DILL. When was that?

Mr. KING. My recollection is that it was about four years ago.

Mr. DILL. There have been no hearings since then?

Mr. KING. As I now recall, the last hearings upon the measure to which I have referred were in 1924 or 1925. There have been hearings upon some other bills since that time. These bills, however, were as interpreted, for the purpose of conferring upon the United States additional authority, and were intended to further restrict the liberties and independence of the Filipinos.

Mr. DILL. Was a vote taken upon reporting the Senator's bill?

Mr. KING. My recollection is that no official vote was had in the committee. There was opposition to it and all efforts to secure a favorable report were abortive. I was not a member of the committee but appeared before it, and also had the opportunity of presenting witnesses who testified at some length, and conclusively demonstrated that the measure which I offered was just and fair and that the Filipinos should have independence and were competent to govern themselves and to set up and maintain a stable and progressive republic.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. I was a member of the committee at the time. The Senator will recall that the committee had progressed so far in the discussion of the subject in 1924 that they had really gotten down to considering the number of years in which they would agree to give independence to the Filipinos. I recall that there was considerable discussion as to whether independence should be granted the Filipinos within 5 or 10 years after the enactment of the legislation then under consideration. As I recall the situation, the Senate committee never made a report before the Congress adjourned.

I would like to ask the Senator if it has not been his observation that the longer we are postponing action on this question of independence for the Filipinos sentiment seems to be steadily increasing against independence? My observation is that there is less sentiment in favor of Filipino independence in the Congress to-day than there was when I first came here, and it seems to be getting less and less each year. Has that been the Senator's observation?

Mr. KING. Mr. President, I hesitate to criticize my associates in this body or those engaged in legislation at the other end of the Capitol. I regret, however, to be compelled to confess that the tide of opposition to Filipino independence is stronger to-day than it was a number of years ago. American capital has been invested in the Philippine Islands and many Americans have been diligent in spreading propaganda against independence for the Filipinos and in favor of the United States holding the Philippine Islands indefinitely. A number of American capitalists have reported that the resources of the Philippine Islands are very great, and that their retention by the United States would be of material and financial advantage to the American people. I remember that one American business man spoke about investing $100,000,000 in acquiring land and in developing a certain industry. It is known that Americans have large investments in cane-sugar lands and in sugar factories, and that those who are investing their capital in the Philippine Islands are insisting that independence shall not be granted to the Filipinos.

I think the Senator from Massachusetts is correct in his statement that there is less sentiment in favor of withdrawing our sovereignty from the islands than there was a number of years ago.

Mr. WALSH of Massachusetts. That is my observation.

Mr. BROUSSARD. Is it not a fact that that is due to the increasing amount of capital invested in the Philippine Islands?

Mr. KING. Undoubtedly the large investments by Americans have had much to do with the development of a sentiment hostile to Philippine independence. Some Americans undoubtedly desire that the United States hold the Philippine Islands for economic exploitation. They see in them a profitable field for American investment. They are not concerned in the political and moral problems involved; nor have they much concern in the aspirations of the Filipinos for independence. Undoubtedly they are patriotic Americans, but some can not comprehend that Filipinos can be patriotic and possess passionate longings for a free and independent nation. There are some Americans who seem determined to regard the Philippine Islands as a mere accessory to American business. They insist upon American goods being admitted free of duty into the islands. There are others who are demanding that, while we force free trade, so far as American products are concerned, upon the Filipinos, we may impose tariff duties upon their products which are brought to American shores.

Mr. DILL. Mr. President, at the present time we are confronted with proposals to exclude certain of their products, although the islands are under our flag. This is particularly true of sugar.

Mr. KING. The Senator is correct. The proposition will be submitted to Congress to impose a tariff upon Philippine sugar. Another proposition is to restrict the amount of sugar which may be brought from the Philippine Islands to the United States.

These propositions are regarded by many Americans as being contrary to our theory of government, if not at variance with the principles of justice and morality which should govern the United States in its dealings with peoples under its control. The view is urged by some that the Constitution does not follow the flag; that the United States may conquer distant lands and alien peoples and hold them as subjects, denying to them the rights which we enjoy. This policy is not democratic. It finds no place in our political institutions or the political philosophy by which Americans should be governed. Persons worthy to live under our flag are worthy to enjoy all constitutional guaranties. This great Republic can not afford to embark upon imperialistic policies. It would weaken our institutions, corrode the spirit of liberty and democracy which should guide our lives and determine our national policies. Lincoln perceived that the United States could not exist half free and half slave. This Republic can not be imperialistic and at the same time preserve its integrity, its ideals, its democratic institutions.

We must have a democratic republic, and if we depart from the ideals and the spirit of a government of that character, and embark upon the tempestuous sea of conquest, of colonial possessions, of imperialism, economic or otherwise, the work of our fathers will be in danger and the foundations of this Republic imperiled.

Mr. BROUSSARD. Mr. President, does the Senator from Utah yield to the Senator from Louisiana?

Mr. KING. I yield.

Mr. BROUSSARD. Mr. President, I happen to be a member of the Committee on Territories and Insular Possessions of the Senate. The committee reported two years ago, I think it was, at the time Senator Willis was chairman, a bill to carry out the pledges made to the Filipinos. I am for turning them loose myself, and so voted in the committee. Those people have increased their sugar production in the last eight years from 40,000 tons to over 500,000 tons, and that sugar is competing with our sugar, and there is no status for those people. I am perfectly willing to turn them loose. As a matter of fact, I do not believe any naval officer or any Army officer will claim that we could hold those islands at the initiation of any war we might enter into. We would lose them, and have to sacrifice human life and treasure to regain them. There is no reason for us to carry out the pledge we made to them.

So far as the question brought up by the Senator from Washington is concerned, I propose, when the proper time comes, to ask that we tax every pound of sugar that comes from the Philippine Islands.

Mr. KING. I think the Senator is in error in his statement that two years ago the committee of which he is a member voted to give independence to the Filipinos. There were measures before the committee of which Senator Willis was chairman, but I have no recollection of my measure which called for Philippine independence or any other similar measure being

favorably acted upon. There were measures reported by the committee which sought to increase the power of the Governor of the Philippine Islands and to provide a special fund to furnish him with experts and fiscal aid. I am glad the Senator favors the withdrawal of American sovereignty from the Philippine Islands, and I feel sure that he will join with those in the Senate who are seeking to redeem the promises made by our Government to grant independence to the Filipinos.

I desire to state, however, to the Senator that in my opinion we can scarcely defend the policy which forces the Filipinos under American rule and denies to them the right to export their products free of duty to the United States.

It seems to me violative of the Constitution and unjust, if not immoral, to hold the Filipinos as a conquered race; to treat them as aliens and then exploit them; to force upon them our products and deny to them the right or opportunity to ship their products to our shores.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. Does the Senator know whether or not there has ever been any diplomatic representation to other countries, particularly Japan and England, proposing that a joint protectorate be established over the islands and they be given their independence?

Mr. KING. Upon a number of occasions I have introduced resolutions authorizing and directing the President of the United States to enter into negotiations with all powers having territorial interests in the Pacific and adjacent thereto with a view to agreeing upon a treaty under which the independence of the Philippine Islands would be recognized. The Senator is familiar with the treaty guaranteeing the neutrality of Belgium which was signed by Germany, Great Britain, and France. When I first introduced the bill for Philippine independence I offered at the same time a resolution of the character just indicated.

Mr. President, I have made some inquiry in regard to this matter and it is my opinion that all powers who have interests in the Pacific would willingly join with the United States in a treaty which would bind the signatories to a recognition of the independence of the Filipinos and pledge them to respect the territorial integrity of the Philippine republic. Indeed, Mr. President, I believe if it were desired by the United States, the terms of the treaty would go further and afford guaranties for the protection of an independent Philippine government. I have made some investigations concerning this matter, and I have no hesitancy in saying that the Pacific powers would not look with disfavor upon an independent government in the Philippine Islands, and that neither would look with covetous eyes upon the territory of the new government set up.

Mr. DILL. Such a treaty should remove the objections which are raised as to their status.

Mr. KING. Undoubtedly a treaty of the character indicated would be of advantage to the Filipinos and would remove the objections of those who desire that the Filipinos shall have independence, but are not free from apprehension as to the security of the Philippine government against aggression from some other power. I have often heard the statement made that if the Filipinos were granted independence the islands would quickly fall a prey to Japan.

Mr. President, such statements are without foundation, and I regard them as most unjust to Japan. There is not the slightest evidence indicating a desire upon the part of the Japanese Government to acquire the Philippine Islands or to exercise control over the Filipinos. As a matter of fact, at one time Japan had a foothold in, if not control over, the Philippine Archipelago but voluntarily relinquished such control.

It is worthy of note that though the Japanese population is increasing at the rate of nearly 700,000 per annum, there has been no inclination to find in the Philippine Islands homes for the Japanese. Only a very limited number of Japanese resided in the Philippine Islands when they were partly, if not entirely, under the political control of Japan, and during the past hundred years, notwithstanding, as I have stated, Japan's rapid increase in population, only a few thousand Japanese have gone to the Philippines. Under American control there have been no bars against Japanese immigration, and yet there are only 5,000 or 6,000 Japanese among the 11,000,000 inhabitants of the Philippine Islands.

My recollection is that there are fewer Japanese in the Philippines now than there were 25 or 50 years ago. The climate does not suit the Japanese. They are looking toward the mainland of Asia, not to Polynesia or to the Philippine Islands. China has no designs upon the Philippines, nor has Great Britain, France, Germany, or Holland, or any other country. This Republic is the only nation that seems to covet the Philippine Archipelago, and the American people, or at least a portion of them, seem to be the only people who are unwilling that the Filipinos should have their independence.

Mr. President, if the President of the United States should enter upon negotiations with the countries referred to, I have no doubt that within a short time a treaty could be negotiated which would afford all the guaranties that the Filipinos might desire, and that would give to us every assurance that no other power would attempt to conquer the Filipinos or obtain from them privileges and favors of a special and discriminatory character. And the Filipinos, if we should grant them independence, would be so grateful that they would repel any suggestion that some other nation should obtain special favors or benefits. If we shoud redeem our solemn promises and permit them to have their own government they would regard this Republic with an affection that would bind them as with hooks of steel to this Republic.

Mr. NORRIS. Will the Senator yield?

Mr. KING. Certainly.

Mr. NORRIS. Will it disturb the Senator if I interrupt him at this point?

Mr. KING. Not at all.

Mr. NORRIS. The Senator has stated something upon this subject upon which I would like to have a little more light, not because I doubt his statement but because I would like to have it get as much publicity as possible. How long has it been since Japan has had some control over the Philippine Islands?

Mr. KING. I do not recall definitely, but it was several centuries ago.

Mr. NORRIS. Has the Senator heard of anything of a substantial nature which would indicate that there is anything to the argument made against the freedom of the Philippine Islands on the ground that Japan would immediately lay claim to the islands?

Mr. KING. I have made diligent inquiry, not only in the United States but in other countries, with a view to ascertaining whether there was anything to indicate that any country or government coveted the Philippine Archipelago or had any purpose, if independence came to the Filipinos, to molest them or attempt to annex any of their territory. It has been my privilege to meet leaders of Japanese thought, as well as a number of leading Chinese who were in a position to judge the aims and policies of the Chinese. I have also spoken with representatives of European nations concerning various problems, including the question of Philippine independence and the future of the Filipinos. I failed to discover a scintilla of evidence indicating that if the Filipinos were given their independence they would be molested by any nation or their independence interfered with in the slightest degree.

It is true that I found among some a feeling of skepticism concerning the promises made by the United States to give independence to the Filipinos. I met some persons who did not hesitate to say that they believed that the United States would never relinquish its grasp upon the Philippine Archipelago. But among those who expressed this view there was nothing to indicate that if the promises of the United States were fulfilled and the Filipinos were given their independence that their country would be in danger of invasion from any quarter.

An examination of the situation in the Pacific and in the Orient will, I feel certain, justify the conclusion which I have reached and the statements which I have made. China has troubles of her own and for many years to come will be occupied in working out her own internal problems and consolidating any gains that may be made in social, industrial, and political fields.

The evidence is conclusive that China never coveted the Philippine Islands and, though the closest neighbor, made no attempt whatever to colonize the Philippines or to acquire political influence therein. Holland, interested as she has been for centuries in island possessions not far remote from the Philippine Archipelago, has never evinced any interest in the Philippine Islands or indicated any purpose to acquire or control them. France with her interests in China has never looked with envious eyes upon the Philippine Islands. And Germany, when she was a powerful factor in the western Pacific, was indifferent to the Filipinos and their island possessions. Great Britain, with her large interests in the Pacific, never sought control over the Philippine Archipelago, and notwithstanding the proximity of these islands to Australia, neither Great Britain nor any of her colonies manifested any desire to control or acquire the Philippines.

I have referred to Japan. I repeat when I say that Japan, though she acquired Formosa, and under the treaty of Versailles obtained a mandate over two or three groups of small and unimportant islands in the Pacific, was wholly indifferent

to the Philippines. As I have said, at one time she dominated them, but was not sufficiently interested in holding or controlling them to remain.

I regret that there have been so many unjust and wanton attacks in the American press upon Japan. Even in this body I have heard serious charges made against Japan, her good faith, her national honor. I have upon a number of occasions defended Japan against what I believed to be unwarranted and unjust criticism. I have called attention to her problems, to her insular position, to her precarious situation with China and her teeming millions, and Russia with her enormous population and her great resources blocking the way to expansion in perhaps the only direction where it is possible for Japan to go.

Mr. NORRIS. I would like to say to the Senator, if he will permit me, that it seems to me the objection to the freedom of the Philippine Islands is almost discourteous to the Government of Japan, especially if it is made, as I believe it is made, without any foundation in fact for the making of it. I have not made the same investigation that the Senator has, at least not nearly so extensive, but I have never heard or seen anything from a reliable source that would indicate that there is any truth in the statement whatever, yet continually it is offered in this country. It is really a criticism against a friendly nation, and it seems to me it is unjust.

Mr. KING. I am in accord with the views just expressed by the Senator. I believe that it is an unwarranted and unjust attack upon Japan to say that she nourishes a secret ambition and purpose to acquire the Philippine Islands. I have referred to the fact that, though the resources of Japan are limited and her arable land is wholly inadequate for the needs of her people, she has not encouraged them to colonize the Philippines, nor has she attempted to secure any foothold—economic, military, or otherwise—in any part of the Philippine Archipelago. Japan realizes that her future is dependent largely upon industrial development and that any expansion must be in the direction of the mainland. She recognizes that there is no opportunity for her surplus population to secure lands in North America or in Australia. There is the island of Sakhalin lying to the north, and a part of which belongs to her, which is susceptible of development and will be available for further colonization.

But Chosen and Manchuria and the Asiatic mainland will be the avenues into which the Japanese will enter after Japan has reached the saturation point. Let us not, therefore, Mr. President, offer excuses and false pretexts for refusing to perform a solemn obligation—the liberation of the Filipinos from American rule. I called attention a few moments ago to the fact that I had offered a resolution with reference to the negotiation of a treaty with Pacific powers to secure the independence of the Filipinos. Since I have been speaking I have had the Secretary of the Senate bring to me a copy of the resolution which I offered in the Senate in December, 1925. The resolution reads as follows:

Whereas the Congress of the United States by the act approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," vested in the Philippine Legislature, created by said act, general legislative power with respect to the Philippines, in order that by the use and exercise of popular franchise and governmental powers the people of the Philippines might become prepared to assume the responsibilities and enjoy the privileges of complete independence; and

Whereas the Congress of the United States in said act expressly declared that it was the purpose of the Government of the United States to withdraw its sovereignty from the Philippine Islands and to recognize the independence of the islands as soon as a stable government should have been established therein; and

Whereas in conformity with the provisions of said act, a stable government, founded upon principles of political liberty and upon popular franchise, has been erected in the Philippine Islands and is exercising political powers therein, subject only to the powers vested in the Governor General of the Philippines and other officials appointed by the President of the United States, and certain supervisory powers exercised by the Secretary of War, and the right of appeal to the Supreme Court of the United States from final judgments and decrees of the Supreme Court of the Philippine Islands: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President enter into negotiations with the powers having territorial interests in the Pacific, or adjacent thereto, for the purpose of concluding a treaty or treaties whereby said powers agree to recognize the Philippine Islands as an independent state, and covenant to respect the political independence and territorial integrity of such Philippine state, when such state shall have been established and declared by the United States.

If the administration's refusal to carry out the provisions of the Jones Act and withdraw our sovereignty from the Philippine Islands rests upon the assumption that Philippine independence would be menaced by Japan, the falsity of such assumption can quickly be established by entering into negotiations with Japan, together with other Pacific powers, for concluding a treaty under the terms of which the signatories thereto covenant to respect the political independence and territorial integrity of such Philippine state.

Mr. President, I think that the obstacle to Philippine independence is not Japan or China or any government on earth except this Republic. The greedy eyes of some American capitalists see in the Philippine Islands a rich field for exploitation. Under the pretense of a broad humanitarianism and a desire to protect and civilize the Filipinos, they proclaim with great vigor that the United States must hold the Philippine Islands, and govern them not under the Constitution but outside of its beneficent provisions.

Mr. President, notwithstanding the constant asseverations that we are not imperialistic, there are more than symptoms of imperialism in our attitude toward and treatment of other countries. There is economic imperialism as well as other forms. American capital is flowing in golden streams from the borders of the United States. Enormous investments are being made in Haiti, Santo Domingo, Cuba, Nicaragua, and various countries of South and Central America, the Philippine Islands, and in other lands and climes. Large investments are being made in Cuba. Sugar plantations are being developed in the Philippines by American capital, and important American interests are acquiring control of resources which will strengthen the grip of the United States upon them.

(At this point Mr. KING yielded to Mr. BINGHAM to present a conference report on the District of Columbia appropriation bill.)

Mr. KING. When I was interrupted by the conference report I was referring to the important investments being made in the Philippine Islands and the economic control which is being obtained by American capitalists. Undoubtedly there are some benefits to be derived by large investments of foreign capital; but there are also resulting evils and dangers the extent of which may not always be foreseen. American capital is being invested in Haiti.

If aliens are permitted to acquire land in Haiti, within a few years those who were formerly landowners will be wretched tenants and peons. It is a menace to the security and prosperity of a country having a large population and a limited area of land to permit foreign capital to acquire large landed estates. The agrarian problem is not a new one. In Italy and in other countries in centuries past slavery followed the concentration of wealth in the hands of a few and the control of the arable lands by the rich. In the long run it will be highly disadvantageous to the Filipinos if foreign capital controls their resources and alien landlords acquire large holdings of agricultural lands. Undoubtedly temporary advantages will result from an invasion of foreign capital; there may be temporary booms and superficial prosperity, but finally the day of reckoning will come. If the mass of the people work for foreigners, foreign capital will suck the stream of prosperity from the land. It were better for the conscience of the American Nation and for the preservation of American ideals if we do not hold the Philippine Islands for economic exploitation. It will be better for us and better for the Filipinos if we give them their independence. It will be to our everlasting honor if we can say to the world, "We have aided in setting up another republic and unfurling another flag to float over a free and independent state in the great blue that envelops this little world of ours." Mr. President, let us redeem our promises and take steps looking to the liberation of the Filipinos!

I have referred to measures which I have introduced providing for the withdrawal of the United States from the Philippine Islands. I desire to invite the attention of the Senate to one of the bills which I offered dealing with this question. On the 6th of December, 1927, I offered the following bill, which I ask the clerk to read.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

A bill (S. 711) providing for the withdrawal of the United States from the Philippine Islands

Be it enacted, etc., That in conformity with the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands," approved August 29, 1916, the Philippine Legislature is hereby authorized to provide for a general election of delegates to a constitutional convention, which shall prepare and formulate a constitution for an independent republican government for the Philippine Islands, and that

upon the ratification and promulgation of said constitution and the election of the officers therein provided for, and as soon as the government provided for under said constitution is organized and ready to function, the President of the United States shall recognize and proclaim the independence of the Philippine government under said constitution and shall notify the governments with which the United States is in diplomatic correspondence thereof, and shall invite said governments to recognize the independence of the Philippine Islands, and that the President is directed to withdraw the military forces of the United States from said islands within six months after said proclamation recognizing the independence of said Philippine government.

That the debts and liabilities of the Philippine government, its Provinces and municipalities and instrumentalities, which shall be valid and subsisting at the time of the approval of the proposed constitution shall be assumed by the government established thereunder.

That if the Philippine government fails to pay any of its debts and liabilities referred to in the foregoing section or the interest thereon when due, the United States Government may thereupon take over the customs offices and administration of the same and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or interest. When such overdue indebtedness, liability, or interest shall have been paid the United States Government shall restore to the Philippine government the control and administration of its customs offices and the revenues derived therefrom.

Mr. KING. Mr. President, the last paragraph of the bill does not accurately express my views. I inserted it, after having drafted the bill, out of deference to the views of some of my colleagues who shared with me the conviction that the time had come for the United States to withdraw from the Philippine Islands. However, they were of the opinion that some of the opposition to the bill would be overcome if provision were made which would assure the payment of all obligations of the Philippine government which had been incurred while the control of the Philippine government was in the hands of the United States.

Senators will recall that since the United States has been in control in the Philippine Islands bonds aggregating millions of dollars have been issued, the proceeds derived therefrom being devoted to internal improvements and governmental purposes. The interest upon these bonds has been promptly met; the provisions of the sinking fund have been scrupulously observed, and there is no reason to doubt that the bonds as they mature will be promptly cared for, whether the United States retains control of the Philippine government or the Filipinos are given their independence. But to meet the views of skeptics I consented to insert the provision referred to, which gives to the United States the right to take over the customs offices and their administration in order to meet any debts and liabilities incurred when the United States was in control of the government if there shall be default in meeting such obligations.

Mr. President, there are nearly 12,000,000 Filipinos inhabiting scores of beautiful islands in the Philippine Archipelago. All of them are Christians except approximately 800,000, who are Mohammedans. They are a unit in asking for independence. Every member of the Philippine Legislature, whether Christian or Mohammedan, whether elected by the people or appointed—as a few of them are—by the Governor General, is asking that American sovereignty be withdrawn and that the Filipinos be permitted to set up a republican form of government. Though they appreciate the strength and power of this Republic and appreciate the benefits which they have derived from American control, they possess national aspirations and are discontented with alien rule.

In a speech which I delivered in the Senate about two years ago I stated in considerable detail the economic, industrial, educational, and political conditions prevailing in the Philippines. I showed the large number of schools with nearly a million children attending them; the progress which had been made in education; the agricultural development; the large number of landowners; the natural resources which constitute a reservoir from which the future may draw for material advancement and the welfare of the people. I referred to the interest taken by the people in political matters, the zest with which they entered into public affairs, and the manifold evidences of their capacity for self-government.

I shall not traverse the same ground at this time or enter into details in regard to these questions. I shall only say in a general way that the Filipinos have a stable government; that they have demonstrated their ability to build a commonwealth, to maintain law and order, and to carry forward liberal and progressive policies that will insure the stability of the state which they may be permitted to organize. It is quite likely that when they shall have independence they will encounter many obstacles and perhaps make serious mistakes. What nation has been free from mistakes? Our own Republic has encountered difficulties and has been torn by civil strife. The difficulties and dangers and problems encountered will be tests of their capacity and ability. These national problems and dangers are schoolmasters indispensable to national growth and material and moral advancement.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. BRUCE. Does not the Senator think that we had a perfectly good title to the Philippine Islands in the first instance?

Mr. KING. I am unwilling to concede that our title was the best or entirely free from taint or imperfection.

Mr. BRUCE. It seems to me it is the best title that one country ever did have to the soil of another one.

Mr. KING. By conquest, yes; if conquest confers the best title—a fee-simple, indefeasible title—using the words of lawyers with respect to land titles, then perhaps the United States does have, if not the best, at least a title which will defeat some other country claiming the Philippines.

Mr. BRUCE. Not only by conquest, but by purchase as well. It was a dual title, it seems to me. First, title by conquest, and then title by purchase.

Mr. KING. Mr. President, the question of our title to the Philippine Islands was learnedly discussed when the treaty of Paris was before the Senate and when Congress was considering what it would do with the Philippine Islands and what form of government it would impose upon the Filipinos. The views of the Senator from Maryland were accepted by many who contended, as the Senator has, that the United States had conquered the Philippines and driven Spain from the islands and had subsequently acquired Spain's title by payment of $20,000,000. Perhaps under the accepted principles of international law the United States does have some form of title to the Philippines. If it be conceded that a nation may make war upon a people and conquer them, and thus acquire title to their country, then there is a basis for the claim that we have a good title to the Philippine Archipelago; and if we accept the doctrine that the defeat of a nation by a more powerful one, and the defeated nation has certain dominion over distant lands and peoples and by its defeat has lost its control and has the legal right to deed away or barter away those lands and peoples, then perhaps the United States has an additional source of title.

Under that view the Turks acquired title by cruel war to Armenia, to the Byzantine Empire, to the territory out of which Rumania and the Balkan States have been carved. By the sword it held control for centuries over Christian races, over Slavs and Hellenes and representatives of the Aryan race. Spain conquered the Filipinos several centuries ago. She imposed upon the Filipinos a cruel and despotic rule. There was a century or more of intermittent strife. Revolution followed revolution, the Filipinos seeking to throw off the foreign yoke and to set up a government of their own choice. Spain held similar title to Cuba and other countries which she lost. Did Spain have a good title to the Philippines? I deny it. Did she own the Philippines? I repudiate the suggestion. Rizal, the last great Philippine martyr, saw the coming independence of his people.

Spain's rule in the Philippines was ended before American troops landed upon the shores of the Philippines. The Filipinos set up a government and were proceeding to organize a new state. They were free from Spanish rule. They were an independent people. Spain had no title to convey to the United States. The $20,000,000 which we paid to Spain for the Philippines and the Filipinos gave us no title. It is true we asserted title under the pretended grant from Spain, and it is true that we waged war against the Filipinos and defeated them, and superimposed upon them American rule. For years it was a military rule. Little by little the harshness of this rule was softened, and finally under the Jones Act the Filipinos were given a liberal, autonomous government.

No one can deny that we made war upon the Aguinaldo government, which was not only a de facto but a de jure government. It represented the will of the Filipino people. It was functioning as a government and discharging its obligations.

Mr. President, I can not believe that we obtained title by purchasing the Filipinos at $2 a head. Spain had no title to the Filipinos; she could not sell them; we could not buy them. I do not believe we can get title to human beings by paying money for men, women, and children.

Mr. BRUCE. Mr. President, may I ask the Senator if he thinks there would have been any insurrectionary movement in the Philippines that would have amounted to anything but for the prospect of American intervention?

Mr. KING. I have no hesitancy in answering in the affirmative. The Senator will recall that there was insurrection in

Cuba; that there had been numerous revolutions in this Pearl of the Antilles, covering a period of more than 100 years. There were revolutions in the Philippines synchronizing with Cuban revolutions. The revolutionary movements, both in Cuba and the Philippines, were often crushed; but from the ashes of defeat rose patriotic Cubans and Filipinos who raised the standard of liberty and rallied their countrymen to renewed assaults upon the Spanish Government. For a number of years preceding the Spanish-American War the fires of revolution had been burning in the Philippines. The struggle in Cuba undoubtedly strengthened the resolve of the Filipinos to achieve their independence, and it is certain that if the United States had not engaged in war with Spain the Filipinos would have thrown off the Spanish yoke and set up an independent government.

Mr. BRUCE. It seems to me the real question is whether our hands are tied by the Jones Act.

Mr. KING. If I understand the Senator, he means that if it were not for the Jones Act we would have the right to remain in the Philippine Islands indefinitely.

Mr. BRUCE. That is the inquiry I am suggesting.

Mr. KING. With profound respect for the views of the Senator, I must express my dissent from his position. I agree that the Jones Act binds us to withdraw from the Philippine Islands and give the Filipinos their independence. But I contend that, without the solemn promise contained in the Jones Act, it is the duty of the United States to withdraw from the Philippines and return to the Filipinos the control of their own country. I think there is a moral question involved which transcends in importance any legal question. When we deal with human rights, with the liberties of peoples, legal formula must not stand in the way of justice and liberty and the rights of humanity. We have been led to believe that a new day is dawning; that the right of self-determination exists and that the inarticulate masses of the world have a right to be heard. I know there is a school of philosophy and there are historians who take the view that upon this little globe there must be a few strong and powerful nations, controlling, directing, and protecting the smaller states. They see the United States controlling this entire hemisphere, and Europe under the control of two or three powerful nations. The movement toward concentrated authority and concentrated wealth is most powerful, and the gravitational forces now in operation throughout the world, in the political and industrial world, give emphasis to the philosophy to which I have referred and seem to support the views of its exponents. But I believe that a different philosophy must prevail; that there must be decentralization of authority, a diffusion of power as well as a diffusion of wealth. There are changes undoubtedly resulting from the groupings of numerous small states and weak peoples around some powerful political sun, but the welfare and happiness of humanity will best be realized under dual forms of government rather than a unitary system. Small states have performed important functions and have made contributions of incalculable value to the freedom and happiness and progress of the world. We must not return to the days of autocratic government; to the rule of powerful states which exercise dominion over distant lands and alien peoples. Rather must we encourage democracy, a spirit of liberalism, the development of smaller units, the recognition of the individual as the real vital unit, and the most important factor in the social, political, intellectual, and moral development of the world.

Mr. President, the Senator from Maryland, I think, must concede that the Jones Act does tie our hands, to use his expression. Permit me to read a statement of Theodore Roosevelt which contains his interpretation of the promise or pledge contained in the Jones Act. He said:

> In order to use the Navy effectively we should clearly define to ourselves the policy we intend to follow and the limits over which we expect our power to extend. Our own coasts, Alaska, Hawaii, and the Panama Canal and its approaches should represent the sphere in which we should expect to be able, single handed, to meet and master any opponent from overseas.
>
> I exclude the Philippines. This is because I feel that the present administration has definitely committed us to a course of action which will make the early and complete severance of the Philippines from us not merely desirable but necessary. I have never felt that the Philippines were of any special use to us. But I have felt that we had a task to perform there and that a great nation is benefited by doing a great task. It was our bounden duty to work primarily for the interest of the Filipinos; but it was also our bounden duty, inasmuch as the entire responsibility lay upon us, to consult our own judgment and not theirs in finally deciding what was to be done.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. BRUCE. How does the Senator think we should deal with those parts of the Philippine Islands which do not desire independence, which prefer to continue under American rule?

Mr. KING. Mr. President, the Senator, I submit, is in error in assuming that there are any parts of the Philippine Islands which do not desire independence or which prefer to continue under American rule. The fact is that the Filipinos are a unit in desiring independence. I stated a few moments ago—perhaps the Senator was not in the Chamber—that there was not a single representative in the Philippine Legislature who was not earnestly in favor of Philippine independence. The Senator knows that the Governor of the Philippine Islands is given the authority by act of Congress to appoint some of the members of the Philippine Legislature. But even the governor's appointees join with all other members of the legislature and vote with them in favor of Philippine independence. I aver that there is no sentiment in the Philippine Islands among the Filipinos in favor of American control over the archipelago.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. BRUCE. Does the Senator think that if they obtained their independence they would be able to preserve it as against the encroachments of the other parts of the Philippines? Because, as the Senator, of course, knows, traditional animosities have existed between the different races of the Philippines for generations.

Mr. KING. Mr. President, I admit that there are animosities, though not so deep-seated nor so important as the Senator's statement would imply. But these animosities are forgotten in the universal demand for independence. The Senator knows that in Mexico there are many tribes speaking different languages. There are animosities among the Mexicans, and yet I think it will be conceded by all that in no part of Mexico can be found those who would tolerate even the suggestion of foreign control in Mexico.

The Yaqui and other tribes of Indians, the inhabitants of Yucatan, and the numerous divisions and groups of Mexicans with racial and tribal differences and animosities, speak one language when the question of independence of their country is involved.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. I yield.

Mr. WHEELER. Did the Senator from Maryland ask if there were animosities among the different tribes in the Philippine Islands?

Mr. KING. Yes.

Mr. WHEELER. Let me say to the Senator that I went all over the Philippine Islands, into every nook and corner of them, last year. I found no animosities among the people over there excepting those that were being stirred up by a few Americans, who stirred them up just for the purpose of trying to show the United States that we ought to keep hold of the islands.

Mr. BRUCE. I thought there were quite bitter animosities for generations between the Moros and Filipinos.

Mr. WHEELER. There have been, but they have been practically done away with. I went down to the Moro settlements, down in Mindanao and all through there, and there were no animosities to amount to anything at all. The Moros and the Filipinos get along together. It is true that when Mr. Carmi Thompson, of Ohio, was sent over there by the President of the United States, there was an attempt to line them up on different sides of the road; but if you talk to most of the Moro leaders down there they will tell you that they are getting along peaceably.

Mr. BRUCE. That is very interesting, because it helps to clear up some difficulties that have occurred to me in connection with the Philippine independence. I have always been inclined to the view that the thing for us to do was to do what we did in Cuba, to get out and to let them run their own government.

Mr. WHEELER. As I said a moment ago, I went all over the Philippine Islands, went clear down to Jolo, where the Moros are, and went to Mindanao, and most all of the intelligent leaders down in Mindanao and in Jolo told me that they would not have any difficulty in getting along together. But there has been opposition to independence on the part of some Americans who are over there, who want the United States to keep those islands because of the fact that they think it means more to them and their property is worth more if they do. But another influence that is working in the Philippine Islands against independence is certain British interests; at least, some of the British do not want us to grant independence. They do

not want us to give the Philippines their independence because of the effect it would have upon India and their other holdings in their spheres of influence.

Mr. BRUCE. Great Britain has large commercial interests in the Philippines, too?

Mr. WHEELER. Yes; Great Britain has large commercial interests in the Philippines. As one Britisher said to me, "The United States can not give the Philippines their independence. If you do, it just means that the next thing India will want her independence." That is uppermost in the minds of Great Britain, that if the United States says to the people of the Philippine Islands, "We are going to give you your independence," then it will encourage the other people of the Orient to want their independence.

I heartily concur in what the Senator from Utah [Mr. KING] has said. We had some very interesting experiences. If the Senator will pardon me, as a matter of fact, there were a large number of Congressmen, and one of them in particular was very bitter against the independence of the Philippine Islands until he himself went over there, and I might say to the Senator that he voted against it, but he completely changed his mind when he got over there and saw what the real situation was.

Mr. BINGHAM. Is it not true that quite a good many have changed their minds the other way?

Mr. WHEELER. That may be true, too. I could not speak as to that, because I do not know about that; unless it might be that the Senator from Connecticut has changed his mind.

Mr. KING. The Senator from Connecticut changed his mind on the Monroe doctrine; he may have changed his mind as to the Philippines.

Mr. BRUCE. What does the Senator from Montana think would be the likelihood of Japan taking possession of the Philippines in case we retired from the islands?

Mr. WHEELER. I do not think they are any more likely to take possession of them than they would be now. Frankly, if we were going to give them their independence, I would feel that we ought to enter into some kind of a treaty with Great Britain and Japan to guarantee the Philippine Islands their independence.

Mr. BRUCE. Then we would have all the risk of the present situation without any of the advantage.

Mr. WHEELER. We would not have any risk if we entered into some understanding with them.

Mr. KING. I may say to the Senator that I discussed that question before he entered the Chamber. I stated that I offered resolutions expressing it as the sense of the Senate that the administration should negotiate a treaty with Japan and all powers interested in the Pacific for the neutralization of the Philippine Islands.

I feel certain that the powers interested in the Pacific would not hesitate to negotiate a treaty which would recognize the independence of the Philippine Islands and bind the signatories to the treaty to respect this territorial integrity.

Mr. BRUCE. If we should retire, just what reservations does the Senator think we ought to make for our national protection?

Mr. KING. I have heretofore discussed one of the provisions of the bill which I offered, which gives the United States the right to take possession of the customhouses in the event the Philippine government defaulted in meeting obligations incurred while the United States controlled the Philippine government. I may say that leading Filipinos made no objection to this provision or reservation, with their knowledge of their country and its resources, and with their understanding of the people and their confidence in their capacity to maintain an orderly and stable government, they are confident that all obligations will be met and the honor and credit of their country will be preserved. Another suggestion has been made, and representative Filipinos have expressed their willingness to have it embodied in a formal instrument connected with the withdrawal of the United States and the setting up of an independent government. The suggestion is that the United States may have such naval bases as it desires in the Philippine Islands and also suitable cable and radio stations.

Mr. BRUCE. Does the Senator think the Philippines would be willing to give us any trade or commercial guaranties?

Mr. WHEELER. They would be perfectly willing.

Mr. KING. I have not discussed this question in any detail with representatives of the Philippines. Speaking for myself, I would not be disposed to require or even suggest that the United States be given advantages in trade and commerce over other countries. Perhaps I should modify this generalization and say that there might be a situation which would result in mutual advantages to the two countries, which would warrant some special agreement or treaty the execution of which would not be unfair to other countries or jeopardize in any way the perpetuity of cordial and friendly relations between the Philippine Government and other governments. I have no doubt that the Filipinos would feel so grateful to the United States that they would be willing to enter into any agreement that would be just and right, looking to the development of trade between the two nations.

Mr. WHEELER. I was going to say that I discussed the matter with a number of leading Filipinos while there, and as a matter of fact I am sure I could say to the Senator from Maryland that they would be delighted to make almost any kind of a concession that the United States Government wanted, even though they considered it absolutely unfair.

I want to say to the Senator further, I am not at all sure but that, looking at it from the standpoint of the Filipinos themselves, it is not better that the Government of the United States should be over there, but looking at it from the standpoint of an American citizen, it is inconceivable to me that the people of the United States would want to keep the Philippine Islands, except those Americans who are located in the Philippine Islands. I can readily understand why they want us to stay there. They feel that it enhances the value of their property, and they can get cheap labor over there and ship their products back.

Mr. BRUCE. It looks as if I might be able to reconcile my views as to this Philippine situation with the views of the Senator from Montana and those of the Senator from Utah.

Mr. BINGHAM. Mr. President, may I say—and I shall not take more than a moment, because there are appropriation bills waiting, and I do not desire to delay the argument for more than a moment—in view of what the Senator from Montana has said, and in view of the fact that he and I went to the Philippines about the same time, my own visit being a few weeks after his, I can not let all that he said go without the challenge that at some future time I may venture to disagree with him in most of what he has said. I would like also to add this, that from the best information which I am able to secure, the situation with regard to the desire of the Filipinos for independence has changed very greatly since he and I were there. In fact, one of the Delegates from the Philippines, Mr. Gabaldon, who went home from the United States last year in high dudgeon because he was not satisfied with the progress being made toward independence, and ran on a platform declaring for the securing of complete independence, was defeated on that platform, and the best information which I could secure is that the leading Filipinos to-day do not desire independence as they did at a time when the propaganda was most active.

Mr. KING. The Senator's information, I respectfully submit, is inaccurate. His statement concerning Mr. Gabaldon is, I feel sure, quite incorrect. The facts are that Commissioner Gabaldon resigned in order that he might seek the nomination for the Philippine House of Representatives. He departed from Washington for his home in March, 1928, while Congress was in session, and pending the consideration of the so-called Willis-Kiess bills, which provided for an increase in the power of the auditor for the Philippine Government and also increased the salaries of the Governor General and other officials. The Filipinos were very much opposed to these measures. In the contest for election to the Philippine Legislature he was charged by his opponent with having left his post of duty in Washington. On this single issue Commissioner Gabaldon was defeated. His opponent was then governor of the Province of Neuva-Ecija; and he was, and is, in favor of Philippine independence. In the local election campaign the question of Philippine independence was not an issue, for both the majority and minority political parties in the Philippines are committed to immediate, complete, and absolute independence for the Philippines.

Mr. WHEELER. I was going to say that the Senator knows, no doubt, that the president of the senate, Mr. Quezon, and all of the leaders over there, are still advocating independence, and there has not been any change.

Mr. BINGHAM. The Senator is mistaken.

Mr. WHEELER. I am not at all mistaken.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. TYDINGS. I would like to ask the Senator a question which has often been in my mind when considering the Filipino problem. If we were to grant independence to the Philippines, would the Senator think it incumbent upon the American Government, in keeping with their independence, to assure them an extension of the Monroe doctrine, generally speaking?

Mr. KING. No. We might by treaty with other nations having interests in the Pacific agree to respect the territorial

integrity and political independence of the new government. And it is possible that with such nations the independence of the Philippine government might be guaranteed.

Mr. TYDINGS. Does the Senator feel that if we were to give them independence our obligation would cease definitely, and that we would retain no other relation than that we bear to France or England or Australia or Canada?

Mr. KING. Mr. President, I would not go that far. Undoubtedly the United States would have an interest in the new government which it had aided in establishing, and would regard with interest, if not with solicitude, its progress and development. We would undoubtedly regard as unfriendly any act which would be an attack upon the integrity of the new republic, and it is quite likely strong representations would be made to any government that assumed a hostile or unfriendly attitude toward the Philippine government. The Senator was not in the Chamber when I referred to the resolutions which I offered directing the President of the United States to enter into negotiations with all powers having interests in the Pacific for the purpose of securing an agreement or treaty under the terms of which the signatories thereto would agree to respect the territorial integrity and political independence of the Philippine government. As I stated a moment ago, the powers, including those entering into such a treaty, might be willing to guarantee the protection of the Filipinos against any government seeking the overthrow of their government. The Senator will recall that the United States has agreed to protect the Republic of Panama, and under the Platt amendment we may have obligations with respect to Cuba.

Personally, as I have stated, I see no danger to the independence of the Filipinos from any foreign power. In my opinion, when we withdraw from the Philippines and an independent government is established, the Filipinos need have no fear that any foreign power will attack them or seek the overthrow of their government.

Mr. TYDINGS. I thank the Senator. In my mind, in the consideration of this problem, always there has been the thought of what would happen if that were done, and without that being considered in conjunction with the question of Filipino independence I do not think we have the whole picture. The Senator has partially answered my question and I thank him.

Mr. KING. I call the Senator's attention to the statement made by Theodore Roosevelt—and his views are shared by naval experts—that the retention of the Philippine Islands by the United States is a source of weakness to us instead of strength. We are not permitted under treaties which we have entered into to fortify the Philippine Islands, and if some naval power with a strong fleet operating in the vicinity of the Philippines should attack Manila we could not defend the Philippine Islands. This would particularly be true if the attacking fleet had a naval base near the Philippine Archipelago. The Philippine Islands, therefore, are of no benefit to the United States, materially or otherwise. If we give them independence and extend friendly counsel in the days of their youth, they will be so grateful and so much attached to this Republic that we will derive greater benefit from trade and commerce than we now enjoy, and no other country would supplant us in their affection. So if material advantages are sought by the United States, they will sooner be realized through Philippine independence; and the moral advantages which we will derive will prove of immeasurable value. The world will acclaim our course and peoples everywhere who now criticize because they fear we are imperialistic will be disarmed and will add their voices to the chorus of praise and good will which I feel sure will be heard in all parts of the world. I call the Senator's attention to the fact that the 4-power treaty to which the United States, Great Britain, Japan, and France are signatories will be a protection to the Philippine Islands; and doubtless it would be construed, or, if not so construed, supplemented so that the Philippines will be brought within its protecting terms.

Mr. TYDINGS. The Senator has referred to a treaty which he suggests should be entered into between the United States and various Pacific powers having for its object an obligation to respect the independence of the new Philippine state. I would like to ask the Senator whether the treaty he refers to would be put into operation prior to the granting of the independence?

Mr. KING. In my view they should be contemporaneous. As stated, I believe that the powers referred to would be perfectly willing to sign a treaty of the character indicated. It would, of course, rest upon the fact that the Philippine Archipelago is to have an independent government. If it were signed before the independence were granted, it would not, of course, be effective until an independent Philippine government were established.

Mr. TYDINGS. In considering this problem I have wondered whether or not, if we were to grant the Filipinos independence, and they were to be attacked after they had independence, we would then be called upon to help defend their territory, and whether or not the granting of independence would probably lay them open to attack; in other words, even though I might theoretically be in favor of the thing called "independence," if I felt that in the long run it would do the Filipino people an injustice, that it would lay them open to attack from some outside source, I would be inclined not to give them their independence, not because I was opposed to the idea but because I believed it would be bad for the Filipinos and bad for ourselves if they were permitted to get into the condition where they would be subject to an attack from a stronger nation, so that instead of getting independence they would become the vassals, so to speak, of some other nation that might not deal with them as kindly as the United States probably intended to do when we took control of the islands.

I would like to say to the Senator that I believe that idea is in the minds of many other Senators who feel kindly toward the idea of Philippine independence, but are afraid of some of the things which might happen if it is granted to the Filipinos, and it is very difficult for us to vote on this question because the possibilities make it a thing with so many different ramifications, whereas if it were simply the matter of Philippine independence most of us, I believe, would be inclined to look on it with a great deal more favor than possibilities which we can imagine permit us to look upon it now. If we were assured that the Filipinos would not be worse off under independence than they are now, I feel that I myself would be inclined to go along with the Senator to the full extent, but I am a little afraid perhaps that something might happen that would make me regret the action.

Mr. KING. With all due respect to the Senator, I submit that his argument is one which has been made by strong nations in justification of their continued control over conquered nations. A powerful nation which controls a weak nation finds many pretexts for denying the latter liberty and independence. The claim is not infrequently made by a nation which has imposed its will upon a people that some other nation is lying in wait to devour them if they are given their independence.

It is my opinion—and I have expressed it several times during this discussion—that if the Filipinos are given their independence there will be no foe to menace them; no government which will seek to conquer them. It may be, as the Senator has suggested, that the Filipinos would derive greater material benefits—at least for a number of years—if they remained under the control of the United States. Undoubtedly there are advantages flowing from the present connection between the United States and the Philippines. But it is certain that material advantages not now enjoyed would come to the Filipinos if they were an independent nation. But there are questions that rise above material benefits and advantages. It is quite likely that some of the small European states would enjoy commercial and other benefits superior to those which they now possess if they were a part of some adjoining state. There are many individuals who would enjoy greater prosperity if they walked under the wing of some powerful financier and business magnate. I repeat, material things are not the choicest things in life. There are moral and spiritual values that rise above all earthly values. There are great souls who have more happiness and joy in the knowledge of some great truth, in the possession of an artistic soul, than others who possess millions.

The Filipinos, like many other peoples, have aspirations—longings for independence. They see other peoples, fewer in number, who have set up enduring and progressive states and who enjoy the prestige resulting from citizenship within a state of that character.

When the flag of the United States was raised over Chapultepec after our forces had won great victories, we did not say that we will remain in Mexico and govern her as an American possession or province. We did not argue that if we withdrew some other power might be tempted to invade Mexico and despoil her of some of her territory.

Mr. President, this argument does not justify our Government in imposing its will upon the Philippine Islands, or the right to govern a country which has been subject to our military control. It is not a democratic argument; it is incompatible with the spirit of republican institutions and with the genius of our Nation.

This argument has been made by Great Britain with respect to some of her possessions. It was made by Rome concerning her conquered colonies. It will be made again by powerful nations when they seek to justify their conduct in denying liberty

and independence to nations and people brought within the circle of their power.

Mr. TYDINGS. I must admit that the Senator's remarks are not without a great deal of logic. I would like just to add this word, however, that the situation with reference to the Philippines is not entirely parallel to the situation in reference to Mexico.

Mr. KING. We may not always find a parallel, but we often find analogies. But the Mexican illustration is more than an analogy. It certainly affords an object lesson.

Mr. TYDINGS. We do know that a nation near the Philippines has taken a great deal of territory unjustly from another nation, where it is expanding and sending its excess population; and having that precedent before me I am wondering whether or not it might not be in the better interests of the Philippines to look a little more carefully into the question of her independence than would be necessary were this condition which I have mentioned not present.

Mr. KING. The argument which the Senator is making against independence for the Filipinos was made by Lord North and by others of the Tories in the Parliament of Great Britain against granting independence to the Colonies. They were afraid that France might seize the infant colonies and subject them to its rule. I say it is the argument always made by a strong nation that has imposed its authority by force upon a weaker nation.

Mr. TYDINGS. In some cases the strong nations have actually seized the weaker nations.

Mr. KING. Granted. That is one of the unfortunate conditions in the development of humanity.

Mr. TYDINGS. That does not make it right.

Mr. KING. There will be injustices. I would rather face the possibility of injustice or of some other nation committing a wrong against the Filipinos after they had their independence than to have my country perpetrate a wrong by subjecting the people of the Philippines against their will to American rule, even though it be conceded that under American rule they are deriving material and other benefits more important for the moment than if they enjoyed independence. We do not measure ultimately human rights or, indeed, progress by a few years or the span of a century. We measure the progress of humanity by centuries, by cycles. For a few years or a hundred years it might be less advantageous for the Filipinos to be independent than to be under American rule; but we must look into the future and determine what, based upon the lessons of history and the experience of nations, will be the final rewards and benefits in character, culture, and those qualities which constitute the foundations of true civilization. There are moral values and spiritual and social questions that must be considered in dealing with the issues involved in the relations of governments and peoples.

The important question is, What is right, what is just? Not what does it profit us or others financially or materially. The Filipinos have aspirations which we must not ignore and rights which we must not deny. They may fall below the American people in intelligence and capacity to govern themselves, but they have aspirations and ideals; they have their own culture and their own views of life, and we have no right to impose upon them our views by force, even though our views and civilization measure up to a higher standard.

Mr. TYDINGS. I thank the Senator for permitting the interruption and, while I do not go all the way with him, I am very sympathetic with most of his arguments.

Mr. KING. I am going to read a few words from the planks in three Democratic national platforms. The Senator from Maryland is a Democrat and he voted for those platforms and therefore has pledged himself to give to the Filipinos their independence.

Mr. TYDINGS. I voted for some platforms, I will say to the Senator, not with reference to the Filipinos, but some other things, with a great deal of misgiving.

Let me interrupt the Senator again, before he does that, to say that Congress itself in the Jones bill gave a promise to the Filipino people that they would eventually get independence.

Mr. KING. I have read that.

Mr. TYDINGS. That certainly would take precedence over a party platform, and if we in Congress, the authorized representatives of all the people, have promised the Filipinos their independence certainly we should either repeal the law or give them their independence and not make promises we can not or will not fulfill.

Mr. KING. Mr. President, I stated that I would read from Democratic platforms.

Mr. WALSH of Massachusetts. Mr. President, while the Senator is looking for that plank I would like to call his attention to a report made by the Committee on Insular Affairs of the House in 1924. The majority report provided for the giving of independence to the Filipinos within 20 years and the minority report, signed by eight Members of the House of Representatives, provided for immediate independence of the Filipinos. Nothing ever came of the report upon the bills then before that committee providing for independence of the Filipinos.

Mr. McKELLAR. What was the date of the report?

Mr. WALSH of Massachusetts. It is report No. 709 of the House of Representaitves, Sixty-eighth Congress, third session. The report was made by Mr. Fairfield for the majority of the Committee on Insular Affairs on May 10, 1924.

Mr. KING. Mr. President, I read from the Democratic platform of 1928:

> The Filipino people have succeeded in maintaining a stable government and have thus fulfilled the only condition laid down by the Congress as a prerequisite to the granting of independence. We declare that it is now our duty to keep our promise to these people by granting them immediately the independence which they so honorably covet.

I now read from the Democratic platform of 1924:

> The Filipino people have succeeded in maintaining a stable government and have thus fulfilled the only condition laid down by Congress as a prerequisite to the granting of independence. We declare that it is now our liberty and our duty to keep our promise to these people by granting them immediately the independence which they honorably covet.

May I say that, as a delegate to the convention, I had the honor to prepare that plank, but I copied it almost verbatim from one of the last messages to Congress delivered by President Wilson.

In 1920 we declared in our national platform:

> We favor the granting of independence without unnecessary delay to the 10,500,000 inhabitants of the Philippine Islands.

Other platform declarations appear in preceding platforms of the Democratic Party.

Mr. President, when I was interrupted some time ago I was reading from an article written by Mr. Theodore Roosevelt shortly before his death. May I conclude the reference to that article?—

> The present administration—

That is, speaking of the Wilson administration—

> was elected upon the outright pledge of giving the Filipinos independence.

That is the interpretation placed by Mr. Roosevelt upon the Democratic platform and upon the declaration in the Jones bill, which I have read to the Senate.

> Apparently its course in the Philippines has proceeded upon the theory that the Filipinos are now fit to govern themselves. Whatever may be our personal and individual beliefs in this matter, we ought not, as a nation, to break faith or even to seem to break faith.

I commend these words of a great Republican to my Republican friends, especially the Senator from Connecticut [Mr. BINGHAM] upon the other side of the Chamber.

In another article written by Mr. Roosevelt the following appears:

> I hope, therefore, that the Filipinos will be given their independence at an early date and without any guaranty from us which might in any way hamper our future action or commit us to staying on the Asiatic coast. I do not believe we should keep any foothold whatever in the Philippines. Any kind of position by us in the Philippines merely results in making them our heel of Achilles if we are attacked by a foreign power. They can be of no compensating benefit to us. If we were to retain complete control over them and to continue the course of action which in the past 16 years has resulted in such immeasurable benefit to them, then I should feel that it was our duty to stay and work for them in spite of the expense incurred by us and the risk we thereby ran.

Mr. WHEELER. Mr. President, can the Senator tell me how much it has cost us each year to run the Philippines?

Mr. KING. No; but it is more than a billion dollars since we took possession of the islands. I recollect that Senator Hoar, at the time he delivered his remarkable address in this Chamber in behalf of the independence of the Filipinos, declared that we had expended more than half a billion dollars.

I continue the quotation from Mr. Roosevelt:

> But inasmuch as we have now promised to leave them, and as we are now abandoning our power to work efficiently for and in them, I do not feel that we are warranted in staying in the islands in an equivocal position, thereby incurring great risk to ourselves without conferring any real compensating advantage, of a kind which we are bound to take

into account, on the Filipinos themselves. If the Filipinos are entitled to independence, then we are entitled to be freed from all the responsibility and risk which our presence in the islands entails upon us.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. I would like to get the Senator's idea about our real duty to the Filipinos. It comes about, because of the recent agitation which, I presume, has reached the ears of the Senator from Utah as well as the rest of us, concerning a new tariff bill which it is proposed to pass in the special session of the next Congress. It is claimed, and I think we will find it to be true, that there will be quite an attempt made to put a tariff on some of the products of the Philippine Islands. I would like to get the Senator's idea on this question. Regardless of the legal aspect, which is more or less technical, have we any moral right, holding the Philippine Islands as we do, to levy a tariff on the products of those islands that come into the United States?

Mr. KING. Mr. President, while the Senator was temporarily absent from the Chamber the Senator from Louisiana [Mr. BROUSSARD] stated that he proposed to support a tax—I think he used the word "tax"—in the approaching tariff bill. Of course, the tariff is a tax imposed upon the people for the purpose of raising the prices upon commodities for the benefit of the American producer. The tariff is a tax upon consumption.

The Senator from Louisiana declared his purpose to support a tax upon Philippine sugar brought into the United States in order that the price of the domestic product as well as that imported might be increased to the American consumer. I have realized, Mr. President, that the tariff bill which will soon be before us will present in an acute form the Philippine question. There are those who will insist that we should tax Philippine products and commodities brought to the United States; that we should subject the same to our tariff laws, though we force upon them free trade and insist that our commodities taken to the Philippine Islands shall there be admitted free of duty. There are Americans who contend that this policy is immoral and violative of the letter and spirit of the Constitution. They are unwilling to hold alien people for exploitation, denying to them the rights of American citizens. I have believed that in view of this purpose to violate what many conceive to be moral and constitutional principles we should free the Philippines and bid them go their way as an independent nation.

Mr. NORRIS. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield to the Senator.

Mr. NORRIS. I have no desire either to engage in or to lead the Senator into a discussion of the tariff. The question I shall ask is, in my judgment, away beyond any consideration as to the kind of a tariff we are to have.

Mr. KING. I agree with the Senator if I understand him, that there is a question of morality involved.

Mr. NORRIS. We shall honestly disagree as to what the tariff should be and as to the policy that ought to be pursued by our Government; but I am asking the Senator the question whether, as a matter of honor and good morals, we have the right to hold a people in subjection—for it is, more or less, subjection in which we are holding them, even conceding that we are doing right in holding them; I am not raising that issue—and when we do so hold a people, especially a people different from our own, have we in honor a right to levy a tax on any of their products? I know that the effort will be made to put a tariff on sugar—perhaps such a tax ought to be levied; I am not saying that it should not be—but if a tax can rightfully be levied on sugar, of course, it follows that we can levy a tax on any or all of the commodities those people produce.

Mr. KING. Unquestionably.

Mr. NORRIS. In what position shall we be in before the civilized world if we hold a people against their will under subjection, and then levy a tax on everything they produce that comes into this country? For the purpose of this question I do not care anything about the tariff on any particular article; I am talking only about the principle, whether we have a right to do that?

Mr. KING. I have indicated that I would regard the policy suggested by the Senator as against good morals, and may be subject to challenge upon constitutional grounds. I can not bring my conscience to accept the view that we should conquer an alien race situate in remote lands; that we should regard them as outside the protection of the Constitution and unworthy of the rights of American citizens; that we should adopt colonial policies and those programs which have been followed by autocratic and imperialistic powers; that we should say to the Filipinos, "You have no right to be free; you are a subject race and can only have those rights and privileges which we, in a spirit of graciousness or mercy, shall feel disposed to grant you; we may cut off your trade with our own country and with other countries; we may exploit you and treat you as appendages to our commercial and business interests, or as fit subjects to aid our capitalists and adventurers who may seek profit beyond the borders of their own country; we may force free trade upon you and may deny entrance into the United States of your commodities and products and subject them to high tariff duties and thus prevent your prosperity and prohibit your material and commercial progress." Mr. President, this view to me is dangerous to republican institutions and to democratic ideals, and may not be defended upon the principles of honor and morality which should guide the conduct of a Christian nation.

Mr. NORRIS. Can the Senator give us any information as to what history discloses that other governments have done in this respect in the case of peoples they have held in the way we are holding the Filipinos?

Mr. KING. Mr. President, the pages of history reveal the tragic fate of conquered nations subjected to discriminatory legislation and unjust laws. They further reveal that conquering and oppressive nations have been compelled to expiate their crimes and injustices. The sands of the deserts cover once powerful nations, destroyed by their own sins and transgressions, their injustices to feeble states and backward peoples. No nation can oppress a people and escape the punishment that will be inflicted by a just God. Wrongs committed by nations are as certain to be punished as are wrongs committed by individuals. The life of a nation may be long, but its transgressions will be discovered; its injustices punished.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Alabama?

Mr. KING. I yield.

Mr. BLACK. The Senator from Utah will recall that one of the chief causes of complaint against England by the American colonists was that she had a monopoly on the business of the Colonies and prevented them from trading with other nations of the world. One of the protests in the Declaration of Independence, one of the charges against England, was the cutting off of our trade with all parts of the world. They required us to trade with them and required us to send our goods directly to England. That was one of the underlying causes and one of the chief elements of tyranny which brought about the uprising in America.

Mr. KING. I thank the Senator for his interruption. May I say to him that there is a powerful movement to extend our coastwise laws to the Philippine Islands. If this policy prevails the Filipinos can not ship their products or import commodities from other countries except in American ships.

Mr. NORRIS. Mr. President, will the Senator yield to me further?

Mr. KING. I yield.

Mr. NORRIS. If we claim the right to extend our coastwise shipping laws to the Philippine Islands, assuming that right to exist, it seems to me it follows as night must follow the day that we have no right to levy a tariff on their products that come into this country. We have not any moral right, so far as I can see, to say, "You shall ship your products in American vessels, but when those products come to our shores we will levy a tax on them."

I should like to call attention to the fact that, as suggested by the Senator from Alabama [Mr. BLACK], the slogan in revolutionary days was "no taxation without representation." Are we not, if we undertake to levy that kind of a tax, taxing them without giving them a voice, without giving them representation; in fact, are we not doing the same thing that we denounced the mother country for doing in the prerevolutionary days and which was one of the reasons why the Revolutionary War was fought?

Mr. KING. Undoubtedly, Mr. President, the Senator has stated the situation accurately; and yet that is the course we propose to pursue with respect to the Filipinos.

The Senator will recall that Carmi Thompson was sent to the Philippines by Mr. Coolidge to make a survey. I have never seen his report, if he made one—and doubtless he did—but many feared, and I expressed that fear in the Senate when he was appointed, that he had gone there for the purpose of surveying the opportunities for American capital. Almost contemporaneous with his visit a manufacturer in the United States proposed to invest one or two hundred million dollars in the islands for the purpose of developing rubber, and other American capitalists are seeking opportunities to make large invest-

ments in various enterprises in the Philippines. That I deplore, because, Mr. President, the results are found ultimately to be disappointing; just the same as in Haiti the Haitian people appreciated the dangers which would menace them if foreign capital came into Haiti and aliens should acquire land. Haiti is only a small island of about 10,000 square miles; and, having more than 2,000,000 people, they have to depend upon agriculture. They appreciated that if large holdings were acquired by foreigners they would become a nation of peons, whereas before the Americans went there in 1915, conquered Haiti, and subjugated it by bayonet rule to the control of the United States, 95 per cent of the Haitian people owned plots of ground upon which most of them worked out their livelihood. When we took their Government away from them we abolished their constitution; we wrote another constitution, and in the new constitution we superimposed upon them at the point of the bayonet a provision that foreigners, and corporations, too, for that matter, might acquire territory; and thousands of acres of the very best lands in Haiti have been acquired by American capitalists and the Haitians ousted, and they are now working as tenants, as peons for American capitalists. The result will be, of course—and it can not be otherwise—the deterioration of the manhood of the Haitians, the loss of courage and independence, and more and more they will sink into the position of peons and economic slaves.

Americans have complained about the situation in Mexico because large property owners held millions of acres of land and reduced more than 80 per cent of the population to a condition of peonage. If we are to hold the Philippines for exploitation, if American capital is free to enter, then little by little the lands and resources of the archipelago will be drawn into the maelstrom of American capitalism. This will produce serious consequences—weakening the people, debilitating their courage, and diminishing their capacity for self-government.

The policy is wrong. Give them their independence and let them fight their way upon the great international seas. They are willing to take the risk; and people who are willing to take the risk of winning and maintaining their independence should have the opportunity to do so.

Mr. President, I have here an article written by a Filipino. I may not agree with all his statements, but I ask that it may be read for the information of the Senate. It points out some of the difficulties that are to be encountered, some of the dangers before us, and some of the questions involved in the proposed tariff legislation that will be brought before us in the coming Congress.

The PRESIDING OFFICER. Is there objection to reading the article? The Chair hears none. The article will be read.

The Chief Clerk read as follows:

[From the Nation of January 23, 1929]

JUSTICE TO FILIPINOS

By Vincente G. Bunuan

The greatest single problem that confronts the United States to-day with reference to the Philippine question is the conflict that has arisen in the economic interests of the Philippines and the United States. For America is beginning to realize that the Philippines constitute a source of danger to her own economic well-being. And this clash will assume increasing proportions if the present political relations between the two countries remain unchanged. Already steps have been taken by the particular concerns affected to protect themselves from Philippine incursions into American life and interests.

The free-trade relationship between the United States and the Philippines should first be considered. American beet sugar is menaced by Philippine sugar, and so in behalf of that industry the Timberlake bill, which would limit the exportation of Philippine sugar to this country to 500,000 long tons, was introduced in the last session of Congress. Were this bill enacted into law it would place the Philippines at a further disadvantage in the free-trade relations between the two countries, because under the present free-trade arrangement Philippine products exported to the United States containing 20 per cent of foreign material can not be admitted here free of duty, while all American products containing any amount of foreign material are admitted free of duty in the Philippines.

Philippine copra is proving itself a menace to the dairy industry of the United States and quite naturally efforts are being made to counteract the danger by the proposal to limit the importation of this product or by the imposition of duty upon it.

Competition with Philippine lumber has caused a great deal of worry to American concerns engaged in the lumber industry. They have succeeded in securing a prohibition of the use of the trade name "Philippine mahogany" on certain species of Philippine lumber which has borne that name during the last two decades.

It will be noted that free trade between the Philippines and the United States has the effect of placing our goods in competition with American products. The Filipinos do not blame American concerns for seeking relief, but it does not seem quite just and fair that there should be a duty or limitation on our products and none on American goods. America, the sovereign power, on the one hand, can not assume the unrestricted privileges of free trade and, on the other hand, impose on the Philippines, the subject colony, the disadvantage of limitation. Reciprocity to be real must be mutual. Aside from the effects of free trade there are other manifestations of the conflict of interests between the Philippines and the United States. The presence on the Pacific coast of a large number of Filipinos is proving itself a menace to American labor. With a view to protecting the interests of the latter in this connection, a bill was introduced by Representative WELCH, of California, at the last session of Congress barring Filipinos from the United States.

Also, out on the Pacific coast the right of a Filipino to own land has been questioned. It is a significant coincidence that this became the object of public discussion at the very time Governor General Stimson was urging the Philippine government to liberalize land laws for American capital. Again, at the last session of Congress an amendment that had already been incorporated in the new merchant marine bill and which had already passed the House which would have permitted the Filipinos the same privileges of employment, as to number and rank, in American vessels that American citizens, including Hawaiians and Porto Ricans, possess, was stricken out at the last minute by the conference committee of both Houses. Under the present arrangement Filipinos are treated in this connection just like foreigners. The unfairness of this situation becomes even more apparent when one considers the fact that Americans may be employed without restriction of any kind in vessels of Philippine registry.

Then, too, Filipino officers in the United States Army can only be assigned to the Philippine Scouts. As the highest rank in that branch of the United States Army is as yet only that of colonel, they can not rise beyond that rank, at least for the present. Incidentally it may be stated that during the Spanish régime Filipinos could rise to the highest military rank, and command, as they did, Spanish troops. Filipinos have occupied the post of Prime Minister of Spain.

The question of the naturalization of a Filipino is another instance of conflict. Previous to 1925 Filipinos were held eligible to become citizens of the United States. Many Filipinos took advantage of this ruling in many States of the Union and are now American citizens. In 1925, however, the Supreme Court of the United States ruled, in a decision rendered in the case of Toyoto against the United States (268 U. S. 402, May 25, 1925), that Filipinos, except those who have served in the Navy three years, are not qualified for American citizenship. Although Toyoto was a Japanese, the decision also ruled specifically on Filipino eligibility.

It will be seen from the foregoing that Filipino interests constitute a menace to this country and measures have been taken, with others sure to follow, to counteract this danger. In so far as the Filipinos are concerned, their contention is—and all fair-minded people will agree with them—that it is only just and fair that while we are under the American flag, and that against our will, we are entitled to all the rights and privileges which that flag affords to all that come under it. We are willing to have America impose duty and limitation upon our goods in the selfsame manner that it is imposed upon the goods of other foreign nations. But to do that she must first set us free. We are ready to have her apply to the Filipinos the restrictions of her immigration law as they are now applied to foreign peoples. But she must first give us our liberty.

She may continue treating us as foreigners with respect to limitation of employment in her merchant marine. But we should first be as free as the foreign peoples upon whom this limitation is now applied. She may impose any restriction or forbid us altogether from owning land in the United States, but she must place us on a plane of political equality with her. She may continue to set a limit to the rank to which we may attain in her Army and in her Navy, or prevent us from joining them entirely, but first we should be made free.

She may prevent us from becoming citizens of this great country, but first she must sever the political bonds that now bind the two peoples together.

The granting of independence to the Philippines, as pledged not only in the Philippine organic act but also by authorized spokesmen of the American people, is the best way out of the tangle in which the Philippine problem has become enmeshed—the best for us because it satisfies our natural and legitimate longing to live an entirely free and independent national life; the best for the American people because it provides a way out of the danger to her own interests, economic and otherwise, without discriminating against us. If this is done, then the United States would be fully justified in safeguarding her own interests in the manner the concerns affected propose. We are either under the American flag or we are not under the American flag. Despite all the advantages and the blessings which we have derived from our very fruitful association with America, for which we are eternally grateful, we prefer separation, for only in that way can we preserve our national identity, no matter how humble that may be.

A new era has dawned in the Philippines, an era fraught with problems that challenge the highest type of statesmanship; the new governor

general on the one side and the Filipino leaders on the other are making an earnest endeavor to approach these problems with sympathetic understanding. And in the atmosphere of mutual friendship which now happily obtains in the islands, the Philippine problem should come to an early solution.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

During the delivery of Mr. KING's speech, Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 7, 13, 14, 15, 17, 33, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52, 53, 54, 55, 57, and 58, and agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,658,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That effective July 1, 1933, that portion of section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, entitled 'An act to establish a normal school for the city of Washington' (section 42, chapter 57, of the Compiled Statutes in force in the District of Columbia), which provides that the graduates of the normal schools in the District of Columbia shall have preference in all cases when appointments of teachers for the public schools are to be made, is hereby repealed"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,982,600"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That upon completion of such building, the building now occupied by the Business High School shall be used as an elementary school"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided*, That hereafter no more than $50 per annum shall be paid as extra compensation to members mounted on bicycles, and no more than $312 per annum to members who may be called upon to use motor vehicles furnished, and maintained by themselves"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the study and preparation of plans for a sanatorium for the care, treatment, and education of tubercular children, $1,500, to be immediately available, and the Commissioners of the District of Columbia shall submit such plans with recommendations to the first session of the Seventy-first Congress"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 36.

HIRAM BINGHAM,
L. C. PHIPPS,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.
ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. BINGHAM. I ask unanimous consent for the immediate consideration of the conference report.

Mr. McKELLAR. Mr. President, will the Senator make some statement about the conference report?

Mr. BINGHAM. I shall be very glad to do so.

Mr. BLEASE. Mr. President, I think the Senator from Wisconsin [Mr. BLAINE] should be notified so that he may be present when the conference report is considered.

Mr. BINGHAM. I will say to the Senator from South Carolina that there is nothing in the conference report regarding the street railway merger, if that is the matter he has in mind.

Mr. BLEASE. Very well.

Mr. McKELLAR. Is there anything of a controversial nature in it?

Mr. BINGHAM. The matter of a controversial nature was with regard to the fiscal relations, as to which the Senate had to recede as the House was unwilling to grant any part of the increase.

Mr. McKELLAR. Was that the principal difference?

Mr. BINGHAM. That was the principal controversial matter. Another was with regard to a sanatorium for tubercular children or children afflicted with pulmonary tuberculosis, for which the Senate had appropriated $150,000. The House conferees believed the plans were not sufficiently advanced to enable us to know just what it would cost, and the Senate conferees receded so far as to agree to provide $1,500 to be immediately available for a study of the situation and of the needs for a sanatorium for tubercular children, and accepted the House request that we recede from the $150,000. There was only one other controversial matter, to which the Senator from Washington [Mr. JONES] will undoubtedly refer.

Mr. KING. Mr. President, may I say to the Senator from Tennessee, as a member of the committee on conference and as a member of the District of Columbia Committee, that I am familiar with the report and I am quite satisfied with it.

Mr. McKELLAR. If the Senator from Utah is satisfied I believe we should agree to the conference report.

Mr. BINGHAM. I think it is generally considered to be a pretty good bill.

Mr. McKELLAR. There was nothing about the street-car companies in it at all?

Mr. BINGHAM. The only reference to the street-car companies was with regard to the repairs of the bridge over to Anacostia.

Mr. McKELLAR. I recall that provision.

Mr. BINGHAM. The Senate believed that the street-car company should pay for that part of the repairs which came between the rails and 2 feet at each side of the rails and that the District should pay for the rest of the repairs; but the House did not agree to that and insisted that the street-car company should pay one-half of the cost for the rest of the bridge repairs, and, in view of certain representations made to the Senate conferees, they receded.

Mr. McKELLAR. The Senate conferees receded on that matter?

Mr. BINGHAM. Yes. That was the only reference to the street-car companies.

Mr. KING. May I say to the Senator from Tennessee that I think this is a very fair bill? Of course, it does not represent the views of all of us. There are some things I should like to see in the bill which are not there, and perhaps a few things are there that I would have preferred to have deleted, but, taking the bill all in all, I think it is a wise piece of legislation, and I commend the able Senator from Connecticut for the splendid service he has rendered in the formulation of the measure.

Mr. BINGHAM. I thank the Senator from Utah.

Mr. JONES. Mr. President, I agree absolutely with all the Senator from Utah has just said. I did not sign the conference report because there is one provision in it, inserted by the House, which contains a principle that I feel that I could not approve. That deals with the matter of the employment of school-teachers in the District. I am not going to discuss the matter at any length at all. The conferees have made a provision very much more in accord with my view by extending the time when the limit on the employment of teachers coming into the District from the outside shall be raised. They have put it up to 1933 instead of 1931, and that goes a long ways toward meeting my views in regard to the matter. The limit of 25 per cent practically in the employment of teachers in the District or, rather, providing for the employment of teachers from outside the District when 25 per cent of the required number has been filled by teachers from within the District is not in accordance with my view. I do not think it ought to be done.

That is all I am going to say. I am heartily in favor of every other proposition in the bill. As the Senator from Utah has said, it is really an exceptionally good bill. I am not going to

discuss the principle, but conscientiously I felt that I could not affix my signature to the report. I do not want to do anything to delay the bill.

Mr. NORRIS. Mr. President, what the Senator from Washington has stated arouses my curiosity to know just what that contention is which pertains to the public schools.

Mr. BINGHAM. Mr. President, may I tell the Senator?

Mr. NORRIS. Yes; I want to hear about it.

Mr. BINGHAM. I will say to the Senator that the present law requires the Board of Education to fill vacancies among the teachers in the elementary schools entirely from graduates of the normal schools in so far as there are graduates of the normal schools applying for those positions.

Mr. NORRIS. Does the Senator mean the normal schools of the District of Columbia?

Mr. BINGHAM. I refer to the normal schools of the District of Columbia. As a matter of fact, the graduates of the colored normal school are so numerous that less than 10 per cent of them can find employment in the District because there are so few vacancies. Of the graduates of the white normal school about 50 per cent find employment because of vacancies. The percentage varies from year to year. Some years 60 per cent and other years 40 per cent may find such employment. The Senator from Virginia [Mr. GLASS] pointed out that it was to the interest of the children of the District that the Board of Education be able to secure the very best teachers obtainable in the United States.

Mr. JONES. I think I ought to say right there, that I am heartily in favor of giving the people in the District the best education facilities possible. I refrained from entering into that question because I did not care to arouse any extended discussion of it.

Mr. BINGHAM. I did not mean to get into any disputatious subject. I was trying to explain to the Senator from Nebraska just what the point was.

Mr. JONES. The Senator spoke of what was really a matter of contention.

Mr. BINGHAM. I avoid the contentious point, and say to the Senator from Nebraska that what the committee has done is as follows: The suggestion of the chairman of the Board of Education to the committee was that if the committee would provide for the people of the District a teachers' college with a 4-year course, leading to a degree, as many States provide for their citizens, he would have no objection then to doing away with the existing law requiring the Board of Education to employ the graduates of the normal schools. The committee did provide that there shall be a teachers' college and a 4-year course and a degree, and at the end of 1933 the vacant positions in the elementary schools will be filled by competition, in which everyone will have a chance to compete.

Mr. NORRIS. All over the United States?

Mr. JONES. Yes.

Mr. NORRIS. Mr. President, I think the universal practice is, so far as I know, in all the States that the board of education or the authority having the power to select teachers may have the entire world from which to make selections.

Mr. BINGHAM. That is true.

Mr. NORRIS. It seems to me that is very wise. I should not like to circumscribe such selections by geographical boundaries. The people of the District of Columbia ought to have just as good schools as can be found anywhere in the entire world, and there should be the same latitude in the selection of teachers. It occurred to me that possibly one reason for providing that the teachers of elementary schools should be selected from the District and the board not be allowed to go outside the District was because in Washington, perhaps more than in any other city in the United States, there is danger of political influence being brought to bear upon the appointing power, there being so many public officials in the District, and teachers might be appointed because of political reasons rather than giving a 100 per cent consideration to their qualifications.

Mr. BINGHAM. Mr. President, I will say to the Senator that I inquired of the superintendent of education the other day with regard to how appointments were made on competitive examination, whether they took an applicant at the top of the list or exercised some judgment in the matter, and he said they took the one at the top of the list; so that political considerations do not enter into the selections.

Mr. NORRIS. Are the teachers selected from a certified list?

Mr. BINGHAM. Teachers for the high schools and for the junior high schools are now selected by open competition.

Mr. NORRIS. It would be a serious objection, as everyone will concede, if in any possible way the teachers for the District should be selected on account of political influence.

Mr. BINGHAM. Certainly.

Mr. NORRIS. I have in mind an incident that was cited to me as an actual occurrence where such political influence was used, and if I have been told the truth about it, it was, in my judgment, absolutely without justification. An assistant superintendent of one of the schools was selected, not because of his qualifications but because of political influence that was brought to bear upon the appointing power. I suppose there is more danger of that in a city like Washington than, perhaps, in any other city of the United States; and if there would be one thing that would justify confining the selection of teachers to graduates from the normal schools of the District it would be that. I can not conceive of any other.

Mr. BINGHAM. That is true.

Mr. McKELLAR. Mr. President, do I understand the Senator to say that all teachers in the high schools and in the junior high schools are selected by competition from the top of the list?

Mr. BINGHAM. My understanding is that they are selected by open competition to-day, and that the law merely applies to teachers in the elementary schools.

Mr. NORRIS. And that they are selected in order from the top of the list?

Mr. BINGHAM. Yes; in open competition.

Mr. JONES. Mr. President, permit me to say just one more word. One of the greatest objections I had was, it seemed to me, that such a provision ought not to have been incorporated in an appropriation bill, but ought to have been dealt with by a legislative committee, where the matter could have been gone into much more carefully than it has been.

Mr. BINGHAM. I will say to the Senate that amendment No. 36 is the amendment providing for the 4-year-course teachers' college, which, since it is new legislation, must go before the House and be voted on, especially before it can be agreed to by the conferees. The conferees on the part of the House, however, assured us that it would meet the approval of the House.

Mr. JONES. As a matter of fact, the conferees on the part of the House agreed to it, but they had to take it back to the House.

Mr. BINGHAM. That is true.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the conference report.

The report was agreed to.

Mr. BINGHAM. I thank the Senator from Utah for yielding.

PRESERVATION OF THE NIAGARA FALLS

Mr. BORAH. Mr. President, I ask unanimous consent to submit a resolution to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 333) was read, as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, hereby is authorized and directed during the sessions, recesses, or adjourned periods of the Seventy-first Congress to investigate the subject of the convention and protocol between the United States and His Majesty the King of Great Britain for the preservation and improvement of the scenic beauty of the Niagara Falls and rapids, concluded at Ottawa on January 2, 1929.

For the purposes of this resolution such committee or subcommittees is authorized to hold hearings, to sit and act at such times and places, to employ such stenographic and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings and testimony shall not be in excess of 25 cents per 100 words. The expenses of such committee or subcommittee, which shall not exceed $2,500, shall be paid from the contingent fund of the Senate upon vouchers properly approved.

Mr. McKELLAR. Mr. President, is it the purpose to investigate how much more water can be taken out for power purposes by the two Governments and how much more water can be used by the power companies and still not destroy the scenic beauty of the Falls?

Mr. BORAH. We are going to investigate the entire subject. We have a treaty which we have negotiated with Canada, and there are some people who desire to be heard in opposition to it. This is simply to give them an opportunity to be heard.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WARREN. Mr. President, I ask the Senator who objected to dispensing with the formal reading of the appropriation bill if he cares for further formal reading, and if we may not now consider the bill for committee amendments?

Mr. HEFLIN. Mr. President, I can not understand what the Senator says.

Mr. CURTIS. Will the Senator from Utah waive his request for the formal reading of the bill?

Mr. KING. Yes.

The PRESIDING OFFICER. Without objection, the formal reading of the bill is dispensed with. The Secretary will read the bill for action on the committee amendments.

The Chief Clerk proceeded to read the bill.

AMENDMENT OF NATIONAL PROHIBITION ACT

Mr. HEFLIN. Mr. President, I desire to bring to the attention of the Senate briefly a matter which concerns the Senate itself. The Washington Post of to-day contains three distinct insults to the Senate of the United States.

Mr. WARREN. I hope the Senator will wait.

Mr. HEFLIN. It will take only two or three minutes to read the statements and say what I feel should be said.

George Rothwell Brown, who writes the column entitled "Postscripts," for the Washington Post, has insulted this body a number of times recently. He seems to be offended because on yesterday the representatives of the American people in the Senate of the United States registered their will here on the prohibition question in a manner opposed to Brown's wishes. You know, a "postscript" is always found at the bottom of a letter and below everything else, and that is where this "postscript" writer belongs—at the bottom of the list of all the newspaper writers—good, bad, and indifferent.

Listen to what he says of the action of this body on yesterday when Senators representing the sovereign States of this Union cast their votes in favor of a bill to punish violations of the Constitution and laws of this country:

The once great United States Senate, now a little stuffed fox terrier, listens to "its master's voice."

How long will real red-blooded Senators permit such a man as that to occupy a seat in the Senate press gallery? The time has come when we will have to lay down some rules regarding such insults to and such cowardly and brazen misrepresentation of the Senate of the United States. One of them sat there the other day—one of these agents of Romanism, an individual by the name of little Ray Tucker—and deliberately lied about me and what occurred on the Senate floor, misrepresenting me from start to finish as to what occurred here during the flag amendment debate. So now this man, George Rothwell Brown, boldly and vulgarly insults this body.

Listen, Senators, to this. He says:

The new reign of terror begins as the adoption by the Senate of an amendment to the prohibition law making the penalty for selling a pint of gin as severe as that for manslaughter or burglary reveals the fact that, deplore it as one may, the real Government of the United States of America to-day is not Congress and the Executive but the Anti-Saloon League.

Mr. President, he asserts that the greatest government in all the world has passed out of existence, that the Anti-Saloon League is the Government, and that we have no Congress and no President. It is an insult to President Coolidge; it is an insult to Congress; it is an insult to the people whose Government this is to permit such a miserable specimen of humanity to occupy a seat in the Senate press gallery and insult this body and all the high officials of our Government. I am getting tired of these agents of the whisky interests and other crooked interests——

Mr. BRUCE. Mr. President——

Mr. HEFLIN. Sitting around here and firing from their hiding places in the dark into the backs of United States Senators.

Mr. BRUCE. Mr. President, I make the point that it is disorderly for a Member of this body to speak in such scurrilous terms of the representatives of the press, who are in no position effectively to retaliate.

Mr. HEFLIN. Then, Mr. President, the Senator from Maryland defends this sort of slur and slander against the Senate.

Mr. BRUCE. I know nothing about Mr. George Rothwell Brown——

Mr. HEFLIN. I am reading from his article.

Mr. BRUCE. He is one of the wittiest and most charming paragraphers in this country. Unlike the Senator from Alabama, he is the mortal foe of dullness. So far as his observations on the Senate——

Mr. HEFLIN. I do not yield to the Senator from Maryland.

Mr. BRUCE. I make the point that it is disorderly conduct——

Mr. HEFLIN. The Senator can not make a point against me for what I may say about some outside person's act against some Senator or the Senate itself.

Mr. BRUCE. I make the point that it is disorderly conduct for the Senator to insult the Members of the Senate——

Mr. HEFLIN. I repudiate the Senator's statement——

Mr. BRUCE. I make the point——

Mr. HEFLIN. I do not yield to the Senator from Maryland.

Mr. BRUCE. The Senator does not have to yield. I rise to a point of order.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator will state his point of order.

Mr. BRUCE. I say that it is disorderly conduct on the part of the Senator, and that it tends to bring the Senate into public discredit and disgrace.

The PRESIDING OFFICER. The Chair overrules the point of order. The Senator from Alabama will proceed in order.

Mr. HEFLIN. The people of Maryland have certainly done a great service to this body——

The PRESIDING OFFICER. The Chair will state——

Mr. HEFLIN. And to the American people——

The PRESIDING OFFICER. The Senator from Alabama will suspend just a moment. The Chair will state to the Senator from Maryland that if there is any word used by the Senator from Alabama which is disorderly, the procedure will be to order it taken down, and then to ascertain whether it is a matter of disorder. The Chair did not rule that what the Senator said was in disorder, but that he should proceed in order.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. HEFLIN. I do not yield to the Senator from Maryland for anything. A Senator who wants to protest against a Senator when he rises to defend this body, its honor, its integrity, its dignity, its self-respect, and who defends a newspaper man who insults the Senate can not interrupt me with my permission now. That is not all that this newspaper man does. He refers to the Senate down here in the most scandalous and scurrilous terms. He says, "The Senate and the Chicago gangsters continue to set the country an example of lawlessness."

When are we going to put a stop to such insults from these rum and bootleg agents who infest this Capitol——

Mr. NORRIS. Mr. President——

Mr. HEFLIN. Who slander the good men and women of the country who stand here and fight for clean living and good morals, and who fight for a sober and healthy generation of boys and girls? When will the time come when we can perform our duty without having some handy man up in the press gallery insult this body in a Washington newspaper flaunting in the faces of Senators every morning?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I yield to the Senator.

Mr. NORRIS. From what paper was the Senator reading?

Mr. HEFLIN. The Washington Post.

Mr. NORRIS. Will the Senator tell the Senate who is the owner of the Washington Post?

Mr. HEFLIN. Why, certainly; Ned McLean.

Mr. NORRIS. Is he the same man who undertook to deceive the Senate by writing a false letter to the Committee on Public Lands?

Mr. HEFLIN. He is.

Mr. NORRIS. When they were investigating Teapot Dome?

Mr. HEFLIN. He is; and this man Brown is one of his hirelings. He is the man who writes this insulting and untruthful stuff about the Senate of the United States.

Mr. President, I submit that the Anti-Saloon League people, the good men and women who know of the evil, the suffering, and the sorrow and the curse of the open saloon, who are banded together to keep the saloon out—they helped to drive it out—and they have a right to keep on fighting against those who are seeking to return the saloon. The agents of the opposition here, paid highly by somebody, move around this Capitol and insult Senators who fight against the return of that wicked and abominable system. And when we are insulted the Senator from Maryland gets up and asks to have a Senator rebuked for resenting the insult offered to the Senate itself.

I do not know what is getting into the Senator from Maryland. [Laughter.]

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. Yes; I yield to the Senator.

Mr. BRUCE. The Senator will remember that before that paragraph of George Rothwell Brown appeared he addressed a most opprobrious insult not only to a member of the press gallery but also to two Catholic priests who happened to be sitting in one of the galleries.

Mr. HEFLIN. Who did?

Mr. BRUCE. The Senator from Alabama did.

Mr. HEFLIN. When?

Mr. BRUCE. A day or so ago.

Mr. HEFLIN. What did I say about them?

Mr. BRUCE. The Senator spoke of the priests in the gallery in the most contemptuous terms, and then addressed to a member of the press gallery language that I will not offend the decency of the Senate by repeating.

Mr. WARREN. Mr. President, can we not proceed to transact business now?

Mr. BRUCE. My remarks are not, of course, prompted by any feeling about prohibition. I know the Senator has sufficient opinion of me to acquit me of any such idea as that. I think it is due to parliamentary decency that the members of the press should not be insulted when they are in no position to retaliate, and the servants of God, priests or ministers or pastors who happen to be in our galleries, should not be so insulted.

Mr. HEFLIN. Mr. President, I had about finished and I will take but a few more moments, I assure the Senator from Wyoming.

Mr. WARREN. I ask the Senator to be as brief as he can.

Mr. HEFLIN. The Senator from Maryland [Mr. BRUCE] is always quick to come to the rescue when you name a Roman Catholic priest, but the Senator himself attacks Bishop Cannon and Doctor Straton and Billy Sunday; and others who believe as he does do the same. They hold these three great Protestant leaders up to ridicule, but if you say anything about their pets, the Roman priests, then you are trespassing upon the Pope's preserves, and doing something radically wrong.

Mr. President, I did refer to the presence in the gallery of Roman priests who were there the other day smiling their approval when the flag amendment was defeated. Was there anything wrong in saying they smiled on that occasion? I for one am getting very weary of Senators who are for protecting "one particular" class of ministers in this country and who are attacking, repudiating, and slandering those of Protestant denominations.

I think one of the greatest men in this country is Bishop Cannon, of Virginia. He is a man of superb intellect and great learning, a man of broad vision, and a man of fine moral courage and Christian character.

Doctor Straton, of New York, an able and eloquent Baptist preacher, a man of fine parts and high ideals. He is one of the foremost and best-beloved leaders of Protestantism and Christianity in America.

Billy Sunday, the greatest evangelist since the days of Sam Jones, is a terror to liquor dealers and bootleggers and to all manner of sin and crime against our country. He is still going about doing good to those who love and serve our country. And yet, Senators, you have heard these great Americans attacked and denounced right here in the Senate. But if you dare refer to a Roman priest who is smiling his approval from the gallery, then you have done something terrible.

Now, Mr. President, since the Senator has seen fit to refer to my reference to the priests in the gallery on the day the Senate voted down my flag amendment, I am going to tell of an incident that occurred here last Monday. A Protestant preacher, I think he is a Baptist, sent his card in to me from the reception room. I went out to see him, and he was very indignant. It was the day Senator BORAH and Senator REED made their speeches on the prohibition question. This man had gone up to the gallery of the Senate. He had a card from a Senator and was standing there with others in a little group waiting for the doorkeeper to get them in. A Roman Catholic Senator took three Catholic priests up to the door ahead of the group in which the Protestant preacher stood and spoke to the doorkeeper, and the doorkeeper said, "Very well," and he put them in ahead of that group already there waiting to be assigned to seats. This Protestant preacher stepped up, thinking they were showing some special preference to ministers of the gospel, showed the doorkeeper his card, and said, "I am a minister of the gospel."

The doorkeeper said, "There is nothing doing." The preacher was very indignant. He came down and sent in for me and told me about his experience. I said, "You come with me," and I took him up to the Senate Members' gallery and escorted him to a seat up there, and he heard the debate even after a certain doorkeeper in the gallery had told him, "There is nothing doing." Let the Senator from Maryland remember that as he goes along.

Mr. President, I want to treat everybody right and be fair to all. I am not trying to keep newspaper men from writing articles about what happens here. I want them to express themselves freely and decently. I believe in a free press, and I believe in constructive criticism; but I do not believe in allowing one of these little, insolent, squirrel-headed fellows to sit up there and insult this body——

Mr. BRUCE. Mr. President——

Mr. HEFLIN. Without having rules under which he can be punished and denied a seat in the Senate press gallery.

Mr. BRUCE. I rise to a question of order.

Mr. HEFLIN. Such a one should be barred from the press gallery.

Mr. BRUCE. I ask that the words of the Senator be taken down.

Mr. HEFLIN. Mr. President, I will repeat them for the Senator. I said that we ought not to permit one of these little insolent squirrel heads to insult this body. The Senator objects to the "squirrel head." [Laughter.]

The PRESIDING OFFICER. Does the Senator from Maryland ask that the words of the Senator from Alabama be taken down?

Mr. BRUCE. If the Senator from Alabama wants to be truly insulting, let him compare their heads with his own.

Mr. HEFLIN. I do not yield to the Senator from Maryland. I am utterly astounded at the Senator. I am really sorry that he has taken the stand he has here to-day. His attitude is indeed strange and deplorable. He is seeking to prevent me from properly characterizing and castigating an occupant of the press gallery who has deliberately insulted the Senate of the United States. There are those in the Senate press gallery who know how to express themselves without insulting the Senate. I am going to formulate some rules and submit them, that when a newspaper man in that press gallery deliberately falsifies the record as to what occurs here, or uses language about a Senator or the Senate, which, in the judgment of a certain committee of this body, is an insult, he shall apologize, and then the committee shall determine whether or not his privilege to sit in that gallery shall be revoked. I am tired, I repeat, of these conscienceless whisky agents coming here and using our press gallery to insult Senators who are fighting their devilish program to bring the barrooms back.

I want to tell these Senators who sympathize with that side that millions of men and women in the Nation rejoice to-day when they read that the Senate had passed another bill looking to continued war on the bootleggers; and I want to tell them that while some men to whom they have referred are demanding whisky and more whisky, their wives and children are praying to God that the stuff may be kept out of their way, and that the money being spent in that harmful and unlawful way may be used to support their families and educate their children.

The Anti-Saloon League is a great organization. It has a great many Christian men and women in it. It is fighting for good morals. It fought to put out and is now fighting to keep out the greatest evil that ever cursed this country; and now its home-loving, patriotic members and officers are being denounced as a bunch of scoundrels who seek to control and ruin the Government, and it is said that we who put the happiness of the home and the welfare of our country above the interest of the bootleggers are doing nothing but obeying the Anti-Saloon League. I had rather go along with the Anti-Saloon League than to follow this blind-tiger brigade of rum runners who have their lobbyists here and who are resorting to all kinds of miserable tactics to bring the barrooms back. They are spending money corruptly, and some of it amongst the newspapers to hurl insults into this body. We owe it to ourselves and those who sent us here to take the steps necessary to protect this Senate and its honor from insults and slander.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, on page 18, line 14, before the words "the words," to strike out "Whenever" and insert "Wherever," so as to read:

> Wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the 212 days from December 1, 1929, to June 30, 1930, both inclusive.

The amendment was agreed to.

The next amendment was, under the heading "Architect of the Capitol," at the top of page 23, to insert:

Ventilation of the Senate Chamber: The unexpended balance of the appropriation "Senate and House ventilation, 1928 and 1929," is continued and made available during the fiscal year 1930, and in addition thereto the sum of $3,725, to be available for the same purposes and under the same conditions of expenditure.

Mr. KING. Mr. President, may I inquire what disposition has ever been made of the plan to tear down and rebuild the Senate Chamber?

Mr. WARREN. There is nothing in the bill now before us relating to the reconstruction of the Senate Chamber. The amendment now before us merely reappropriates the money heretofore appropriated.

Mr. KING. Why should we reappropriate it?

Mr. MOSES. Mr. President, I think the chairman of the committee misunderstood the inquiry of the Senator from Utah. The item now before the Senate is for ventilation of the Chamber and is something that has to be done whether the Chamber is reconstructed or not. The item merely provides an appropriation for ventilation of the Senate Chamber. The other resolution, I will say to the Senator from Utah, is held wholly in abeyance, and by a vote of the Committee on Rules the further consideration of it was postponed until a later and wholly indeterminate date, which will probably be some time after the 22d of April.

Mr. KING. Is there any possibility of the proposed change going forward without further action of Congress?

Mr. MOSES. In spite of my name, I have not the prophetic genius and can not say.

Mr. McKELLAR. It will not go through during this session.

Mr. KING. I hope there is nothing in the pending appropriation bill that authorizes it and permits it to be carried out.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 24, line 16, after the word "Rules," to strike out "$93,628" and insert "$95,628," so as to read:

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $95,628.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to insert:

To enable the Architect of the Capitol to procure preliminary plans and estimates of cost for the completion of the Senate Office Building, including the erection of the wing on the First Street side of said building, the completion of the C Street side of the said building so as to conform with the development of the park area to the north, the completion of all approaches heretofore incompleted, and for landscape treatment of the court, $10,000.

The amendment was agreed to.

The next amendment was, on page 25, line 24, after the numerals "$545,000," to insert a comma and "to be immediately available," so as to read:

Capitol power plant: Stoker equipment, $162,000; new turbine, $190,000; new electrical distributing equipment, $110,000; annex, $65,000; renewal, steam piping Supreme Court section, Capitol, $13,000; lowering flood lights, Capitol, $5,000; in all, $545,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Library Building and grounds," on page 26, line 16, after the word "worker," to strike out "$1,860" and insert "$1,728," and at the end of line 20 to strike out "$42,992" and insert "$42,860," so as to read:

Salaries: Chief engineer, $2,520; chief electrician, $2,520; decorator, $2,000; painter, $1,728; assistant engineer—1 at $1,860, 2 at $1,764 each; sheet-metal worker, $1,728; 2 machinists at $1,764 each; 3 assistant electricians, at $1,800 each; carpenters—one $1,800, one $1,728; plumber, $1,740; skilled laborers—2 at $1,320 each, 5 at $1,260 each; general mechanic, $1,800; 2 laborers at $1,020 each; in all, $42,860.

The amendment was agreed to.

The next amendment was, under the subhead "Library Building," on page 33, line 7, after the word "stationery," to insert "uniforms for guards," so as to read:

For mail, delivery, and telephone services, rubber boots and rubber coats for workmen, stationery, uniforms for guards, miscellaneous supplies, and all other incidental expenses in connection with the custody and maintenance of the Library Building, $7,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WARREN. Mr. President, I send to the desk an amendment which I was authorized by the committee to present.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 30, line 26, after the numerals "1929," to insert a colon and the following proviso:

Provided, That so much of the act approved February 10, 1927, as requires the librarian to biennially report to Congress an index and digest of State legislation is repealed, and the Librarian of Congress is directed to have such indexes and digests printed and bound for official distribution only.

The amendment was agreed to.

Mr. WARREN. I have another committee amendment authorized by the committee, which I now send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 35, line 25, after the word "sum," to insert a colon and the following additional proviso:

Provided further, That hereafter such printing, binding, and blank-book work authorized by law, as the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

The amendment was agreed to.

Mr. WARREN. That is the last amendment on behalf of the committee.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. NORRIS. Mr. President, I want to make some comment about the last section of the bill, section 4, which provides for the appointment of a joint committee to try to equalize the salaries of employees of the Senate and the House.

Some time ago, really on behalf of my colleague [Mr. HOWELL], because the information came from an employee who was of his patronage and came to me because my colleague was ill and could not give it attention, I gave some attention to the salaries which some employees of the Senate are receiving, something to which I never gave any attention before, and I suppose most Members of the Senate have not, either. I found that this particular employee and another one with him were stationed at one of the doors of the Senate as doorkeepers, and that at that door there is more business transacted and more duties to perform on the part of the employees than at any other door without any question; yet they were getting salaries $500, $600, $700, or $800 less per annum than other employees at other doors doing much less work.

I think it is conceded that the two employees at the east door of the Senate Chamber are as courteous and as efficient and do their work as well as any of the employees of the Senate anywhere. Most of the Senators come in through that door and see them and know them. Surely, more inquiries are made at that door than any place else by visitors to the galleries. If Senators have taken the pains to listen to the conversations or watch the conduct of those employees, they have noticed that anyone making inquiry there is always treated with the utmost courtesy. I do not believe there can be any possible fault found with their conduct.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. Without making any complaint, of course, about any of the other employees, we all know that the work at the east door of the Chamber requires that they do twice as much of that kind of work at least, I should say, as any other doorkeeper, and yet they are getting less salaries than any other employee. Upon inquiry I found that other doorkeepers had had their salaries increased from time to time on appropriation bills. No one had looked into the matter except the committee, because no one was looking after these particular employees, and so their salaries remained the same.

I took up the matter with a member of the Appropriations Committee, and he called my attention to section 4 of the present bill which undertakes to appoint a committee that will equalize the salaries of employees doing similar work both in the House and the Senate.

I yield now to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I will say to the Senator that various members of the Committee on Appropriations have had a great many applications for the correction of just such discriminations as apparently the Senator has in mind. After a most careful and thorough study of the situation, the committee

discussing it for quite a while—and it has been discussed before in our committee—it was concluded that section 4 provided the fairest possible way in which all these matters could be straightened out so as to do even justice to all of the employees. I believe the Senator upon reflection will find that that is the very best possible method of arranging the matter justly and fairly to all.

The Senator from Nebraska made one statement with which I am obliged to disagree. One of the employees on the door to which he referred is not courteous. He has been very discourteous on a number of occasions. I dislike very much to make the statement, but it is the absolute fact. However, notwithstanding that he is an elderly man and there may be some excuse of health or something else that can be offered for him, if he is entitled to a better salary, as long as he does the work he ought to have that salary. But the Senator paid a high tribute to him, and I just felt that that should not go unchallenged, because I know he has been very discourteous on occasions.

Mr. NORRIS. I, of course, am not in a position to contradict the statement made by the Senator from Tennessee and I accept it at 100 per cent. Since the matter was called to my attention I have necessarily thought of the situation and watched it somewhat. I was impressed with the courteous treatment that both of these men give everyone, apparently, and I do not know to which one the Senator refers——

Mr. McKELLAR. I do not know his name myself.

Mr. NORRIS. I do not ask for his name, and perhaps for the purpose of the discussion it ought not to be given.

Mr. McKELLAR. I think it ought not to be given, anyway.

Mr. NORRIS. I am not finding fault with section 4 of the bill, I will say to the Senator from Tennessee. I am not contradicting the justness of it, but I think in carrying out section 4 we will probably reach the proper solution. The thing that seemed to me to be unfair was that while this was going on this discrepancy still exists, and the men who are doing the most work are getting the least salary. It may be that we can not remove it in any other way.

I am told by the Senator from Utah [Mr. SMOOT], with whom I took up the matter some time ago, that there are a great many similar instances both on the House side and on the Senate side.

Mr. McKELLAR. There is no way in the world it can be better worked out than under this plan.

Mr. NORRIS. The committee has evidently worked it out so as to be satisfactory to everyone concerned. I commend them. I am not finding fault with their plan. The only thing that seemed to me to be just in the matter, if this were the only instance of the kind that existed, would be to try to secure an amendment to the bill now before us to equalize the situation. That would have been agreeable, I think, to the Senator from Utah; but when he called my attention to the fact that there were so many other instances, I realized that it could not be done in that way. He told me how many others there were, some 17 or 18——

Mr. WARREN. More than that.

Mr. NORRIS. More than that, the Senator from Wyoming says. It seemed to me, therefore, that probably we would not be able to equalize the matter in the limited time we have to give consideration to the bill. If we had a longer time to consider the appropriation bill, if we were not now right up against the 4th of March, and if it were not necessary to pass bills almost without reading them in order to get through by the 4th of March, I think I would have undertaken to try to get some equalization of the matter while the proposed joint committee is working out the problem. It will probably be a year before they can make their report and any results can be had.

Mr. WARREN. Mr. President, I think the Senator will approve of the plan we have worked out. I shall be very glad to confer with him at the earliest possible moment in regard to the parties he has mentioned and others as well, because we want early decisive action in the matter.

Mr. NORRIS. I think the Senator is right. When the matter was fully explained I could not point out a better way. I want to say to Senators, however, that I am not speaking for anybody in particular. The particular person who has been called to my attention is not an employee of mine or one recommended by me. He was an appointee of my colleague, and that is the reason I have gone into it; because my colleague is sick and can not do so. I have no personal complaint to make.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield.

Mr. CURTIS. I merely wish to suggest that the provision in the bill authorizing the appointment of a joint committee requires a report at the next session of Congress, which will probably convene in April.

Mr. NORRIS. Yes.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROPOSED NICARAGUAN CANAL

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. EDGE. Mr. President, the hour is still early, it being only a quarter after 5 o'clock, and I should like to have the Senate remain in session for a while longer. If any Senators are opposed to the unfinished business, which is now automatically before the Senate, I wish them to take this opportunity to make any remarks they desire to make. I do not want to take the time of the Senate. I have discussed the joint resolution on several occasions. It provides, I will say in a few words, merely for the gathering of information which the Congress must have before it can formulate any policy as to the subject matter of the joint resolution. If there be any Senators who desire to speak in opposition to the passage of the joint resolution, I should very much like to hear them do so at this time.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Simmons
Barkley	Fess	McMaster	Smith
Bayard	Frazier	McNary	Smoot
Bingham	George	Mayfield	Steck
Black	Gerry	Moses	Steiwer
Blaine	Gillett	Neely	Stephens
Blease	Glass	Norbeck	Swanson
Borah	Glenn	Norris	Thomas, Idaho
Bratton	Goff	Nye	Thomas, Okla.
Brookhart	Gould	Oddie	Trammell
Broussard	Greene	Overman	Tydings
Bruce	Hale	Phipps	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Pittman	Wagner
Caraway	Hastings	Ransdell	Walsh, Mass.
Copeland	Hawes	Reed, Mo.	Walsh, Mont.
Couzens	Hayden	Robinson, Ind.	Warren
Curtis	Heflin	Sackett	Waterman
Dale	Johnson	Schall	Watson
Deneen	Jones	Sheppard	Wheeler
Dill	Kendrick	Shipstead	
Edge	King	Shortridge	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present. The committee amendment in the nature of a substitute for the joint resolution having been heretofore amended, and as amended having been agreed to, the joint resolution is not open to further amendment as in Committee of the Whole except upon a reconsideration. The joint resolution will, therefore, be reported to the Senate. It will be open to amendment in the Senate.

The joint resolution was reported to the Senate as amended.

The VICE PRESIDENT. The joint resolution is in the Senate and open to amendment.

Mr. EDGE. Mr. President, I desire to submit a request for unanimous consent. I ask unanimous consent that upon completing its business to-day the Senate shall adjourn and that after 3 o'clock to-morrow debate on the joint resolution and any amendments thereto shall be limited to 10 minutes.

Mr. HAWES. I will have to object.

The VICE PRESIDENT. Objection is made.

Mr. SWANSON. Mr. President, the joint resolution was made the unfinished business with the distinct understanding on the part of the Senate that it would not interfere with appropriation bills. In view of that understanding inasmuch as there is an appropriation bill waiting to be considered by the Senate, it seems to me that any understanding in connection with the pending joint resolution is abrogated. To-day it developed that the unfinished business could not be temporarily laid aside by unanimous consent. Consequently the naval appropriations bill is completely at the mercy of one man in the Senate so long as any unfinished business is pending. I wish to serve notice that I am not going to permit that condition to continue if I can prevent it. I am not willing for the naval appropriation bill

to be delayed until toward the eve of adjournment. I object to the proposed agreement submitted by the Senator from New Jersey. I am willing for the clash to come right now as to whether the unfinished business shall take precedence over the naval appropriation bill, when it was understood distinctly that measures which were made unfinished business would be made so with the understanding that they would not interfere with appropriation bills.

Mr. EDGE. Mr. President, when the request was made earlier in the day that Senate Joint Resolution 117 should be temporarily laid aside in order to consider the naval appropriation bill, as the Senator from Virginia very well knows, I was entirely agreeable that such consent should be granted, but as the Senator has indicated there was objection. As there is objection to the naval bill, while a vote to displace the unfinished business might prevail in the Senate, nevertheless that would not stop the debate. It is practically assured that the joint resolution can be disposed of to-morrow, while the naval bill, of course, can not be disposed of to-morrow, and so I do not know why the Senator would object to having the debate limited to 10 minutes, which will afford practical assurance that the joint resolution will be disposed of to-morrow afternoon.

Mr. SWANSON. Then, after to-morrow afternoon there will only be eight days of the session left for various other measures. It was understood, I repeat, that all understandings in connection with the pending joint resolution as the unfinished business would be abrogated if it should interfere with appropriation bills. It has now developed that the unfinished business does interfere with the naval appropriation bill.

Mr. EDGE. I am quite in sympathy with the naval appropriation bill; but I should like to ask the Senator if he would be in any better position if he should move to take up the naval bill to-morrow and the motion should prevail and the naval bill should then be laid before the Senate?

Mr. SWANSON. Whether Senators are willing to come to a vote I do not know. Whether a filibuster will develop I do not know, and by this procedure it may never be known.

Mr. GLASS. I can answer the Senator's question for him. I know there will be.

Mr. EDGE. I think it is indicated that there will be a filibuster.

Mr. SWANSON. I do not know what the Senator who has charge of the joint resolution proposes to do, and the responsibility is with him; but I am not going to consent to any more unanimous-consent agreements or arrangements until the naval bill has had a chance in the Senate.

Mr. HALE. Mr. President, I had intended to follow the course to-morrow of moving to lay aside the unfinished business and substituting for it the naval appropriation bill. If I thought the Senator from New Jersey could secure unanimous consent to vote on the joint resolution, and could thereby get action before 4 o'clock to-morrow, I would be willing under the circumstances to let him do so. Otherwise, I should like to notify the Senate that I shall move to displace.

Mr. EDGE. Of course, I can only transmit to the Senate the information which I have secured through personal conferences with Senators who have evinced interest in the joint resolution. The Senator from Washington [Mr. DILL] and the Senator from Utah [Mr. KING] have assured me at different times that they wanted to speak briefly on the measure, but had no desire to interfere with a final vote upon it.

Mr. DILL. What is the request about the limitation of debate on the resolution?

Mr. EDGE. The unanimous-consent request as made was that at 3 o'clock to-morrow afternoon debate be limited to 10 minutes on the bill and on any amendments thereto.

Mr. DILL. I would not agree to that, Mr. President.

Mr. EDGE. Then there is nothing to do but to go on.

Mr. SWANSON. In order to ascertain whether or not there is a disposition to filibuster against the naval bill, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the naval appropriation bill.

Mr. EDGE. I myself have no objection to that being done.

Mr. BLAINE. I object.

The VICE PRESIDENT. Objection is made.

Mr. WARREN. Mr. President, it seems to me that we are getting into the wrong mood regarding the appropriation bills. The Senator from New Jersey [Mr. EDGE] has been very obliging thus far. He has shown every evidence of a disposition to help. There has been no reasonable cause, it seems to me, for any heat.

I think those who have at heart the best interests of the country should be able to get together and work together. I do not believe we are going to have a filibuster that is going to defeat the naval bill or that is going to defeat any other appropriation bill. We have another very large bill to follow the naval bill.

RESIGNATION OF SENATOR CURTIS

The VICE PRESIDENT. The Chair lays before the Senate a communication, which the clerk will read.

The legislative clerk read as follows:

UNITED STATES SENATE, COMMITTEE ON RULES,
February 18, 1929.

Hon. CHARLES G. DAWES,
Vice President of the United States, Washington, D. C.

MY DEAR DAWES: I am handing you herewith a copy of a letter which I have this day forwarded to the Governor of Kansas, tendering my resignation as a United States Senator from the State of Kansas, to take effect March 3, 1929.

Very truly yours, CHARLES CURTIS.

UNITED STATES SENATE, COMMITTEE ON RULES,
February 18, 1929.

Hon. CLYDE M. REED,
Topeka, Kans.

MY DEAR REED: I hereby tender my resignation as a United States Senator from the State of Kansas, to take effect upon March 3, 1929.

Very truly yours,

CHARLES CURTIS.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1929, at 12 o'clock meridian.

GENERAL CONVENTION OF INTER-AMERICAN CONCILIATION

In executive session this day the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

The Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a certified copy of a General Convention of Inter-American Conciliation, signed by the plenipotentiaries of 20 American Republics at the International Conference of American States on Conciliation and Arbitration, at Washington, on January 5, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 26, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a General Convention of Inter-American Conciliation, signed by the plenipotentiaries of 20 American Republics at the International Conference of American States on Conciliation and Arbitration, at Washington, on January 5, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 24, 1929.

THE INTERNATIONAL CONFERENCE OF AMERICAN STATES ON CONCILIATION AND ARBITRATION, WASHINGTON, DECEMBER 10, 1928–JANUARY 5, 1929

GENERAL CONVENTION OF INTER-AMERICAN CONCILIATION

The Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Perú, Honduras, Guatamala, Haiti, Ecuador, Colombia, Brazil, Panamá, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America, represented at the Conference on Conciliation and Arbitration, assembled at Washington, pursuant to the Resolution adopted on February 18, 1928, by the Sixth International Conference of American States held in the City of Habana:

Desiring to demonstrate that the condemnation of war as an instrument of national policy in their mutual relations, set forth in the above mentioned resolution, constitutes one of the fundamental bases of inter-American relations;

Animated by the purpose of promoting, in every possible way, the development of international methods for the pacific settlement of differences between the States;

Being convinced that the "Treaty to Avoid or Prevent Conflicts between the American States," signed at Santiago de Chile, May 3, 1923, constitutes a notable achievement in inter-American relations, which it is necessary to maintain by giving additional prestige and strength to the action of the commissions established by Articles III and IV of the aforementioned treaty;

Acknowledging the need of giving conventional form to these purposes have agreed to enter into the present Convention, for which purpose they have appointed Plenipotentiaries as follows:

Venezuela:
Carlos F. Grisanti.
Francisco Arroyo Parejo.
Chile:
Manuel Foster Recabarren.
Antonio Planet.
Bolivia:
Eduardo Diez de Medina.
Uruguay:
José Pedro Varela.
Costa Rica:
Manuel Castro Quesada.
José Tible-Machado.
Perú:
Hernán Velarde.
Victor M. Maúrtua.
Honduras:
Rómulo Durón.
Marcos López Ponce.
Guatemala:
Adrián Recinos.
José Falla.
Haiti:
Auguste Bonamy.
Raoul Lizaire.
Ecuador:
Gonzalo Zaldumbide.
Colombia:
Enrique Olaya Herrera.
Carlos Escallón.
Brazil:
S. Gurgel do Amaral.
A. G. de Araujo-Jorge.
Panamá:
Ricardo J. Alfaro.
Carlos L. López.
Paraguay:
Eligio Ayala.
Nicaragua:
Maximo H. Zepeda.
Adrian Recinos.
J. Lisandro Medina.
México:
Fernando González Roa.
Benito Flores.
El Salvador:
Cayetano Ochoa.
David Rosales, Jr.
Donrinican Republic:
Angel Morales.
Gustavo A. Díaz.
Cuba:
Orestes Ferrara.
Gustavo Gutiérrez.
United States of America:
Frank B. Kellogg.
Charles Evans Hughes.

Who, after having deposited their full powers, which were found to be in good and due form by the Conference, have agreed as follows:

ARTICLE 1

The High Contracting Parties agree to submit to the procedure of conciliation established by this convention all controversies of any kind which have arisen or may arise between them for any reason and which it may not have been possible to settle through diplomatic channels.

ARTICLE 2

The Commission of Inquiry to be established pursuant to the provisions of Article IV of the Treaty signed in Santiago de Chile on May 3, 1923, shall likewise have the character of Commission of Conciliation.

ARTICLE 3

The Permanent Commissions which have been established by virtue of Article III of the Treaty of Santiago de Chile of May 3, 1923, shall be bound to exercise conciliatory functions, either on their own motion when it appears that there is a prospect of disturbance of peaceful relations, or at the request of a Party to the dispute, until the Commission referred to in the preceding article is organized.

ARTICLE 4

The conciliatory functions of the Commission described in Article 2 shall be exercised on the occasion hereinafter set forth:

(1) The Commission shall be at liberty to begin its work with an effort to conciliate the differences submitted to its examination with a view to arriving at a settlement between the Parties.

(2) Likewise the same Commission shall be at liberty to endeavor to conciliate the Parties at any time which in the opinion of the Commission may be considered to be favorable in the course of the investigation and within the period of time fixed therefor in Article V of the Treaty of Santiago de Chile of May 3, 1923.

(3) Finally, the Commission shall be bound to carry out its conciliatory function within the period of six months which is referred to in Article VII of the Treaty of Santiago de Chile of May 3, 1923.

The Parties to the controversy may, however, extend this time, if they so agree and notify the Commission in due time.

ARTICLE 5

The present convention does not preclude the High Contracting Parties, or one or more of them, from tendering their good offices or their mediation, jointly or severally, on their own motion or at the request of one or more of the Parties to the controversy; but the High Contracting Parties agree not to make use of those means of pacific settlement from the moment that the Commission described in Article 2 is organized until the final act referred to in Article 11 of this convention is signed.

ARTICLE 6

The function of the Commission, as an organ of conciliation, in all cases specified in Article 2 of this convention, is to procure the conciliation of the differences subject to its examination by endeavoring to effect a settlement between the Parties.

When the Commission finds itself to be within the case foreseen in paragraph 3 of Article 4 of this convention, it shall undertake a conscientious and impartial examination of the questions which are the subject of the controversy, shall set forth in a report the results of its proceedings, and shall propose to the Parties the bases of a settlement for the equitable solution of the controversy.

ARTICLE 7

Except when the Parties agree otherwise, the decisions and recommendations of any Commission of Conciliation shall be made by a majority vote.

ARTICLE 8

The Commission described in Article 2 of this convention shall establish its rules of procedure. In the absence of agreement to the contrary, the procedure indicated in Article IV of the Treaty of Santiago de Chile of May 3, 1923, shall be followed.

Each party shall bear its own expenses and a proportionate share of the general expenses of the Commission.

ARTICLE 9

The report and the recommendations of the Commission, insofar as it may be acting as an organ of conciliation, shall not have the character of a decision nor an arbitral award, and shall not be binding on the Parties either as regards the exposition or interpretation of the facts or as regards questions of law.

ARTICLE 10

As soon as possible after the termination of its labors the Commission shall transmit to the Parties a certified copy of the report and of the bases of settlement which it may propose.

The Commission in transmitting the report and the recommendations to the Parties shall fix a period of time, which shall not exceed six months, within which the Parties shall pass upon the bases of settlement above referred to.

ARTICLE 11

Once the period of time fixed by the Commission for the Parties to make their decisions has expired, the Commission shall set forth in a final act the decision of the Parties, and if the conciliation has been effected, the terms of the settlement.

ARTICLE 12

The obligations set forth in the second sentence of the first paragraph of Article I of the Treaty of Santiago de Chile of May 3, 1923, shall extend to the time when the final act referred to in the preceding article is signed.

ARTICLE 13

Once the procedure of conciliation is under way it shall be interrupted only by a direct settlement between the Parties or by their agreement to accept absolutely the decision *ex aequo*

et bono of an American Chief of State or to submit the controversy to arbitration or to an international court.

ARTICLE 14

Whenever for any reason the Treaty of Santiago de Chile of May 3, 1923, does not apply, the Commission referred to in Article 2 of this convention shall be organized to the end that it may exercise the conciliatory functions stipulated in this convention; the Commission shall be organized in the same manner as that prescribed in Article IV of said treaty.

In such cases, the Commission thus organized shall be governed in its operation by the provisions, relative to conciliation, of this convention.

ARTICLE 15

The provisions of the preceding article shall also apply with regard to the Permanent Commissions constituted by the aforementioned Treaty of Santiago de Chile, to the end that said Commissions may exercise the conciliatory functions prescribed in Article 3 of this convention.

ARTICLE 16

The present convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures, provided that they have previously ratified the Treaty of Santiago, Chile, of May 3, 1923.

The original convention and the instruments of ratification shall be deposited in the Ministry for Foreign Affairs of the Republic of Chile which shall give notice of the ratifications through diplomatic channels to the other signatory Governments and the convention shall enter into effect for the High Contracting Parties in the order that they deposit their ratifications.

This convention shall remain in force indefinitely, but it may be denounced by means of notice given one year in advance at the expiration of which it shall cease to be in force as regards the Party denouncing the same, but shall remain in force as regards the other signatories. Notice of the denunciation shall be addressed to the Ministry for Foreign Affairs of the Republic of Chile which will transmit it for appropriate action to the other signatory Governments.

Any American State not a signatory of this convention may adhere to the same by transmitting the official instrument setting forth such adherence, to the Ministry for Foreign Affairs of the Republic of Chile which will notify the other High Contracting Parties thereof in the manner heretofore mentioned.

In witness whereof the above mentioned Plenipotentiaries have signed this convention in English, Spanish, Portugese and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929.

CARLOS F. GRISANTI [SEAL] CARLOS F. GRISANTI
FR. ARROYO PAREJO FR. ARROYO PAREJO

Chile exceptua en esta Convención las cuestiones que tengan origen en situaciones o hechos, anteriores a ella.

A. PLANET MANUEL FOSTER

[SEAL]
[SEAL] E. DIEZ DE MEDINA
[SEAL] JOSÉ PEDRO VARELA
[SEAL] MANUEL CASTRO QUESADA
[SEAL] JOSÉ TIBLE-MACHADO
HERNÁN VELARDE [SEAL]
VICTOR M. MAURTUA [SEAL]
RÓMULO E. DURÓN [SEAL]
M. LÓPEZ PONCE [SEAL]
ADRIÁN RECINOS [SEAL]
JOSÉ FALLA [SEAL]
[SEAL] A. BONAMY
[SEAL] RAOUL LIZAIRE
[SEAL] GONZALO ZALDUMBIDE
[SEAL] ENRIQUE OLAYA HERRERA
[SEAL] C. ESCALLÓN
S. GURGEL DO AMARAL [SEAL]
A. ARAUJO-JORGE [SEAL]
R. J. ALFARO [SEAL]
CARLOS L. LÓPEZ [SEAL]
ELIGIO AYALA [SEAL]
[SEAL] MAXIMO H. ZEPEDA
ADRIÁN RECINOS
J. LISANDRO MEDINA
[SEAL] FERNANDO GONZÁLEZ ROA
[SEAL] BENITO FLORES
CAYETANO OCHOA [SEAL]
DAVID ROSALES, HIJO
A. MORALES [SEAL]
G. A. DÍAZ [SEAL]
ORESTES FERRARA [SEAL]
GUSTAVO GUTIERREZ [SEAL]
[SEAL] FRANK B. KELLOGG
[SEAL] CHARLES EVANS HUGHES

NOMINATIONS

Executive nominations received by the Senate February 20 (legislative day of February 15), 1929

COAST AND GEODETIC SURVEY

To be aide (with relative rank of ensign in the Navy) by promotion from junior engineer

Clarence Allan George, of Kentucky, vice J. M. Baker, jr., resigned.

To be aide (with relative rank of ensign in the Navy) by promotion from deck officer

George Marion Marchand, of Pennsylvania, vice H. O. Westby, resigned.

POSTMASTERS

ALABAMA

John W. Johnson to be postmaster at Langdale, Ala., in place of J. W. Johnson. Incumbent's commission expires March 3, 1929.

ARIZONA

Lena E. Hempstead to be postmaster at Bowie, Ariz., in place of L. E. Hempstead. Incumbent's commission expires March 3, 1929.

ARKANSAS

Melvin E. Torrence to be postmaster at Atkins, Ark., in place of M. E. Torrence. Incumbent's commission expires March 3, 1929.

CALIFORNIA

Walter W. Middleton to be postmaster at Costa Mesa, Calif., in place of W. W. Middleton. Incumbent's commission expires March 3, 1929.

Charles H. Quantock to be postmaster at Loma Linda, Calif., in place of C. H. Quantock. Incumbent's commission expires March 2, 1929.

ILLINOIS

Fred H. Kientz to be postmaster at Alhambra, Ill., in place of F. H. Kientz. Incumbent's commission expires March 3, 1929.

Charles Voorhees to be postmaster at Bradley, Ill., in place of Charles Voorhees. Incumbent's commission expires March 3, 1929.

Richard C. Hills to be postmaster at Franklin, Ill., in place of R. C. Hills. Incumbent's commission expires March 3, 1929.

Frank M. Allen to be postmaster at Hillview, Ill., in place of F. M. Allen. Incumbent's commission expires March 3, 1929.

Robert F. Sexton to be postmaster at Kansas, Ill., in place of R. F. Sexton. Incumbent's commission expires March 2, 1929.

Earl L. Longfellow to be postmaster at Rock Falls, Ill., in place of E. L. Longfellow. Incumbent's commission expired January 8, 1928.

Harold R. Kerchner to be postmaster at Walnut, Ill., in place of H. R. Kerchner. Incumbent's commission expires March 3, 1929.

Arden S. Coryell to be postmaster at West Union, Ill., in place of A. S. Coryell. Incumbent's commission expires March 2, 1929.

INDIANA

Edna S. Beeson to be postmaster at Galveston, Ind., in place of E. S. Beeson. Incumbent's commission expires March 3, 1929.

Jacob W. Hunsberger to be postmaster at Wakarusa, Ind., in place of J. W. Hunsberger. Incumbent's commission expires March 3, 1929.

IOWA

Frank S. Smith to be postmaster at Carson, Iowa, in place of F. S. Smith. Incumbent's commission expires March 3, 1929.

Millie Hoffman to be postmaster at Central City, Iowa, in place of Millie Hoffman. Incumbent's commission expires March 2, 1929.

KANSAS

Orange J. Mark to be postmaster at Coldwater, Kans., in place of O. J. Mark. Incumbent's commission expires March 3, 1929.

Elza W. Reel to be postmaster at Fort Leavenworth, Kans., in place of E. W. Reel. Incumbent's commission expires March 3, 1929.

Lon L. Robinson to be postmaster at La Crosse, Kans., in place of L. L. Robinson. Incumbent's commission expires March 3, 1929.

John A. Porter to be postmaster at Mount Hope, Kans., in place of J. A. Porter. Incumbent's commission expires March 3, 1929.

Karl S. Dale to be postmaster at Protection, Kans., in place of K. S. Dale. Incumbent's commission expires March 3, 1929.

KENTUCKY

Rebecca Green to be postmaster at Barbourville, Ky., in place of Rebecca Green. Incumbent's commission expires March 2, 1929.

Richard C. Duvall to be postmaster at Lebanon Junction, Ky., in place of R. C. Duvall. Incumbent's commission expires March 3, 1929.

Mary H. Buckler to be postmaster at Loretto, Ky., in place of M. H. Buckler. Incumbent's commission expires March 2, 1929.

Clarence Mathews to be postmaster at Maysville, Ky., in place of Clarence Mathews. Incumbent's commission expires March 3, 1929.

William G. Morgan to be postmaster at Stanford, Ky., in place of W. G. Morgan. Incumbent's commission expires March 3, 1929.

Homer Murray to be postmaster at Woodburn, Ky., in place of Homer Murray. Incumbent's commission expires March 3, 1929.

MARYLAND

Harvey N. Burgoon to be postmaster at Manchester, Md., in place of H. N. Burgoon. Incumbent's commission expires March 3, 1929.

MICHIGAN

Harold D. Cole to be postmaster at Holly, Mich., in place of H. D. Cole. Incumbent's commission expires March 3, 1929.

Walter C. Oesterle to be postmaster at Webberville, Mich., in place of W. C. Oesterle. Incumbent's commission expires March 3, 1929.

MINNESOTA

Aaron T. Arneson to be postmaster at Carver, Minn., in place of A. T. Arneson. Incumbent's commission expires March 3, 1929.

MISSISSIPPI

Lillie B. Carr to be postmaster at Sumner, Miss., in place of L. B. Carr. Incumbent's commission expires March 2, 1929.

MISSOURI

Clifford R. Hayes to be postmaster at Salem, Mo., in place of C. R. Hayes. Incumbent's commission expires March 3, 1929.

MONTANA

Bruce R. McNamer to be postmaster at Shelby, Mont., in place of B. R. McNamer. Incumbent's commission expires March 3, 1929.

NEBRASKA

William E. Bales to be postmaster at Hershey, Nebr., in place of W. E. Bales. Incumbent's commission expires March 3, 1929.

Henry J. Newsom to be postmaster at North Bend, Nebr., in place of H. J. Newsom. Incumbent's commission expires March 3, 1929.

Herman G. Tunberg to be postmaster at Verde, Nebr., in place of H. G. Tunberg. Incumbent's commission expires March 3, 1929.

NEW HAMPSHIRE

Silas C. Newell to be postmaster at Newport, N. H., in place of S. C. Newell. Incumbent's commission expires March 3, 1929.

Ralph E. Berry to be postmaster at Rye Beach, N. H., in place of R. E. Berry. Incumbent's commission expired December 10, 1928.

NEW JERSEY

Charles A. Britton to be postmaster at Frenchtown, N. J., in place of W. G. Britton, removed.

Alice M. Harkness to be postmaster at Marlton, N. J., in place of A. M. Harkness. Incumbent's commission expires March 3, 1929.

Florence L. Newman to be postmaster at Seagirt, N. J., in place of F. L. Newman. Incumbent's commission expires March 3, 1929.

NEW YORK

Wendell C. Wilber to be postmaster at Delanson, N. Y., in place of W. C. Wilber. Incumbent's commission expires March 3, 1929.

James P. Walker to be postmaster at Fort Jefferson Station, N. Y., in place of E. E. McMurrin, removed.

NORTH CAROLINA

Malcom J. Thornton to be postmaster at Clinton, N. C., in place of M. J. Thornton. Incumbent's commission expires March 3, 1929.

Ike R. Forbes to be postmaster at Cramerton, N. C., in place of I. R. Forbes. Incumbent's commission expires March 3, 1929.

Robert E. Hodgin to be postmaster at Guilford College, N. C., in place of R. E. Hodgin. Incumbent's commission expires March 3, 1929.

David J. Lewis to be postmaster at Rocky Point, N. C., in place of D. J. Lewis. Incumbent's commission expires March 2, 1929.

NORTH DAKOTA

Roy Wigness to be postmaster at Fortuna, N. Dak., in place of Roy Wigness. Incumbent's commission expires March 3, 1929.

Hugh Roan to be postmaster at Portal, N. Dak., in place of Hugh Roan. Incumbent's commission expires March 3, 1929.

Jacob G. Sigurdson to be postmaster at Upham, N. Dak., in place of J. G. Sigurdson. Incumbent's commission expires March 3, 1929.

Leland Q. Perkins to be postmaster at Wilton, N. Dak., in place of L. Q. Perkins. Incumbent's commission expires March 3, 1929.

John W. Ackerman to be postmaster at Wishek, N. Dak., in place of F. E. Ackermann, resigned.

OKLAHOMA

Ada Vanscoy to be postmaster at Dill, Okla., in place of Ada Vanscoy. Incumbent's commission expires March 3, 1929.

Frederick W. Galer to be postmaster at Nowata, Okla., in place of F. W. Galer. Incumbent's commission expires March 2, 1929.

Henry C. Griswold to be postmaster at Wetumka, Okla., in place of H. C. Griswold. Incumbent's commission expires March 3, 1929.

OREGON

Byron A. Bennett to be postmaster at Crane, Oreg., in place of B. A. Bennett. Incumbent's commission expires March 3, 1929.

Elizabeth M. Ward to be postmaster at Philomath, Oreg., in place of E. M. Ward. Incumbent's commission expires February 20, 1929.

PENNSYLVANIA

William G. Hall to be postmaster at Avella, Pa., in place of W. G. Hall. Incumbent's commission expires March 3, 1929.

Levi Conner to be postmaster at Glen Campbell, Pa., in place of Levi Conner. Incumbent's commission expires March 3, 1929.

Mary F. Carey to be postmaster at Mahanoy Plane, Pa., in place of M. F. Carey. Incumbent's commission expires March 3, 1929.

Theodore E. Lerch to be postmaster at Palmyra, Pa., in place of T. E. Lerch. Incumbent's commission expires March 3, 1929.

C. Maurice Hershey to be postmaster at Paradise, Pa., in place of C. M. Hershey. Incumbent's commission expires March 2, 1929.

RHODE ISLAND

James T. Caswell to be postmaster at Narragansett, R. I., in place of J. T. Caswell. Incumbent's commission expires March 2, 1929.

SOUTH CAROLINA

Marion B. Welch to be postmaster at Hardeeville, S. C., in place of M. B. Welch. Incumbent's commission expires March 3, 1929.

SOUTH DAKOTA

Charley L. Corrington to be postmaster at Kadoka, S. Dak., in place of C. L. Corrington. Incumbent's commission expires March 3, 1929.

TEXAS

Alfred J. Atkins to be postmaster at Eldorado, Tex., in place of W. N. Ramsay, resigned.

Mary P. Vernon to be postmaster at Hermleigh, Tex., in place of M. P. Vernon. Incumbent's commission expires March 3, 1929.

Hazel L. Gibner to be postmaster at Spearman, Tex., in place of C. P. Ellis, removed.

VIRGINIA

Joseph W. Harvey to be postmaster at Montross, Va., in place of J. W. Harvey. Incumbent's commission expires March 3, 1929.

WASHINGTON

Herbert A. Miller to be postmaster at Stevenson, Wash., in place of H. A. Miller. Incumbent's commission expires March 3, 1929.

WISCONSIN

Lorenzo F. Rosenthal to be postmaster at Beloit, Wis., in place of L. F. Rosenthal. Incumbent's commission expires March 3, 1929.

Edwin T. Mattison to be postmaster at Blair, Wis., in place of E. T. Mattison. Incumbent's commission expires March 3, 1929.

Albert L. Jochem to be postmaster at Cedarburg, Wis., in place of A. L. Jochem. Incumbent's commission expires March 3, 1929.

William S. Cochrane to be postmaster at Delavan, Wis., in place of W. S. Cochrane. Incumbent's commission expires March 3, 1929.

J. Charles Pile to be postmaster at Dodgeville, Wis., in place of J. C. Pile. Incumbent's commission expires March 3, 1929.

Frank L. Rolson to be postmaster at Ellsworth, Wis., in place of F. L. Rolson. Incumbent's commission expires March 3, 1929.

Vilas A. Kellman to be postmaster at Galesville, Wis., in place of V. A. Kellman. Incumbent's commission expires March 3, 1929.

Frances W. Kulwiec to be postmaster at Lublin, Wis., in place of F. W. Kulwiec. Incumbent's commission expires March 3, 1929.

Lyle E. Dye to be postmaster at Mazomanie, Wis., in place of L. E. Dye. Incumbent's commission expires March 3, 1929.

Ellsworth N. Harris to be postmaster at Mineral Point, Wis., in place of E. N. Harris. Incumbent's commission expires March 2, 1929.

John J. Burkhard to be postmaster at Monroe, Wis., in place of J. J. Burkhard. Incumbent's commission expires March 3, 1929.

Henry B. Goodwin to be postmaster at Osceola, Wis., in place of H. B. Goodwin. Incumbent's commission expires March 3, 1929.

Percy L. Miner to be postmaster at Pepin, Wis., in place of P. L. Miner. Incumbent's commission expires March 3, 1929.

Alfred Froseth to be postmaster at Washburn, Wis., in place of Alfred Froseth. Incumbent's commission expires March 3, 1929.

George A. Murray to be postmaster at Wisconsin Veterans' Home, Wis., in place of G. A. Murray. Incumbent's commission expires March 3, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 20 (legislative day of February 15), 1929

UNITED STATES ATTORNEY

George Neuner to be United States attorney, district of Oregon.

POSTMASTERS

MARYLAND

Richard H. Williams, Midland.
Anna Novy, Overlea.

NEW YORK

Celia D. White, Fishkill.
Clarence J. Weyant, Fort Montgomery.
C. LaDue Griffin, Oakfield.
Henry I. Brenzel, Red Hook.

OKLAHOMA

Oscar F. Fowler, Redrock.

PENNSYLVANIA

Frank C. Weber, Ambler.

WISCONSIN

Edward W. LeRoy, Marinette.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 20, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy holy name. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924; and

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

The message also announced that the Senate had passed with an amendment the bill of the House (H. R. 13981) entitled "An act to permit the United States to be made a party defendant in certain cases," insists upon its amendment to said bill, asks a conference with the House thereon, and appoints Mr. NORRIS, Mr. WALSH of Montana, and Mr. WATERMAN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 5055. An act for the relief of DeWitt & Shobe; and

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 3881) entitled "An act to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park."

The message also announced that the Vice President had appointed Mr. FESS, Mr. REED of Pennsylvania, and Mr. RANSDELL members of the committee on the part of the Senate pursuant to House Concurrent Resolution No. 51, creating a committee to represent Congress at the celebration of the completion of the canalizing of the Ohio River.

The message also announced that the Senate concurs in the following resolution:

House Concurrent Resolution 58

Resolved by the House of Representatives (the Senate concurring), That the statues of Henry Clay and Dr. Ephraim McDowell, by Charles H. Niehaus, presented by the State of Kentucky (said statues being donated to the State of Kentucky by Isaac W. Bernheim), to be placed in Statuary Hall, are accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of these statues of two of its most eminent citizens, illustrious for their distinguished services to the country.

2. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Kentucky.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928; to the Committee on Public Buildings and Grounds.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy;

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90, at Muskogee, Okla.;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; and

H. R. 16279. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

SWEARING IN OF A MEMBER

Mr. DYER. Mr. Speaker, I present DAVID HOPKINS, the Representative elect from the fourth district of Missouri, and ask that he take the oath of office.

Mr. HOPKINS appeared at the bar of the House, and the oath prescribed by law was administered by the Speaker.

PROGRAM OF MEMORIAL EXERCISES

Mr. TILSON. Mr. Speaker, we are about to proceed to the memorial exercises provided for in House Resolution 295. I ask unanimous consent that the proceedings of to-day under that resolution, including the order of exercises, copies of which have been distributed among the Members, be printed in the RECORD.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the proceedings of to-day, together with the order of exercises, be printed in the RECORD. Is there objection?

There was no objection.

ORDER OF EXERCISES

Prelude, Sacred Selections (11.30 to 12)---U. S. Marine Band Orchestra
Presiding Officer---The Speaker of the House of Representatives
Invocation---The Chaplain, Rev. James Shera Montgomery
Lead, Kindly Light (Buck)---Imperial Male Quartet
Scripture reading and prayer---The Chaplain
Roll of deceased Members---The Clerk of the House of Representatives
Devotional silence.
Address---Hon. CHARLES A. EATON
(Representative from the State of New Jersey)
Still, Still with Thee (Gerrish)---Quartet
Address---Hon. FINIS J. GARRETT
(Representative from the State of Tennessee)
Still Will We Trust (Flemming)---Quartet
Benediction---The Chaplain
Postlude---The Orchestra

Mr. TILSON. Mr. Speaker, I move that the House stand in recess.

The motion was agreed to.

Accordingly the House stood in recess, at the call of the Speaker.

MEMORIAL EXERCISES

The Speaker of the House of Representatives presided.

The Imperial Male Quartet sang Lead, Kindly Light.

The Chaplain, Doctor Montgomery:

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: He leadeth me beside the still waters.

He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies; Thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.

Let not your heart be troubled: ye believe in God, believe also in me.

In my Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you.

And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.

And why take ye thought for raiment? Consider the lilies of the field, how they grow; they toil not, neither do they spin:

And yet I say unto you, That even Solomon in all his glory was not arrayed like one of these.

Wherefore, if God so clothe the grass of the field, which to-day is, and to-morrow is cast into the oven, shall he not much more clothe you, O ye of little faith?

And he showed me a pure river of water of life, clear as crystal, proceeding out of the throne of God and of the Lamb.

In the midst of the street of it, and on either side of the river, was there the tree of life, which bare twelve manner of fruits, and yielded her fruit every month: and the leaves of the tree were for the healing of the nations.

And there shall be no more curse: but the throne of God and of the Lamb shall be in it; and His servants shall serve him:

And they shall see His face; and His name shall be in their foreheads.

And there shall be no night there; and they need no candle, neither light of the sun; for the Lord God giveth them light: and they shall reign for ever and ever.

[Members standing.]

Almighty God, our Heavenly Father, this is a solemn moment. Would that our lips were nigh to full speech; yet we thank Thee that hope, pensive and wondering, finds its secret joy. Again and again the silver cord is loosed, the golden bowl is broken, the pitcher at the fountain and the wheel at the cistern. Oh, how true, Merciful God, that our tombs are entangled with our tasks; yet those who journey this way may come to their crown and throne. Thou wilt not forget their works of faith and their labors of love among us. They rose to the level of pure thinking. They felt the throbs of the common heart and scorned to do the evil thing. They have bequeathed us noble examples, for with distinction, patience, and gentleness they served their day. We have shared their joys; we now pay our grateful tributes. This hour we unite our hearts with all sorrowing ones. Heaven drop its charm of richest gifts upon them. We praise Thee that there is no death. The mists that are now so thick will soon lift and drift away, for behind is the sunlight. They have entered through the hidden portals and have gained the vision in that summer land of the soul, where morning becomes noon and the curtain of night is never hung. Through Jesus Christ, our Lord. Amen.

THE ROLL OF DECEASED MEMBERS

The SPEAKER. The Clerk will read the roll of deceased Members.

Mr. William Tyler Page, Clerk of the House, read the following roll:

FRANK ROBERT GOODING, SENATOR FROM THE STATE OF IDAHO

Member of the Idaho Senate; Governor of Idaho, two terms; twice elected United States Senator. Died June 24, 1928.

WILLIAM NEWELL VAILE, FIRST CONGRESSIONAL DISTRICT OF COLORADO

Member of the House of Representatives, Sixty-sixth and each succeeding Congress. Died July 2, 1927.

MARTIN BARNABY MADDEN, FIRST CONGRESSIONAL DISTRICT OF ILLINOIS

Member of the Chicago City Council and its presiding officer; Member of the House of Representatives, Fifty-ninth and each succeeding Congress; chairman of the Committee on Appropriations. Died April 27, 1928.

THADDEUS C. SWEET, THIRTY-SECOND CONGRESSIONAL DISTRICT OF NEW YORK

Member of the General Assembly of the State of New York; speaker of the assembly, 1914–1920; Member of the House of Representatives of the Sixty-eighth, Sixty-ninth, and Seventieth Congresses. Died May 1, 1928.

THOMAS S. BUTLER, EIGHTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

Member of the House of Representatives of the Fifty-fifth and each succeeding Congress; father of the House; chairman of the Committee on Naval Affairs. Died May 26, 1928.

HENRY RIGGS RATHBONE

Member of the House of Representatives from the State of Illinois at large in the Sixty-eighth, Sixty-ninth, and Seventieth Congresses. Died July 15, 1928.

LOUIS ADAMS FROTHINGHAM, FOURTEENTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS

Member of the Massachusetts Legislature; speaker of the Massachusetts House of Representatives; Lieutenant Governor of Massachusetts; Member of the United States House of Representatives, Sixty-seventh and each succeeding Congress. Died August 23, 1928.

THOMAS LEWIS RUBEY, SIXTEENTH CONGRESSIONAL DISTRICT OF MISSOURI

Member of the Senate and of the House of the General Assembly of Missouri; president pro tempore of the Missouri Senate; Lieutenant Governor of Missouri; Member of the House of Representatives from the Sixty-second to the Sixty-sixth Congress, inclusive, and from the Sixty-eighth to the Seventieth Congress. Died November 2, 1928.

WILLIAM ALLAN OLDFIELD, SECOND CONGRESSIONAL DISTRICT OF ARKANSAS

Member of the House of Representatives, Sixty-first and each succeeding Congress; member of the Committee on Ways and Means; minority whip of the House; chairman of the National Democratic Congressional Committee. Died November 19, 1928.

CHARLES LEE FAUST, FOURTH CONGRESSIONAL DISTRICT OF MISSOURI

Member of the House of Representatives of the Sixty-seventh and each succeeding Congress. Died December 17, 1928.

EDWARD JOHN KING, FIFTEENTH CONGRESSIONAL DISTRICT OF ILLINOIS

Member of the Illinois Legislature four terms; Member of the House of Representatives of the Sixty-fourth and each succeeding Congress. Died February 17, 1929.

Then followed one minute of devotional silence.

Hon. CHARLES A. EATON, Representative from the State of New Jersey, delivered the following address:

ADDRESS OF HON. CHARLES A. EATON

Mr. EATON. Mr. Speaker, since July, 1927, eleven of our distinguished colleagues have died in the service of their country, nine of the number within the short space of nine months in the year just passed and one only three days ago.

In this memorial service we are seeking to express our sense of personal loss; our grief over brave comrades fallen by our side in battle; our sincere sympathy for their loved ones in the family circle, whose sorrow we share.

And some of us, at least, cherish the hope that this tragic toll exacted by the Grim Reaper may awaken the American people to a new understanding of the ever-increasing burden of toil and responsibility which our complex civilization places upon their elected Representatives.

We want all the world to know that we loved these fallen comrades of ours; that we revere their memory; that we are proud and grateful to have been associated with them in service; and that, however sharply divided by the accident of party attachment, or by reasoned opinion, we were and are united always in respect for their sincerity of conviction, their unblemished personal honor, their devotion to duty, their singleness of patriotic purpose.

It would be hard to assemble a group of 11 men from widely separated sections of our great country who more exactly represent in their individual endowments and experience the multiform genius of American life at its best.

GOODING, OF IDAHO

Rising from humble beginnings, step by step, to deserve and receive the highest honors within the gift of his fellow citizens. Twice elected governor of his State. Since 1920 a distinguished Member of the Senate of the United States. His most striking characteristic a high and chivalrous courage. His passing removes from the Senate one of its strong men.

VAILE, OF COLORADO

Gifted author; formidable in debate; intensely American in ideals and point of view; called suddenly in the prime of his strong manhood from the lofty outlook of his beloved mountains to the infinite horizons of eternity.

MADDEN, OF ILLINOIS

From the beginning of his long years of service, a recognized leader in this body. Wise and witty; shrewd and penetrating of judgment; without illusions and without cynicism. Governed always by a profound sense of moral obligation in handling the heavy responsibilities of his position as chairman of the Appropriations Committee, he was a great human, richly deserving the unstinted and unanimous affection and confidence of his colleagues.

RATHBONE, OF ILLINOIS

Disciple and interpreter of the immortal Lincoln. Eloquent of speech. Ungrudging of service, he literally gave his life for the honor and privilege of representing in this House the vast and varied interests of his great State.

KING, OF ILLINOIS

For 14 years a Member of this House. Honored three times in early life by election to the general assembly of his State. An efficient attorney of his home city of Galesburg. His ability, his fine moral qualities, his genius for friendship gave him a permanent place in the affection and memory of his colleagues.

OLDFIELD, OF ARKANSAS

Sturdy and worthy son of the great, young Southwest. A man four-square. Honored and trusted by all his colleagues in his position of leadership.

RUBEY AND FAUST, OF MISSOURI

Of differing political principles and party loyalties, these two distinguished sons of Missouri had much in common. Country bred, they fearlessly followed their stars of destiny out into the wider world of affairs. They were one in their high moral standard, their love of country and home, their sense of service. To each of them their fellow citizens gave ungrudging honor, and each left to his loved ones the priceless heritage of a stainless name.

SWEET, OF NEW YORK

Descended from a family closely identified with General Washington in the Revolutionary War. Speaker of the New York Assembly for six years. A seasoned veteran in the exacting work of public service, his tragic death took from this Chamber one of its most useful and trusted Members.

BUTLER, OF PENNSYLVANIA

The elder statesman of the House. Carrying for long years heavy burdens as a member and as chairman of the Committee on Naval Affairs; inflexible of purpose; of unaffected simplicity and sweetness of nature. He knew how to soften the asperities of political conflict by the magic touch of a delicate, whimsical humor, and to win and hold the affection of every man with whom he had to do.

FROTHINGHAM, OF MASSACHUSETTS

American gentleman of the old school. Incarnating in mind and character and long years of honorable public service, the noblest and finest traditions of his native New England.

These men were unlike in temperament, in training, in point of view, in method, in historic background. They came from far-separated sections of our common country. Yet they were amazingly alike in their possession of and by those invincible, eternal, spiritual fundamentals upon which our American civilization is builded and which, for our people at least, constitute what Herbert Hoover so aptly calls "the surer forces of human advancement."

It would be a labor of love could we spend the whole time allotted us to-day in completely reviewing the qualities of mind and heart of our fallen comrades; in evaluating their individual contributions to their time and country; in paying grateful tribute to their hallowed memories; in making full acknowledgment of our personal debt to each and all of them for the stimulus and inspiration of their lives.

But I am confident that these departed comrades of ours would rather have us at this time turn to the consideration of certain great central realities upon which their lives were builded and which the occasion clothes for us who remain in the glory of a new understanding.

First. These were men of strong religious faith.

They would therefore have us face to-day with them and in this way the stupendous fact of death as the common lot and destiny of mankind. The Scottish bard sang of his dead hero:

> Now is the stately column broke,
> The beacon fire is quenched in smoke,
> The trumpet's silver sound is still,
> The warder silent on the hill.

And this simple dirge may and must describe the fate of every man:

> The clouds that gather 'round the setting sun do take a sober coloring from an eye that hath kept watch o'er man's mortality.

What, then, would these friends of ours so lately translated from the happy companionship of our common labors to the mystery and majesty of the grave have us think? We must decide to accept as they did one of two alternatives. We can think of death for them and for ourselves as the end of all being. Or we can face the experience through which they have passed and through which we must pass fortified by an invincible faith that death is merely the gateway to an eternal existence, glorious, satisfying, unshadowed by sin and sorrow and weakness.

If we follow the faith of the men in whose honor we are met to-day, we will choose the second of these alternatives.

And we will make this choice as we believe they made it—because of the common consent of mankind illumined and crowned by the glorious liberating teachings of the Christian religion.

It were folly to deny or ignore the universal all-engulfing force of death. Everywhere in nature death is the night of which life is the day. Death is the autumn of life's spring; the harvest of life's seedtime. They belong together. Death is the supreme reconstructor; the universal leveler; the great essential in all progress.

In life all rivers run their own course through their own channels and country. In death all rivers reach the sea. In life we are divided; in death united. Life has infinite diversities of character and function and relationship. Death is the infinite harmonizer and unifier. Life gives the individual his chance. Death restores him to the mass. Men live and die, but man abides.

There is one question which since time began has stirred the hearts and disturbed the minds of men. "If a man die, shall he live again?"

Through the long centuries in every phase and step of civilization men have been irresistibly moved by a universal instinct or a deep, inexpugnable spiritual hunger to believe in the reality of a spiritual world lying far outside and above the world of material sense, to which humanity belongs and in which lie the final sanctions for human conduct.

This universal hunger for life after death has created the many religions of mankind. It has erected everywhere in all ages temples and shrines. Some shadowed by the horrors of ignorance and superstition. Some glorious with the effulgence of a noble and understanding faith. But all alike the sign and symbol of that universal human passion for life which will not and can not die.

These fallen comrades of ours believed that in the Christian faith they had found not only the final answer to the world's quest for life, but also the ultimate moral ground upon which can be created a progressive, social, and political state. They died sustained by the glorious Christian hope of life beyond the grave. They have bequeathed to their loved families and to us and to the world this heritage of an all-conquering faith. Whatever else of precious memory they have left us who remain for a

time behind them they, I am sure, would commend to us the exhortation of the good American poet:

Build thee more stately mansions, O my soul!
As the swift seasons roll
Leave thy low-vaulted past!
Let each new temple, nobler than the last,
Shut thee from heaven with a dome more vast
Till thou at length art free;
Leaving thine outgrown shell by life's unresting sea.

Second. These comrades of ours were in the noblest sense American-minded men.

They loved their country. They were the product of its institutions, the very incarnation of its spirit. They held in sacred honor those principles of life and government and social progress which have made America the land of opportunity, the door of hope for all its people.

Like ourselves they were here as elected Representatives of all the people. By the judgment and choice of free men and women they became the official exponents of free self-government, the most difficult and desirable achievement of morally responsible beings.

They, like ourselves, were sent here to guarantee human rights, to redress wrongs, to secure equal justice, to solve the perplexing problems of economic and social progress, to make real that haunting dream of the ages—government of the people, by the people, and for the people.

They were real men representing real people. In their weakness and strength, their successes and failures, they faithfully expressed the spiritual and intellectual qualities of those who sent them here. And when, worn out by the cares and burdens of public service, they passed through the narrow gateway of death, they became one with the common lot and destiny of all mankind.

In the Epistle to the Hebrews there occurs a remarkable discussion of faith as a primal faculty of the human mind, in its exercise as a controlling factor in personal conduct, and especially as it relates itself through the common experience of the individual to the progressive history of the race.

The author recites a list of illustrious names whose greatness he attributes to the exercise of this primal spiritual faculty.

By faith these ancient heroes subdued kingdoms, wrought righteousness, obtained promises, out of weakness were made strong, waxed valiant in fight, turned to flight the armies of the aliens.

The story ends with the statement of a great universal principle governing all human experience in all ages:

These all having obtained a good report through faith received not the promise, God having provided some better thing for us that they without us should not be made perfect.

The application of this amazing principle on this occasion is completely clear.

Our friends have not passed out of our lives by death. They have passed into our lives. The burden they were carrying has slipped from their shoulders to ours. And unless we assume this responsibility we have robbed the world of the full fruition of their toil.

They did not take the final fruition of their labors with them. They left it with us as a glorious addition to our equipment for highest service here. The sowers have passed from the field. The harvest of their faithful sowing remains for us to reap.

This I believe would be the message of our fallen comrades were they permitted to speak to us to-day out of the larger wisdom and vision of that eternal life into which they have so worthily entered.

HAVE FAITH AND CARRY ON

They have left us the splendid task of continuing their work. This is but a part of the heritage of all the ages.

They held sacred the American home. We are to strive to preserve and perpetuate that holy of holies in the life of all free people so that always freedom-loving, honorable, American-minded men and women shall be cradled and prepared for life under its safe protection.

We are to perpetuate and make regnant those central spiritual realities which constitute the soul of America and which alone make possible the successful practice of free self-government.

We are to keep open and unobstructed that equality of opportunity which is at once the glory and the challenge of our American civilization.

We are to have faith in God, in whose keeping and loving care men find rest here and hereafter; faith in our fellow men as worthy of trust and reverence; faith in our beloved country, whose ideals, principles, and institutions have foundationed and made possible so much of human happiness; faith in those beneficent universal energies which manifest their presence and power in the unfolding drama of human history.

This is that "better thing" which, using our departed fellow workers as His chosen instruments, God has provided through them for us. This is the flaming torch of life which they carried so nobly in the forefront of the fight and which now has been thrust into our waiting hands. This is the labor of love which they have left for us to carry forward. And the highest tribute we can pay their sainted memory is here and now to dedicate ourselves afresh to our common task, facing gladly with some measure of their faith and courage whatever of good or ill the days to come may hold until at last we all get home.

The quartet sang Still, Still with Thee.

Hon. FINIS J. GARRETT, Representative from the State of Tennessee, delivered the following address:

ADDRESS OF HON. FINIS J. GARRETT

Mr. GARRETT of Tennessee. Mr. Speaker—

A prince once said of a king struck down:
"Taller he seems in death";
And the word holds good, for now, as then,
It is after death that we measure men.

However, sir, we have not come to measure, but to memorialize.

They were our comrades in the exacting service of a nation; we knew them; we loved them; and we mourn them.

They were among our ablest and most distinguished Members. Each had his very vivid personality, his lively individuality, and each stood with a marked degree of eminence among us.

The Congress of the United States epitomizes and expresses as no other body possibly can the genuine spirit and the profound emotion of American life.

Not infrequently the Congress is made the subject of jibe and quip and criticism. There are times when one suspects that some few of the greater journals of the country would, if they could, destroy or materially alter this particular branch as an institution of the Government. There are to be found here and there cynical citizens and self-seeking organizations that grow impatient with the legislative bodies of the Government, but taking it by and large, it is safe to assert that it would be more difficult to work a change in this than in either of the other coordinate branches. If to-day we were suddenly called upon to frame a new Federal Government, it may be doubted whether the executive and judicial branches would be constituted in all respects as they now are, but it is extremely improbable that there would be any very great alteration in the legislative plan.

This is particularly true of the House of Representatives. Each Member of this body has a direct touch with and is responsible to and representative of many thousands of people. He is their first and most immediate expression in national affairs; and while here and there an exception may occur, yet as a rule the Representative is an exponent, as it were, of the thought of his district and a reflection of its ideals and character.

In the Congress therefore as nowhere else is to be found the mosaic which pictures the national political and civic conception and quality. The widely divergent views among Members upon some issues and questions reflect, as of course, the differences of opinion concerning the proper administration of our institutions, while the fact, overlooked by many, that the major portion of the business of Congress is virtually conducted by unanimous consent illustrates how strongly popular thought has crystallized about the basic elements in the mechanism of our system.

We seldom have now any serious contests over mere matters of procedure. Whatever complaints may be made about the rules of the House, in the end it is pretty generally realized that they are the product, not of party bias, but of public necessity; and that their construction all along has followed the lines of reason and of justice.

In these exercises of to-day we are paying respect to the memory of 11 Members of the Congress, 10 from our own body and 1 from the Senate.

We find what we naturally would expect to find, namely, that in a group this large there is a near approach to a composite of the Congress itself. They constitute at least a representative cross section of Congress and therefore of the Nation itself.

In general each section is represented in this list of our sacred dead—North and South, East and West, and the regions between. There are to be found, too, in the list conspicuous and nationally known representatives of the broader political and partisan aspects characteristic of a popular government such as ours. So that this day's exercises constitute not only an occasion of honor to individuals who wrought great things

in a great age but a truly and distinctly national memorial function.

It is essentially and beautifully democratic. In this democracy of death there is illustrated with peculiar vividness the broad democracy peculiar to American life. Each individual represented a distinct type of personality. The political divergencies have been already adverted to, but this is by no means all. Various religious conceptions and beliefs are likewise represented in the list.

Then, too, we may without impropriety, I think, refer to the personal financial situations of the men. Some of them were men possessed of extensive resources; others were poor men possessed of only moderate means. But all were here working together in the common cause of a nation—working sedulously for its perpetuity and betterment.

I sometimes think that in nothing is the true American spirit so conspicuously reflected as it is in the fact that in the Congress there are no distinctions growing out of the financial condition of its Members. Members are measured here not by what they possess but by what they perform. The test is not money but mentality and character.

In this at least we approach the perfect democracy.

America, it is good to see, is rapidly becoming a land of monuments. Various civic organizations, municipalities, States, the Federal Government itself, sometimes in cooperation, sometimes each acting separately, are erecting columns and obelisks and statues to commemorate great events and to honor the memory of great men and women who have achieved things for humankind.

Some of these may be crude and inartistic, but back of them all lies the articulate spirit and purpose of a people, and it is magnificent. Every monument erected is in a way making stronger our institutions. It constitutes a perpetual reminder of what men have lived for and died for to work the weal of humanity.

We are reading just now of the rapidly culminating movement to restore and hold as an everlasting shrine the birthplace of Washington. To be sure, the fame of Washington does not at all require this for its perpetuation, but the movement is even above and beyond this; it is to express the profound feeling of a nation for the most conspicuous character in its formation and to give evidence of an unshakable purpose to preserve the institutions of government formulated under the guidance of his resolute mind and purposeful soul.

At another spot in Virginia a private organization, working under governmental auspices, is restoring and making secure the home of Jefferson—not as a monument to him, for he needs it not, but for the inspiration of mankind as a whole.

Out in a rural region of Kentucky the log cabin of a pioneer has been inclosed with a structure of marble and granite designed to defy the ravages of nature, so far as man can provide, to the end that the house in which Abraham Lincoln was born may be eternally preserved. We do not think of this as a monument to Lincoln but rather as a thing symbolic of the desire of America to give expression to the wish that the fundamental thing of her life—democracy—may be glorified and sanctified, and that hereafter as heretofore it is her desire and determination that in the Nation which Washington led to foundation and under the philosophy of government applied to it by the teachings of Jefferson, men like Lincoln shall have the opportunity of ascending to the summit of power and human glory.

The 11 men whose memory we are assembled to honor this day had their opportunity of service in the public affairs of such a nation. We can say of each of them that he seized the opportunity and strove to fill it, and did fill it, with a fine and intelligent and patriotic zeal. The life of each of them will receive from other colleagues a more specific and detailed treatment than time will admit of giving now.

It is good to be able to say of each that he enjoyed the unstinted respect and loyal love of those associated with him in the Nation's business. Each was fortunate enough to write his own name large upon the honorable roster of those who have served their country in this great arena and each left innumerable things for us to treasure until our time shall come to go forth and consort with them " in the shadows and the dust."

The quartet sang Still Will We Trust.

BENEDICTION

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following benediction:

Now, unto Him who is able to keep you from falling and present you faultless before the presence of His glory with great joy, unto the only wise God, our Savior, be glory and majesty, dominion and power, both now and ever. Amen.

EXTENSION OF REMARKS

FRANK ROBERT GOODING

Mr. SMITH. Mr. Speaker, we are assembled to-day to pay tribute of love and respect to the memory of our colleagues who have passed to the Great Beyond during the present Congress.

It is an ideal but solemn custom. It serves to keep alive the spark of comradeship formed by close and friendly association. Without regard to political affiliations we are first and foremost servants of the people. We are bound by a common tie—to carry on as we see and understand our official obligations. We are molded by a single purpose—to legislate for the best interests of our great Republic. Little animosities may creep into the heat of debate, but they are promptly forgotten in our daily fellowship routine. But when the Grim Reaper stalks in and silently mows down a Member of either branch it casts over this body a feeling of depression. We are painfully conscious of our loss. There seems to be a void that can not be filled.

Mr. Speaker, it was my great pleasure and rare good fortune to be on terms of friendship with those whom death claimed during the present Congress. I should like to speak at length a eulogy on the life and public service of each. Others in more fitting form will perform that solemn duty.

In the time allotted me, Mr. Speaker, I shall attempt to trace briefly the career of the late Senator FRANK R. GOODING. The history of Idaho for the past 45 years would be incomplete without mentioning the conspicuous part played by Senator GOODING in the remarkable upbuilding of his adopted Commonwealth.

Sincerity of purpose, fidelity to every trust, rugged honesty, irreproachable character, progressive accomplishments, lofty ideals, unwavering fidelity constitute the solid foundation upon which this distinguished Idaho pioneer carved and builded the superstructure of his phenominal success. He narrowed to no degree, and resolutely brushed aside the stumbling blocks and obstacles which constantly beset his path in his early frontier struggles for recognition.

For FRANK R. GOODING there was no royal, rosy road to fame and fortune. He learned his lessons in the high school of hard knocks. His workshop was the wide, open spaces—prairie, mountain, stream. The courage and fortitude with which men were required to be endowed to stand the test of those gruelling days clung to Senator GOODING throughout his long, eventful, and colorful life.

Born in England, Senator GOODING as a child was brought by his parents to the United States in 1867. The Gooding family settled in Michigan, subsequently moving to California. Young Frank was then 17, a robust, sturdy youth. Four years later we find this young man of 21 located in the rugged mountainous Wood River mining district of Idaho Territory. He engaged in the business of furnishing the big mining companies with supplies which entered into their varied lines of operation.

From this beginning young GOODING took up farming, stock raising, banking, and real estate. Possessed of push and initiative, he became a leader in civic affairs. He was quick to grasp the splendid possibilities of the great unclaimed areas of south Idaho. The land was fertile and capable of producing a diversity of crops. Water for irrigation purposes was accessible in the numerous streams meandering toward the Great Snake River. It was young GOODING who opened up to settlement this rich new section. He dotted the unlimited area with homes and schools and towns, one of which was named in his honor. All this required capital. FRANK GOODING had it, and he invested it.

Strenuous as was his life in many commercial pursuits, Senator GOODING found time to enter the field of politics. This was his way of bringing about needed reforms. By sheer force of ability and resourcefulness he soon became a ruling factor in this line of public endeavor. He was chosen the leader of his party in the State senate. Throughout his tenure of several years he wore this mantle with increasing distinction. He introduced and engineered to enactment much remedial legislation.

By this time the electorate began to take notice of the young pioneer. In 1900 he was sent as a delegate to the Republican National Convention in Philadelphia, which renominated our late beloved President McKinley. It was at this convention that the dynamic Colonel Roosevelt was started on the road to the greatest fame and prestige an American has ever achieved in time of peace.

In 1902 Senator GOODING, who on numerous occasions had demonstrated his genius as a party leader and organizer, was selected as chairman of the Republican State central committee. He entered upon the task with the same indomitable will and spirit which had characterized all his successful undertakings.

The way he took up his responsibilities inspired confidence in his management of the campaign. When the smoke of that memorable political battle had cleared it was found that the 6-year control of the State had been wrested from the Democratic Party. This signal achievement paved the way for Senator GOODING's gubernatorial nomination in 1904. He was elected and reelected in 1906.

Governor GOODING applied to his administration the same hard and fast rules and principles which had made him a power in the field of private and commercial enterprise. During his régime many wise and beneficent laws were enacted. This focused on the State the attention of thousands of people seeking homes and business opportunities in the far Northwest. It was at this juncture that the great influx from the East had its inception. Many new enterprises and projects were opened up. Impetus was given in widening the scope and influence of the State institutions.

A number of knotty problems, such as labor strikes and disputes, mining troubles, and the assassination of Governor Frank Steunenberg were handled so satisfactorily by Governor GOODING as to bring upon him the unstinted praise and encomiums of the people of the Gem State. He had performed yeoman service.

We find this sturdy pioneer again plunging into commercial activities with the same zeal and zest that he had always shown in every worth-while endeavor, in which activity he continued until 13 years later, when he was appointed to the United States Senate by Governor D. W. Davis to fill an unexpired term.

On the 4th of March, 1921, he entered upon the full term to which he had been chosen in the election of 1920, at which time Hon. Warren G. Harding was elected to the Presidency. Senator GOODING was reelected to the Senate in 1926 by an increased majority.

Senator GOODING had a penchant for constructive work and was constantly planning for the development and upbuilding of the State. He craved seclusion in solving great State and national problems. In this respect I can best illustrate the remarkable capabilities of this able Senator by giving, in substance, the views of the well-known writer, T. M. Knappen, in Sunset Magazine for December, 1924:

> As a member of the Senate committee dealing with the tariff, Senator GOODING succeeded in simplifying all Republican tariff deliberations and bringing them to a harmonious and unanimous decision by adhering unswervingly to this simple and fair rule: "In tariff schedules do unto others as you would that they do unto you. Get your own and give the other fellow his; yea, in full measure."

On Wednesday, June 19, 1922, Senator GOODING delivered what was considered one of the ablest speeches on the subject of the tariff and manifested such keen familiarity and depth of learning in dealing with every phase of this great economic problem that he at once became known nationally as a tariff authority.

In the matter of railway transportation rates Senator GOODING, a member of the powerful Senate Interstate Commerce Committee, was foremost in his opposition to discrimination in freight rates. On this subject he delivered a speech in the Senate on May 14 and 16, 1924, covering in detail what he considered the "transportation menace."

The Senator, expressing impartially his well-known views, denounced the man who would deliberately impair the great railroad system of America as an undesirable citizen. At the same time he dealt just as severely with the railroads in seeking to exact the highest possible rate for carrying the product of the farm and range to market. He was an uncompromising advocate that the long haul be given no advantage over the short haul.

Governor GOODING cooperated toward the building of the great American Falls Dam in the Snake River of Idaho and was the prime factor in securing the adoption of the Gooding irrigation project. As a result of the enactment of these measures the prosperity of Idaho has been greatly enhanced. These accomplishments alone would stand as a monument to his zeal and fidelity in behalf of his State, and should forever link his name with the building of these far-reaching and stupendous enterprises for the good of mankind.

During his exceedingly busy career Senator GOODING never neglected his family. His estimable wife and three children and grandchildren were the objects of his adoration and devotion. On the occasion of his demise on June 24, 1928, at Gooding, Idaho, an ideal home life was ruthlessly disrupted.

Mr. Speaker, I feel my inability to adequately eulogize this rugged Idaho pioneer. He was my stanch friend, constituent, and counselor, whom I had known and admired for a third of a century. I had a wholesome regard for his breadth of knowledge and the perspicuity of his business and political judgment. Unlike the poet's eye "giving to airy nothing a local habitation and a name," Senator FRANK R. GOODING was first and last a materialist. He saw with clear-sighted vision the concrete substantial evidence of future possibilities and became one of the great architects and builders in shaping the destiny of the Gem of the Mountains.

Rolling back the years, I can visualize this hardy, sturdy pioneer, mounted on a fractious but fleet horse, riding over his cattle ranges, virtually dotting "a thousand hills"; I can picture him at night wrapped in his blanket sleeping under the canopy of the starlit heavens. I can see him covering and minutely inspecting his vast sheep ranges and directing with consummate skill and methodical precision the forces under his supervision. I can picture him riding into a pioneer town in south Idaho covered with a veneer of gray alkali dust.

This exceedingly busy man had for his motto these lines of the poet:

> The busy world shoves angrily aside
> The man who stands with arms akimbo set
> Until occasion tells him what to do.
> And he who waits to have his task marked out
> Shall die and leave his errand unfulfilled.

Mr. Speaker, Senator FRANK R. GOODING has gone to join that sturdy, courageous, undaunted group of pioneers who suffered the hardships incident to the opening up and development of the great West. Wherever Idaho, Gem of the Mountains, is spoken his name and his deeds will recur with loving remembrance.

Mr. FRENCH. Mr. Speaker, among the finest products of civilization is the man whose ideals are sound and who has strength of character to sustain him in the programs of life. The late United States Senator FRANK R. GOODING was such a man.

My colleague in the symposium of estimates upon the life of the late Senator GOODING is making available the details of the history of a great man from childhood on through the years of activity and usefulness, and until the shades of eventide had settled down. It is the story of hardship and privations in boyhood and early manhood; it is the story of the meeting of adversities with a smile, the overcoming of opposition through persistence, and the realization of successes in many lines in most unusual degree; it is the story, always epic, of battle and conquest.

Just as every tree has its distinctive features by which it is recognized, so every human life that is worth while has characteristics that bespeak the individual. The features that were dominant in the life of FRANK R. GOODING were devotion to his family and friends, loyalty to State and country, determination and resolution in purpose, indefatigable industry, a courage that was unflinching, and ability and resourcefulness that without asking quarter enabled him to carry a fight to the bitter end.

GOODING was successful as a stock grower and farmer, successful generally as a business man, interested in banking and other activities, a man who at all times was in the forefront of movements that had to do with the well-being of the community in which he lived, the State of his adoption, the section of country where his lot had been cast, and the Nation itself.

GOODING was a man whose conception of life was clear-cut, rugged, straightforward, and attained as a result of hard and trying experiences. He believed in good government. He believed in orderly processes. He believed in essential justice.

The public life of FRANK GOODING was not limited to positions of minor responsibility. He was a member of the Legislature of the State of Idaho; he was twice governor of his State; he was United States Senator.

GOODING AS SENATOR

In the United States Senate, within an incredibly short period of time, GOODING came to be recognized as one of the strong, virile leaders of the West. He was thoroughly informed upon all phases of the subjects of agriculture and transportation.

In any legislative body members soon learn to know the degree of information that their colleagues bring to the discussion of any subject. It has been said that "the world steps aside and lets pass the man who knows whither he is going." In this same spirit Members of the Senate and Members of the House of Representatives give ear to the man who knows the subject upon which he speaks.

Senator GOODING knew practically every phase of the agricultural problem. He knew not only the problem as it has to do with the boundary lines of the farm but he knew the problem as it has to do with marketing of crops and with meet-

ing the crop output of foreign countries. Grounded in this subject, it is no wonder that Senator GOODING gave largely of his time in the United States Senate to meeting problems touching agriculture in the three ways that had to do with the subject as he saw it.

He stood for policies of helpfulness of the Federal Government that would be immediately effective upon the farm itself, policies that are carried forward so splendidly and efficiently through the Department of Agriculture.

He gave his time and thought to the problem of bringing the products of the farm to the consumer. In this connection it was a question of freight rates; it was a question of market control; it was a question of protection of the producer against speculation in the great centers of distribution.

Again he saw, as he believed, farmers reduced to peasantry unless by means that the Government itself could provide the economic situation of the farmer of America could be held separate and apart through tariff walls from the economic situation of the peoples of foreign lands. To all these purposes he gave his untiring support.

OFFICIAL RESPONSIBILITY

Senator GOODING had a profound conviction that the responsibility of a person charged with public office is not limited to reflecting a mere whim or passing sentiment of a constituency. He believed that the public official is trusted by the people who have asked him to assume a responsibility. He believed that the public official, by virtue of public office, is in better shape to meet the problems that concern the welfare of the constituency than those themselves who might be affected by the solution of those problems.

With this conviction he did not hesitate to go against seeming popular demand of the hour, to stand for the course that for the moment might be unpopular, if he believed that public opinion was wrong. It was his thought that the public official charged with solemn responsibility was in honor bound to use the means at his command to work out results, quite willing to trust to the future to demonstrate that his course was right, or at least that he was justified in following the course.

One of the fine virtues of man is loyalty. Senator GOODING was loyal to his friends. He was a partisan. It was not easy for him to believe that an enemy could be right. It was natural for him to believe that his friends could not be wrong. He would go to the limit for them, and he would sacrifice his own personal fortunes when the same were bound together with the fortunes of those who were his partisans.

AS GOVERNOR

As I see it the most profound impression made by GOODING upon his State and upon the country was not the impression that he made as United States Senator, as deep and abiding as that may be.

GOODING was greatest as the Governor of Idaho, and one event that occurred shortly after his induction into office lifted Governor GOODING from the plane of the chief magistrate of a State who was doing creditable work in routine business to a commanding leadership as governor of a State that attracted not only State interest and approval but national admiration and concern as well.

A former Governor of Idaho, the late Frank Steunenberg, was murdered in cold blood shortly after the beginning of the Gooding administration. Unquestionably the murder was brought about through the deliberate action of those who were antagonistic to the activities of Steunenberg while governor when he was endeavoring to sustain law and order. Those accused had the zealous support of intense partisans.

As GOODING saw the question, the crime was not limited to the murder of a man. The crime was an assault upon the State. It was an assault upon organized society. It was an assault upon civilization itself that centuries of time had been struggling to build.

Governor GOODING recognized that if the rights of man are to be respected, if human life is to be held precious, if the responsible officer of a State is to exercise the duties of his high office as only a man of integrity can exercise those duties, and not be subservient to a lawless element, he, as governor of the State, had a duty to perform in backing up the officers within the county and State charged with law enforcement. He gave to those officers support in unflinching degree.

The question of guilt or innocence of the accused is not involved in our consideration to-day. Unquestionably the accused recognized that substantial public opinion was against them. Unquestionably the governor and the people at large were in favor of giving the accused every right that a free people guarantees under our form of government. On the other hand, partisans of the accused, whether known to them or not, were indefatigable in their activities by way of defense. Some of these activities, whether known to the accused or not, were unworthy. Threats and intimidations were directed against the governor and against his family. Indeed, few men in public life, when called to meet a responsibility, have been harassed by such bitter and venomous opposition, by threats of death to self and loved ones, as was the lot of the then Governor of Idaho to meet. But GOODING was firm. His belief in good government, in orderly processes, had been challenged, but remained unshaken. He stood like a mighty rock against which dashed the waves of hatred and menace, but he never flinched—a lesson of the superb way in which the chief administrative officer of a sovereign State, charged with responsibility that goes with such position, should meet deliberate activities on the part of the enemies of organized society to thwart its will.

Mr. COLTON. Mr. Speaker, a distinguished man has well observed that the life of every man may be well compared to a stream whose small beginning is plain to all but whose ultimate course and destination, as it widens through the expanse of years, only Divine Providence can discern. Is it to be a nameless brook, and will its tiny waters commingling with such others only increase the current of some noted river, or will it receive other rills and become a large river serving a great section of a country and be know far and wide?

This comparison is well exemplified in the life and character of our departed friend, Senator FRANK R. GOODING. Born in England, he came to this great country with many other immigrants. Who could have foretold when that your immigrant boy came to this country without wealth and unassisted by friends that he would become one of the distinguished citizens of his adopted State and that his voice would be heard among the statesmen of this Nation? His active and busy life presents an inspiring story of the result of hard work and honest endeavor. He early displayed that initiative and business foresight so necessary in the development of the great West. His business life brought him in contact with nearly every phase of life in the West. He was noted for his rugged honesty and fearless aggressiveness. Since coming to the Senate of the United States he has been a tireless worker for the great inland section of this country. He believed that that part of the United States which does not touch the sources of navigable waters was greatly handicapped in its struggle for industrial development, and he devoted much of his energy in the securing of legislation which he believed would prevent discrimination. In this he was bitterly opposed by strong influences and great wealth, but with characteristic fearlessness he attacked the problem and worked unceasingly until his health broke.

It is through the life and sacrifices of such men as Senator GOODING that States and nations progress and are made strong and great. The West particularly will long remember him as an able, fearless champion of that great section struggling to develop as other sections of the United States are developing. A poet has well expressed a thought worth perpetuating:

What builds a nation's pillars high
And makes it great and strong?
What makes it mighty to defy
The foes that 'round it throng?

Not gold, but only men can make
A nation great and strong;
Men who for truth and honor's sake
Hold still and suffer long.

Brave men who work while others sleep
Who dare when others sigh;
They build a nation's pillars deep
And lift it to the sky.

A man coming to Congress with a large business experience has many advantages in taking up his duties over those who prior to coming have had no such experience. Such a man has a different viewpoint than has a professional man, for example, and brings to the discharge of his duty knowledge which can be acquired only in the school of experience and business. Senator GOODING had a large experience before coming and he sought to apply that experience to the business of the Government. It is to be regretted that he was taken at a time when business experience is needed so much by those who shape the policies of the Government.

He sleeps to-day in the State he loved so well and for whose welfare he fought so valiantly. While we mourn his going, I feel sure that somewhere in the Great Beyond, where the physical bonds which limit our activities here have been cast aside, he is exercising his great attributes of progress and energy so characteristic of him here. In that environment where

we hope that love and harmony are the ruling influences I have faith that he is finding a higher and sweeter pleasure in the society of old friends and loved ones than he experienced here. Let us all hope that in that better land the ambitions which often fail of realization here may be fully satisfied. As another has more beautifully expressed:

There is a mystic borderland that lies
Just past the limits of the workday world,
And it is peopled with the friends we met
And loved a year, a month, a week, a day,
And parted from with aching hearts; yet knew
That through the distance we must lose the hold
Of hand with hand, and only clasp the threads
Of memory. But still so close we feel this land,
So sure we are that these same hearts are true,
That when in waking dreams there comes a call
That sets the threads of memory aglow,
We know that just by reaching out the hand
In written words of love, or book, or flower,
The waiting hand will clasp our own once more
Across the silence in the same old way.

Mr. WINTER. Mr. Speaker and ladies and gentlemen of the House, let me add, if I may, a few words of appreciation of the work and labors, qualities and character of the late Senator FRANK R. GOODING. For many years he represented the State neighboring on the west of my State of Wyoming. He was a faithful representative of the aspirations and needs of the Rocky Mountain region. His labors were great and arduous, representing as he did one of the States located in that section of the country which came in contact and had many matters with every department of the National Government. This included irrigation, forest reserves, Indian reservations, homesteads, roads, national parks and monuments, mineral lands, leases and permits, as well as pensions and compensations.

He was a most conspicuous defender of the interests of the great livestock industry of the West at all times, but his most important work during the later years of his life and during the last few sessions of Congress was in behalf of railroad rates in the Rocky Mountain region, specifically long and short haul, involving section 4 of the transportation act. Whether in agreement with his contention or not, that section 4 should be amended so that constant application of the railroads to change the through and local rates to the disadvantage of the mountain region would be prohibited, all must agree that he fought a good fight and kept the faith and dealt strong blows for a worthy cause.

Senator GOODING was sincere, direct, blunt, and forcible. His courage was unmistakable. His energy and persistency in following up what he considered to be right and just in legislation was, indeed, striking. His friends in the West have missed his counsel and his voice, and feel that a strong champion, both of western and of national interests, has been lost.

Mr. HILL of Washington. Mr. Speaker, in the death of Hon. FRANK R. GOODING the country at large, and especially the western half of the United States, lost a most valuable Member of the United States Senate. He was a contribution of the State of Idaho to the galaxy of great and useful men in public service. While he was commissioned by the people of Idaho as one of that State's Senators in the National Congress, the scope of his official activities was too comprehensive and far-reaching to be confined to the interests of his home State alone. He was truly a Senator of the United States and not merely a Senator from Idaho. The people of the Northwestern States especially felt that Senator GOODING was their Senator as well as the Senator of Idaho. Speaking in response to the feelings of my own heart and also as a Representative from the State of Washington, I can not withhold my tribute to this distinguished man of Idaho and great American statesman.

The intelligence of his passing from this life last June fell upon sad hearts throughout the Nation. The people of my own district felt as keenly as did the people of Idaho the loss sustained in the death of Senator GOODING. He was a man of the people. He knew from personal experience and actual contact their economic problems. He had their viewpoint and approached these problems with an attitude of sympathy for the people's interest.

Senator GOODING was an eminently practical man. He made a success of his own business enterprises. He was not a theorist dealing in mere abstractions. He dealt with public affairs and governmental problems in a practical way. He was fair. He was honest. He knew what was right for the people to have. He knew when they were getting it and when they were not. He believed in the principle of square dealing. His life and legislative record were based upon this principle. He was a man of deep convictions and unfaltering courage. He was close to the people, believed in their rights and espoused their cause. He sought results, for with him only results counted. He was not discouraged by temporary failure to attain the goal of his efforts, but always returned to the fight with renewed vigor and determination.

Senator GOODING's term in the United States Senate, counted by years, was not of long duration; but, measured by service in things attempted and results accomplished, it is comparable in volume with that of a long duration in years. I shall not discuss in detail the scope of Senator GOODING's public service. Suffice it for me to say that he has endeared himself for all time in the hearts of the people of the intermountain sections of the West and Northwest through his ceaseless and untiring efforts to bring economic equality to agriculture and to abolish freight-rate discriminations against the commerce of that hinterland. The names "GOODING" and "Gooding bill" are household words among our people there.

Senator GOODING's health was undermined by his arduous work and close attention to his public duties. And now his labors are finished. He sowed that others might reap. He needs no monument of marble to perpetuate his memory among his people or my people. The consciousness of his unselfish service and gratitude for his sacrificing devotion to their interests have implanted in their hearts a love of his memory more enduring than any shaft of stone.

Mr. ARENTZ. Mr. Speaker, in the death of Senator FRANK R. GOODING the West lost a strong advocate, a Christian worker, and a man interested in every civic enterprise.

Senator GOODING was a progressive westerner, a "typical westerner"—a man who started with no financial means but with willing hands and a courageous heart.

Born in England, Senator GOODING came to America when 8 years of age. He received his early education in Michigan and spent his early manhood in California, settling in Idaho shortly after he became of age.

Senator GOODING will be remembered for his efforts in the betterment of the community in which he lived and carved out his fortune. As a mining contractor, homesteader, and livestock man he was known well and favorably throughout the State. As his business prospered and expanded his influence in the field of politics resulted in his being chosen chairman of the Idaho State central committee and his election as governor of the State followed in 1905 and 1908. In November, 1920, Mr. GOODING was elected United States Senator.

We of the West will long remember Senator GOODING as the outstanding advocate of the long and short haul bill which sought to prohibit a higher freight rate for a short haul than for a long haul through the same territory.

In the way of legislation he always stood for what would, in his opinion, be of benefit to the West, yet, at the same time, he always viewed with statesmanlike consideration the influence such legislation would have on the balance of the country.

It has been well said that Senator FRANK R. GOODING is among the men who are justly entitled to be enrolled with the makers of the great commonwealth of Idaho, whose residence there has left its impress upon the entire Northwest.

WILLIAM NEWELL VAILE

Mr. HARDY. Mr. Speaker, among the names of those departed Members of the House of Representatives to whom we are paying honor to-day is that of Hon. WILLIAM NEWELL VAILE. I never knew Mr. VAILE personally until we both had been elected to Congress in the election of 1918. But in the following nine years I grew to know him intimately and to love him as a brother. Rarely in all my life have I found a more congenial spirit, a more agreeable companion, a more likable man than was BILLY VAILE, as he was known to his many good friends.

WILLIAM NEWELL VAILE was born June 22, 1876, at Kokomo, Ind. His parents were Joel Frederick Vaile and Charlotte (White) Vaile. In 1881 the family moved to Denver, Colo. His father became a noted lawyer of Colorado and was a member of the law firm of Wolcott, Vaile & Waterman. The senior partner of this law firm, Hon. Edward O. Wolcott, was a distinguished United States Senator from Colorado from 1889 to 1901. The junior member of the firm, Hon. CHARLES W. WATERMAN, was elected to the United States Senate in 1926.

Young VAILE grew up in Denver, which was his home until he passed on to the Great Beyond. He attended the public schools in Denver, attended Yale University, from which institution he graduated in 1898 with the degree of bachelor of arts. Later he attended the law school of the University of Colorado and Harvard Law School. In 1901 he was admitted to the

Colorado bar and began the practice of law in Denver. He was married June 15, 1915, to Mrs. Kate Rothwell Varrell, who, with one son, survives him.

While a senior at Yale University he enlisted as a private in Battery A, Connecticut Volunteer Field Artillery, and served as such throughout the war with Spain in 1898. In 1916 he was again in the military service on the Mexican border as lieutenant of Infantry, United States National Guard of Colorado. In the fall of 1916, while in service on the Mexican border, he was nominated by the Republican Party for Representative in Congress for the first district of Colorado. He could not or did not leave the service to take part in the political campaign. That was the year that the slogan "He kept us out of war" helped to elect a Democratic President and a number of Democratic Congressmen. Mr. VAILE was not elected that year.

In 1918 Mr. VAILE was again nominated for Congress by the Republicans of his district and elected by a substantial majority. He was reelected in 1920, 1922, and 1924 and 1926. He was serving his fifth consecutive term as Representative in Congress for the first congressional district of Colorado when taken by death.

As a Member of Congress Mr. VAILE was diligent, energetic, popular, and influential. His first assignment to committees was as a member of three—Expenditures in the Treasury Department, Immigration and Naturalization, and Public Lands. The immigration question raised important issues in the Sixty-sixth and Sixty-seventh Congresses, and Mr. VAILE took a prominent and influential part in writing the immigration laws that are now on the statute books of the country. He became exceedingly well versed on matters pertaining to immigration and was much in demand for addresses on this subject over the country. Being a lawyer of ability and having practiced law in a public-land State, he was a valuable addition to the Committee on Public Lands. In the Sixty-eighth Congress he was put on an additional committee, World War Veterans' Legislation, and helped to write some of the legislation of interest to veterans of the World War. In the Sixty-ninth Congress Mr. VAILE was honored with a place on the Committee on Foreign Affairs. This being an exclusive committee, members not being permitted to serve on any other committee, he had to resign from the other committees. He felt that most of the big work in connection with the immigration question had been accomplished and he desired the opportunity for study and activity in the broader field of foreign affairs.

It was not generally known among his colleagues that Mr. VAILE was a writer of short stories and fiction. He produced several stories of merit, and was in line for larger development. Among his stories was published in book form The Mystery of the Golconda.

Mr. VAILE stood high and held important places in Masonic circles of Colorado. He was made a Master Mason on July 8, 1911, in Union Lodge, No. 7, A. F. and A. M., at Denver, Colo. The following year he helped organize the lodge at Arvada, a near Denver suburb, where he was living at the time. He served in all the important stations up to worshipful master in this lodge, in which he retained his membership.

He was made a Royal Arch Mason in Colorado Royal Arch Chapter, No. 29, at Denver, on September 27, 1911, and later he filled various offices in that chapter. He was created a Knight Templar in Denver Commandery, No. 25, K. T., at Denver, on January 30, 1912. He received the cryptic degrees in Denver Council, No. 1, R. and S. M., at Denver, in 1913. The degrees of the Ancient and Accepted Scottish Rite, from the fourth to the thirty-second, inclusive, were conferred upon him by the No. 1 bodies of that rite, in Denver, in November, 1912.

In the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Colorado he was appointed senior grand deacon in 1920. He was elected junior grand warden in 1921, senior grand warden in 1922, deputy grand master in 1923, and on September 16, 1924, the 30,000 Masons of his State, through their representatives in grand lodge assembled, conferred upon him the highest honor in their power to bestow by electing him grand master of Masons in Colorado. He filled the office of grand master for one year, visiting many of the lodges and officiating at many public Masonic functions, at all times inculcating the fundamental principles of Freemasonry; and the good effects of his work will long be felt by the Masonic fraternity in the State of Colorado.

Mr. VAILE was interested in travel and had traveled much over this country and in foreign lands. After the adjournment of the Sixty-ninth Congress on March 4, 1927, he and Mrs. Vaile visited Europe, spending much time in Spain. He had been at home only a few days when on a drive up in the mountains near Denver on July 2, 1927, he suddenly and without warning was stricken by the hand of death. "Heart trouble," the doctors said.

He was taken from us at the age of 51—in the prime of life. Short as his time had been he had made a success at the law, had served his country as a soldier in two wars, had reached high standing in Masonic circles, had served in Congress nine years, was author of marked ability. He was a devoted father, a loyal husband, and a good friend to many. He had lived and he had served.

I attended the funeral in Denver, Wednesday afternoon, July 6, 1927. The religious services were held at the First Congregational Church, Masonic services at Fairmont Cemetery. Impressive was the tribute his friends silently paid him on that day—thousands coming from all sections of the city and State and from every walk of life. Many were there who said "He did me a good turn." The words of the parson were fine and the Masonic ceremonies impressive. But the deep-down feeling that ran through the minds of all was that WILL VAILE had been the friend of his fellow man.

Mr. TAYLOR of Colorado. Mr. Speaker, as his former associates and friends we meet to-day to bear testimony to the life, character, and public services, and to pay a last tribute of respect to the memory of WILLIAM NEWELL VAILE.

It was my good fortune to be acquainted with him almost from his boyhood days, and I always had a most kind and friendly feeling toward him.

He was one of the most likable men I have ever known, and I shall always be proud of our friendship and intimate association during his over eight years' service in Congress.

He was a most genial friend, a kind and affectionate husband, and a loving and indulgent father. He came from good stock. His father, Hon. Joel Frederick Vaile, was one of the greatest lawyers and finest gentlemen our State has ever produced. He had a thorough education at the University of Colorado and at Harvard and Yale.

Nature lavished upon our departed friend many of her choicest gifts. He had a splendid physique. He was a fine-looking, manly man. Nature endowed him with an exceptionally brilliant mind that was like a rare gem, many sided and all of them bright. He was a man of great possibilities. He had a magnetic personality. His all-pervading good nature made him a welcome addition to any group of his fellows. He had a joyous and charming twinkle in his eyes and an inborn geniality that was akin to genius. He was a man of cheerful yesterdays, optimistic to-days, and confident to-morrows.

He was a bold and valiant fighter for whatever he believed to be right. He never shunned a political or forensic or any other kind of a strife. But with him it was always a manly combat.

It was those rare traits that endeared him to everyone who knew him. He had a very unusual and distinctively marked gift of a naturally bright, pleasing smile and a happy disposition. He was a buoyant spirit that radiated good cheer.

In the terrific rush and tragedy of our everyday life we sincerely mourn only the red-blooded, kind-hearted, unselfish, and genuine good fellow. They are the ones whose memories we secretly cherish and preserve with the most heartfelt tributes and beautifully eloquent eulogies.

Our personal sorrow, genuine grief, and lasting sadness are reserved for those very few of the sunny, cheerful, big-hearted disposition of WILL VAILE. He was a fine grown-up boy.

He scattered flowers along the trail of life. He plucked many a thistle and planted a rose. He had the inestimable gift of a never-failing sense of humor and a genuine and natural love for all mankind.

I adopt a few expressions from his tribute to Champ Clark on March 3, 1921—the day after he died—when he commenced his address by saying:

> I am sorry that I could not have said this instead of writing it. It is the sort of thing which I believe should be spoken rather than written.

And closed by saying:

> I lost a friend yesterday. But I have lived long enough to lose many friends. What is much worse is that my little boy has lost a friend. So has every American boy.

And I will apply to him his own words on April 18, 1926, in his memorial address on Congressman John E. Raker, of California, when he said:

> He had a warm heart himself, a most lovable and human disposition. He loved his fellow men, not theoretically and philosophically but with a lively personal affection.
>
> His virtues were positive, not negative virtues. He was healthily and humanly partisan—vigorously so, because he could not be anything

without being vigorous in it. But both sides of the House respected him, both sides loved him, and he belonged to both sides.

He was the kind of a man you would want for a partner or a friend. He was a stalwart, positive, patriotic American.

As I sat on the floor of the House and listened to him delivering that eloquent eulogy, the thought passed through my mind that he might possibly some day in the not far-distant future be addressing the House and saying kind words about my departure, which I know he would have done. But I never had the slightest thought in the world that I would ever be paying a tribute of affection to his memory.

He was always a loyal and affectionate son of his beautiful home city of Denver, and "the queen city of the mountains and plains" was always proud of him.

The vast multitude of friends of the Vaile family will earnestly hope that his only child, Joel Frederick Vaile, may grow up to be an honor to our State and a credit to his father and mother and his illustrious grandfather.

The old adage that "Death loves a shining mark" was tragically exemplified when, on July 2, 1927, at the zenith of his young and vigorous manhood, on the very crest of the great Continental Divide of this hemisphere, far above timberline, at the top of Milner Pass, in the Rocky Mountain National Park, at en elevation of 12,000 feet, without a moment's warning his heart suddenly stopped and the angel of death beckoned him from us. From that bald and barren pinnacle his lovable soul took its flight into eternity. I trust the place will be suitably marked some time. From that scenic spot one can see as far as the human eye can reach, to the east down the Atlantic slope toward the plains of Kansas, and to the west down the Pacific slope toward the Blue Mountains in Utah. No such marvelous view can be obtained in any of the other 20 national parks.

Every death is a tragedy, even when it occurs late in life and from natural causes. But the instantaneous death of our colleague in the midst of health, happiness, and hope, was a profound shock to the entire State of Colorado. He was always an industrious Congressman and a faithful public servant. He vigorously worked for woman suffrage, prohibition, a good Army and Navy, and was active in a great many matters. Even a brief mention of all his activities would require many pages. He was instinctively high-minded and always had patriotic and noble ideals. He was a splendid grand master of the Colorado Masons. He played the game of life on the level and on the square.

To my mind, by far the greatest service he rendered to our country was his many years of desperately hard, painstaking, conscientious and alert work on the Immigration Committee. Every ounce of his strength of mind and body was genuinely loyal to Uncle Sam every minute of his 51 years. He loved his country. He was American-minded. His whole soul believed in America for Americans. He made many splendid speeches in Congress and delivered hundreds of patriotic lectures throughout the country on the subject of the national-origins method of calculating the basis of immigration quotas, and he was a tower of strength in the long and persistent efforts that finally brought about our present immigration and naturalization laws. His great speech of April 5, 1924, has been quoted ever since for its force and learning. The public generally have no idea of the courage, energy, and determination, day and night, year in and year out, that work required. He is justly entitled to a very large share of the credit for the enactment of those laws. For that great patriotic service our country and our Centennial State will forever owe him a debt of gratitude. Our Nation and our State are better for his having lived.

With sad hearts for the death of this dear friend we stand upon the shore of the silent river, and with mortal, tearful eyes we strive in vain to pierce the mists that rest upon its bosom and that enshrouds the silent boatman and our departed friend upon his voyage to the unseen shore. As we watch and wait, the listening ear can hear the muffled dipping sound of the returning oar; and at our feet the breaking of the rippling waves upon the sands remind us that soon from out those mists there will be seen the determined face of the ever-returning boatman, bearing the summons that we must all obey.

When one thinks of the death of our late colleague there irresistibly comes to his memory the familiar lines from the favorite poem of Lincoln:

> Oh, why should the spirit of mortal be proud?
> Like a swift-fleeting meteor, a fast-flying cloud,
> A flash of the lightning, a break of the wave,
> Man passes from life to his rest in the grave.

I always thought he would live to a grand old age and possibly go to the United States Senate from our State some time. But an inexorable fate beyond our comprehension willed it otherwise. We can not comprehend the all-wise plan of Him who controls the destinies of us all and who holds us in the hollow of His hand.

In the incoming Seventy-first Congress of 531 Members (96 Senators and 435 Representatives), soon to convene, there will be only 5 Senators and 7 Representatives who have served continuously more than 20 years.

Two hundred and forty-two former Senators and eleven hundred and sixty former Members of this House and twenty-four Delegates and Commissioners have answered the final roll call and passed to the Great Beyond during the past 20 years, since I came to Congress on March 4, 1909. Of that number, 54 Senators and 130 Representatives have died in active service here during that time. Of those Members and ex-Members, 13 of them were from Colorado, Senator Henry M. Teller, Senator Thomas M. Patterson, Senator Charles J. Hughes, Senator John F. Shafroth, Senator Samuel D. Nicholson, Representative James B. Belford, Representative Franklin E. Brooks, Representative George W. Cook, Representative Lafayette Pence, Representative Atterson W. Rucker, Representative Harry H. Seldomridge, Representative WILLIAM N. VAILE, and our first Territorial Delegate in Congress, Hiram P. Bennet.

It has been my rare and very great pleasure and privilege to have known and associated with most of all those great Americans. Many of them were profound scholars, statesmen of international fame, and orators equal to any that the human race has ever produced, and really great men in the highest sense of the word. Those 1,426 men who once occupied these seats in Congress were earnest and conscientious patriots. And, sad to say, a large percentage of all those who have served here during the past 15 years have, in my judgment, passed to their reward prematurely. But their lives were a stimulus to their comrades and will forever be an inspiration to those who follow in their footsteps. Those with whom we have associated were friends of ours. We know them well and we mourn them sincerely. We measure them more accurately and justly after they have departed.

When we reach the hilltop of life and begin to look down the western slope into the closing years we realize more fully than ever what the character, the ambitions, the struggles, the disappointments, the hopes, the services, and the lives of all those comrades have meant to our beloved country, and we appreciate them more and more as the years go by.

The mysteries of life we no more understand than the mysteries of death. The miracle of birth and the mystery of death remain the unsolved problems of all time. What a wonderful moving-picture show is this brief life of ours!

> We are such stuff as dreams are made of,
> And our little life is rounded with a sleep.

We are all going this way only once. Let us go it like loyal and worthy sons of our sovereign States and our great Republic, and salute the everlasting good, and be grateful for all the blessings we have.

When the future historians of our State shall write the faithful record of the men who made Colorado truly great, the name of WILLIAM NEWELL VAILE, scholar, lawyer, soldier, statesman, orator, author, faithful public servant, loyal son of Colorado, kind, unselfish, big-hearted, generous, genial gentleman, will shine with a brilliant luster among our State's great upbuilders.

May the remains of our cherished friend rest in the sanctuary of a lovingly protected tomb, guarded by our eternal peaks, and wrapped in the dreamless drapery of timeless peace until the resurrection morn.

Lovable WILL VAILE, hail and farewell!

Mr. TIMBERLAKE. Mr. Speaker, I feel that there is nothing that I can worthily add to what has to-day been said of the remarkable career of WILLIAM NEWELL VAILE. The simple, unadorned story of his life is the highest, most fitting eulogy.

If permitted to pursue my own inclination, instead of addressing you I would be a silent participant in these exercises, communing with my own great sorrow in the loss of one who was closer and dearer than a friend, one for whom I entertained an affection and admiration equal to that of a brother.

In committee assignments, which are such important factors in shaping careers in the House of Representatives, Mr. VAILE played a leading rôle. Upon first coming to Congress he was assigned to the House Committee on Immigration and Naturalization, the Public Lands, the Committee on Irrigation, and later to the Committee on Foreign Affairs.

There never lived a man who more devoutly believed that "eternal vigilance is the price of liberty," or more clearly per-

ceived that in these days of intense competition the great majority of mankind are so busily striving to earn a livelihood for themselves and their dependents as to leave them no opportunity to study the underlying principles of government. And there he considered it his solemn duty to help to the utmost of his power, so to arouse the people to the vital importance of principle that they might never, through ignorance or indifference, permit liberty to be smothered in material prosperity. And in this regard he played no minor part in placing on the statute books our present immigration laws.

His whole existence was hallowed with the love of his Creator and man, and consecrated with helpfulness of those in distress and cheer for those struggling out of despair. Ever dedicated to the cause of human freedom, he struck off the shackles of unmerciful dominion wherever he found them.

When momentous questions confronted him never did he render a decision calculated to square him with popular approbation. He sought his Maker for his counselor and not his electorate, and ofttimes when confiding in divine Providence he was severely criticized.

He had a heart as courageous as a lion, declining no conflicts and fearing no danger. The fiercer the conflict the more resolute he became. His moral courage was equal to his physical courage. He never evaded an issue; he never shirked a responsibility; at times carrying this splendid virtue to a point almost beyond the limits of prudence and discretion. No man of my acquaintance surpassed him in the manly virtue of courage, both moral and physical.

He possessed a persistency and perseverance of purpose which would have attained distinction in any vocation of life selected. When he reached a conclusion in the course of life no obstacles could deter him in continuous effort to reach the attainment. He was the personification of tireless energy and determined effort. His industry was as much an element in his success as were his moral and intellectual qualities. From early youth to his death his life was one of ceaseless activity.

Only those who are actively engaged in public life know its heavy exactions, its ceaseless wear and tear, its continuous mental and physical strain, all of which must finally end in a shattered constitution unable to sustain the heavy burden. WILL VAILE'S death bears testimony to his unselfish and patriotic devotion to public duties regardless of personal consequences.

WILL VAILE'S intellectual attainments were of rare excellence. He possessed a strong masculine mind, fully capable of logical reasoning and of reaching safe and sensible conclusions. He was thoughtful and gave public questions full and conscientious examination and consideration. He was a ready and aggressive debater and an attractive, instructive, and entertaining speaker. He was highly educated and splendidly read in history, literature, and law.

My friends, in conclusion, let us all so conduct our lives that when the time comes for us to depart we can calmly and serenely face death as did our colleague.

When I am in places where I have met and associated with WILL VAILE I recall memories of pleasant contacts, and the words of an immortal writer keep harping in my mind:

I feel like one who treads alone
Some banquet hall deserted.

Not alone, however, for the spirit of WILL VAILE is still among us. He would like to speak to you and to me. We can not hear him, or touch him, and at times the haunting words of Tennyson recur to me:

Oh, for the touch of a vanished hand,
The sound of a voice that is still.

My colleague, yours is the vanished hand. Yours the voice that we can no longer hear upon this earth. But memories of your noble endeavors, of your geniality, and of our pleasant associations shall linger so long as we survive.

Mr. MEAD. Mr. Speaker, "in the midst of life we are in death" has been exemplified in all too large a measure during the past few months in this House. The roster of our beloved colleagues on both sides of this aisle who have answered the summons which must come to us all has left us helpless in the face of the mystery and the majesty of death.

When I came to this House with a limited legislative experience in my great State of New York, I was permitted association with the men who represent the many component Commonwealths of the Nation which go to make our cosmopolitan country the greatest in all the world. Slowly but surely by elimination we select from the membership those of our number with whom we form personal friendships and association. From this group 10 years ago it was my good fortune to come into close contact with my friend, Hon. WILLIAM N. VAILE, the man that was ever the boy, who always loved to have his friends about him in order that he might recite the story of his favorite State of Colorado. How many precious hours I have spent under the spell of this poet and writer who loved the mountain country, its peaks, its wonders. None other could recite with more attraction the marvels of the Rockies and the grandeur of its scenic beauty, the land that has become America's playground.

Mr. Speaker, BILLY VAILE (the name by which I affectionately called him for the years we were permitted to be companions) has entered the silent portals and upon the long journey from which the traveler never returns. His mortal career is ended, his spiritual existence begun. He gave his all to the service of his country and drew unnecessarily upon his physical resources until exhausted nature sought repose beneath its kindred earth. Among the peaks of those hills of which he wrote so beautifully and to whose praises his voice and his pen were so successfully devoted, he gave up his fine spirit and went to meet his Creator "who giveth and taketh away."

The great State which he served in this House with distinction and with honor will long hold his name in reverence for the reflected glory his work has placed upon the pages of its history. He was at once a writer and a statesman and stood among us in full stature fitted in every way to trod these halls which have been immortalized by the giants of genius and intellect which have gone before and await in the silent halls of the great unknown.

Mr. Speaker, this is my humble though sincere and inadequate tribute to the man and the friend whom I hope some day to meet in the land of rest and happiness where there will be no sorrow and there will be no parting.

Mr. FREE. Mr. Speaker, WILLIAM VAILE is gone but not forgotten. He has finished his labors here on earth and has now gone to labor in a larger and finer realm. He leaves behind him memories which those of us who knew him well will cherish through the remainder of our earthly existence.

I met him first when I came to Congress to attend the special session in April, 1921. He was at that time a member of the Committee on Immigration and Naturalization, of which committee I became a member in the Sixty-seventh Congress. I soon learned that he took his work seriously and always had something worth while to contribute in the study of the problems that came before us. He had a genial manner and a pleasant smile. He could advocate a cause without losing his temper. His colleagues might disagree with him but he never maintained any resentment. He granted to each man the right to think and act according to the dictates of his own conscience. He never tried to influence by force or threat, but, instead, used reason and facts and able presentation.

It was during the time that he was a member of this committee that much of the legislation was considered and passed which will through the ages stand as a protection to America. He thoroughly believed in restricted immigration and advocated it as a fundamental necessity for the perpetuation of our American ideals and institutions.

Men of the type of WILLIAM VAILE are needed in public office to-day, and if all who are fortunate enough to represent this great country in the Halls of Congress can have the fine ideals and sincere determination to put these into effect, which were held by him, our country will long endure.

Mr. COLTON. Mr. Speaker, Mr. VAILE remains in the memory of his friends a man at all times courteous and considerate of others. While he was born in the great Mississippi Valley, he early removed to Colorado. He was essentially a man from the West. He had strong, decided views on the various subjects which came before Congress, but always in his references and in his consideration of his opponent he preserved a rare degree of politeness and thoughtfulness for them. He was by inclination and training a real student and had attended a number of the leading universities of the United States, graduating from the Yale University. He became a distinguished member of the bar in his adopted State.

As a statesman he was noted for the breadth of his views and his grasp of national and international relations. His thoughts and actions were not bounded by civil divisions, but included the whole United States and its relation with other countries. Mr. VAILE seemed never to tire but displayed great persistency in his advocacy of beneficial measures for his State and his Nation.

It was my privilege to serve with him on a great committee of the House which deals particularly with problems arising in the West. He knew the needs of the people whom he represented and worked in season and out, with rare persistence

and tact, for legislation beneficial to Colorado and to the entire West. Later he voluntarily relinquished his membership on a number of committees to become a member of the Foreign Relations Committee. I talked with him often concerning his work in that field. He was particularly concerned over the welfare and growth of the great Latin-American Republics at the south. I feel sure that had he been permitted to live he would have distinguished himself in the field of foreign affairs.

The loss of such a man is not only felt by this body but it is a loss to the people of the Nation. He was a student and keen debater, gifted with the ability to express his thoughts. He also coupled with it a keen understanding of the question which he undertook to discuss. The people of his district and State will miss him and mourn his loss. His companions here deeply mourned his sudden and untimely death. In the very zenith of his power and in the midst of his life of activity he was suddenly called to the Great Beyond. We are grateful for the work he did here. In many respects a sudden death is to be desired. For the one to go it is better for the grim warrior of death to strike down his victim when he is surrounded by his loved ones than to sap his strength by slow degrees while he lies suffering in the dreary sick room. Personally I can only feel that all is well with our departed friend. Somehow I feel sure that his lot is in keeping with his ideas and aspirations here.

Life is real! life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

We all must soon join that "innumberable caravan" moving to the other side. As the poet says:

Life's shores are shifting
Every year,
And we are seaward drifting
Every year.

Old places, changing, fret us,
The living more forget us;
There are fewer to regret us
Every year.

But the truer life grows nigher
Every year.
Earth's hold on us grows lighter,
And the heavy burdens lighter
And the dawn immortal brighter
Every year.

It is for us who remain to carry on as he would have us do. He loved his Nation and served it well in times of peace and in times of war. He left to his family the rich heritage of a good name and a good record of public service. Peace to his memory.

Mr. O'CONNELL. Mr. Speaker, the Grim Reaper, whose summons each and every one of us must answer sooner or later, has been very active among the membership of this body during the present session, and many of our colleagues have been called to take that long and unreturnable journey, to the grief and dismay of those of us who came to admire and respect their ability and statesmanship and to appreciate and value their friendship.

One of the real pleasures that have been my inestimable good fortune from the time I was first permitted the honor of representing a part of my great State in this House has been the fellowship and close association with my colleagues on both sides of the aisle.

The definite and permanent separation of these friends from time to time fills me with poignant grief and leaves a void in my life that can never be filled. No one can estimate more adequately than I from personal experience how great an honor membership in this House confers. It is the greatest legislative body in the world, because it enacts the laws that govern the greatest of all peoples. Here we meet in daily association men—and lately ladies, too—who come from all sections of our marvelous Republic, the most wonderful ever conceived in the mind of man. In this way we form friendships which bind us close and which endure the remainder of our lives, whether we remain in Congress or retire to private pursuits.

Among those whose voice was heard in this Chamber and whom I learned to appreciate, respect, and admire during my service was WILLIAM NEWELL VAILE, to whose memory and qualities I am making this very futile and inadequate effort to pay my humble tribute.

He was my friend, and I mourn his passing. A great and altogether lovable figure who came among us from the mighty West, he was among the first, although of opposite political affiliation, to reach out to me in my elementary stage the hand of fellowship and to guide aright my footsteps in order that I might best serve my country and my constituency.

WILLIAM NEWELL VAILE brought to his great work a ripe experience and a rare degree of judgment and legal acumen. His life was one of activity, of usefulness, of service.

He was born in Kokomo, Ind., on June 22, 1876, when America was celebrating the one hundredth anniversary of the birth of the Nation. After an elementary school education, he obtained an A. B. degree in Yale University in 1898, following with a course as special student in the law department of the University of Colorado. He completed his education in Harvard during the years 1899–1901 and began the practice of law in the latter year in his adopted city with the firm of Vaile, McAllister & Vaile, where he made an enviable reputation.

His work during the years of his membership in the House was devoted to activities on the Committees on the Public Lands, Immigration and Naturalization, Expenditures in the Treasury Department, and finally on the Committee on Foreign Affairs, with which I have the honor of being connected. Here it was across the committee table in closer contact than the larger membership of the House affords that I grew to know and prize his worth.

The record of WILLIAM NEWELL VAILE on our committee, as in the House, was ever one of courage, determination, and diligence. He was always willing to grasp any opportunity for service to his district and his country. He was a cultured, polished gentleman, open and frank, and direct at all times and in all things. A fair and square debater, he stood manfully for those things in which he believed without rancor or partisanship to his adversaries.

Adding to his achievements which lent lustre to his great record and renown to his fame and his memory, Mr. VAILE enlisted and served as a volunteer private during the Spanish-American War, and he saw active service on the Mexican border.

He laid down the burden of a life all too young during which he served his country in the field as a soldier, and in the Halls of Congress as a legislator and a statesman. He stepped out upon the great unknown highway with the courage that characterized his life. He brings to my mind a poem I read in a western newspaper of a columnist who, two hours before he departed for the great and final divide, wrote this memorial epitaph of himself:

The doctor knows what his trained eyes see,
And he says, it's the last of the ninth for me;
One more swing as it's growing dark,
And then I must leave this noisy park;
'Twas a great game from the sound of the bell,
With good plays, bad plays, and plays pell mell,
The speed of it burned my heart away,
But I thank the Lord that he let me play.

It was in this spirit that he left us. He died among the great mountains of the western country he loved so well. We know that that night which carried the dread announcement saw many sad hearts and many sorrowful homes where the man and his deeds will be held in loving memory for the good he wrought.

Here we will spread on the record of this Congress forever these testimonials to his high character, his sound patriotism, and his many talents, so that the young men and the young women of this land of ours forever after will broaden their respect for our great country and those who strove to serve and preserve it.

Mild and gentle as he was brave,
When the sweetest love of his life he gave
To simple things; where the violets grew
Pure as the eyes they were likened to;
The touches of his hands have strayed
As reverently as his lips have prayed;
When the little brown thrush that harshly chirred
Was dear to him as the mockingbird;
And he pitied as much as a man in pain
A writhing honeybee wet with rain.
Think of him still as the same, I say,
He is not dead—he is just away.

Mr. MORTON D. HULL. Mr. Speaker, under leave to extend my remarks, I take pleasure in saying a word of the services of the Hon. WILLIAM N. VAILE, a former Member of the House of Representatives from Colorado. As a member of the Committee on Foreign Affairs, of which he, too, was a member,

I came in fairly close contact with him for a brief period. That contact caused me to entertain a high opinion of him. He possessed a directness of attack upon any problem in which he was interested and a vigor of understanding of issues which caused his opinions to be highly respected by the committee. Coupled with this directness of attack and vigor of thinking were a sincerity of utterance and a soundness of judgment which made him a much respected member.

To the qualifications of an able, diligent, and devoted public servant he added the qualities of a genial gentleman in all his personal relations.

The Congress can ill spare men of his kind.

Mr. WINTER. Mr. Speaker and ladies and gentlemen of the House, I am glad to avail myself of this opportunity to say a word, though briefly, as to the life and character of Hon. WILLIAM N. VAILE, a former Representative in this body of the State of Colorado. Mr. VAILE's district and residence were in the city of Denver, Colo., but a few miles distant, as we reckon distance in the West, from the city of Cheyenne, Wyo., the capital of my State. Our districts were not contiguous, but in the same section of the country, representing as it were the combination of plains with irrigation and agriculture and the mountains with their great mining industries. In a large sense we represented similar interests.

As a legislator, however, probably his most important contribution to the welfare of the country was his work on the Committee on Immigration. He had an important part in the framing, reporting, and passage of the immigration bill of 1924, and the subsequent amendments.

Personally, he was companionable, sociable, and interesting. He had traveled much and studied foreign languages, being of a literary turn of mind. This added to the charm of his conversation and discussions, and led to the writing and publication of a most interesting western work of fiction, having as its basis the gold-mining industry.

In his death we have lost a good American, a fine citizen, and a helpful legislator.

Mr. ARENTZ. Mr. Speaker, like many other Members of the House, I felt a keen loss in the passing of Hon. WILLIAM N. VAILE, of Colorado. He was a lovable character—the same always, wherever one met him, and with this splendid quality he also possessed outstanding ability. I had the honor of serving on committees with him and was in a position to know and admire his sterling qualities.

His passing has left a void not easily filled, and I miss his kindly face and manner as I go about my public duties, as do many other Members of the House. He is missed no less as a friend than as a colleague.

MARTIN BARNABY MADDEN

The VICE PRESIDENT. Mr. Speaker, we stand at the bier of one whose life has been chiefly devoted to public service. In the minds of all—rising even above the grief at the loss of a dear friend and associate—is the continuing thought of the greatness of that service and the self-sacrifice it entailed.

The life of our friend from his early days in poverty to the day of his death has been one of unremitting toil. No sooner had his industry and ability relieved him, in his earlier days, of the necessity of manual work than he turned with indefatigable industry to public service, for his city and State at first, and then for our Government. His life is the familiar American epic of the rise from humble and hard circumstances to the heights of power in our great Republic. But upon this solemn occasion we who have been his associates and know his work and its burdens, borne in their full measure at all times, especially during the last few years, when at one elbow sat public responsibility and at the other expected death, may draw from his life the lesson of true statesmanship.

In such an hour as this our inner minds form that last final judgment of the life, character, and accomplishments of a dead friend. It is probably the only entirely impartial judgment which we have ever passed upon him. We do not always give verbal expression of it, for, as the Roman says, such always must be good. But, as each one of us knows, the judgment of a life in retrospect is that which endures. "A tree is best measured when it is down."

The rise of a man to a position of power and continued usefulness in Congress is never an accident. For the making of a real career Congress is useful only to the man who is useful to Congress. Here the great law of compensation is always at work—swift and inexorable.

To him who does not recognize that true progress in life, under any condition, is inseparably associated with self-denial, Congress offers the temptation of quick notoriety at its heavy cost in loss of public respect.

The pitfalls in Congress are many for him who follows the easy quest of notoriety which, when not based upon accomplishment, is worth nothing. He who enters Congress primarily to work for a career is embarked upon a doubtful venture. Work is not an incident of a career, but a career is the incident of real work. This truth is evidenced by the life of our friend.

Mr. MADDEN was a man whose career of enduring public usefulness in these bodies was based upon toil, during a long period in which he remained in comparative obscurity. This was when he was acquainting himself with the actual business of government which he proposed to know as he knew his own business.

When one has courage along with industry to inform himself, no mere eloquence in opposition can detract attention from his utterances or lessen their great influence. When MARTIN B. MADDEN rose in his seat to speak upon any question involving the greater business policies of the American Government he spent no time in decorating fact with rhetoric or digressive oratory, and yet no man in either House commanded to a greater degree the attention of his colleagues or the country at large.

We now remember the cry of the hostile crowd in the past withstood in the public interest not as a political factor affecting political decisions but only as that which demonstrates the possession of courage, strength, and character, devoted to the permanent public benefit, in him who has died.

We now see that after all the highest decoration one can carry to his grave is that of general public respect—that in the long run this comes only to the statesman who, standing for the ultimate public interest at political risk, is willing at times to defy the clamor of uninformed majorities until through facts and reason he wins them to his position.

We now realize that in the quiet of the night and in his committee room, and outside of office hours, the unremitting labor of this devoted public servant finally brings to him an inarticulate judgment shared by all—"Well done, thou good and faithful servant."

He died as he would have died and as we would have had him die—still at work, despite the feebleness of his advanced years and illness, at his desk in the Capitol and in the arms of a comrade in work. He died with the harness of battle upon him.

He died in the fullness of his moral strength and influence, with his mind, as always, upon the never-ending tasks before him and duty to be done. He died in the consciousness that the results of his constructive work are felt in a better government and in a happier life of our people.

Mr. BYRNS. Mr. Speaker, it is difficult for me to suitably express myself on this sad occasion. MARTIN MADDEN was my friend. I loved him deeply. As I stand here to-day I am conscious of a sense of great personal loss. My hand and heart reach out to his bereaved family with a sincere sympathy and understanding because my own grief is so poignant. There is not one of you who has come here to-day to mourn over him and pay tribute to his memory who feels otherwise. His honest, intelligent, and faithful service here commanded your respect. His personality and his great heart won your love.

We all know that a leader has fallen, a truly great man has passed away; a great legislator and statesman; a splendid, outstanding citizen; an able and highly successful business man; a devoted and tender husband and father; a good and intensely loyal friend. This epitomizes the life and record of Hon. MARTIN B. MADDEN, whose sudden death on April 27 deeply grieved his colleagues and shocked the entire country.

During the morning he had been busily engaged conducting hearings preliminary to the preparation of the last appropriation bill for the session. The committee had taken a short midday recess. Shortly before time for it to reassemble its great chairman, while sitting at his desk, suddenly received his final summons and his noble spirit took flight to the Great Beyond. He died as he would like to have died—at his post of duty, actively engaged in the service of his country, to which he had for so many years devoted his splendid talents.

No brave soldier who ever fell in battle more truly sacrificed himself for his country than did he, for his death was hastened by the herculean labors he performed as chairman of the great Committee on Appropriations, and his close attention and leadership in all the important legislation of the Congress. Only a short while before his death he came from a sick bed to confer with the President and other leaders of his party relative to one of the most important measures pending in Congress.

In the last few years of his life his family and friends often urged him to slow up in his public activities and to devote more

attention to the conservation of his health. But that high sense of duty which controlled his every act and which was the guiding star of his whole career impelled him to drive onward at full speed until the very last. The arduous duties performed by him as chairman of the Appropriations Committee are not readily appreciated by the public generally. It is not a spectacular service nor one which is carried to the public on the front pages of the newspapers, but it is a service which demands constant, intelligent, and faithful labor. None save those who were associated with him in Congress or who were charged with the administration of our national affairs can appreciate to the fullest extent the value of his service—a service which entitles him to rank as one of the greatest of the many great men who have presided over the Committee on Appropriations in the years that have passed.

The committee room affords the best opportunity for close study of a colleague and even greater opportunity to know the character and worth of the man who presides over it as chairman. Any selfishness, littleness, or disposition to neglect his duty would be exposed. I have served under MARTIN MADDEN'S leadership for nearly nine years. I have had that close, intimate contact possible only under an association of this kind, and I voice the sentiments of every member of his committee when I say that these characteristics were foreign to his character. My affection and respect for him steadily grew with the years.

His service here has ceased, but as surely as this world of ours is constantly swinging forward into the dawn the soul of MARTIN MADDEN has gone forward into a broader and freer spiritual being, and somehow and somewhere will continue to serve.

He was an ardent Republican. He earnestly believed in the principles of his party, and because he believed in them he never lost an opportunity to fight for them. But at the same time he was broad-minded and tolerant in all of his views, and never allowed partisanship to interfere with his personal friendships or permitted it to influence his position on public questions which did not strictly involve matters of party policy.

He was honest, both intellectually and morally. He despised sham and duplicity. His sense of fairness was evidenced by his attitude in the committee. He insisted at all times that the committee hearings and the reports submitted should fully disclose all the facts and thus give to everyone who wished the fullest opportunity to know all the facts bearing on any and all items in appropriation bills.

He was always kind and considerate. He delighted to do his colleagues and his fellow men a favor and responded readily to every call which did not violate his sense of duty. He had the keen perspective and farseeing vision of a constructive statesman and a sound business man, but he stood like a stone wall against extravagance and wastefulness of public moneys, and it would be impossible to even conservatively estimate the many millions of dollars which were saved to the Treasury through his efforts.

Through his business acumen he amassed considerable wealth and through the medium of his financial power he brightened the lives of many who to-day mourn him as a benefactor.

He practiced in his daily life the religion taught and lived by the Man of Galilee. Just two weeks ago in this Chamber at almost this very hour, in eulogizing a departed friend and colleague, he gave expression to his views on this subject when he said:

> I was taught to believe, and I still believe it, that we will meet again, and what a joy it is to breathe that thought. It is an inspiration to live right and we men who are open to the criticism of the unjust, as we are frequently, we men who give ourselves to the world, so to speak, particularly to our country, without hope of emolument or reward, do so because we are interested not in ourselves, not in our particular neighbor, but in the Nation, in the world and its advancement, in the movement forward of the human race. Most of us do not have to serve here for a living. Thank God we do not, but we choose to serve because we want a broader field in which to render the service we think our Nation needs than we could render in other fields.

As he said of his deceased friend we can truly say of him:

> He served at a great personal sacrifice. He served because he loved his country and because he loved his fellows, and he was willing to make any kind of a sacrifice that his life might not be lived in vain.

Paraphrasing what he said on that occasion we exclaim, Oh, what a man he was! and what a life he lived, and how we can afford to emulate him. It is men of his type who make for the richness of the patriotism, devotion, and unselfishness in men that build up the nations of the world and makes them move forward to better things, greater liberty, greater happiness, and greater prosperity for humanity.

Those of us who worship the Living God, although we can not always understand His ways, are fortified by our unswerving trust in Him and are comforted even in death. Though we lose those nearest and dearest to our hearts we are given the courage to say, "Thy will be done." Fortified and sustained by "unfaltering trust" death is not hideous to one who lived a life like MARTIN MADDEN'S—rather is it beautiful—this step from this world to eternity. Liszt beautifully expressed this thought when he wrote his Preludes, the theme of which is that each event and each period of our lives are but preludes to that vast and beautiful harmony which we call death. MARTIN MADDEN'S life was a series of such preludes.

And now we must say "Farewell"—the saddest word in our language. Good-by, dear friend. We will try to exemplify the courageous spirit manifested throughout your life in bearing the grief at our parting. And I must let these flowers with their petaled lips and perfumed breath speak in beauty and fragrance the sentiments which I am myself unable to utter.

Mr. TILSON. Mr. Speaker, a mighty tower of strength among us fell when MARTIN B. MADDEN went to his exceeding great reward. It would require a considerable volume to give even an outline of the work accomplished by him during his memorable service in this body, and were all told of his positive deeds and achievements, less than half would be recorded of the real worth of his service, unless a catalogue were made of the things which he, by the great force of his energy and influence, did not permit to happen. Oftentimes these quiet acts of prevention or negation required more courage, more ability, and were far more effective for good than many overt acts loudly proclaimed from the housetops.

Of MARTIN MADDEN'S public services prior to his entering Congress, and even through the earlier years of his service here, others will no doubt speak, and will doubtless refer to them more in detail than I should be able to do. I shall refer, and that very briefly, only to the crowning work of his notable career in the House as chairman of the powerful Committee on Appropriations, and to the use during that time made by him for the public good of the tremendous power and influence that he acquired both before and after he became chairman of that great committee.

The House of Representatives has been most fortunate in having men of rare, preeminent ability to serve as chairmen of the Committee on Appropriations. Going back over the list during my own service here there are to be noted Tawney, Fitzgerald, Sherley, Good, and MADDEN, all giants, and each possessing peculiar fitness and qualifications for the particular task of chairman of the Committee on Appropriations. Among these giants stands MARTIN B. MADDEN, the only one known to a majority of the present membership of Congress. It is by no means a reflection upon any one of the other men mentioned to say that MADDEN had a number of extraordinary qualifications vouchsafed to but few men for this very great task. The work that he accomplished between the time he became chairman of that committee and the day of his death stands out as one of the finest monuments that could possibly be erected to any man. Certainly during the last 25 years of our history I have known of no other that excels or equals it.

To MARTIN MADDEN came the task and the opportunity of taking up the work of the Committee on Appropriations about the time the Budget system was adopted, and he rose to that opportunity in a masterly way. It was not an easy task. A mistake made at that time might have been extremely serious. In the working out of the difficult problem involved he made no mistake. Prior to his chairmanship appropriations had been made not only by the Appropriations Committee but by a number of legislative committees, and even the appropriations made by the Committee on Appropriations were carried in a number of different bills based upon no system whatever. Under MADDEN a new policy was adopted of making appropriations in separate bills for the several departments of the Government, and although for convenience several departments in some instances are included in the same bill, in each case all of the appropriations for a department are carried in a single bill. It was a complete revolution in the mechanics of making appropriations, and MARTIN B. MADDEN was the master spirit in making this far-reaching and beneficent reform.

If only the work of MARTIN B. MADDEN as a member or as chairman of a committee, or even on the floor of the House, were taken into account, the story would be most incomplete. His influence in shaping and controlling all legislation during the time of his service here, and especially in preventing unwise and wasteful legislation, was always very great, and while it is not possible to record a tithe of the things accomplished by him along this line, I regard it as one of the things for which he

deserves the very greatest honor and admiration of the people of the entire country.

The extent of his helpfulness in the conduct and leadership of the House of Representatives can not be adequately stated, much less can it be overestimated. He was always ready to shoulder his share of the burden and responsibility. He did not duck or dodge an unpleasant duty. He gave of himself unstintingly, and when he fell, as I believe he would have chosen to fall, literally in the harness of battle, he left a startling gap in our ranks. Truly, his place here can not be filled.

Mr. SPROUL of Illinois. Mr. Speaker, it is as a friend that I like best to recall my beloved colleague who recently passed out of this earthly life. The public records are replete with the achievements in governmental affairs which proclaim him a statesman; his many years of faithful duty as chairman of the finance committee of the Chicago City Council and of the Appropriations Committee of the House of Representatives proved his wonderful ability to manage huge financial problems. His fearlessness in the cause of right, his moral courage and calm self-possession in meeting opposition, his ability to smile in the event of adverse decision—all of these contributed to the success of his contests in behalf of his party and his country. These and many other worthy attributes are familiar to us all and cause us to admire that side of his character which guided him safely and sanely through many years of public service.

But MARTIN B. MADDEN was more than a successful business man and more than a dependable public servant whose sound judgment and impartial views were sought by party leaders and Presidents. He was, to my mind, first of all a friend, for he became such to me upon our first meeting, a memorable day more than 40 years ago. Our early associations were along business lines, and always with the same feeling of mutual understanding and good fellowship which drew us even more closely together during these later days as colleagues in Congress. The same kindly spirit which manifested itself during our early business and political associations continued through the period of my service in the Chicago City Council, which office I entered the year following Mr. MADDEN'S retirement. He had served in the body for eight years, seven of which he was chairman of the finance committee.

The day that I arrived in Washington to assume my duties as Representative of my congressional district it was his hearty welcome and kindly interest that made me feel at home amid strange surroundings. Many times I have had cause to be grateful for his aid and encouragement.

In the early summer of 1925 Mr. MADDEN and I journeyed together to Germany and from there to England, where we motored for many miles through the beautiful country near Mr. MADDEN'S birthplace. I have the most pleasant memories of this trip, also of that to Biloxi the following year. Mr. MADDEN'S great store of knowledge upon all subjects, his excellent memory, his inexhaustible fund of anecdotes, and his keen sense of humor made a dull day impossible. It was during the latter trip that one day, while engaged in one of our more serious talks, I urged him to take better care of his health. When I suggested that it might be well for him to retire from public life and enjoy a few years of freedom from the arduous duties of his office he replied, "E. W., my one reason for staying on the job is because I believe that I can be of some good to the country which has done so much for me. And, besides, you know I never learned how to play."

To illustrate how thoroughly Mr. MADDEN enjoyed life under any circumstance and how deeply he loved and appreciated his adopted country, I will quote from a letter written to me aboard the *George Washington* on his homeward journey from Iceland in July, 1924. He says, in part:

> I have had a wonderful trip. Every day has added new knowledge, new vigor, a clearer vision, new happiness. Just think, I have seen the sun set at midnight and rise again within an hour in all the glory of its splendor. I have crossed the Arctic Circle and have visited lands covered with perpetual snow and ice. I have seen these northern people in their homes, and have witnessed their mode of living and their habits of life, and have marveled at their courage and hardihood. I am pleased to have made the trip. It gives me a broader outlook upon life, and new reasons for contentment. It emphasizes, as nothing else could, the advantages we enjoy. It furnishes the evidence which convinces me that we Americans are more fortunate than most other peoples and that our gratitude for the many blessings showered upon us should be unbounded. I am glad to be nearing home. The very thought fills the heart with gladness and I find myself thrilled with a new inspiration to dedicate myself anew to the cause of freedom which America typifies. We live in a land of opportunity, and it should be our pleasure, as it is our duty, by word and deed, to make ourselves worthy of the heritage which God has bestowed upon us.

Truly, MARTIN B. MADDEN, by his loyalty and patriotism, his unselfish devotion to duty, and by the application of high principles to his everyday tasks, made himself worthy of the heritage which he so dearly loved and appreciated.

Twenty-eight years ago a Chicago newspaper, in commenting upon Mr. MADDEN'S success in bringing about closer relations between employer and employee, said of him:

> There is nothing narrow nor small in this man of affairs. In the business world there are but few men of the noble type that cause all to feel confidence both in their integrity and ability. Mr. MADDEN has eminently the qualities of the man who can feel the hearts and ambitions of all classes. He is only a private citizen, trying to do his duty and doing it well, but such men as he grace the legislative halls of our land and make their constituents proud of their election. If such men as MARTIN B. MADDEN could be induced to join the highest political ranks, how much better party politics would become.

This was shortly after Mr. MADDEN had refused to become a candidate for Governor of Illinois in 1900.

In Mr. MADDEN'S passing Illinois lost one of her greatest statesmen, an honest, fearless, and loyal citizen. A strictly party man, he stood firmly for the principles of Republicanism, but his fairness and his willingness to help in the solution of difficult problems regardless of which side of the House presented them won for him a respect and confidence seldom equaled. The entire country feels the loss of a faithful and efficient legislator, but we who knew best miss, more than all, the genial smile and warm handshake of a loyal friend.

In closing I wish to quote from Mr. MADDEN'S memorial address on the life of our beloved colleague, the late James R. Mann:

> After all, what greater accomplishment can a man achieve in life than to leave the story of such a record printed in the pages of the Nation's history? I shall not say good-by, because I believe in a future. We are not to be here long, we will soon pass on, and my hope is that we will be able once again, where strife is unknown, to meet our beloved colleague on the other shore.

Mr. BRITTEN. Mr. Speaker, when Hon. MARTIN B. MADDEN passed from this earth on the 27th day of April, 1928, he was still in the full vigor of his faculties and his 74 years of life had not stemmed his wonderful energy, his tremendous courage, or his capacity for hard work, for it will be remembered by those who knew him best and who associated with him on Capitol Hill, that he was in the very midst of the congressional work he loved so well, when he was suddenly called by Him above.

Mr. MADDEN was more than a mere legislator or statesman. He was truly a giant in legislative instinct and capacity. He could almost intuitively scent the meaning, the effect, and the cost of legislative proposal as though by magic, and it was because of this fact that his words on the floor of the House carried such weight.

No one ever doubted his honesty of purpose and few dared to challenge the correctness of his statements, even when they were made without apparent study or mature deliberation.

If any man, be he a soldier, a sailor, a foreign ambassador, or a public servant, ever truly gave his life or the best part of it to his Government, Mr. MADDEN certainly did, and nothing gave him more real pleasure than a good parliamentary fight, where he usually carried his way.

It was not unusual for the present occupant of the White House, President Coolidge, or a number of his predecessors, to call upon Mr. MADDEN for advice and confirmation of ideas which affected both millions of people and millions of dollars in the Treasury, and I am certain that the Chief Executive always benefited by a consultation with the great chairman of the important Committee on Appropriations of the House of Representatives.

Mr. MADDEN was frank, fearless, honest, and outspoken. Neither misrepresentation or evasion had any place in his fine character. When he expressed an opinion his judgment was sound, his language was plain, and he never left one in doubt as to his true meaning.

It would not be an exaggeration to say positively that Hon. MARTIN B. MADDEN had actually saved for the taxpayers of the Nation a sum which would run into hundreds of millions of dollars, and he did so in an unostentatious manner which immediately designated him as a great "servant of the people."

When our dear friend Martin was taken from us so suddenly in the midst of his work, the Nation lost one of its outstanding men and public servants and the House of Representatives, or,

rather, Capitol Hill, lost one of its most outstanding national figures.

It will be a long time before another such man is presented to the Nation.

Illinois and the Nation will long remember MARTIN B. MADDEN for his words and his deeds, and legislators will follow him a thousand years from now.

Mr. CHINDBLOM. Mr. Speaker, our entire Nation shared in the great loss and grief, suffered by the city of Chicago and the State of Illinois, in the passing of the dean of the Illinois delegation in the House of Representatives, the Hon. MARTIN B. MADDEN. Irreparable was his loss, also, to the congressional district, the first Illinois, which did itself proud by giving him to the Nation's service for so many years. He was one of the great leaders in the House, a trained legislator, a noted parliamentarian, and a debater of force and clarity of thought and diction. He was a confidential adviser of Presidents and Cabinet chiefs, a wise counsellor in public as well as private affairs, a political chieftain of rare discernment. Withal, he was the truest and stanchest of friends, never failing in his devotion and service to those he loved. Perhaps his most outstanding characteristic was his indomitable courage, moral, intellectual, and even physical. No threat or fear of consequences could deter him from a purpose he had concluded to be necessary and proper. He never minced words in advocating what he conceived to be right and wise in the performance of his duty. This resoluteness of purpose was reflected in his untiring energy and ceaseless industry. He fell on the field of battle, in heroic death for his country, as truly and fully as if he had worn the armor of military or naval rank. His friends will never forget how a single gasp for breath, a last attack of fatal heart weakness, carried his soul to another world—as he himself verily believed—while he was seated in his committee room, during the noon hour, ready to continue the hearings which he had conducted but a few moments before. Thus passed a hero to his last reward.

I well remember the first time I saw MARTIN MADDEN in action at a political meeting. It was at a Republican county convention in Chicago in 1896. He and others had just successfully reorganized the party, not only in Cook County but also in the State of Illinois, following the régime of the opposition party in State and Nation from 1892 to 1896. Alderman MADDEN—for he was then a member and perforce a leader in the City Council of Chicago—was made the presiding officer of the convention. It goes without saying that the business of the convention was conducted with firmness and dispatch. It was before the days of nominations by direct primaries, and delegates to conventions nominated and indorsed candidates. In the inevitable distribution of candidacies, Mr. MADDEN was understood to be the choice for election by the legislature to the United States Senate. Ultimately this part of the program failed, under circumstances which might have embittered a smaller mind, but Mr. MADDEN cheerfully returned to the party ranks and in due course began his service in the other branch of the Congress, where we, his colleagues, and the country have reaped the benefits of his exceptional ability and ripe experience. His committee work was devoted largely to the Post Office Department and to appropriations. His service as chairman of the Committee on Appropriations was one of the longest in the history of the House. In fact, it is probably unsurpassed in length in the case of a committee having complete charge of all appropriations, as for many years the jurisdiction of the committee bearing that name was quite limited, many of the present legislative committees having jurisdiction of appropriations for their respective departments of the Government.

Under the present rules of the House and the Budget system generally, the position of chairman of the House Committee on Appropriations is probably the most powerful post in the legislative branch. The Constitution gave the House control of the Nation's purse strings as a protection against exploitation of the people by undue taxation and expenditures. The Committee on Ways and Means, in the first instance, frames the tax laws and thereby limits the revenues available for appropriations, but the distribution of those revenues among the various departments of the Government and for the multitude of purposes authorized by law is primarily in the hands of the Committee on Appropriations, and the chairman of that committee is its executive head and necessarily exercises tremendous influence, particularly in the case of a chairman of such masterful capacity and force as was Mr. MADDEN. And be it said, also, that Mr. MADDEN had the unqualified confidence and deep affection of his associates on the committee and of the membership of the House generally, with the result that he was in fact, as well as in name, the head of this all-important branch of the work of the Congress. His name will live in the annals of the House as one of the greatest chairmen of a truly great committee, and as a great legislator, a great representative of all the people of the Nation, whose highest and best welfare was the sole interest and objective of his long and useful life.

Mr. YATES. Mr. Speaker, on the 1st day of May, 1928, I wrote a letter—a letter to Mrs. Martin B. Madden. I take the liberty to present it, now, to you, as follows:

LETTER TO MRS. MADDEN

MAY 1, 1928.

MY DEAR MRS. MADDEN: I do not know where you are and so I address you at Washington feeling sure the letter will reach you.

Up to the present time I have not felt like writing to you because I could not get myself together. In other words, I could not collect myself sufficiently to express myself in a legible way. I had just received the very great shock in the Illinois primary election when there came the additional shock of Mr. MADDEN'S death.

Thirty year ago, in 1896, Mr. MARTIN B. MADDEN, then alderman of Chicago and a campaign orator of note, came to my home town of Jacksonville and spoke at a Republican meeting. I was on the reception committee and was in attendance during his visit. He was absolutely charming. His hair was black—not a white thread in it. His speech was full of figures. James R. Mann was the other speaker and he discussed the money or currency question in a wonderful historical address, but the audience was absolutely captivated by your husband.

In 1897 in Chicago occurred the election as Senator of "Billy" Mason. I was in Springfield on the night when your husband was told that Mr. Mason needed seven more votes to be United States Senator, whereupon he walked across the hall into the headquarters of "Billy" Mason and thereby made Mason Senator.

In the year 1900 he was one of the delegates who voted for me, helping to lead a great stampede of 300 delegates, which stampede nominated me for governor. During that campaign I learned to know him well.

In 1919, when I came down here as Congressman at large, there were plenty of friends to welcome me, but it was Mr. MADDEN who persuaded Mr. Mann to appoint me on a very important committee, the Judiciary Committee. In the same year we went to France together. He and I and Congressman McKinley. He was the orator of our delegation. He made 3 speeches on the transport going over to France; 2 in Luxemberg; 1 at the recreation center of the battery from Springfield, Ill.; 1 in Diekirch in Luxemberg; and twice more on the *George Washington* coming home. They were all perfect little gems of speeches.

The *George Washington* carried 9,600 soldier boys, of whom about 600 were in cots—the majority of them I think cases of amputation. At certain hours of the day 100 of these mutilated boys were brought on deck for an hour or two. I found out by accident that Mr. MADDEN was to be found with these boys during every minute that they and their litters were on deck. I asked him what he said to these boys and he said, "When I see a boy with his arm or leg cut off I sit down close to him and I say to him, 'Son, I am in the same fix as you are'; and I try to tell him how he may be useful and that he must never give up. I also tell him about the kind of stocking he should wear on his stump, and, in short, I am trying to help."

Only recently he came to my aid in the matter of an important appropriation for Springfield, Ill. I can never repay him for the things he has done for me.

I realize that no words of mine can diminish your grief, but I wanted to be among the number of those from whom you are hearing in this time of affliction.

Yours very respectfully and affectionately,

RICHARD YATES.

While the foregoing letter was and is not a letter signed by MARTIN MADDEN, but, on the other hand, a letter signed by me, it serves to show Mr. MADDEN'S conception of the golden rule and of his own duty in connection therewith. Whenever I recall to mind that trip across the ocean and back and across France, I think of Martin and the mutilated boys.

I know no better way to enable us to comprehend his idea of the office of Congressman and his aims and aspirations as to himself than to insert here his description of another Member, his lifelong comrade and friend, James R. Mann. Here it is:

Those who have served in this House at any time during the last quarter of a century will keep in their minds as long as they live the Hon. James R. Mann, of Illinois, the author of the white slave act and the proponent of the woman suffrage amendment to the Constitution, the two greatest legislative achievements that have ever gone into law for the female race, to whom he was the greatest friend and for whom he was the greatest leader in all the history of mankind. In all the time he was in this House no other legislation has been so important as to surpass these in actual service to the human race, and they alone would be sufficient to announce to the world that one of its greatest statesmen passed away when this stately column broke.

For almost a generation that great leader stood on this floor in peace and in war and in rumors of war, in toil and strife and defeat and victory, and that brilliant mind and mighty soul was never swept away by success and never succumbed to defeat. His steady figure towered above them all. For years he was the leader of a minority and fought their battles with a zest and a zeal and a skill, with an ability and courage, with a knowledge of every phase of parliamentary contest that stamped him as the greatest master of legislation on this floor who ever sat in the Congress of the United States. No attack ever found him unprepared. No victorious assault ever took the flag of his party away from his mighty hand; and when his party passed into victory and the final laurels for which he hoped did not crown his ambition, he never faltered in his stride for an instant, but accepted his defeat with a smile, as "Mr. Greatheart" only could, and that very night achieved for his party perhaps the greatest tactical and parliamentary victory ever accomplished when he unseated a Democrat and seated a Republican in this House after as desperate a struggle as was ever had on this floor, when, after an all-night contest, as the first rays of the morning sun glistened along the Atlantic, he challenged the Speaker's ruling and succeeded in overruling the decision of Mr. Speaker Clark, almost President of the United States, in a Democratic House, and so seated a Republican by one majority. No man in American history but James R. Mann could have accomplished that, and no feature of his great career more won him the respect and esteem of his colleagues than the greatness of soul he showed when he, after years of leadership, was denied the reward of his ambitions and loyally continued that fight for his party.

In his long career here he never feared to vote as he thought was just, or to take issue with the House if he thought he was right, as we all saw when he voted to seat VICTOR BERGER, of Wisconsin, though only two others joined with him in that vote; but a practically unanimous House conceded he did this because he thought it was right, and no criticism was ever made of an act which might easily have lost him the respect of many of his associates.

In all the years when the Government wealth was often at his disposal, his integrity remained spotless when he might have accumulated millions. He never hesitated to cast a vote that might easily have brought him the condemnation of the people he served. He never hesitated to do his duty, whether his services were rewarded or not.

Every word of the above eulogy or excomium above set forth is applicable absolutely to MARTIN B. MADDEN. He was a true public servant. I have at home a pamphlet entitled "MARTIN B. MADDEN, Public Servant." It shows almost incredible industry and persistence. It reminds one of the verse:

The heights by great men scaled and kept,
Were not attained by sudden flight,
But they, while their companions slept,
Were toiling upward through the night.

Mr. FRENCH. Mr. Speaker, nothing that we can say can add one whit to the imprint made upon our country through the illustrious life of MARTIN B. MADDEN, other than as we hold that life before us as a symbol of what can be accomplished by a boy of humble beginnings in free America, and by carrying forward through iteration and reiteration the ideals and programs for which he stood.

In harmony with this idea, the friends of Mr. MADDEN want to give voice to some of the thoughts that are in their minds touching the life and character and the public services of this remarkable man.

The intimate story of the man has been told by those who have known him throughout the years. His home, his devotion to his family, his devotion to his friends, all of these things in a broad way are well known. They are applauded.

There is one factor connected with the early struggles of our late colleague that impels me to give it more than passing notice. Mr. MADDEN was a poor boy. We see him struggling for the success that is the goal of every right-thinking boy who looks forward from youth into manhood's years.

Poverty constitutes no bar sinister to attainment in America and it constitutes no bar sinister to success in the ideals that belong to the kingdom where boys rule. Boys love adventure; boys love their fellows regardless of the clothes they wear or the homes from which they come; boys love nerve; they love grit; they love industry.

MARTIN B. MADDEN, through poverty, through hardship, by means of industry, frugality, and honesty, overcame the obstacles of childhood, the privations of youth, and established himself in early manhood as a successful man in business; a man who in small responsibilities, and then with increasing rapidity in responsibilities of tremendous magnitude, could be relied upon.

Mr. MADDEN was a master in the organization of men for the accomplishment of a task. His ability in this regard was accomplished through acquaintanceship in the earliest moment possible with the problem in hand; through ability to analyze men so as to pick the right man for each position; through the faith that he had in his judgment and in his associates after he had picked them; and his thorough loyalty in giving them his earnest support when conclusions had been reached.

Time and again I have seen him when I knew he was in doubt as to a course his advisers had chosen, call up the subject for fresh consideration, giving it the benefit of his trenchant and lucid observations, always intending these observations to be elements for consideration rather than decrees or dictates that were to be made a part of the plan itself. And he stood by those who were detailed to handle a particular job if he believed they had been earnest and had accomplished measurably the task of assembling data upon which their conclusions were formed.

I believe that it is an element of human nature that, generally speaking, people measure up toward that which is expected of them. Every human being who is worth while craves responsibility. He wants to have a part. More than that, if he is trusted he makes good, inspired by the trust that has been placed upon him.

Of his work here much has been told by others. To me there is one factor that probably more than any other is responsible for his success as chairman of the Committee on Appropriations, and that is the factor through which he organized his work. The Budget system had just been established. The Budget Bureau had just been organized. Under the Budget system it was planned that the executive and legislative branches of government would do close teamwork in the matter of expeditures of government.

The underlying principle in efficiency and economies in government, as Mr. MADDEN believed that principle to be and as I believe it to be, is that those charged with a responsibility shall not be personally interested in the cause for which they speak as in an appropriation that is sought.

In the organization of the subcommittees of the Committee on Appropriations Congressman MADDEN declared it to be fundamental that no special attorney should be put on a committee to plead his own case. He said the members of every subcommittee should be as free and independent in their actions as are the judge and the jurors in the trial of the issues of a case in court.

He declared that this principle is fundamentally sound for two reasons: He believed it to be sound from the standpoint of the Representative himself, who should not be embarrassed by a constituency that, without understanding all the facts, and with a point of view limited to the immediate needs of ambitions of a district, would constantly be making unreasonable demands upon a Representative if he were upon a committee primarily interested in such a way as to influence congressional action in satisfying those demands. He maintained that the Member himself was not free to give an unbiased judgment upon a demand from such a constituency. He would be the interested juror in the jury box.

It was Mr. MADDEN's soundest philosophy that it was wrong to put a man upon a subcommittee interested in the issues before the committee from the standpoint of the Federal Treasury. Self-interest, the inability of the Member to see all sides of the question—these factors would control the Member's judgment and would modify action of the committee adversely to the interest of the Government. More than that, it was his thought that if through personal interest unreasonable sums were carried in budgets for projects or purposes within the Member's district, the Member benefited in order to show how impartial he was to his fellow Members would need be equally generous toward them in their demands. The immediate result would be the expansion of appropriations all along the line.

If this second course were not followed by the members of the subcommittee, they would be charged with partiality by their colleagues upon the floor. More than that, there would constantly be a suspicion, regardless of whether or not a Member with a personal interest had permitted that personal interest to warp his judgment, that his judgment had been thus warped.

The Congress should have faith in its committees. The committees should be so organized that they will command the faith of the Congress. Members may doubt the judgment or the conclusions of their colleagues, but there ought never to be a time when they may doubt the good faith, the conscious or unconscious action of members of the committee charged with solemn responsibility.

No man in my experience in legislative work has enunciated this principle so markedly as did Mr. MADDEN.

Possibly more than most any other man I ever knew, Mr. MADDEN had a penchant for conclusions that seemed to be reached unhampered by the multitude of processes of reasoning, or assortment and assembling of data that necessarily are the

impedimenta of most minds. He saw the end. Usually his conclusions were right. Was it intuition? Was it the unconscious reaction of a mind trained in the school of hard knocks? Whatever it was, the process of mind that permitted Mr. MADDEN to reach with unerring exactness in most instances conclusions in great questions and in small was a characteristic that all men recognized.

As a man Mr. MADDEN was rugged, forceful, intolerant of hypocrisy, intolerant of sham, genuine throughout, a hard fighter, a graceful loser, a man of courage, a man of tenderness, a man who by virtue of his plain rugged elements of character had ingratiated himself into the hearts and good will of those who were privileged to serve with him in carrying forward the serious responsibilities that a trusting Nation asked him to assume.

Mr. TAYLOR of Colorado. Mr. Speaker, I know of no way to pay a higher tribute to our departed colleague than by quoting an extract from the CONGRESSIONAL RECORD of January 15, 1929. When the House had under consideration the War Department appropriation bill pertaining to matters upon the Panama Canal, I offered an amendment to the bill and made a few remarks in support of it. The amendment was unanimously adopted by the House and Senate and the bill was approved by President Coolidge on March 2, 1929, and that provision is now Public Law No. 1035.

It seems to me eminently appropriate that as the commerce of the nations passes through that great highway for the ages to come, the world should forever know that that great dam was officially named by the American Congress as a tribute to our beloved comrade and friend, the great chairman of our Appropriations Committee.

The record of that action of the House is as follows:

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Amendment offered by Mr. TAYLOR of Colorado: On page 88, line 17, following the semicolon, insert a new paragraph, as follows:

"'That in recognition of the exceptionally distinguished services in Congress for nearly 24 years of MARTIN B. MADDEN, the late chairman of the Committee on Appropriations, and in appreciation of his active and efficient interest in the Panama Canal throughout its entire construction and operation, and in recently causing the commencement of the construction of said dam across the Chagres River at or near Alhajuela, the said dam and the lake created thereby and the entire plant and the road leading thereto shall hereafter be known and designated on the public records as the Madden dam, lake, plant, and road.'"

Mr. TAYLOR of Colorado. Mr. Chairman and ladies and gentlemen of the House, I realize fully that this amendment is subject to a point of order if anyone saw fit to make it, but I can not believe there is one Member of this entire House who will not gladly join in paying this preeminently just and so richly deserved tribute to our former chairman of this Appropriations Committee. For 30 years the Panama Canal was one of the greatest, if not the greatest, of the life works of MARTIN B. MADDEN. I understand that in 1896 he wrote the plank in the national Republican platform which definitely committed the McKinley administration to the construction of a canal across the Isthmus at either Nicaragua or Panama; and from that day to his death he gave the best and most earnest work possible to the efficient construction and practical operation of that canal. For 30 years he said that "canal should be built, owned, and operated by the United States"; and he gave more skill, attention, and time to it during all that time than any other Member of this House. He had a natural aptitude for engineering and construction work.

He was instinctively a builder and financier and he always took pride in this gigantic work. A very few of the older Members will remember that in the early days of the work he made many trips to the Canal Zone and spent the days going through the swamps and jungle personally examining the conditions and slept on a ship out in the harbor. There is not a Member of Congress alive to-day who made those investigation trips with him. In recent years, as he watched the rapidly growing business and importance of the canal, he clearly foresaw the necessity of increasing the amount of water available for the use of those locks and he commenced investigating the practicability of building a large dam up on the Chagres River to impound the terrific floods of that stream for use of the locks during the dry season. He brought about that engineering survey and investigation and the location of the dam and the authorization by Congress of the construction of the dam. He was the originator and creator of this monumental engineering enterprise for which we, his colleagues on this committee, are to-day appropriating this money. He is entitled to all this and much more credit than I am able to give him in this limited time. No one can ever deny his authorship.

He is the father of this dam. It will be one of the most important dams in the world to the commerce of every nation on earth. It will enormously enhance the value and the volume of business of the Panama Canal. It will furnish sufficient water so that these marvelous locks may operate 24 hours a day and 365 days in every year, as they have got to do; and MARTIN B. MADDEN is the one who conceived and brought about this great plan. To properly appreciate what this service means to our country and to the world, both in business and convenience to the ocean-traveling public and to commerce, both in time of peace and much more in time of war, the Members and the public should study necessity and the dimensions of this dam and the quantity of water it will conserve that is now running to waste. I investigated this matter when I visited the Canal Zone a year ago, and became so profoundly impressed with the great service to humanity of our colleague in this matter that soon after my return I introduced House Joint Resolution No. 250 on March 26, 1928, in the language of the amendment I have just offered. I know the membership of this House would have been more than delighted to have passed that resolution during his lifetime. But we knew he was always opposed to naming anything after a living person and for that reason I did not press the consideration of the resolution. But alas, how soon after that was that objection of his overruled.

My thought is that instead of passing that resolution it would now be more appropriate and fitting for this committee, his committee, to insert this provision in this Army appropriation bill dealing with that canal and that dam. I feel very strongly that this action would be the highest honor that the American Congress could pay to our late honored and beloved chairman. It would be the most suitable monument that could ever be erected to his memory and to his life work. It would be a permanent governmental memorial and tribute to his great service to his country as long as the Isthmus of Panama is inhabited by human beings. It would perpetuate forever his great life work for the success of the Panama Canal. I know our action would be very highly appreciated by the splendid woman who was his life's companion, and his estimable daughter and son-in-law, and by every Member of Congress and his many thousands of friends. The word "Alhajuela" has no meaning or special signification whatever, while there is every reason that this great dam should bear the name of its creator. MARTIN B. MADDEN was an honor to Congress and to our country and a benefactor to the human race. Having served with him nearly 20 years in Congress and 8 years with him on this Appropriations Committee, I know that by the creation of this memorial to our distinguished colleague and departed friend Congress will honor itself and our country, and our act will be a perpetual inspiration to the youth of America as long as the Stars and Stripes float over our Nation. [Applause.]

Mr. CRAMTON. Mr. Speaker, as MARTIN B. MADDEN, tall and erect, his striking countenance vivid in its portrayal of intelligence, character, and power, and set off by a crown of plentiful white hair, was an outstanding figure in any company, so was he a landmark in this House and in the governmental history of the Nation. He served his country with fullest fidelity and with rare ability. In time of our Nation's greatest financial stress his great talents, his sturdy independence, his great strength of will served us well, and Americans should not forget MARTIN B. MADDEN and his service as chairman of the Committee on Appropriations.

The World War left every one of the participating powers with staggering burdens of debt. As we entered the war, our public debt was negligible, but the close of the titanic military struggle left us with a public debt of more than $27,000,000,000. The language of billions did not come into use until those war days. Hon. John J. Fitzgerald, chairman of the Committee on Appropriations in the early days of the war, would not use the term, but always spoke of a "thousand millions." And, as he would term it, our war debt was over twenty-seven thousand million dollars. In the war period taxation had been resorted to more onerous than Americans had ever thought to see in this Republic, but patriotism and the active markets of war made them endurable.

But the military struggle closed and then came throughout the world, in every country, an industrial and economic struggle no less titanic. In America those war-time taxes necessarily continued and a disorganized, nearly paralyzed nation of industry was called upon to pay them. The markets of war suddenly were closed and the markets of peace could open but slowly. Several million men enrolled in our armies, were in a few months turned from employments of war to find their way as best they might back to employments of peace. The financial obligations of the war period must be honored, but could only be met by a rejuvenated industry of peace.

The rejuvenation of the peace-time activities of America was as difficult an economic problem as this Nation will ever face. Continuation of war-time taxes was a brake upon restoration of peace-time prosperity that must be removed as rapidly and as fully as possible. Success in lightening that brake contributed

in marked degree to the restoration of normal industrial conditions, and MARTIN B. MADDEN played a great part in that.

In the few years that now have elapsed, the United States has paid all its bills as it went along, has paid off nearly ten thousand million dollars of debt, has favorably refunded much of the balance, and has three times drastically reduced rates of Federal taxation.

Such reductions in Federal taxation have contributed materially to our present industrial prosperity and such reductions in taxation were only possible because of retrenchments in Federal expenditure, the constant application of principles of drastic economy so effective as to be dramatic.

The leader in this program of economy, this lessening of Federal expenditures in order that Federal taxation might be reduced and industry revived, was, in the eyes of the Nation, President Coolidge; and too much can not be said in praise of his determined insistence upon this policy and his executive leadership that committed to the program every administrative unit of the Government. But beside him during all that period was MARTIN B. MADDEN, as chairman of the Committee on Appropriations of the House, likewise able, determined, and insistent. Through the legislative leadership of MARTIN MADDEN the Congress cordially and constantly supported the economy program. The Budget was the governmental agency that made possible the reduction of Federal expenditures in drastic fashion without injury to the proper administration of the governmental functions.

Without the cordial cooperation, the distinguished talents and the determined efforts of President Calvin Coolidge and Chairman MARTIN B. MADDEN the Budget would have been but a broken reed. No Executive, however able, conscientious, or determined, could have succeeded in that undertaking without the constant support of Congress; and the capable and effective leadership of MARTIN MADDEN as chairman secured that.

MARTIN B. MADDEN played a great part in the affairs of the Nation in his lifetime. As a member of the Republican National Convention in 1900 he wrote the plank that committed us to the building of the Panama Canal, and he never lost his helpful interest in that great undertaking. He was an authority on our Postal System.

He was always an exponent of efficient government and clean politics. At one time a candidate for the United States Senate before the Legislature of Illinois, he rejected peremptorily an offer of compromise that would have assured his election but was in conflict with his sturdy ideas of political honesty, and by his prompt action to discomfit that sort of politics he sent William E. Mason to the Senate.

All the important legislation of the past score of years was impressed by his keen business judgment and his broad vision. But it was as chairman of the Committee on Appropriations of this House in the postwar period that he rendered his greatest service.

When he became chairman the House rules had been changed, reposing in that committee all the appropriating jurisdiction of the House, and the committee enlarged to 35. The Budget plan had become a law and the Budget began to function. The billions of dollars estimated by the Executive to care for the needs of his administration were set forth in the Budget, approved by the President, and by him transmitted to Congress. Here it must meet the scrutiny of the House Committee on Appropriations.

Chairman MADDEN organized his committee as he would a great industrial concern, dividing the responsibilities among his subcommittee chairmen and securing prompt and efficient action on the immense Budget. Every item was examined and discussed and the whole brought in approved form before the House in a few weeks. Year after year the Budget was enacted into law very substantially as he approved it. The first rule insisted upon by him and always maintained was that no bill should in its total exceed the Budget total, but that all possible reductions be made. Every year under his chairmanship the total appropriations made by Congress were millions below the Budget total. It was this legislative support and cooperation that made the Budget system a success, made economy a reality, and tax reductions possible.

The appropriation of money from the Federal Treasury was never a partisan matter with him, never a vehicle for advancement of personal, community, or party interest. The expenditure must be justified on the basis of the results of such expenditure, the real merits of the proposal.

Every member of the committee serving under the chairmanship of MARTIN MADDEN knew that, so long as he stood for the public interest and the common good as against selfish interest or advantage to a few, he would have at his back the powerful influence of MARTIN MADDEN, whose integrity was known of all men and whose voice in this Chamber rang out effectively for good government.

Personally, my loss in his passing has been great. Not given to following blindly after constituted leadership, MARTIN MADDEN had my absolute trust in his integrity, his ability, his vision, his ideals. Service under him was service with him. In strenuous responsibilities, consultation with him was always helpful and reassuring. One's own ideals were bound to be invigorated and one's zeal for the common good inspired by contact with him. His friendship was a rare privilege, which does not end with his passing, but will always pervade my life as a pleasing perfume clings about the vase from which the flowers have long departed.

Mr. HALL of Illinois. Mr. Speaker, ladies and gentlemen of the House, and visiting friends, some newspapers carry a column headed "First Impressions." My first impressions of this House were of MARTIN BARNABY MADDEN. They were favorable impressions, because it seemed to me that he represented rather a cross section of this body. He seemed to be an epitome of the sterling worth of it. Keen, alert, with the Nation's business at his finger tips, his whole being radiated the spirit of a careful, thorough, businesslike grasp of public affairs.

We of Illinois had known Mr. MADDEN for two generations. His virile and active participation in our State's affairs were partially responsible for its growth and success. He had participated in its political and business life for so many years that we intuitively linked his name with the name of Illinois. But his greatness of character and business ability had gone beyond the confines of our great State and his renown as a legislative financier reached from Lakes to Gulf and from ocean to ocean.

MARTIN B. MADDEN was the pride of Illinois in a legislative sense, and with him now out of our political life we are conscious of a vacancy that may never be filled.

He held the Nation's purse strings in his capable hands. While it is a pleasure to think of him as our outstanding legislator, I love to contemplate apart from all this glory the lessons that soften to our heart his personal story.

The story is not new. He was a poor boy. His daily toil was in the rock quarries of Illinois. He bore burdens then too great for his years. But his hardships and battles for a good and noble purpose taught him to patiently overcome great difficulties; to overcome apparently insurmountable obstacles and to fight successfully the battles of life against great odds.

Here for a generation he lived amid the scenes that he loved and among his colleagues whom he loved.

Here he fought daily the battles of the people and of his country, somewhat fiercely at times but always fairly.

Here in our midst he died as he had lived among the scenes and work and people he loved. Died here almost in our presence with the harness on fighting to the last, whether winning or losing, always for what he thought was right. And when he met his last great antagonist, death, as we all must do, he lost, still fighting. He did not die in bed as most men do, but standing erect and on his feet, with his back to the wall and with sword unsheathed. He died as and where he would have preferred to die. Here amid the scenes of his triumphs and among his friends.

MARTIN B. MADDEN was one of the most kindly and helpful characters it has ever been my good fortune to encounter.

He made new Members feel at home here. He helped seasoned veterans to solve their problems.

His was a soul too big to bear a grudge.

His was a life filled full of fine and useful accomplishments.

Contemplation of his life and services brings constantly to my mind these words so applicable to him.

Toiling, rejoicing, sorrowing,
Onward through life he goes.
Each morning sees some task begun,
Each evening sees its close;
Something attempted, something done,
To earn a night's repose.

And now, here amidst the scenes of his life's triumphs and of his surrender only to death, I seem to feel his living presence among us, still sturdy, helpful, and kindly; still toiling, still rejoicing, but sorrowing—nevermore.

Mr. THATCHER. Mr. Speaker, under the general privilege accorded to Members of the House, I desire to indicate something of the affection and esteem which I held for our late and greatly distinguished and beloved colleague, Hon. MARTIN B. MADDEN, of Illinois.

Upon my first election to Congress I was fortunate enough to be placed on the all-important and all-powerful House Appropriations Committee, of which Mr. MADDEN was chairman. Thereupon he was kind enough to place me on the subcommittee—of which he was also chairman—charged with the duty of conducting the hearings upon and formulating the annual appropriation bills for the Treasury and Post Office Departments, and on this subcommittee I have ever since served. These bills, in the total funds carried, are the largest of all the Federal supply measures; and covering, as they do, the needs and requirements of these two great administrative branches of the Government, with their manifold activities, the work devolving upon this particular subcommittee, and especially upon the subcommittee chairman, is of the most exacting and responsible character.

Therefore from the beginning of the Sixty-eighth Congress to the date of his death I had the high honor and privilege to serve on this subcommittee with Mr. MADDEN, and the service was not only greatly educative and broadening in character, but it was also inspirational in the highest degree. His vast knowledge of the details of government and his ability to recall the most intimate features of legislation covering his long and active service in the House, were matters for the constant amazement of his subcommittee associates; while his splendid business sagacity and his unfailing sense of duty toward the Nation and its taxpayers enabled him, not only in our subcommittee, but also as chairman of the Appropriations Committee, constantly to solve the most difficult and trying financial problems with justice to all. As chairman of the committee, ever since the Budget system became effective, in the largest possible way he contributed to the splendid fiscal results secured in the administration of our national affairs. Indeed, the whole Budget system might have been a failure at the outset except for his wise, strong, sure leadership in Congress and his unfailing cooperation with the President and the Bureau of the Budget in the administration of the Budget law.

He always regarded himself as the representative of the American taxpayer, and he lived up to this thought. Every claim for an appropriation had to be fully made out before he would approve it; but when adequately grounded upon disclosed facts and needs, he was ready to accept it. His firm, wise policy in dealing with the subject of governmental expenditure had ever so much to do with the great work of holding to the minimum the cost of Federal Government since the close of the World War. In this work, of course, Congress as a whole, under his leadership, performed its invaluable part.

Between himself and his associates on the great committee of which he was the head, there existed the strongest possible bonds of mutual affection and esteem. The Members had unbounded confidence in his ability, integrity, and unselfish and patriotic purpose. Under his guidance the work of the committee was always free from any touch of partisanism. With him all sections were the Union. When it came to expending the billions of dollars carried in the annual supply measures there was in his mind no thought of North, South, East, or West; and this, I am very happy to say, has been, and is, the spirit of the committee.

His splendid qualities of mind and heart endeared him to all. We who had service with him here will have had that service in vain if we have not been made the better for it. I shall never forget the unfailing kindnesses and courtesies he accorded me. Association with him amounted to a sort of benediction. Each of us esteemed him as a tried and trusted friend. His splendid abilities were tempered and seasoned by an unfailing and kindly humor which lent genial sunshine and warmth to all his words and deeds. He invested all he did with the charm of a rare and most gracious personality. He performed for the Nation a service of the highest and most outstanding character.

Measured by every test he was patriot and statesman. Yet his strength was so tempered by goodness, and his goodness was so tempered by strength, that one was ever at a loss to know whether to admire him most for his strength, or to love him most for his goodness.

Of him, also, in all truth it may be said:

> His life was gentle; and the elements
> So mix'd in him, that nature might stand up
> And say to all the world, "This was a man!"

We who have survived his departure can perform no finer service for our countrymen than by keeping alive and vivid in their minds and hearts the story of his life and the chronicle of his achievements.

It may not be inappropriate to conclude these remarks with the incorporation, as a part of them, of the resolutions adopted by the House Appropriations Committee upon the occasion of our beloved colleague's death; and which, as chairman of a subcommittee appointed for the purpose, I had the honor to prepare:

RESOLUTIONS ADOPTED MAY 18, 1928, BY THE HOUSE COMMITTEE ON APPROPRIATIONS TOUCHING THE DEATH OF HON. MARTIN B. MADDEN, CHAIRMAN OF THE COMMITTEE

Whereas on the 27th day of April, 1928, at his post of duty in the National Capital, in the full vigor of his faculties, and in the seventy-fourth year of his age, Hon. MARTIN B. MADDEN, Representative in Congress from the State of Illinois, and chairman of the House Committee on Appropriations since July, 1921, died as he wished to die, and passed into the Great Beyond.

Be it therefore resolved by the committee as follows:

First. That in the death of its greatly beloved and distinguished chairman the committee has suffered an irreparable loss, and each member of it has been deprived of a loyal friend, comrade, and counselor. The sorrow thus sustained by the members of the committee may be softened only by the memory of his splendid deeds and character, and by the indulgence of the honorable pride which is theirs because of their intimate service with him, and under his wise and effective leadership, in the accomplishment of great tasks of usefulness for the Nation. As chairman of the committee ever since there came to it the greatly increased powers and jurisdiction following the enactment of the Budget act of 1921, he gave to the Nation and to its taxpayers a service of immeasurable value.

Second. That because of the important work he so long and so ably performed for them—extending without break or interruption from the Fifty-ninth to the Seventieth Congress—his country and his countrymen have also sustained a great and irreparable loss. His courage and sense of duty, his diligence and tact, his unselfish zeal, his marvelous knowledge and grasp of the fiscal and other affairs of the Nation, his broad experience and wide sympathies, his rugged honesty and sense of justice, and his sturdy patriotism were qualities that made him, throughout a great generation of our American history, an outstanding figure in the conduct of our national affairs. Self-made in the best and fullest sense of the term, and holding, always, the unstinted respect and esteem of his fellow citizens, his career epitomized and exemplified the richest and noblest values of American life and enterprise. Possessed in the highest degree of the "common touch," ripe with years and honors, and universally beloved, he has gone to his great reward; and his splendid life and achievements have become the heritage of the Nation, and the memory of them a vital star in the Nation's firmament.

Third. That his faithful companion and helpmate, and the other members of his family, have suffered a bereavement which only time, faith, and the remembrance of his rare and noble character and of his all-embracing love and devotion for them may alleviate; and the committee, and each member of it, conveys to them the assurance of a profound sympathy and a tender solicitude.

Fourth. That these resolutions be made a part of the records of the committee, and that a copy of them be furnished to the bereaved family.

Mr. WILLIAMS of Illinois. Mr. Speaker, the story of the life and achievements of MARTIN B. MADDEN reads like a romance.

Born in England, he came with his parents to Chicago when four years of age. This marvelous city became his home, and amidst its teeming activities his sturdy character was moulded. Thrown on his own resources while yet a boy he soon demonstrated marked business ability. Before he had reached his thirtieth year he was recognized as one of the outstanding business men of Chicago. He had accumulated a great fortune at an age when most men are just starting on the road to success.

Mr. MADDEN'S first public service was in the City Council of Chicago, where he served for eight years. During his service in the council he was its dominant member. It was here, as chairman of the finance committee of the council, he first demonstrated that genius for fiscal affairs that was later to give him nation-wide fame as chairman of the Appropriations Committee of the House of Representatives. He retired from the city council in 1897 and did not again hold public office until he entered Congress in 1905.

When he entered Congress he withdrew from the control and management of his extensive and varied business affairs and devoted himself wholly to his congressional duties.

For 23 years, almost a quarter of a century, his great abilities and his tremendous energies were exerted exclusively for his country's welfare. He early rose to a position of prominence in the House of Representatives. He maintained this eminence throughout his entire service and grew in power and leadership with every session, and on the day of his death wielded more influence and power in Congress and throughout the country than at any other time in his career.

His success in Congress was not accidental. With his fine natural abilities, his boundless energy, and unflagging industry, ordinary success or failure was not possible. His accurate and seemingly inexhaustible fund of information on matters coming before the House for discussion was amazing. While he specialized in matters relating to the Postal Service, and during the later years of his service to the collection and disbursement of the vast revenues of the Government, he did not confine his attention to these subjects alone. He participated in every important discussion in the House of Representatives for more than 20 years. He was always accorded the respectful attention of his colleagues, and he never failed to impart pertinent and useful information on every subject he discussed. He was listened to because he always had something to say. He never talked to the galleries. He never spoke merely that his position and his views might appear in the RECORD. When he spoke it was to voice convictions based on accurate information obtained from exhaustive and impartial investigation.

His great work as chairman of the important Committee on Appropriations has been fully set forth by his colleagues on that committee. I shall not undertake to enlarge upon what they have said. How ably he discharged the important and exacting duties of that high office is known by all his colleagues and is fully appreciated by the entire country.

He was a great chairman of a great committee, and his conspicuous service as such in the closing years of his active and eventful career insures for him enduring fame and a high place in his country's history.

Mr. Speaker, the friends and associates of MARTIN B. MADDEN like to believe that his earthly career closed in a way and under circumstances he would have desired. He died at the post of duty. Weakened in body by advancing years and excessive labors, he retained to the last minute the full possession of all his faculties.

Those of us who were privileged to observe him on the floor of the House the day he last appeared there can never forget the scene. Amidst the confusion and turmoil of the morning hour over matters on the Speaker's table this marvelous and many-sided man, this legislative veteran, rose in his place and in that penetrating, compelling voice characteristic of him said, "Mr. Speaker, I demand the regular order." Confusion subsided and the House proceeded to the legislative program for the day. The tall form of MARTIN B. MADDEN was seen leaving the Hall for the last time. Within 10 minutes the House was stunned by the news that he was dead.

Seated at his desk quietly conversing with his lifelong friend and associate, his colleague in Congress from an adjoining district in the city of Chicago, the Grim Messenger delivered his summons and MARTIN B. MADDEN fell dying into the arms of his friend.

There was peculiar appropriateness in ELLIOTT W. SPROUL'S presence at the scene when death came to MARTIN B. MADDEN.

For a full half century they had been devoted friends. There was much in common between the two. Their lives in many ways paralleled each other. MADDEN born in England, SPROUL born in Nova Scotia, they met in the great city on the Lakes when they were struggling young men just starting in life, each without money and influential friends. These two young men were destined to go far in life. They succeeded in business and they succeeded in politics. They each served in the city council and finally met in the National Congress as colleagues. How fine a thing it was when this friendship, a friendship as pure and devoted as that of Damon and Pythias, was interrupted by the death of one of them, the two should be together and alone.

MARTIN B. MADDEN is gone, but his influence lives on. His remarkable career is an inspiration to every poor boy in America. Coming to America a poor immigrant boy he rose to eminence and wrote his name high on the roster of those who do big things.

Gifted by nature with rare qualities of mind and of heart, he grasped the wonderful opportunities our free institutions afford to young men of ability and character. His threescore and ten years were worthily spent and the world is better by the fact he lived in it.

He lies buried in an humble little country cemetery in the broad prairies of Illinois, the State he loved so well and so conspicuously served. His last resting place is in sight of his magnificent country home, where he enjoyed so many happy years, and in a community where he spent his boyhood days.

He was a man in every sense of the word, able, courageous, industrious, devoted to his family, his friends, and his country. He fought a good fight, he kept the faith, he has run his course. His memory and his good influence will long remain.

Mr. MORROW. Mr. Speaker, I wish to contribute in my humble way to the tribute of esteem and respect that will be paid, and rightfully so, by Members of Congress upon both sides of the aisle, regardless of political faith, to the life and character of our late lamented fellow Member, Hon. MARTIN B. MADDEN.

Much comment is made to-day in the Nation against the foreign-born citizen. The late Representative MADDEN was a fine, outstanding example of one who was foreign born but who served this Nation with great credit and marked benefit to all its people.

He was a great factor in the upbuilding and development of the country, both as a private citizen and in his services as a Member of Congress for nearly a quarter of a century. During the last several years he served as chairman of the very important Committee on Appropriations.

His life, like that of many other Americans who have gained renown and whose life work merit consideration, was begun under much hardship and amid humble surroundings. Coming into the world with a good physical make-up, he passed through struggles and hardships to success, honor, and respect not only of his own city of Chicago but of the entire Nation. Early environment of industry, integrity, honesty, and love of home has a great influence on the character of an individual. The life of the late Member reveals all this; it also presents the outstanding characteristics of his life—temperate and religious; a man who believed in a Divine Ruler, whose laws should be obeyed as well as the laws enacted by man.

This training was instilled in our late colleague in his youth by the influence of hard-working, faithful, and loving parents; their teachings endured during his entire life.

As a youth young MADDEN was employed as a water carrier in a stone quarry near Chicago, and he was therefore compelled to secure much of his education through night-school study. Here was a young boy who, as soon as his salary permitted it, paid his parents for his board in order that he might be of assistance to them. This water boy had visions of a future, and while he toiled by day he studied by night, preparing himself to compete for success in his adopted land of opportunity—America.

From water boy he rose to be the directing genius in the great quarry enterprise, serving as its engineer, architect, and finally as superintendent over men for whom he had carried drinking water.

Later Mr. MADDEN entered public life and became active in the affairs of that growing western city, Chicago. He was a member of the city council and became its presiding officer. He also served as chairman of the finance committee for a period of seven years; it was in this important position that he perfected a system of cataloguing the indebtedness of the city, so that every obligation was indexed and systematized. This experience was later on of very material assistance to him when he served as chairman of the Committee on Appropriations of the House of Representatives, in which capacity he served until his death.

It can be truthfully said that the late Representative as chairman of that committee, by clear-cut business methods and by his firmness in standing against unnecessary appropriations and extravagance in Government, saved not millions but the amount would run into the billions of dollars for the American taxpayers. His faithful and efficient service in this respect will never be fully appreciated. It is said of him, by those closely associated with him during the World War, that he was the one man who was always ready to back every move of the Government by sponsoring proper financial legislation which would assist in bringing that war to a successful conclusion.

MARTIN B. MADDEN was a partisan in politics, yet he was most fair in his efforts in behalf of his party. He was active in the legislation in behalf of the building of the Panama Canal, and he largely caused the Republican Party to foster the project. In this enterprise he foresaw great protection to this Nation as well as an outlet for commerce from the countries bordered by the Atlantic and Pacific Oceans. His active spirit and foresight attracted the attention of President Roosevelt, and during his administration that President appointed MARTIN B. MADDEN as chairman of the important committee which was to determine and report to Congress whether the Panama Canal was to be constructed as a sea-level canal or as a lock canal. The previous training of Mr. MADDEN fitted him well for the study of this important matter of Government expenditure. His knowledge of engineering was brought into play in his study of this problem. He succeeded in convincing the committee, against the recommendations of the Government engineers, that the feasible thing to do to save time and money in the building of the canal was to construct the lock canal. This report was made to Congress, and after much struggle his ideas were adopted and the canal

was constructed as a lock canal at a cost, it is said, of one-half the amount which would have been expended for a sea-level canal. The locks now bear the name of "Madden Locks" by legislative act of the Seventieth Congress; this act was introduced and fostered by Congressman EDWARD TAYLOR of Colorado.

Keen knowledge of his subject and the force of character portrayed in fighting for his ideas made MARTIN B. MADDEN a success in his private and public career. Regardless of a great physical handicap, in the loss of one of his lower limbs during his early life, he carried on as one who had no physical defect.

It is with a feeling of sincere affection and appreciation that I pay my tribute to his memory. In so doing I desire to relate my early experience in Congress and my first contact in legislative matters with the late Representative. At the time I first came to Congress the farmers of New Mexico had suffered the loss of crops from a drought of some two years; added to this situation was the deflation at the close of the war which caused the Federal reserve banks to call the livestock loans of the stockmen of the State. This produced a condition which forced the stockmen to sell their livestock at prevailing market prices, which sometimes were but a trifle above freight charges. The result was that the livestock men were not able to meet their obligations, and more than 50 per cent of all banks in the State were closed. The farmers were compelled to ask the Government for a seed loan in order that they might cultivate their land and produce a food crop. The appeal of the New Mexico farmers caused the introduction of a bill in Congress to loan to the farmers of the State $1,000,000 for seed purposes, the loan to be repaid from the crop. Hearings were held; the bill passed the Senate and came to the House for consideration. In order that the bill might be considered on the floor of the House it was necessary to obtain time from the chairman of the Appropriations Committee. This was my first experience in Congress. I applied to the majority leader, who referred me to Chairman MADDEN. The majority leader did not give me much encouragement, as he said that the committee was anxious to dispose of the important appropriation bill; however, he suggested that I take up the matter with Chairman MADDEN.

I immediately proceeded to the office of the chairman and asked him for an interview. Unable to see me that day, he told me to call at 11 a. m. the day following. At the appointed hour I called and placed before him my request for an hour's time on the floor for the consideration of the bill granting a loan of a million dollars to the farmers of New Mexico for seed purposes. Mr. MADDEN immediately replied that he was opposed to this form of legislation; he believed that the matter should be handled directly by the State. I informed him that owing to the deflation and bank failures the State was in no financial position to meet this problem. I outlined the matter to him fully, and his final reply was: "In view of the fact that this Congress has seen fit in the last two days to pass legislation granting millions of dollars for the relief of the citizens of Germany, it would appear to me that Congress can afford to lend a million to your farmers in New Mexico. I will grant you the time to present your bill."

This concession was a great relief to me; I had been under great strain for two months trying to get this bill on the floor; telegrams and letters kept pouring in urging that I pass the legislation. This was my first introduction to and contact with Representative MADDEN. The legislation was presented at the time allowed by him and the bill was passed, thus giving the relief sought by the farmers of New Mexico.

From that time on, upon many occasions, when I had legislation he would inquire as to the bills, my explanations always seemed to satisfy him. Our first meeting seemed to have given him an understanding that I was not asking anything unfair.

The six years I served in Congress gave me a clear insight into the character and very valuable services of MARTIN B. MADDEN. He scrutinized legislation carefully, aiming always to safeguard and protect the rights of the people. I also noted the great confidence the Members of the House had in his judgment and the high esteem with which they regarded him.

In my opinion no Member of Congress has ever rendered better or truer service in legislation than did our late beloved colleague, MARTIN B. MADDEN. It can be said that he cut short his own life in his devotion to faithful service to his Nation. The life and success of our late friend and fellow Member should be an inspiration to every American youth as to what may be accomplished by clean morals, industrious living, and honesty of purpose.

His was an honorable and successful career. In the words of the Bible—

Blessed is the man that walketh not in the councils of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is the law of the Lord and in His law doth he meditate day and night.

MARTIN B. MADDEN obeyed God's law, and observed, obeyed, and respected the laws of his country.

THADDEUS C. SWEET

Mr. CULKIN. Mr. Speaker, THADDEUS C. SWEET was born in the village of Phoenix November 16, 1872. He was therefore only 55 years old at the time of his tragic death. He was of Revolutionary stock, his great grandfather being on the staff of General Washington in the Revolutionary War. His people were in modest circumstances, but gave him a high-school education. He then entered the business world, where his rise was rapid. The remarkably sweet and happy disposition with which he was blessed, combined with great power of application and a real genius for detail, enabled him to forge steadily to the front. He entered the paper-manufacturing business, in which field he became one of the leaders. He was the type of man who has made America industrially and has given to business dignity and ethical standing. His relations to his employees were close, intimate, and sympathetic. His employees' problems were his problems and his service in their behalf was available at any time of the day or night. His success in business was striking and is an example of the rise from modest circumstances to a position of comparative wealth which typifies the growth of our Nation.

In the days of Greece and Rome fame and reputation came to those who served the state best. This is likewise characteristic of our Republic. The memory of THADDEUS C. SWEET will be kept alive and immortalized by his brilliant services to the State and Nation. He entered the field of politics actively in the year 1909, when he made his first canvass for member of assembly. At that time Charles E. Hughes was Governor of the State of New York. Governor Hughes advocated certain basic reforms in the conduct of the Commonwealth. One of these reforms was the establishment of the direct primary, wherein the people in an orderly way might express their preference for their public officers. THADDEUS C. SWEET was what I might term a "practical idealist." In addition, he had an abiding faith in the sound judgment and fairness of the American people. He believed with Governor Hughes that many of the abuses which were incident to our Government would be wiped out by vesting the power to name candidates for office in the people rather than in a small group of hand-picked, boss-controlled delegates. He entered the assembly and stood shoulder to shoulder with Governor Hughes in the enactment of this and other great reforms.

He served as a member of assembly from 1909 to 1920. In 1914 he was elected speaker of that body. His career in the assembly was marked by an unflinching devotion to legislation that stood for morality and law enforcement. His administration of the great office of speaker was as spotless as a star. Wielding the power of his office for six years, he drove the "money changers out of the temple." During his administration legislation was no longer bought and sold. Unflinching on any public proposition, where he believed he was right, he stood resolutely by his guns. During this sometimes stormy service as speaker some of the time with an adverse governor and senate, he made no personal enemies. His political opponents were wont to pay him this tribute, "THAD SWEET is a square fighter, and his word when given is never broken."

He will be best remembered by his part in the socialist ouster in 1919. This little group in the assembly, which attempted to block war legislation, had made their allegiance with the Soviet of Moscow. Speaker SWEET took the position that their oath of office was a mockery; that they could not properly be part of any constitutional popular assembly. Under his leadership and through his driving power and insistence these men were ejected from the assembly. Speaker SWEET was warned that the resident internationals of this particular group and the intelligentsia, so called, would dim his rapidly ascending political star. Men high in the council of his party, in the State and Nation, urged him to desist from this course. His intimate friends, hopeful of his further rise, counseled against this ouster, but he was adamant. Fully mindful of its effect on his own political future he considered only his duty to the State and to the Republic. I have said that this group of antisocial legislators were expelled. They were sent back to their dingy halls where the red flag was waving and the bloody deeds of the Russian Soviet glorified.

I have no hesitation in saying that this act, the consequences of which Speaker SWEET well knew, prevented him from being nominated and elected Governor of New York in the year 1920. I know personally he never had any regrets about the loss of the governorship. We all know that since that time the So-

cialist Party has waned in the congested sections of New York City. We know that no Socialist has been elected to the New York State Assembly since 1920. This was a great service to the State and to the Nation, which will cause his memory to live long in the hearts of thinking Americans.

The legislation which went on the books in the years when THADDEUS C. SWEET was speaker of the assembly was forward looking, sane, and progressive. Venality was banished from the legislative hall and the labors of our revered dead were thoroughly constructive.

He retired from the assembly in 1920, pursuant to an ardent desire to return to his gentle wife and loving family and to his business affairs. But the public could not let him rest. Upon the death of Congressman Mott there was a demand from all over the congressional district that Speaker SWEET go to Congress. He did not wish to go. He wished to enjoy the surroundings and serenity of home life, to care for his greatly increased business and incidentally to play in the great outdoors. He was an ardent sportsman and loved the quiet of the woods and streams. But the public was not to be denied and he was again drafted into the service.

His rise in Congress was phenomenal. In this body, where length of service is controlling, his wonderful personality caused him again to forge rapidly to the front. At his death, after only five years' service in Congress, he was a member of the powerful Ways and Means Committee. He had come to be much loved by his associates.

One of his most outstanding characteristics was his devotion to duty. Coupled with this was modesty and personal charm. Another of his assets was willingness to serve. No public man of our day served more zealously or more willingly for his constituents. He threw into the scale all his vitality in endeavoring to serve them in connection with their expressed wish. The humblest constituent of whatever party found Congressman SWEET ever ready to serve him. There was no limit to his zeal or to his energies when something was at stake for one of his constituents.

I have spoken of his attitude toward duty. Congressman SWEET died on duty. Like a soldier on the firing line, he went to his death endeavoring to reach Oswego, N. Y., to participate in certain civic ceremonies there. Delayed by other engagements, the only way he could reach Oswego in time was by airplane. Influenced by his ever-youthful spirit and his unwillingness to disappoint his Oswego constituents, he undertook the journey by air, which resulted in his tragic end.

The passing of this citizen amounts to a positive calamity.

Mr. PARKER. Mr. Speaker, the death of THADDEUS C. SWEET, of Phoenix, N. Y., meant a triple loss to me—the loss of a warm personal friend, the loss of a member of the New York delegation in Congress, who was devoted to the interests of his State and his party, and the loss of a man who in a comparatively short time in Congress was already rendering conspicuous service to his country.

I served with TAD SWEET in the New York Legislature for five years. After I left the legislature to come to Congress, he became speaker of the New York Assembly, and the fast friends he made there, as well as the ripened political experience he gained in this position, fitted him for the leadership he rapidly attained in the House of Representatives. Throughout his 19 years in the public service he made unending friendships. His affable and happy manner, his courage, his vigor, and forthrightness made of him a true friend and a valuable political ally.

In only his second term in Congress Congressman SWEET was appointed a member of the Ways and Means Committee of the House of Representatives, an unusual distinction for a new Member of Congress. His sudden and shocking death in an airplane accident as he was rushing on a friendly mission to his constituents occurred just a few days before he had planned to go with a group of agricultural leaders to confer with President Coolidge on the best method of raising the tariff duties on agricultural products as a means of increasing the prosperity of American farmers.

Were he with us to-day he would doubtless be an important factor in solving the great problem which confronts us in the special session of Congress beginning next month. As the representative of an agricultural district, as a member of the Ways and Means Committee, as a business man of notable experience and success, he has devoted much study to the question of tariff protection for the products of the farm as well as the factory. He would have made a valuable contribution to the tariff readjustment now being planned.

A self-made man in business as well as in politics, Congressman SWEET had risen in business from a clerk in a clothing store to president of a paper manufacturing company which he and his brother organized in his early manhood; and in politics from the ranks of those who serve their country when they cast their ballots to one who, at the time of his tragic death, was being urged to become a candidate for Governor of the State of New York.

He never gained political influence at the loss of personal friends. He rose not at the expense of others but by the force of his personality and ability. The men who worked for him, the men who worked with him, the men for whom he worked, loved him.

It is now just 10 months since an inexplicable accident took from the Halls of Congress and from a vast and ever-widening circle of friends the popular and influential figure of THADDEUS C. SWEET. We still feel keenly the lack of his cheerful greetings in the corridors and his sound counsel on legislative matters. We shall not soon accustom ourselves to our loss.

Mr. SNELL. Mr. Speaker, THAD SWEET and I were personal friends for more than 30 years. Back in the late nineties I was traveling salesman for the Racquette River Paper Co. and sold ground wood pulp to SWEET and his brother, who ran a small tissue-paper mill at Phoenix, N. Y. This casual business acquaintance soon ripened into a warm personal friendship which lasted until his untimely and tragic death.

For many years he had been a member of a hunting and fishing club made up largely of men from Potsdam, my home town, and was a familiar figure on our streets as he came from and went to the Granshue Preserve. He was as well liked and as popular there as he was in his home town. Everyone liked THAD SWEET, for he was a genial, whole-souled, manly man, the kind of a man that made friends everywhere he went. He loved life and the things that went with it, and always did his part to make everyone around him enjoy that same happiness that was so characteristic of his everyday life.

He was a man of robust health, rugged and strong. No task was too hard, and the word "failure" was not in his vocabulary. He was a natural leader of men, and it did not take the House of Representatives long to discover the kind of a man he was or to recognize his unusual ability. No man of equal term of service has more impressed himself on Congress than did THAD SWEET, and no man has left a greater number of friends to mourn his tragic death.

When he came to Congress he was no novice in legislative work, for his long service in the New York Assembly had well fitted him for the work in the House of Representatives. Had his life been spared, he would have filled as important a place in Washington as he had previously filled in our State capitol at Albany. There he held the important position of speaker of the assembly for seven terms and rendered able and distinguished public service.

He was frank, open, honest, and above in all things. He was one of the few men in public life that had the courage of his convictions. You could always find out where he stood on any public question, and you did not need to go around the next day to see if he had changed his mind.

He had the health, vigor, ability, and courage to make him a most valuable public servant. His sudden passing was not only a loss to his family and friends but also to the American Congress. We need such men as THAD SWEET in public life and can ill afford to lose them.

I know I express the feelings of every Member of the Seventieth Congress when I say we deeply mourn the untimely death of a trusted friend and valuable Member of the House of Representatives. Such was THADDEUS SWEET.

Mr. CULLEN. Mr. Speaker, putting one's thoughts into language that will properly express one's feelings toward departed friends is indeed a hard task. To pay fitting tribute to a statesman like THADDEUS SWEET is doubly difficult because his untimely and tragic death is not only a loss to his family and numerous friends, but is a loss to the Empire State and the Nation as a whole.

I knew THAD SWEET; in fact, I sat next to him in the legislature of our State at Albany. I knew him to be a man possessed with the highest and noblest principles; always quiet, modest, sincere, evenly balanced, and at all times kind and friendly to those who came in contact with him.

He served his State as speaker of the assembly from 1914 to 1920, with a high purpose and ability, and with great credit to himself, his family, and his State. As a member of the Committee on Ways and Means he had the respect and love of the membership of the House, who at all times held him in the highest esteem.

His untimely death, unexpected as it was, shocked and grieved me. I always found him kindly and affable, sincere and sympathetic, considerate and courteous, and I am more than glad to have the opportunity of paying tribute to his memory.

This House was honored and dignified by his presence. The great State of New York is better because of the great service he rendered to it and the community in which he lived profited in him as its Representative.

During my melancholy privilege of attending his funeral I saw at first hand an abundance of evidence in testimony of the honor and reverence of his immediate fellow citizens. It was deeply impressed upon me that though these mourners must turn away from the grave marking his eternal resting place there would be no turning away from his memory, enshrined forever in the hearts and minds of those who loved and knew him best.

The individuals who stand out in prominence the world over are the ones whose honesty and simplicity first attract you and whose gigantic ability to perform their tasks afterwards impress you.

It is well that we in life should in the midst of life's activities pause to sacredly observe an occasion like this and to drop a flower and a tear in the memory of our departed friend. In the exercise of this high but sad duty we not only confer some measure of honor upon him who has gone to the great beyond, and from whence no traveler returns to greet us again on this material earth, but we at the same time cultivate our own conceptions and understanding regarding the highest of things. "That is what we call life here and life hereafter."

I personally deeply mourn the passing of THADDEUS SWEET; he typified the highest ideals and the very noblest and best American manhood and statesmanship. How wonderful and noble it would be if we would all keep green the sainted memories of our loved ones, their faults forgotten, their virtues enshrined in our hearts forever.

Mr. MEAD. Mr. Speaker, the names of the illustrious dead in whose honor this House has assembled in a beautiful and solemn ceremony will be dealt with in the pages of this RECORD by friends and colleagues, who through years of fellowship and close association are qualified to do justice to their memory. Availing myself of the invitation so graciously extended to us by our distinguished Committee on Memorials, it is my purpose to lay my tribute at the shrine of THADDEUS C. SWEET, formerly a Representative from the State of New York, which it is my honor and privilege to represent in part in this House.

It was my good fortune to know Mr. SWEET some years preceding his advent to the larger field of membership in this body. Our acquaintance goes back, sir, to the days when we were together associated in the Legislature of New York. There I early recognized his sterling qualities and great ability and was enabled to follow carefully and approvingly the meticulous care and thoroughness with which he handled the many important and conflicting problems that came before us for solution. For four brief and happy, as well as to me very fruitful, years, we did our part together, and I can say of my deceased friend that the lines of demarcation were never drawn on a political basis when the interests of our State were involved. All of these years he was the speaker of our branch of the legislature and I can cheerfully say that he was the embodiment of the fair and square presiding officer under whom every member received his full measure of recognition and courteous consideration. As speaker he did me the great honor in 1916 to add my name to the list of those who represented the State of New York at the Panama-Pacific exhibition held in the city of San Francisco. He was very active in the business life of his community, and finally found it necessary to separate himself from his public work and direct his great energy to his private and rapidly increasing business enterprises. It was the avowed determination of our friend to leave behind him the cares and responsibilities of public service and take up instead the various personal commercial interests which his unusual business genius had fostered and developed. But, alas, in this instance the man proposed, but the people decided, and his resolution was of short-lived duration. So we find him back as the Representative of his people, but in a higher and a larger field in the Congress of the United States. The leaders of his party came early to realize his exceptional ability, and he attained a place on the great Committee on Ways and Means in an incredibly short period after his election. His worth and usefulness in his work is gladly certified by his committee colleagues without regard to party, and his affability, kindness, and courtesy endeared him to all.

Mr. Speaker, the district he served so conspicuously in this House needs no encomium from me as to the rare discernment they displayed in his selection. They selected a man who never forgot to serve them faithfully and well, and he fulfilled his duty as God gave him the power and the inspiration so to do. We all sympathize with his bereaved family, but our words can not assuage their sorrow. Still in this solemn hour devoted to a contemplation of his character and accomplishment it will be comforting to those who loved him in his life to recall that though his distinguished career is closed he has left behind him the heritage of a great name respected and honored throughout the Nation.

To live in hearts we leave behind is not to die.

Mr. O'CONNELL. Mr. Speaker, this day we meet in this historic Hall to commemorate the memory of 10 of our beloved colleagues who, in the period from July, 1927, to December, 1928, have been called upon to pay the final price to which flesh is heir.

Death has exacted a heavy toll, and thus through this undeniable messenger's summons 10 friendly and revered associates are missing from this meeting. Nevertheless, because of our sublime faith in Almighty God and our belief in His infinite wisdom, and bowing to this mandate with resignation and respectful deference, we know that these spirits of the illustrious dead are looking down upon us in this hour while we assemble to pay tribute to their worth and to their memory.

Many of my colleagues will seize this opportunity to extol the virtues of our deceased friends who because of years of close and intimate association have the right and the privilege to speak.

The great State of New York, which I have the honor to represent in part in this House, has the name of one of its cherished sons in the list of those in whose honor these very beautiful services are being held to-day.

THADDEUS C. SWEET, whose tragic end on May 1, 1928, shocked our membership, came among us in the Sixty-eighth Congress. None would imagine that this quiet, inoffensive gentleman was the embodiment of all that statesmanship represents—as a result of unexampled service to his great Commonwealth.

His ancestry was of sterling American stock, for his great-grandfather was on the staff of George Washington in the struggling days of the War of the Revolution.

After a common-school education he entered the high school at Phoenix, N. Y., in the town that gave him birth and which during his short career in the House he so conspicuously represented. His was no bed of roses; he had to make his way in the college of "hard knocks," of which some writer once said the colors are "black and blue." Slowly but surely he climbed the ladder of achievement until in 1895 we find him in the manufacturing business, finally becoming the president of the company and chairman of the board of directors of a great trust company.

In 1909 he was sent to the New York Assembly, in which during 1914 to 1920 he officiated as the speaker. All of his colleagues who served with him during those years, regardless of political affiliation, are unanimous in his praise as a fair, square, and kindly presiding officer.

On occasions like this, Mr. Speaker, we can but think of the serious problems of life. We wonder whence we came and whither we are going; what it is all about, and whether death is the end, or whether the tomb is but a gateway to an eternity of opportunity.

It can not be that our very short existence upon earth is the end. There is that within us which speaks unerringly of another life, broader and higher and better than this. It can not be that the years of toil and strife and affection and preparation of a life well lived end at the grave. Another life beyond the mystery we call "death" is prophesied with certainty by that unceasing and unsatisfied hunger in the human heart for something better than we are. Life is not broken, but continuous and unending. The deep, unfathomable mystery of being remains unsolved. The beginning of life we know not, yet we know that we are, and we know that we shall continue to be, united beyond the grave with those loved ones who have gone on before.

We think sometimes that perhaps death is the end of the feverish journey of life, but that is because our poor, weak human vision is so limited and so shortsighted.

Too often our good deeds weaken and die in the memory of men, but every human being soweth seeds which grow and multiply. In the crush of human emotions not all the good will fructify and neither will all the evil flourish, but like a great oak whose branches are strengthened as they increase their gracious shadows, so deeds of kindness strengthen the human heart. So grew the generous nature of this man, honored by the populace, until often the distress of others became his very own, and by the touch of his helping hand their heavy cares were rolled aside.

I do not know what creed he professed; I know not what church cast its sanctified mantle about him, neither shall the records of justice take note of these, for it is written in the roll of heaven that he was charitable, he was generous, he was kind.

Mr. Speaker, the herald of death oft gives no day of grace, as in the case of him of whom I speak, and when from the shadow came the summons to attend the last roll call in the house of life it found our friend yielding willing tribute to friendship—it found him giving aid to others.

Fate silently beckoning, held aside the veil and he entered, to return no more; but to-day, on the face of the cliffs of time, we will chisel his name and beneath it subscribe the humble tribute: He gave aid and comfort to his fellow men.

So let us not so much mourn that he is dead, but rather let us rejoice that he has lived. Let us not think so much of his untimely taking off, but rather of the fullness of his life. Poets for ages have sung of the sadness of death when it comes to a man of full life and vigor, to one still ready and willing to do a man's part in the world of men, yet the Greeks personified death by a beautiful boy crowned with immortal youth, and somehow that ideal seems fitting. For the deeds of man, the lesson of his life, and the good example he gave will live forever, and their rejuvenation from one generation to the other may well be exemplified by youth. Stricken in life's prime, in the fullness of a splendid usefulness, TAD SWEET left to his family, to the people of his district, and to us a monument more enduring than marble and a heritage more precious than gold.

Peace and death's beauty to his heart to-day,
Who is not dead, but only gone away
To sleep a little, as a child who goes,
When twilight folds the petal of the rose.

Mr. BLACK of New York. Mr. Speaker, active and in demand as TAD SWEET always was he never at any time was brusque or curt with his fellow man. Officially he had tremendous responsibilities, but they did not weigh on him so heavily that he forgot the thoughtful deeds that public men are apt to overlook.

I knew him well in both Albany and Washington. He was an alert legislator and a man of wise and ready decision. As speaker of the Assembly of the State of New York he never let partisanship blind him to the fair play that characterizes the big men in the political world.

The reputation for high-mindedness he won at Albany he carried with him to Washington, where it was recognized nationally.

His untimely end was not only a terrible catastrophe to those who loved him but it cost the Nation a vivid personality whose contribution to our welfare in the short time of his congressional service was most substantial.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, I desire to pay my tribute to the memory of our departed friend, THADDEUS C. SWEET.

On the first Wednesday in January, 1910, he and I walked up the hill to the State capitol at Albany. Both of us were fledgling members of the legislature. He from the northern part of our great State, and I from our great city. Although of different political faiths, a friendship was formed between us that lasted through all the years until his untimely and sad death. We saw much of each other, and I was always happy to have him visit me.

We worked together at Albany for 11 years, 6 of which our friend was speaker of the assembly of the State. Again it was our good fortune to meet and work in the House of Representatives, both of us coming here in the Sixty-eighth Congress.

His was a splendid and pleasing personality. He early developed a keen insight into legislative work and practice. He was devoted to the interests of his State and country. His last speech on the floor of the House was in support of a bill to repay his native State funds advanced to the Government during the War of 1812. He always spoke his convictions and supported them by his vote. He was always inspired by the highest motives in his public work, and he considered the welfare of the Nation alone when charting his course.

He was a man of sterling courage and a splendid friend. He was ever willing to allow for the faults and omissions of humankind; and his temperament was kind and gentle.

I shall ever treasure my friendship with him, and I know that the knowledge of it will always be an inspiration and help to me in the trials and vicissitudes of life.

He completed the work allotted to him here; the result—a beautiful pattern, full and well rounded out, a splendid example to us all—and, although he is gone from us, I know that he will ever treasure in fond remembrance our knowledge of his splendid life and deeds.

Mr. DICKSTEIN. Mr. Speaker, this memorial meeting called to express the great sorrow of the House of Representatives on the passing of its Members, presents an opportunity to the survivors of such Members to express their feelings of regret on the passing of their friends and the untimely loss of membership of this House.

THADDEUS C. SWEET, whose life came to an untimely end when he was fatally injured in an airplane accident several months ago, was one of the outstanding members of his party. His character was charming. The friendships he made among Members of this House were many and varied.

There is hardly a Member of this House who does not recall SWEET's genial personality, his unfailing courtesy, his great tact, and his readiness to serve whenever called upon to do so.

He was always in the forefront of any progressive action which this House would take in any matter involving the welfare of the public.

In my own State he served with distinction as a member of the assembly and for six years as speaker of the assembly.

I had the extreme pleasure of being sworn in as a member of the Assembly of the State of New York at the time that THADDEUS C. SWEET was speaker, and it was under him that I served as an assemblyman for a number of years.

The particular manner in which laws are enacted in the State of New York makes the speaker of the assembly the decisive factor in the passage of any law which may engage the attention of the legislature of this State. It is the speaker who directs the appointments of members of all committees, and it is the speaker who is head of the committee on rules and takes charge of all legislation in the Assembly of the State of New York for 10 days before the end of the session. As such chairman of the committee on rules, the speaker may force the passage of any bill which he deems appropriate and prevent the passage of any legislation which he deems inopportune. Speaker SWEET exercised the great powers of his office for the public benefit and so as to give the public all such legislative measures as would result in public good. It was the speaker's thoroughgoing knowledge of the needs of the State and his intimate acquaintance with the business of the State which resulted in some of the most progressive legislation which the State of New York could place on its statute books during the time of his incumbency of that office.

When Mr. SWEET was elected to Congress it became again my pleasant duty to assist him in his new legislative duties, although his experience in the New York State Legislature was more than sufficient to make him into a valuable Member of this House and result in his perfect mastery of the parliamentary routine which governs our labors.

My colleagues and I were, therefore, very much grieved and full of sorrow when Mr. SWEET passed away. We were looking forward to many years of continued cooperation in the work of Congress. While not of Mr. SWEET's political party, I always found a willing listener in Mr. SWEET when advocating or urging legislation in the interest of the common man, woman, or child of America. Mr. SWEET gave his life to the public welfare, and his love of the masses made him a conspicuous figure in all progressive legislation which engaged our attention from time to time.

I hoped and expected that I would have the privilege of having Mr. SWEET's support on the measures of public welfare which I had the good fortune to introduce in Congress from time to time. The Almighty, however, ruled otherwise.

We may, therefore, suspend a moment in our deliberations and let us shed a tear on his untimely death and express our regrets to his bereaved family.

Mr. TABER. Mr. Speaker, THADDEUS C. SWEET came to Congress after a distinguished career as Speaker of the Assembly of New York State. He was a successful business man, an untiring worker, and one who enjoyed doing something for somebody else more than he did for himself, and as a result the demands upon him for the services which a Congressman can render to his constituency and to his friends were larger than those upon the most of us. This was especially true with reference to the cases of disabled veterans of the World War. He took an especial interest in them and in looking after them, and I doubt if any other Member of the House was able to accomplish more for them than was Mr. SWEET. He served on the World War Veterans' Committee of this House and on the Pension Committee. The last two years of his service and at the time of his death he was a member of the Ways and Means Committee, where his business experience combined with his long legislative experience made him a very valuable member.

He was noted for his cheerful disposition and his extreme kindness and tact in handling people. These qualities endeared him to all with whom he came in contact and made him a most useful and valuable citizen. He was always fair—even chari-

table in his judgment of others. The country has lost a fine, upstanding citizen—one who always stood for the best interests of America. Personally, I have lost one who was my closest friend in the House—one whom I loved as a brother and respected to the utmost.

Mr. CLARKE. Mr. Speaker, one of the delights in public service and the cause of better government is the intimate contacts we make with representative men of action and accomplishment from all sections of the United States.

When TAD SWEET arrived here it did not take the Members of Congress long to know—they are shrewd judges of human nature—that a real man was in Congress. His background of experience in the New York Legislature, his general reputation as a leader, were known to many, and when they actually came to meet him you never heard a comment that was not favorable.

Tad's office became a rendezvous for a multitude of friends made in the New York Legislature as it became the mecca for many of us who wanted to know better the man whose personality we found interesting. He was a great captain of details, he knew his district, its industries, and a multitude that called him "Tad." He loved his district's people and every part of it. Many a time I have heard him remark in a longing way his desire for home and the old friends, as much as he esteemed the new ones.

His unselfish loyalty to friends was not questioned and his willingness to work for them was always in evidence. The genuine good cheer of his greeting was an inspiration, and his ability to get things done made him a model legislator. I prized his friendship and venerate his memory.

Mr. PRATT. Mr. Speaker, memorializing a colleague from New York in the House of Representatives just a few years ago, THADDEUS C. SWEET said:

> In every land, honor and renown are accorded to every citizen who fills his life with service to others in any walk of life, public or private, civil or martial.

In that eulogy of a comrade, THADDEUS SWEET stated his own philosophy of life—a philosophy that directed his own dynamic existence. According to the standard by which he measured a friend, he, himself, lived. By it he gained, without directly seeking it, an honor and renown that will survive him so long as memory lasts.

Service to others, regardless of their station, was an essential part of THADDEUS SWEET'S being. To him it was an ambition. It was reflected in a personality that caught the admiration of acquaintances, and captured the hearts of those privileged to be his friends.

It was as a friend—an intimate friend—that I knew him. I met him when I began my service in the House of Representatives, just as I met other Members of this body. But fortune made him my residence neighbor, too, and during my apprenticeship he took a personal interest that ripened into an enduring friendship. Our official relations were made doubly pleasant by a social companionship that was more than agreeable. Small wonder, then, that his untimely and tragic end shocked and grieved me, and left me with a sense of personal loss in his passing.

It has been aptly said that we live in deeds, not years, and thus we may appraise THADDEUS SWEET. His span of life in years was short. In deeds, it was rich. Without deeds—deeds of service—there would be no friendship. His life was richly crowned by both.

> With a rustle of the forest and a fading of the light,
> And the silent calls and numerous of the swiftly falling night,
> And the hum of unseen voices as the wild things take their flight,
> The evening comes.

The evening came into the life of THAD SWEET, and with it the darkness. But through it will ever shine in my memory the unfailing light of his friendship!

Mr. FITZPATRICK. Mr. Speaker, in company with my colleagues of the House I am paying this inadequate tribute to a distinguished son of my State, Hon. THADDEUS C. SWEET, who has gone from among us to return no more. I can add but little to what has and will be said by those who knew and served with him in this body.

The excellencies of mind and heart which characterized him in his more personal relations reflected in his larger relation as a public man and a servant of the people. Loyalty not only to his friends and his fellow men but to ideals and conviction was the great directing force of his energies in whatever sphere of action they were directed.

He came among us, this friend that has gone, ripe with a record of fruitful public service and achievement in the great State of New York. Many there are among my colleagues from our State who served with him in the lower house at Albany, of which he was the speaker for six years; all of whom gladly testify to his outstanding ability and his sense of justice and fairness to all. To him political virtue was something more than mere subscription to party faith; to him it meant action, deeds, accomplishments for the general good. His sudden and untimely end in the prime and vigor of early manhood leaves us stunned and nonplused. We stand in awe before the majesty of death, to ponder the great mystery of the life beyond the grave.

Mr. Speaker, it should be a source of pride and satisfaction to his family and his friends that without respect to party his colleagues, who have served with him in this historic body, will ever remember him not only for his unsullied character and ability but with the warmest affection for the man and the friend.

Mr. HANCOCK. Mr. Speaker, the tragic and shocking death of THADDEUS C. SWEET in an airplane accident on May 1, 1928, ended a life of great accomplishment and of greater promise. Success had been his in many walks of life, earned by his own efforts alone; and his future was bright with the prospect of many years of achievement and usefulness. The sudden ending of his career in middle life, while physically strong and mentally vigorous, and while busily and joyously engaged in carrying the many private and public burdens that rested on him so lightly, was a sad loss and a bitter bereavement to his friends and associates and the country he served.

He had a genius for friendship. He delighted in kindly deeds. The Good Samaritan was his guide and pattern. No human being in distress, no matter how humble, ever appealed to him without a prompt and generous response. He truly loved his fellow man. No opponent was big enough to intimidate him or cause him to make obeisance; no one too lowly for his broad, human sympathy. His friends were legion—with such a man it could not be otherwise.

In the community where he lived, his was the sound judgment and quiet forcefulness that directed the affairs of the village and its institutions. In the Legislature of the State of New York, where he served 11 terms, 6 of which as speaker of the assembly, his personality and influence was outstanding. In the Congress, where his third term was interrupted by death, his knowledge of legislation, his experience in business, his wise counsel, his devotion to duty, and his personal charm won him a position of prominence and prestige, as well as the finer tribute of the confidence and affection of his colleagues of both parties.

Our hearts go out in sympathy to his devoted family, suffering from the bitter grief which only faith in divine Providence can assuage. We mourn his loss; we honor his name; we cherish his legacy to us—the memory of happy hours spent with him, the friendship he gave us so freely, and the inspiration of an upright and honorable life.

Mr. HAWLEY. Mr. Speaker, the unfortunate accident that caused the untimely death of Hon. THADDEUS C. SWEET was a public misfortune. Prior to his entry into Congress he had a long and successful business experience and training, as well as important legislative service in the New York Legislature, being the speaker of that body for six years. He came to Congress with a sound and ripened judgment in business and legislature. In an unusually short time his ability gave him prominence and his diligence and information in the discharge of his duties commended him to the confidence of the House, which entertained for him the highest esteem. He was universally loved for his manly strength and uprightness. As a member of the Committee on Ways and Means he evidenced marked ability for this important work, and we sincerely regret that he will counsel with us no more.

THOMAS STALKER BUTLER

Mr. DARROW. Mr. Speaker, in the death of THOMAS S. BUTLER the State of Pennsylvania lost a distinguished son and the Nation was deprived of a conscientious and courageous public servant.

At the time of his death our late colleague, who we affectionately called "Uncle Tom" was serving his sixteenth term in Congress, and was not only the dean of the Pennsylvania delegation but father of the House, as we designate those longest in consecutive service. In that respect he occupied the same position as other distinguished Pennsylvanians—Kelley, Randall, O'Neill, Harmer, Bingham, and Dalzell.

The Butlers are of ancient lineage in this country, tracing their ancestry from Noble Butler, who was born at Bedminster, England, in 1704, and who came to the United States when a young man. He was assessed in Kennett Township, Pa., 1725–1730; in East Caln, 1734–35; and after 1736 in Uwchland, where land is at present held in the family's name. Records are found in the keeping of the Society of Friends showing that he was an overseer in their meeting. Family records illustrate the fact that John (?) Butler was the progenitor of that line from which Hon. THOMAS S. BUTLER was descended. John Butler and his wife, Bersheba (Noble) Butler, were both natives of Bristol, England. They were in the city of Philadelphia prior to April 21, 1711, and from that year to this members of the line have been of prominence in the annals of the Commonwealth of Pennsylvania.

The Hon. THOMAS S. BUTLER was born at the old family seat in Uwchland Township, near Lionville, Chester County, Pa., November 3, 1854. He was the oldest son of Samuel and Margaretta P. (Woodward) Butler, his father having been a farmer, teacher, and member of the State legislature, serving also as State treasurer. His father was born February 2, 1825, and died February 1, 1891.

In the common schools of Chester County and in Bolmar's Academy of West Chester Mr. BUTLER received his elementary and secondary instruction, then became a student in West Chester State Normal School, being one of the first pupils in the latter institution, 1872. Under Joseph F. Perdue and Judge J. Smith Futhey he studied law and was admitted to the bar of Chester County in 1877 and to the Supreme Court of Pennsylvania in 1879, at the ages of 22 and 24 years, respectively.

For a brief period Mr. BUTLER practiced his profession alone and independently in West Chester, later forming a partnership with his cousin, Judge William Butler, jr., who had been a student in his law office, and in this connection continued until 1898, when William Butler, jr., was elected to the bench. Meanwhile the firm admitted William S. Windle, a man of brilliant attainments, who had married a sister of William Butler, jr. For a number of years this firm operated under the style of Butler & Windle. In 1888 Mr. BUTLER was chosen to serve as an additional law judge to succeed his former preceptor, Judge Futhey, while William B. Waddell presided on the bench. In 1889 Mr. BUTLER, who had been appointed judge, was a candidate to succeed himself, but was defeated by Hon. Joseph Hemphill by 32 votes. A split in the Republican ranks was given as the cause, the struggle being more over the control of the party than over personalities. The effect was to strengthen him in his determination to engage in the public's service, and hence he came to be through a "lengthening of the cords and strengthening of the stakes" a national rather than a local figure. Had he been elected to the bench in 1889 he might have spent the rest of his life there, rather than in Congress.

Be it said that at all times Mr. BUTLER faithfully represented his constituents in the congressional district comprising Chester and Delaware Counties, and that in all his career there never was a question raised regarding his ability or his integrity or of his personal services in behalf of constituents and the country as a whole. He never grew rich in office and was not given to display, but from the very beginning observed in his manner of living a certain simplicity which won and held for him the confidence and esteem of everyone, creating a neighborly feeling throughout his district in Pennsylvania. He maintained this neighborliness despite the fact that he associated with the greatest men of the Nation and held high positions of trust and honor. Though opportunities for private gain were abundant, he thought of God and home and family, and "trespassed not in the accursed thing."

When Mr. BUTLER went to Congress for his first term, he succeeded John B. Robinson, of Media, Pa., who in his youth had served in the Navy and was a member of the Naval Committee of the House. At that time the Navy had not reached a degree of such high importance. However, dating from the time the *Maine* was blown up in the harbor of Habana, the Navy sprang into importance, and since then has been a real power to be considered in world affairs. Mr. BUTLER familiarized himself with the service and was constantly beset by officials regarding its urgent needs and appropriations therefor. He was not reared as a naval man, but rather, as he said, as a member of the Uwchland Meeting of Friends, and all his instincts were for peace. However, he thrust himself into the program, labored for the Navy's interests, and was proud of the achievements which it won throughout the world.

The position of a leader always is assailed by opposing forces, and Mr. BUTLER's position was somewhat of an unpleasant one after the World War, when propaganda for and against national-defense measures showed unusual activity, and, moreover, was much better organized than it had been ever before. One side insisted that we should have the greatest navy in the world; the other, with no less adroitness, insisted that our men-of-war be scrapped, and at once, and all swords be beaten into plowshares. Extremists on either side attacked him, and Mr. BUTLER, with these pressing annoyances, took counsel with whom he would and hit upon the course which he believed correct, best for the country; and this he adhered to unflinchingly, at the same time showing respect for those who really were in earnest in their appeals for a more radical and spectacular stand. As chairman of the Naval Committee he enjoyed the absolute confidence of Congress and the people at large, and his district stood by him in all emergencies. On other issues he was equally harassed and heckled, and while he could not declare himself in such a way as would give universal satisfaction, he was credited with having done what was right in his own eyes. Not infrequently, after the "smoke barrage" had blown aside, it was revealed that he had acted on inside information, which had warranted the actions for which he was criticized.

As a public speaker Mr. BUTLER was always popular. He liked nothing better than to meet a group of country people and to talk to them in genial fashion about the changes which had taken place on the farm since he was a lad helping with the field and barn work. Having an easy appreciation of their problems, he kept their hearts light as he talked, and underneath this pleasantness ran an undercurrent of serious thought in their retentive minds. But during his long term in national office he made it a rule to hold aloof from local affairs, preferring to meet his neighbors as such rather than to manage anything among them.

For this reason he permitted himself to show no special interest in civic matters nor to hold public office. In 1927 he consented, however, to accept a position as trustee of State Teachers' College, an institution he had attended when it was a State normal school. He had been a trustee from 1885 to 1889, but after having become active in politics had withdrawn from the board.

Mr. BUTLER was one of the initial promoters of rural free delivery, and it was through his influence that the borough of West Chester had two such deliveries a day for a period of years. He procured the appropriation for the building of the West Chester post office and those in other towns of the district, and did vast service in improving general mail conditions. During the World War he paid a visit to France and mingled with the soldiers of the United States, who received him with a glad welcome. He went into the front trenches, and from various points of view was able to see the operations of the enemy. In addition to his fine ability as a statesman he had those personal qualities which endeared him to all who came in contact with him. This was reflected in the fact that he had not the slightest opposition in his own party, there having been hardly a single active campaign against him in the many terms of his office. One of his characteristics was his interest in young men and women, and his kindly advice and counsel had much to do with the molding of the lives which came under his influence. Particularly was this true with regard to those who gained their first knowledge of the law under his preceptorship. The thoroughness of his training is evidenced by standards maintained by men who were his pupils at law and to the heights to which they have risen in the profession or in other ways in which they have been called upon to serve the public.

Mr. BUTLER married Maud Mary Darlington, daughter of the late Congressman Smedley Darlington, of Faunbrook, East Bradford Township, Chester County, in West Chester on February 20, 1879. She survives her husband, and was to him a most devoted assistant during his years of national service. Much of her time was spent with him in Washington, where she aided him in keeping in touch with noted personalities and in never forgetting his home people.

Mr. and Mrs. Butler became the parents of three sons, who survive their father: (1) Brig. Gen. Smedley Darlington Butler, of the United States Marine Corps; (2) Samuel Butler; and (3) Horace Butler. Also surviving is a sister, Miss Annie M. Butler, who has made her home with his family for many years.

Mr. BUTLER died in Washington on May 26, 1928, following an illness of several weeks brought on by a heart attack. The body was returned to West Chester the day following, and funeral services were held Tuesday afternoon, May 29, under charge of Dr. Charles R. Williamson, pastor of Westminster Presbyterian Church and a speaker of the Society of Friends.

Tributes to the veteran of the Pennsylvania delegation in the House of Representatives were many, and from all parts of the Nation, from persons in all walks of endeavor and all positions in society, from proudest to humblest. Public expressions were everywhere in evidence. Hon. Curtis D. Wilbur, Secretary of the Navy, said:

Chairman BUTLER belonged to the Navy not only because his son, Gen. Smedley Darlington Butler, was in it but more so because his heart was in it. He had a genuine affection for the officers and men of the Navy, and for 30 years had fought their battles on the floor of the House. He saw the Navy in two wars fight for the country he loved. We will all miss the man whom we learned to love as "Uncle Tom."

On the evening of May 31, 1928, the *Los Angeles* paused for one minute in its flight over the cemetery and scattered flowers upon his grave.

I am indebted to Miss Isabel Darlington, former law partner of Mr. BUTLER, for furnishing me a biographic sketch prepared by a publishing company.

Early in my congressional service I formed a friendship with an admiration for Mr. BUTLER, and when the opportunity came I was happy to serve with him as a member of the Naval Affairs Committee and later to work under his leadership as chairman of that important committee. During that period our associations were more intimate, and I found him to be always able, always intelligent, always fair, never desirous of extravagance, but always desiring the Navy maintained in a high position. He had one quality which develops leadership; that is confidence in his cause and confidence in himself, which no doubt was the reason for his success. An outstanding trait in Mr. BUTLER'S sterling character was his uncompromising loyalty to conviction. He was a man of intense convictions and had the courage to express them, but he fought so fairly, so frankly, and so openly that no one even questioned his sincerity.

Although a Quaker in life and lineage, Mr. BUTLER was nevertheless an enthusiastic advocate of preparedness, and his name is closely woven with the advancement of our Navy during the past 30 years. He was ever ready to fight for an adequate navy and to defend it from assault. One of the last bills he sponsored was the so-called cruiser bill, which only recently passed the Senate and has become a law.

His kindness, his achievements, and his triumphs will always be a precious memory to those who loved him, and I count it as a priceless heritage to have had the privilege of enjoying his friendship.

Mr. TILSON. Mr. Speaker, the life, character, and public services of an individual Member of Congress are matters of importance as well as interest not only to the family and friends of the deceased and to his colleagues in Congress but to the people of the entire country, because it is of the lives, character, and services of the Members individually that the final resultant of service is made up. Each Member contributes his share, which may be large or small; the service may be long or of short duration, but each makes a contribution, and the sum of all is the measure of the effectiveness and usefulness of this body.

The service of THOMAS S. BUTLER in the House of Representatives was far beyond the usual in its length, and all will agree that his contribution during that long period was a very large and substantial one. He entered the House at an age sufficiently young to enable him to become saturated with the spirit of the service of the House, and he was here long enough to thoroughly understand how to make his work most effective.

Others will tell more in detail of his special service as a member and for a long time chairman of the very important Committee on Naval Affairs, and, therefore, I shall only refer to it in passing. It might seem strange to those not familiar with the spirit of service in this House that one of the most peace loving of men, who, in addition, had been brought up in the nurture and admonition of the Society of Friends, should become one of the most valuable members and finally the leader of a committee of the House whose duty it is to deal with the grim realities of preparation for war. If there were inconsistency in such a situation, however, it never appeared to TOM BUTLER. He saw his duty, faced it squarely, and never flinched, flagged, or wavered in the performance of that duty. Through the turbulent period of the war he rose almost to majestic heights as he toiled with his colleagues in dealing with the vexed problems of those days.

If every Member of the House of Representatives should write his own account of TOM BUTLER'S career in Congress, there would, of course, be as many different accounts as there are Members, but in one thing probably all would agree. I doubt not that all would bear testimony to the same fact that no Member of this House during the service of any Member now living has exemplified a more lovable character than TOM BUTLER possessed. The effect of this lovable character was felt in all his relations with his colleagues, for his good nature was contagious and few could resist it. I do not mean that he was always placid, for such he was not. In fact, in times of stress, and when matters which he deemed of great importance were under consideration, he was far from placid, but his intense earnestness always carried the conviction that his heart was right, and for this reason everyone loved him and, if possible, agreed with him.

In a few instances when Members have served for a considerable length of time in the House of Representatives and have particularly endeared themselves to the membership of the House, some affectionate designation has been attached to their names. It was so in TOM BUTLER'S case. Everyone with deepest respect, approaching reverence, called him "TOM BUTLER," and for many years during the latter part of his service here he was called by most Members "Uncle Tom." There is more honor in such a designation than in many a long eulogium. The designation "Uncle Tom" epitomized more than many phrases could be made to do the admiration, respect, honor, and love of his fellow Members. So he lived and moved and did his work among us, beloved by all, and when he went he left a gap that will not soon be filled.

Mr. WOLFENDEN. Mr. Speaker, on Tuesday, May 26, 1928, Hon. THOMAS S. BUTLER joined that innumerable caravan to the realms above. This beloved statesman was the personification of that oft-repeated expression, "the fullness of life." Once as I stood in the Wanamaker Art Gallery studying the painting, Christ Before Pilate, a little girl stood close by with her mother; then suddenly she ran up to the painting and tried to undo the thongs that tied the Master's hands, and I would that I might paint such a word picture of this outstanding character that we would see him in our midst to-day.

He entered the lower House in 1897 and at once became interested in the naval program. He found wooden vessels and he fought for steel, thereby earning the title of the "father of the steel Navy" after three decades of insistent persistent effort. Each session was an added opportunity for unselfish service to his country and his constituency.

The Butlers are of honored ancestry, dating back to Noble Butler, who was born at Bedminster, England, in 1704, coming to this country when a young man, being assessed in Kenneth Township, Pa., in 1725, and East Calm in 1734, and after 1736 in Uwchland. At this latter place land is still held in the family name, and from this time the Butlers have always been active in the affairs of the Keystone State.

Our friend, the Hon. THOMAS S. BUTLER, was born at the family seat in Uwchland Township, Chester County, on November 4, 1855. His father was a member of the State legislature and later served as State treasurer.

He received his scholastic training in the schools of Chester County, being one of the first pupils in the West Chester State Normal. With prophetic vision he studied law and was admitted to the bar in 1877. His firm, which included his cousin, Judge William Butler, jr., attained a high degree of prominence, and in 1888 he was chosen as an additional law judge, but was unsuccessful at the following election.

Eight years later the people of his district sent him to Congress to become a national figure and emblazon his name as one who served to the limit of human endurance. From that time until his death he was in truth a Congressman in all that honored title implies. He gave his attention assiduously and well to rendering the highest degree of service to his country and to the folks back home.

He had the likable trait of making all his callers at ease and established contacts that lasted as long as life itself. Always unassuming, he apparently had no desire to attain wealth, but devoted his energies to properly safeguarding the country.

His work on the Naval Committee is one of the brightest pages in our country's archives. At his inception into this body his knowledge of the needs of the Navy was necessarily limited, but study and experience developed him into an authority on this particular line.

In his early days in Congress there was no pressing need for up-to-minute naval equipment. However, the Spanish-American War sounded a genuine alarm and plainly showed the necessity for a marked change in the naval program. Congressman BUTLER lent his every activity to this call and the Navy became his life work. His monument to-day is fittingly depicted upon the high seas where America can now contend with the other powers of the world.

His work was extremely difficult. At times he had considerable opposition from the pacifists and the economists, but eventually he prevailed. This in itself is a tribute to his vision and justified his position as chairman of the Naval Committee.

Devotion to the work at hand became his life's ambition, nor would he swerve to any other interest, despite all manner of calls on a man marked with his recognized ability.

It always was a matter of keen delight for him to take his friends to those who held the highest positions of trust and honor in the country. His homely virtues won for him undying friendships, and he was constantly acclaimed throughout his district. Congressman BUTLER was admired and beloved by all who knew him as a man who always had the courage of his convictions. This is clearly attested by the continuous wholehearted support he received from his constituency during a period of 31 years of service.

The pressure of business at the Capitol did not in any way lessen his attention to the needs of his district, and the various public buildings in Chester and Delaware Counties are living reminders of his work.

His intense humanity led him to go to the scene of action amid those stirring days when the whole world was rocked with war, and it was there he became more convinced upon a program of adequate naval protection.

He loved the great outdoors and took pride in stocking the fish streams and in the distribution of all varieties of seeds throughout his section. He received valuable counsel from his beloved wife, who was Maud Mary Darlington, of Chester County. She spent much of her time in Washington and was at all times his invaluable aid and companion.

Distinguished guests often visited their home on West Miner Street, West Chester, as well as friends from all parts of the two counties. There was a friendly greeting for all, no matter what their station in life. Such visits never failed to increase the admiration for this statesman to whom passing years brought increased responsibilities and labors.

He had three sons. His son, Brig. Gen. Smedley Darlington Butler, delighted his father by the manner in which he handled the position of director of public safety of Philadelphia under Mayor Kendrick. The Congressman's wife and his sister still continue their home in West Chester.

Last spring the entire country was plunged into sorrow when the news came that this fine character, beloved and admired by all who knew him, had laid down his mantle and passed to the Great Beyond.

The funeral services were held on Tuesday afternoon, May 29. Dr. Charles R. Williamson, of the Westminster Presbyterian Church, officiated, and a speaker from the Society of Friends. He was laid at rest in Oaklands.

His name stands among the leaders on glory's page. Kind, sympathetic letters poured into the old homestead. His Washington office was flooded with letters that told in part of the great loss sustained. It seemed everyone was affected by the passing of this patriarch who only a few weeks before had appeared on the front page of all the leading newspapers telling of his fight on the floor of the House for increased battleships.

NICHOLAS LONGWORTH, Speaker of the House, said:

TOM BUTLER was a unique character in the House. Everybody was fond of him. Without question he was one of the men who accomplished genuine results for the proper increase of the Navy; one of the few men who have done really big things for it. He was absolutely consistent in that direction, and was for many years, especially since the Washington treaties, for Mr. BUTLER insisted day in and day out upon the maintenance, at least in reasonable degree, of the 5–5–3 ratio. He always had that in mind. If the veteran Pennsylvanian had done nothing more than that, his place in the congressional history would be secure, even if he had not been at the hour of his going the oldest Member of the House in continuous years of service and the holder of the longest continuous record of service for all time.

It was my privilege to know "Uncle Tom" intimately through the later years of his life, and I count myself indeed fortunate in having a close contact with this outstanding leader. He was positive and earnest and derived intense pleasure from his work on the Naval Committee, yet was never too busy to lend a willing ear for some personal service. He had the happy faculty of greeting you in such an intimate, personal manner that you always looked forward to the next visit.

In the various meetings held in his district his introduction was a signal for a wonderful demonstration. His constituency fairly idolized him and took deep pride in his achievements.

The poet has well said:

Full minded, wise, and kindly just,
Instinctively we turn to such a trust,
Through men so stamped we grow from age to age,
And write our progress on immortal page.

Mr. WATRES. Mr. Speaker, there are few men qualified to adequately appraise the long service rendered by our friend THOMAS S. BUTLER. His is a record unexcelled for loyal devotion through his years to the interest of his country and his State

For those of us who served with him during the latter part of his life it remains only to cherish the inspiring memory of his example and to give expression as best we can to our sense of personal loss.

He sought to accomplish his purposes as a legislator, not by dependence on skillful maneuver in debate but by sole dependence on the justice of his cause.

His great source of power was his ability to seek it not from within but above and beyond himself.

Above all, he manifested faith in and a love for his associates which was returned in like degree. He was loved by his associates as it is given few men to be loved.

His life will continue to be a source of inspiration as long as there remain in this body men who had the privilege of serving with him.

Mr. KELLY. Mr. Speaker, the death of Congressman THOMAS S. BUTLER takes from Congress one of its most influential figures; from Pennsylvania one of her greatest sons; from America one of her truest patriots.

Though he was father of the House at the time of his passing, Congressman BUTLER had the spirit of youth in his heart. With a dauntless faith he refused to admit the impossible. Obstacles and difficulties in his way only gave greater zest to the struggle to overmaster them.

The light of friendship was ever in his eyes. He had a cheery word and a sunny smile for all. He was an everlasting fountain of good humor as well as sound judgment. He won and held the affections of his colleagues and his constituents by the simplicity and sincerity which made him truly great.

Father of the new and great United States Navy, Congressman BUTLER made invaluable contribution to the Nation he loved and served. His long life was devoted to the best interests of the Republic. Patriotic love for America and her people burned like a fire within him. He counted no effort too great if it would add a little to the safety, security, happiness, and prosperity of America.

He was a believer in peace and in the justice which alone makes peace possible and permanent. He was a member of the Quakers, and its name, Society of Friends, fitted him well. Never did he act with haste or prejudice upon the great measures which came before the Committee on Naval Affairs, over which he presided as chairman. Always he asked one question, "Will this legislation advance the common welfare?" Upon the answer depended his attitude.

During the World War, in the pivotal weeks of July and August, 1918, he studied our naval and military activities at first hand in the war zone. One of my treasured memories is that of the journey homeward from Brest to New York with Congressman BUTLER in early September, 1918.

His vast information about the Navy and his unfaltering faith in the cause of America brought all his shipmates around him to sit at his feet as learners and pupils. He was like a lighthouse in the storm, radiating courage and encouragement to all with whom he came in contact.

Congressman BUTLER was an exemplary influence in every walk of life. As a legislator he led fearlessly along the highway of true progress. As a friend he was true hearted and helpful in his comradeship. As father and husband he exemplified the highest and best virtues, and the memory of his tender love must be consolation to those he left behind.

No man has been more missed in all the long history of the House of Representatives than this genial and delightful soul, this brave and competent leader.

We who know him would have held him with us always. But our wish could not avail and amid the grief of a great host of friends he was laid away in the God's Acre at old Chester beneath a wilderness of flowers.

Still he is not dead. His character and his deeds live on as inspiration to the generations to come. As long as America endures there will be grateful tributes paid to Congressman THOMAS S. BUTLER for the example and service achieved during many years in the lawmaking body of the Nation.

And all those who knew him will say, with Tennyson:

I climb the hill; from end to end,
Of all the landscape underneath,
I find no place that does not breathe
Some gracious memory of my friend.
And in my spirit will I dwell
And dream my dream and hold it true.
For though my lips may breathe adieu,
I can not think the thing farewell.

Mr. FRENCH. Mr. Speaker, during the comparatively short life of our Republic the State of Pennsylvania has contributed

an exceedingly large number of men to public life who have distinguished themselves in most unusual degree.

In that group will be included the name of our late colleague, THOMAS S. BUTLER. Much has been said and will be said by others touching the life of this illustrious son of the great Keystone State. Even so, there are a few observations that I am inclined to make.

When our late colleague was called from our midst by the grim reaper, he left an indelible record in the minds of the Members of Congress with whom he labored for so many years.

No Member of Congress can serve long before an appraisal of his worth and ability will have been made by his colleagues. This appraisal is made upon the basis of the unconscious everyday life and action of the Member himself. It is made through contact, through observance of the Member in his deportment among his fellows; through the degree with which the Member measures his words; through candor or lack of candor; through habits that reflect carelessness or accuracy, and that indicate studiousness and attention or their opposites.

A KINDLY MAN

The most outstanding characteristic of TOM BUTLER as we knew him was kindliness. There was not a Member of the House of Representatives who did not love the man.

When the doors of the Fifty-eighth Congress opened to me TOM BUTLER had already established himself in the affection and the confidence of the membership of this great body. He had already claimed their regard, their admiration, and their affection. He was a man in the prime of life, yet he had seen years of service in the House of Representatives.

A new Member, I was drawn to TOM BUTLER because of his friendliness, because of his kindliness of soul, and I know that he reciprocated toward me in measure that was heaped up and overflowing. For many years, in speaking to me, he would address me by the affectionate term of "son."

During the later years of his life TOM BUTLER was chairman of the Committee on Naval Affairs, at a time when I was chairman of the committee handling the naval supply bill. We understood each other. We did the closest of the teamwork. We did not always agree, but we had faith each in the other, and at all times I recognized and cherished that great, fine, and generous soul.

A LOVER OF PEACE

Strangely enough, our colleague, of Quaker ancestry and training, was assigned for the most responsible work of his entire career to the great Naval Affairs Committee of the House. Mr. BUTLER was a man who loved peace. He believed in accord among nations, just as he believed in amity among people of the community in which he lived; and yet he believed that peace and amity could best be preserved by a great nation, as by an individual, through its maintenance of self-respect; through its devotion to the doctrines of righteousness as recognized by civilized peoples of the world; and, if need be, through the defense of these very principles by physical power, even as the Master of old drove the money changers from the temple.

Imbued with this philosophy, Mr. BUTLER was a most valuable member of the committee with which his name had come to be associated. He realized the folly of unbridled and unrestrained naval construction upon the part of the nations of the world. He realized the folly of such a program if adopted by the people of the United States.

A moment ago I said that TOM BUTLER was a kindly man, and may I add that, paradoxical as it may seem, only men of that striking characteristic should be charged with responsibilities that involve the lives of people, the rights of men, the destinies of humankind.

In its larger aspect, kindliness is statesmanship. It is statesmanship in that it has regard for humanity, regard for all peoples.

In translating into action his convictions BUTLER stood for two things: Teamwork among the nations of the world, looking to the reduction of armaments and their maintenance in moderation through international understandings; and in the absence of international understandings the maintenance by the United States of a sizeable Naval Establishment.

In carrying forward these principles courage was required, courage to stand against those who would have made the welfare of the country subservient to militarism; courage, on the other hand, in resisting the earnest entreaties and importunities of those who believe that even now an example should be made by the United States of practical disarmament that would result in other nations following in our footsteps, and thereby relieve the peoples of the world of the burdens of militarism and remove the ready means that are believed to incite misunderstandings and war.

HE WAS A MAN OF COURAGE

One of the notable characteristics of TOM BUTLER was courage. TOM BUTLER was earnest in his deliberations, honest with himself and his fellow man, and when he had reached a conclusion that satisfied his own soul he had the strength of character to stand for his convictions.

A time when BUTLER was called upon to manifest courage was when, as the ranking member of the Republican Party of the Committee on Naval Affairs, he supported the resolution in the spring of 1917 recognizing a state of war existing between the United States and the Central Powers of Europe. His courage and resolution were drawn upon when later in the same year he stood against the dominant control of the Military Affairs Committee of the House and favored the policy of the selective draft for the building up of the Army of the United States as against the policy of undertaking to build up the Army through the volunteer system.

The war over, the President of the United States in France seeking to work out not only a formula for the conclusion of peace but for the maintenance in the greatest degree possible of world peace among the nations throughout the years to come, TOM BUTLER stood for a policy calculated to outline a program for increasing the naval strength of the United States under the leadership of the late President Wilson, a program that the then President of our country believed, if declared to the world, would be of the greatest assistance to him in establishing a formula under which a greater measure of peace and accord among the nations might be attained.

So, then, the oustanding characteristics of our late beloved colleague were, as I see them, kindliness in all his dealings, sincerity of purpose, loyalty to country, courage, and resolution of soul, all of which blended into that fine attitude of approach with which he undertook the heavy responsibilities that were intrusted to his care.

Mr. BRITTEN. Mr. Speaker, when Hon. THOMAS S. BUTLER passed from this earth on the 26th day of May, 1928, after having served his country for 32 years, Capitol Hill lost one of its most spectacular characters, for it was to Mr. BUTLER to whom the House of Representatives had long looked for leadership and advice in matters affecting the United States Navy.

He had a ready wit and a homely expression which few, if any, Members of the House could parry, and his colleagues were ever ready to place complete confidence in any expression of opinion which came from the distinguished chairman of the Committee on Naval Affairs.

There are few men in the House to-day who command the same confidence that so long reposed in Mr. BUTLER.

The most complicated pieces of legislation affecting Navy personnel were often passed by the House without a roll call after Mr. BUTLER had told the House that he himself believed the legislation to be sound and in the best interest of the country. Detailed explanation of these complicated bills was rarely required of Chairman BUTLER. The House knew that a bill to go through Mr. BUTLER's hands and reach the final stage of passage must have merit or "Uncle Tom" would never have reported it.

It was my very great pleasure to serve on the Committee on Naval Affairs with Mr. BUTLER for nearly 15 years, and I am only sorry that he is not here to see the 15-cruiser bill finally enacted into law and being appropriated for. The present Navy and Marine Corps owe much to Mr. BUTLER and his constant promotion of the national defense during 32 years' service on the Committee on Naval Affairs, during the latter 9 years of which he was its distinguished chairman.

To recount the numberless bills which bore his name, and which finally became enacted into law, would take a long time, but I am sure that he took a more active part in Navy and Marine Corps legislation than any man who has ever lived on this earth. He loved both of these services and worked for them conscientiously, almost until he was taken from us by Him above.

When Uncle TOM BUTLER was called by the Great Reaper, Pennsylvania lost one of its outstanding citizens and the Nation lost a great public servant. His words and deeds will be followed by others on Capitol Hill for hundreds of years to come.

Mr. VINSON of Georgia. Mr. Speaker, the pale messenger that never tires and never pities, the messenger that called Sappho from her odes and Letitia Landon away from her sorrow, the messenger that called Byron to where he could sleep, and piloted Poe to the "misty dim regions of Weir," did on the 26th day of May, 1928, knock upon the door and reach upon the inexorable roll call the name of THOMAS S. BUTLER and guide

him into that radiant hereafter, of which hope is the creator and faith the defender. A soul which needed no cleansing to fit it for the companionship of the just.

His death has caused a great loss to the Nation, to the Commonwealth of Pennsylvania, and to his family and friends.

THOMAS S. BUTLER, of West Chester, Pa., was born in Uwchland, Chester County, Pa., November 4, 1855. He was elected to the Fifty-fifth Congress and succeeding Congresses and re-elected to the Seventieth Congress. He was the father of the House, having a continuous service of nearly 32 years. The only committee on which he ever served was the Committee on Naval Affairs. He was made chairman of this committee in the first session of the Sixty-sixth Congress and served in that capacity until his death.

He was by far the best-informed man on naval affairs in the Congress, and I am not overstating his capabilities when I say that no man within my knowledge has ever shown such dissecting powers as were at his command. He was a student, and acquired his knowledge, as all truly learned men acquire theirs, by work and reflection. He was well acquainted with the technical features of naval law and naval regulations.

During the time that Mr. BUTLER was chairman of the Naval Affairs Committee much important legislation was enacted. The last bill of national importance which he sponsored and guided through the House was for 15 cruisers and 1 airplane carrier. His loss to the committee can not be measured. He believed in a strong, adequate navy; one that should be ever ready for war, but that would never be required to fire a single shot.

He was a strict party man and had the confidence of his party associates. As a Member of Congress he had the respect of his political opponents because of his loyalty and adherence to his party.

He was a wise legislator, in that he possessed a correct vision of what was necessary to be done in order to furnish the Government with its needful defense.

It has been said:

Honesty is the oak around which all other virtues cling; without that they fall and, groveling, die in woods and dust.

The paths of his public life were crowded with vast power and responsibility, and yet no stain ever followed his footsteps. His hands were never soiled by the betrayal of a public or private trust. He served, as few men have, with courage and manly bearing, with no thought of self, for the deadly virus of selfishness had not cankered his soul. Uppermost in his mind were his family, his country, and his God.

His splendid qualities, recognized by all who came in contact with him either socially or officially, and his brilliant mind and devotion to his duties and the causes he espoused, endeared him to all of his colleagues in Congress; and, Mr. Speaker, I measure my words when I say that there never was a deeper or more universal regret on account of the death of any Member of Congress than was felt when Hon. THOMAS S. BUTLER answered the last roll call.

The world is better and the people happier for his having lived; and in his death his constituents lost a courteous, faithful, and efficient Representative, his State one of its most distinguished citizens, his country one of its most able lawmakers, and his colleagues one of their best-beloved associates.

We live in deeds, not years; in thoughts, not breaths;
In feelings, not in figures on a dial.
We count the time by heart throbs.
He most lives who thinks most, feels the noblest, acts the best.

Mr. Speaker, I appropriate here, as a part of my remarks, the tribute of Hon. W. R. Coyle, a Member of the Sixty-ninth Congress and Member elect to the Seventy-first Congress from the thirtieth Pennsylvania district, who served on the Naval Affairs Committee under the chairmanship of our deceased colleague.

TRIBUTE OF HON. W. R. COYLE TO THOMAS S. BUTLER

To have known Mr. BUTLER in the fullness of his experience was to realize the power of love and the glory of service personified. In him were all those elements of character which make men to be beloved of other men—the simplicity of the poet; the directness of the mathematician; the frankness of the child.

No higher privilege could come to any new Member of Congress than has come to me through being accorded his friendship. No father could have shown more consideration for a son for whom he desired a repetition of his own career of service. From the fullness of that experience, gained during more than 30 years of contact, both with the great and with those of low degree, he imparted in apt and terse phases, not only earlier estimates of men and events, but those current as well.

I never knew a broader tolerance nor one so sincere in conceding to other men the right of each to his own opinion and belief. The one rebuke I had from him, administered as it was with affectionate understanding, came because I failed to show this tolerance. Even this great and gentle heart had, however, no thought of tolerance for the man or nation that sought to injure the country he loved and served or hamper or weaken his boys in blue or khaki who carried that country's bright flag in war. Self-seeking was unknown in him and abhorred by him. By birthright, by instinct a lover of peace, he fought and plead through an active and long life for adequate arms and equipment for the boys of the first line—the Navy.

Surely these boys, a'low and aloft and in the surface fleet, with affectionate understanding, will note and regret the passing of this great heart—truly the father of our modern Navy—and feel toward him, the active advocate of preparedness, as Kipling felt toward Lord Roberts:

"But from his life a new life springs
Through all the years to come
And the glory is the least of things
That follow this man home."

Mr. DRANE. Mr. Speaker, "THOMAS S. BUTLER, Republican" was the language upon the printed page of Congressional Directories since the beginning of the Fifty-fifth Congress, and so it was until the second session of the Seventieth Congress, when it was among the missing—THOMAS S. BUTLER had finished a life of activity and usefulness in the public service in which he had grown old. His public service is known by all men who read, but it is not in terms of public service that I love to think of him—distinguished as that service was.

I came to Congress 20 years later—a Democrat—and before I had an opportunity to observe and analyze his public service, I was honored by his tender of personal friendship. And so I have always thought of him, not as "THOMAS S. BUTLER, Republican" but as THOMAS S. BUTLER, friend.

Often out of office hours we would meet in some quiet place, giving or taking advice—Republican to Democrat or Democrat to Republican—on questions of public policy, giving no thought at all to the fact that we were not of the same political faith. Many and many a time we had our little intimate conferences and so, mutual respect, confidence, and friendship grew to mutual affection. He mourned with me in time of great sorrow and in later years smiled with me in my joys. He was a kindly man, a wise counsellor, a devoted friend. As such I loved to think of him, and so I shall remember him until my own "little life is rounded with a sleep."

Mr. DREWRY. Mr. Speaker, it is not my purpose to go into details of the civil and political career of Mr. BUTLER, for others far better qualified to speak along these lines will tell of his work for his community and State. I would confine my remarks to his service on the Naval Affairs Committee, of which I am a member, and in testifying, out of the fullness of my heart, to the qualities and characteristics which endeared him to those with whom he came in contact.

Mr. BUTLER had served on the Naval Affairs Committee of the House of Representatives for 31 years, having been appointed a member of this committee when he was elected to the Fifty-fifth Congress. He acted as chairman of this great committee since 1919.

The work of the Naval Affairs Committee is confined to proposed legislation affecting the naval arm of the military service of the United States. Properly speaking, there should be no partisanship on such a committee. Under the chairmanship of Mr. BUTLER, during my membership, there was none. He frequently stated that he knew no party where the defense of his country was the issue. I never heard him indicate that he had a partisan bias to any question. Every member was urged by him to express his views on every proposition before the committee, and he frequently changed his opinion after having had a full discussion. He gave apparently as much weight to the views of the most recent minority member as he did to those of his own party.

He presided with the utmost fairness and courtesy to every member of his committee, and gave everyone full opportunity for a presentation of his views. In fact, his chief delight was to call his committee around him at a table and there hold an informal discussion on the merits of proposed legislation. He hated formality and with simple directness brought out many angles of a subject that might never have been considered under the limitation of formal rules of procedure. Sometimes, in fact, there was some grumbling about the laxness with which he presided, but when the discussion was ended it was found that there was not left in the mind of any member any thought that his views had been arbitrarily ignored. If the majority

disagreed with him, he gracefully agreed to support their view. With such an example before the committee, where even the chairman did not try to force his opinion, the members could do no less than act harmoniously. Consequently, every measure favorably reported received the unanimous support of the committee on the floor.

His knowledge of the Navy and its needs was unsurpassed by any Member of Congress, and I doubt if many high-ranking officers of the Navy knew as fully as he did the complex legislative needs of the service. He gave his full attention to it and studied it throughly, item by item. Each and every bill received his minute attention. He had a well-trained, independent, courageous, and an essentially honest mind, and he was conscientious in the application of these principles to the matter in hand. He determined for himself the right of every cause and fought bravely in the expression of his views. There was no compromise if the question was of right or wrong, but if it was a matter of expediency or propriety, he never hesitated to join hands with the majority if he was of the opinion that there was any doubt as to the correctness of his view.

His outstanding characteristic I always thought was his patriotism and his devotion to the duty of serving his country. He was a Quaker, but a "fighting Quaker" when his country called him to its defense. His love for his country was exemplified in his love for the Navy, the country's first line of defense. His clear mind saw the necessity for an adequate navy, if his country was to protect itself from attack and aggression. He would never have favored a war of aggression, but neither would he stand for an insult to his beloved country or mistreatment of its people. So he threw himself with energy into a study of world conditions in their application to our naval needs. It is no secret that he did not agree with the administration on one occasion as to the enlargement of our cruiser strength, and he vigorously maintained his view to such a degree and exhibited such striking knowledge of the subject that the House supported him in the increase desired. It was a great tribute to the confidence his colleagues had in his judgment and to his courage in presenting his views. Patriotism was the keynote of his character. He loved to serve his country, and his constituents recognized his peculiar fitness for the service and kept him in office for nearly 32 years. Of all the men who have had the distinction of service in this great legislative body since the beginning of our Government, few have had such a testimonial to the public confidence in their patriotic service and integrity. No man could have had such a record without possessing great qualities of head and heart.

The qualities which placed him high in the affectionate regard of his constituents through all the mutations of political life earned him the love and esteem of his fellow Members. Many there were who with deep affection called him "Uncle Tom," but by many of his colleagues he was loved rather as a father than as an uncle. I welcome this opportunity to express my appreciation for many courtesies and kindnesses, little acts in themselves but contributing largely to the comfort and experience of a younger man of the opposite party in the service of the country. He is not dead who lives in the memory of his fellow men.

Mr. SANDERS of Texas. Mr. Speaker, I come to pay a brief tribute of respect to the memory of my good friend, THOMAS S. BUTLER. He served with distinction through the Fifty-fifth and succeeding Congresses until the time of his death. I came to know him well when I was placed on the Committee on Naval Affairs, of which he was chairman, a position which he was holding when he answered the last call. Never will I forget my first meeting with him after I had been named on that committee. He tenderly placed his arms around me and said, "My boy, I am glad that you are on our committee and I want to tell you that we do not have any politics in our committee." Here in this body when at times we are so sharply divided by party lines it was good to me to know that under the leadership of Mr. BUTLER on this great committee the welfare of our country would be the paramount consideration. I do not believe that in our committee work Mr. BUTLER was ever influenced by party consideration. His rugged honesty and lovable disposition endeared him to all. He served in Congress for more than 30 years, giving his life and his splendid talent to his country's service. I had the honor to be one of the committee to accompany his remains to the cemetery in his home town, West Chester, Pa., and the great gathering of his neighbors and friends on that solemn occasion attested the love and affection which a grateful constituency had for the one who had served them so long, so faithfully, and so well.

HENRY RIGGS RATHBONE

Mr. YATES. Mr. Speaker, HENRY R. RATHBONE is the subject of these few remarks inserted in the RECORD by virtue of the leave to insert heretofore granted.

I leave to others, and particularly to the words of Hon. CHARLES S. DENEEN, hereby attached to and made a part of these remarks, the recital of Mr. RATHBONE'S services in this Nation.

And in view of the fact that we are deprived on this occasion of hearing from Mr. RATHBONE, himself, concerning his services in this House, I content myself with quoting a number of his own public statements concerning his aims and aspirations.

And I take the liberty to add a few incidents connecting me with Mr. RATHBONE in a very long acquaintance.

I knew Mr. RATHBONE for 28 years, from May, 1900, to the 15th day of last July, 1928.

I have in my office and on my desk here in Washington a large and handsome inkstand, the base of which is 20 by 10 inches, and which is surmounted by a bust in bronze of Ulysses S. Grant, in full uniform as General of the Armies of America, full general. You all know that he was twice President in "reconstruction days," and before that, by my own father's action, was colonel of the Twenty-first Volunteer Infantry in 1861.

This inkstand, with its significant bronze bust of the old "Silent Commander," U. S. Grant, was presented to me on the day of my own inauguration as governor, January 14, 1901, by that political organization, still prominent and powerful, the Hamilton Club, of Chicago. And the happy and handsome man who made the presentation speech that bright day was HENRY R. RATHBONE.

The place was the governor's mansion at Springfield. Seeing as I do the old commander on my desk ever morn and noon and evening, I am reminded often of that eloquent address delivered by Mr. RATHBONE on that occasion.

Happy, indeed, was that hour of achievement to me; and happy, indeed, was that speech of RATHBONE.

I can never forget Mr. RATHBONE'S appearance and bearing at that time. He was just 10 years younger than I—he was just 30 and I just 40. He was very dramatic.

His physique was always superb and compelling, as we all know. His gestures and voice were always correct. Likewise his attitude.

I recall that I said to myself at that time, "I would like that man to be a part of my administration."

But that thing never happened, for the reason that Mr. RATHBONE never asked or sought, directly or indirectly, so far as I know, any State office or preferment.

However, this did happen: In 1908 he made a hundred speeches for me, and, of course, they were all careful, truthful, and—I thought and still think—admirable.

Campaigning in Illinois is always strenuous, and campaigning in Chicago, as all men know, is superstrenuous.

In 1908 occurred the first state-wide primary in Illinois; my recollection is that many Democrats aspired to the Democratic nomination for governor, but only two Republicans sought the nomination for governor—DENEEN and YATES. Governor DENEEN won. The majority was less than 10,000, but it was decisive. All the losers accepted the decision, RATHBONE and YATES as cheerfully as any.

It was always so with Mr. RATHBONE. Repeated disappointments in his early candidacies for Congressman at large did not deter him from persevering until ultimate victory was his again and again.

During all his service as Congressman at large I was his colleague. His service was a strenuous and ever more strenuous effort to be a real Congressman and a true public servant.

Once upon a time an Illinois United States Senator called his son to his knee and said:

My son, I want you to grow up and serve the Republic.

So it was with this man; he strove to serve the Republic.

Mr. Speaker, I think it appropriate, as showing his aims and aspirations, to insert here a half dozen excerpts from an address delivered by Mr. RATHBONE on May 29, 1928, as follows:

REVIEW OF MY RECORD IN CONGRESS

Mr. RATHBONE. Mr. Speaker, to my constituents, the people of Illinois, under the leave granted to Members of the House of Representatives of printing in the RECORD their own statements on any subject, I am taking this oportunity to give a brief review of my record in Congress. I am serving my third term in the House of Representatives, having been elected in 1922 a Member of the Sixty-eighth Congress. I am again a candidate for reelection as Congressman at large. I shall stand or fall by the record I have made, and I welcome this opportunity of rendering an account of my stewardship to my friends and constituents, who have so generously given me their confidence and support.

BUSINESS

I have consistently supported throughout my congressional career economy and business management in all the affairs of government. I have voted for tax reduction, lowering of the income-tax rates, raising of the exemption limits, and the cutting down of the nuisance taxes, as well as the abolition of the war tax on automobiles and auto parts. I have also voted for a revision of the postal rates and for legitimate and necessary expenditures on public buildings.

MERCHANT MARINE

I have voted for the merchant marine bill in order to promote American commerce and keep our flag upon the seas.

AGRICULTURE

Every measure that has come before the House of Representatives since I have been a Member of that body in the interests of agriculture has had my earnest and enthusiastic support. Among these have been the various bills for the stabilization of prices for farm products, the corn sugar bill, the corn borer bill, and the Hoch resolution providing for a reduction of freight rates on farm products. The farmers of our State and Nation can count upon my continued cooperation with them in all their efforts to bring about a better condition of American agriculture.

IMMIGRATION

Believing that it is essential that America should be kept American and that our standard of living and citizenship should not be lowered, I have wholeheartedly supported restriction of immigration. However, I have also supported the Jenkins bill, which sought to mitigate some of the harshness of the present law and to permit of parents and children of immigrants already in this country to be reunited with their families, without the number already established by law being exceeded.

VETERANS

Hardly a day has passed since I have become a Member of Congress that I have not had an opportunity of rendering some aid to the service men or their dependents. There has not been a measure in their interests that I have not gladly supported, among these being the adjusted compensation act, various hospitalization bills, the disabled emergency officers' bill, and the Civil and Spanish War pension bills. At the instance of the Veterans of Foreign Wars, I have introduced a bill providing for a system of pensions for World War veterans.

RADIO

Firmly believing that the radio is one of the greatest civilizing agencies of the present age, I have supported legislation to bring order out of chaos, prevent interference, and place broadcasting on a sound and permanent basis.

PRESERVING HISTORIC MEMORIES

The memory of the past is the inspiration of the future. Believing firmly in the importance of preserving historic sites, I have introduced a number of bills, which have aroused great interest throughout the Nation. Among these is the bill for the purchase of the famous Oldroyd collection of Lincoln relics, which has become a law. Other bills of a similar character are three bills providing for the survey and construction of Lincoln memorial highways running through and past practically all of the places where Abraham Lincoln and his parents lived and where the most important events of his life took place before he went to Washington. I have also introduced a bill for the reconstruction of Old Ford's Theater and the making of that historic building into a Lincoln museum and central headquarters of the Grand Army of the Republic, a bill for the rehabilitation of the house where Lincoln died, and a bill for the erection of a suitable monument to George Rogers Clark at Fort Gage, Ill.

FOREIGN RELATIONS

While I have supported every measure for reasonable national defense, I have also done everything in my power to promote international good will and the peace of the world. I offered an amendment to the naval appropriation bill in the Sixty-eighth Congress, which was later adopted, in favor of the cooperation of this country with other nations in an attempt to bring about a further limitation and reduction of naval armaments. I have also sought to define what I conceived to be the true policy which this country should follow in the matter of our foreign investments by a resolution which I have introduced. This resolution contains a declaration that the United States will not go to war, intervene, nor exert armed or economic pressure upon other nations in order to compel the payment of private debts.

I trust that the foregoing brief summary will give to my constituents and to those interested some idea of the things that I have stood for. I shall stand for the same principles in the future. My record is my platform.

I am deeply grateful to the 7,000,000 people of the State of Illinois for their confidence and support. I have but one ambition—to serve them and the Nation to the very best of my ability.

Mr. Speaker, I present, as a part of my extension of remarks, a copy of the address delivered at Mr. RATHBONE'S funeral in Chicago July 18, 1928, by Hon. CHARLES S. DENEEN, United States Senator from Illinois, as follows:

ADDRESS OF THE HON. CHARLES S. DENEEN AT THE FUNERAL OF CONGRESSMAN HENRY R. RATHBONE ON JULY 18, 1928

Some time ago Mr. RATHBONE said to a friend at a Masonic funeral that when he passed away he hoped that the Masonic ritual would be repeated at his own funeral. The simplicity of the ritual and the nobility of its sentiments appealed to his mind and to his heart. To him the universality and the democracy of death called for a common expression of sorrow from and of sympathy to surviving relatives and friends.

In harmony with the ceremonies on this occasion, may I present briefly a few facts about his life and his career.

HENRY RIGGS RATHBONE was born in Washington, D. C., February 12, 1870. He came of a family of unusual intellectual qualities and of high social station. His father was a graduate of Union College, was a volunteer soldier in the Civil War, and held the rank of colonel at its close. His mother was a woman of high station and of unusual social and intellectual attainments. It is generally known that Mr. RATHBONE'S father and his mother, before their marriage, were guests of President and Mrs. Lincoln in the box at Ford's Treater at the time of the assassination of the great emancipator, and that his father was wounded while endeavoring to protect the martyred President.

His maternal grandfather was the Hon. Ira Harris, at one time a judge of the Court of Appeals of New York. He was one of the three founders of the Albany Law School, one of the oldest law schools in the country, was active in the organization of the Republican Party, and in 1860 was elected a Member of the United States Senate from New York, where he was a staunch supporter of President Lincoln throughout the Civil War.

His paternal grandfather was a successful business man, and at one time was the mayor of the city of Albany, N. Y.

Mr. RATHBONE had unusual educational advantages and training. He was educated at Phillips Academy at Andover, Mass., at Yale University, at Albany Law School, and at the University of Wisconsin. After completing his studies he came to Chicago and entered upon the practice of his profession. During his college days Mr. RATHBONE had indicated a decided aptitude for public speaking. He was chosen class orator at Yale. He was selected to represent his graduating class at the Albany Law School. His training and his ambition to be a public speaker caused him to prepare himself for the trial of cases in the courts, but before he entered upon this branch of the law he made an exhaustive investigation of the law of negligence, reading every case in the appellate court and in the supreme court of this State, and thus became so familiar with the cases that he could cite the controlling principles in the leading ones without reference to the books.

He soon took rank among the prominent trial lawyers in our courts and acquired a large and lucrative practice. A lawyer who was an office associate of Mr. RATHBONE in his early practice told me yesterday that Mr. RATHBONE prepared his cases with unremitting patience and toil; that he mastered the facts and the law in the cases intrusted to his care. These labors accounted for his ease and poise in court and his ability to present clearly and forcibly the issues involved.

While he was engaged in the arduous practice of the law he dreamed of a larger field of activity and usefulness. Four years ago, when we were traveling through the State in a campaign, I rode with him at times for a number of hours, and on one occasion he told me that after his admission to the bar he had an opportunity, through the aid of influential friends, to be appointed to a prominent position in the legal department of the Government at Washington but that he made up his mind that he would go West and establish himself as a lawyer, with the hope and expectation that after he had accumulated a competence he would direct his energies to political life and return to Washington as a Member of Congress.

This high purpose was never out of his mind. His rare gifts of eloquence brought him many invitations to speak before churches, lodges, patriotic assemblies, and in schools and other institutions of learning. It is no exaggeration to say that few lawyers or public men in our city have spoken more frequently than he or over a longer period of years. His reputation soon extended beyond the city of Chicago, and invitations came to him from all parts of the State.

As in the law, he prepared himself thoroughly for public speaking. He pursued a systematic course of reading and study in literature, economics, politics, history, and constitutional law. Because of this rigid discipline he was able to speak intelligently, interestingly, and eloquently on a variety of subjects and on any public occasion.

He did not confine his public speaking to ceremonious occasions and large audiences but he went where he was asked, regardless of the size of the audience, and at every engagement he gave to his audience the best that was in his mind and heart. In this way he established a solid reputation as an orator and as a speaker well informed on public questions.

Mr. RATHBONE had executive and administrative abilities of a high order. He was unanimously elected president of the Hamilton Club, of Chicago, in 1916, and his administration met with the general approval of the members of the club. During the presidential campaign

of 1916, on assignment of the national committee, Mr. RATHBONE conducted a training school for public speakers for the campaign.

During the World War Mr. RATHBONE devoted practically all his time to patriotic work. He was chairman of a special committee of the Chicago Bar Association which outlined the activities to be pursued by lawyers in connection with the war. Plans drafted by the committee were submitted by him to a conference of delegates of the State and local bar associations at Saratoga Springs, N. Y., and at the annual convention of the American Bar Association.

The war committee of the local association handled 2,000 cases a month, giving free legal advice and rendering assistance to soldiers, sailors, and their families. Lawyers were furnished to the exemption and to the appeal boards. So well was the work done that Mr. RATHBONE was called to different bar associations of the country and of Canada to relate the plans of the Chicago committee and to explain its work.

Mr. RATHBONE made a large number of speeches in Illinois and other States during the war. Twice he toured the State, once with the Jackie Band and another time with a war exhibition train in behalf of the third and fourth Liberty loan drives.

Mr. RATHBONE was an active member of the Chicago Association of Commerce and served on a number of its important committees.

Such was his preparation for the political career with which we are all familiar. In 1922 he was elected Congressman at large for our State. He was elected for three successive terms thereafter and was the nominee of his party for that high office at the time of his untimely death.

Mr. RATHBONE entered upon his work at the National Capitol with great pride and joy. The measures relating to social service first enlisted his attention, and he thereafter became interested in the bill for the amendment to the child labor law, the pension bills, the bills relating to the salaries and the conditions of work of the postal employees, the soldiers' bonus bill, the hospitalization measures for disabled veterans, and the workmen's compensation bill.

He was especially interested in the municipal affairs at Washington, the city of his birth. He favored extending the right of suffrage to the inhabitants of the District of Columbia. He became interested in the public schools and in the District of Columbia Rent Commission.

His interest in the District was quickly recognized, and he was in demand as a speaker on a great many public occasions in the District. A number of times he spoke over the radio on matters of local interest to the residents of Washington.

He was diligent in his studies of measures of general interest. His industry and his talents made a place for him in the National House of Representatives. Some time ago he was chosen the orator to deliver the address to the House on Lincoln's Birthday.

This is not the time nor the occasion to speak in great detail of his services to his State and to the Nation. In due time the House of Representatives will set apart a day for tributes to his memory by his fellow Members.

Of his personal character and characteristics I am sure he would not wish me to make more than brief mention. He made friends easily. He enjoyed friendships and held them tenaciously. He was pleased to render services to friends. He was kind by nature, not given to saying harsh words about others. He was a man of broad sympathies. He would not turn away from his office the poor who needed professional advice and aid. He was scrupulously careful about his financial obligations.

He loved his country and never tired of speaking of her institutions, her Constitution, her traditions, and of the equality and opportunities of her citizens. He had faith in the common man, and loved his fellow man. His life was clean and unblemished. He had a nobility of mien and bearing which indicated the life he lived and the thoughts which filled his mind.

As we look back in retrospect and recall his noble birth, his student days, his struggles at the bar, his activities in civic life, his services to his country in times of war and peace, his unfailing kindness and courtesy, and his generous impulses, may we not say: "Here was indeed a man. He played well his part in every station, and nothing became his life better than his quitting of the stage."

He did not anticipate death, and up to 10 minutes of his passing away he expected to recover his health. The courage which had sustained him in life did not forsake him in death, for he quit the mortal shores of time and sailed for the distant scenes without repining.

"Friend, ahoy!
Farewell, farewell.
Greetings and help the echoes tell
Faint but eternal.
Friend, ahoy!"

Mr. CHINDBLOM. Mr. Speaker, I sustained a peculiar relation to our late colleague, the Representative at Large from the State of Illinois, the Hon. HENRY R. RATHBONE. He resided in the tenth district, which I have the honor to represent, and we were of course both inhabitants of Illinois. He was therefore my constituent, as I was his. His popularity and high standing, not only in our congressional district, but in the entire State, were attested by the large vote of confidence given him in each succeeding election. His industry was indefatigable; his patriotism and devotion to duty unimpeachable. He loved his work in the Congress and probably impaired his health by his generous response to every call for the employment of his rare oratorical talent. His addresses on Lincoln were masterpieces, for which he was justly famed far and wide. He took a special interest in the District of Columbia, in which he was born of parents who were personal friends of the martyred President of the Civil War period. At the time of his death, Mr. RATHBONE was president of the Illinois State Society of the National Capital. This body had a special meeting, devoted to his memory, on November 23, 1928, at which a notable eulogy was pronounced upon our late colleague by another eloquent son of Illinois, the Hon. Theodore G. Risley, Solicitor for the Department of Labor. Under leave granted by the House, I extend these remarks by the insertion of that address:

ADDRESS ON THE LIFE AND PUBLIC SERVICE OF HENRY RIGGS RATHBONE, DELIVERED BEFORE THE ILLINOIS STATE SOCIETY, AT WASHINGTON, D. C., ON NOVEMBER 23, 1928, BY THEODORE G. RISLEY, OF MOUNT CARMEL, ILL.

By the death of HENRY RIGGS RATHBONE, which occurred on July 15 of this year, the Illinois State Society of Washington lost its distinguished president, the State of Illinois an eminent Member of Congress, and the Nation a faithful and patriotic statesman.

Mr. RATHBONE was born in Washington in 1870 and was known as the only Washington Representative in Congress. He was the sole Member of the House born in the city of Washington. He was always the friend of the District, and in every proper way sought to promote its development and beauty.

He was the son of Henry Reed Rathbone and Clara Harris Rathbone, who were with the Lincolns in their box at Ford's Theater on the night of the President's assassination. The story of this tragedy inculcated in young RATHBONE a profound reverence for the character of the illustrious emancipator.

Mr. RATHBONE was graduated from Yale University in 1892 and from the Albany Law School in 1893, and afterwards from the University of Wisconsin. He moved to Illinois, where he was soon admitted to the bar and had a successful career as a trial lawyer. In 1903 he was married to Laura Lucille Harney, of Oshkosh, Wis., who survives him.

In 1916 he was elected president of the Hamilton Club of Chicago.

As a Member of Congress he advocated the causes of prohibition and farm relief and was an earnest supporter of a Lakes-to-the-Gulf waterway. He took an active interest in aviation and championed the bill honoring the Army fliers who circled the world in 1924. He contributed invaluable support in submitting to the States an amendment to the Federal Constitution prohibiting child labor.

He possessed, both by natural endowments and valuable experience, high qualifications for the performance of legislative duties. He was an indefatigable and painstaking student of economic, industrial, and social conditions; his knowledge of public affairs was extensive and unusually accurate, and he was illuminating and effective in the discussion of public questions. The character and importance of his legislative service to his State and his country were of a high order and he enjoyed the confidence and respect of his fellow legislators. After having served as Congressman at Large from the State of Illinois for three terms, he received the splendid tribute of a renomination for that important office which manifested the appreciation of the people of Illinois of his valuable public service.

A STUDENT OF LINCOLN

Mr. RATHBONE enjoyed a national reputation as an assiduous student of, and brilliant lecturer on, the life of Lincoln. He was the author of the bill which authorized the Government to purchase the priceless Oldroyd collection of Lincolniana and earnestly endeavored to have the old Ford's Theater established as a Lincoln museum.

He was clear in his convictions, unfaltering in his purposes, and fearless in the advocacy of his opinions. He was a patient investigator, and in the alluring field of research he found the keenest of pleasure. His local attachments were profound, but his mind was broad, his ideals elevated, and his views on public issues were continental in their scope.

His convictions were sincere and his opinions were usually well matured. The simplicity of his conduct, his kindliness, his common sense, and transparent honesty appealed to the people and enlarged the circle of his influence.

His understanding was comprehensive, his judgment clear, and his motives and actions were at all times controlled by reason and conscience. He never compromised to the prejudice of that which he believed to be right, nor indulged in sycophantic arts to win fleeting applause.

He studied public questions from every angle which appeared to him and discussed them with a lucidity and a cogency that was convincing, and his sense of discrimination was exquisite. His professional and political ethics were irreproachable.

SERVICES AS PRESIDENT OF THE ILLINOIS STATE SOCIETY

Mr. RATHBONE deeply appreciated his election as president of our society, and he sincerely felt it to be a genuine compliment, and particularly so because of his love for and loyalty to our great State. He had a zealous desire to foster the spirit of good will and promote the finer sentiments of social relationship among us and also to inspire in his fellow Illinoisans an ever-increasing devotion to the welfare of our great State and an enduring veneration for the men and women who, by unselfish sacrifices and with efficient hands and stout hearts, have contributed to her material success and moral and spiritual welfare.

HENRY RIGGS RATHBONE has

"Passed beneath that low green tent
Whose curtains never outward swing,"

but he has left behind the sweet incense of a cherished name.

To his beloved widow, at this time of her irreparable loss, we tender our deepest sympathy.

Mr. SABATH. Mr. Speaker, during my 20-year service in the House of Representatives I had the pleasure and honor to serve with a great many splendid, sincere, and patriotic men.

The State of Illinois, which I am in part representing, has been extremely fortunate in giving to the Nation more than its share of such Representatives. Some are now still in their private capacity of service to their State and to the Nation, and many have gone to their reward and from whence no traveler returns.

Among the foremost of these men easily are: The former Speaker of the House of Representatives, "Uncle" Joe Cannon, who had attained, due to his energy, ability, courage, and his long service, a position second to none since the existence of our Government; James R. Mann; Martin B. Madden; Ben Caldwell; Martin B. Foster, who left behind them enviable records of achievements, and many others, but none of them were more devoted to their duties or possessed greater desire of being of service that our dear departed colleague, HENRY R. RATHBONE, whose main object in life was to serve his fellow man.

Born and raised in the Capital of the Nation, he seemed at all times to be desirous to give the very best that was in him to the Nation and to the Capital of the Nation.

And though of old Republican stock, he has shown at all times that independent spirit which frequently would have been embarrassing to less principled men. With him party lines were not as binding as the interest of the Nation. He not only preached but followed the precept "That he who serves his country the best serves his party the best."

Having known him before he entered the House of Representatives, I therefore watched his activities from the first day of his term, and though the State of Illinois has given to the Nation many capable, industrious, sincere Members, I do not know of anyone who was more devoted to his duties and more desirous to be of service than he.

It is to be regretted that he was torn from us prematurely and that he no longer will be seen hurrying or speeding from one committee room to another, endeavoring to fulfill his manifold duties and to comply with the hundreds of requests that came to him as a Member at Large of the great State of Illinois.

Mr. BUCKBEE. Mr. Speaker, HENRY RIGGS RATHBONE was a man that one can never forget—for he was a man of exceptional making. He was a man who was a man—a friend of all classes and of all races. His friends were numbered in hosts, and his passing was felt by all. The clay with which our Creator molded him was of the finest elements. First, it had durability and stamina, and yet, in spite of all its firmness, it contained an element of kindness; an element of friendliness for all. It was a clay presentable to all—dignitary and laborer alike. And HENRY RATHBONE was true to the last degree of his Maker's wish.

All his life he tried, and it can not be questioned for one moment that he did not succeed, to mold his life and deeds after that immortal one whose very name makes one stand in awe—none other than our everlasting patriot, Abraham Lincoln. Time and time again was noticed the semblance of his deeds and actions to those of Lincoln.

His ability as an orator was recognized—and it could not but be so—wherever he was heard. His imposing figure, his eloquent flow of words, and his expressive manner are qualities given to very few mortals. And the appreciative factor of all this—and it is a factor that will long be remembered—is that always he used his gifts for the betterment of mankind. Often did the Halls of Congress ring with his inspiring words, as he lent himself to the defense of a measure that he felt was for the good of his friends—his countrymen.

And so it is with sadness that I write in memory of the man; the man whom I, and everyone else, shall remember until we too are swept away. But perhaps the stately words of the poet can express my sentiments in tones more eloquent, and with a deeper ring—

The color of the ground was in him, the red earth,
The smack and tang of elemental things.
The rectitude and patience of the cliff;
And when he fell in the whirlwind, he went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

Mr. HALL of Illinois. Mr. Speaker, it is a privilege to add my word of appreciation of the life and work of my friend and colleague HENRY RIGGS RATHBONE. The people of Illinois were proud of him. They had a pride in his devotion to duty. They were proud of his untiring industry and of his eloquence of speech.

He was a picturesque figure here in Washington, where he was born and where so much of dramatic and tragic interest touched intimately the history of his family. The wonderful energy of his tall Lincolnian body and the alertness of his well-trained mind were constantly at the service of his people and his country.

Mr. RATHBONE was a lawyer of profound learning, making him wise in council, and his powerful eloquence made him an effective and successful advocate. In his years of service as a statesman he was true to his first love, the law, and he practiced his profession to the end.

With his manifold duties as a statesman and as a lawyer, somehow he found time to be of service in other ways. He was a teacher in the National University Law School and a lecturer at the Howard University, and in these capacities he instilled in the minds of the young students at both institutions his own inborn high conceptions of patriotism, devotion to duty, and a will to service.

His service in these two institutions has left undying impressions upon the lives of the young lawyers and the young colored students attending them.

In Illinois he was a unique figure. Tall, almost gaunt, strikingly good looking in a rough way, he was a constant and persistent and untiring visitor among our people.

I doubt if there was ever a public man in that State who was personally known by more people than was Mr. RATHBONE.

Everyone said they knew HENRY RATHBONE. This was because he loved people and he liked to meet them, liked to meet lots of them and often. And when he did meet people his friendly smile and friendly words and friendly handshake won their hearts and made them his friends.

I remember having occasion to go to Pontiac, one of the large towns in my district, early one Sunday morning, and when I arrived, one of the firse persons I met was my friend Henry.

He told me he was going to Forrest, Chattsworth, and Fairbury that day and then was going to speak in the Methodist Church at Pontiac at night. I told a friend about this and I told him that Henry would see a lot of good men and women in each of these towns and my final remark was, "If RATHBONE completes a visit in four good-sized towns on Sunday, what could he do on a week day."

His service in Congress was especially acceptable to three classes of people—to farmers, to union labor, and to the colored race.

His great heart beat in sympathy with these, his constituents, and in his work here he never failed them.

His untimely death leaves an aching void in the hearts of the people of Illinois, and while all vacant places, it seems, can be filled, and are, still his place in the councils of the Nation will be hard to fill.

HENRY RATHBONE was of such a kindly disposition among his associates and he looked upon them with such a friendly eye that I must say that he, in passing, would have it said of him:

But I would like to have my story told
By smiling friends with whom I've shared the way;
Who, thinking of me, nod their heads and say
His heart was warm when other hearts were cold.

LOUIS ADAMS FROTHINGHAM

Mr. LUCE. Mr. Speaker, LOUIS ADAMS FROTHINGHAM, a Representative in Congress from the fourteenth congressional district of Massachusetts, died August 23, 1928. That the nature of the loss suffered by the House, by the Commonwealth he in part represented, and by the country he so usefully served may be better understood, and that his memory may be better per-

petuated, a record of his life should precede the tributes paid to him by his colleagues.

The latest learning tells us that every man's life began untold æons before he was born. When he comes into the world he is made up of an almost infinite number of contributions from ancestors. These we can not trace back even to the rivulets, much less to the springs. Only when the joining rivulets become streams do they have significance we can interpret.

In this instance enlightenment begins with a group of ancestors who were among the men and women finding a new home on the shores of Massachusetts Bay 300 years ago. He who bore the name of Frothingham came with the fleet of Gov. John Winthrop to Salem and then to Charlestown, where through many years the name was familiar. Four others were of the Pilgrims, who a decade earlier had landed on Plymouth Rock. Also there were the Rev. John Cotton and the Rev. Nathaniel Ward, clergymen eminent in the time when clergymen were dominant in Massachusetts.

From such stock, blended of Pilgrim and Puritan, came a family that ever since has been conspicuous for its influence on the life of the old Commonwealth. It furnished preachers who notably filled important pulpits; soldiers who in the Indian wars, the War of Independence, nad the wars of our own period held commissions attesting both capacity and patriotism; scholars who made valuable contribution to the treasure of literature; jurists who are remembered for their learning and sagacity.

What they did, however, is to us here of consequence only as revealing what they were—men of serious purposes and high ideals, men of integrity, men of courage, men of ability, men whose aim in life was to serve. Inevitably of such in his turn was LOUIS ADAMS FROTHINGHAM.

Born in Boston July 13, 1871, his earlier years followed the course usual in the case of Boston boys from families accustomed to look upon adequate education as the necessary foundation for the most useful life. From the public schools he went first to the Roxbury Latin and then to Adams Academy in Quincy, institutions long notable for thorough training of the mind, and then to Harvard College. Though diligent with his books, he was not to be best remembered for scholarly achievement, but rather by the physical faculties with which he had been remarkably endowed. He was one of the rare youths having that combination of muscle, nerves, and judgment which achieves preeminence in every form of bodily competition. This stood him in good stead to his latest years, as may be attested by his associates here who vied with him in the forms of outdoor contest suitable for the mature. In his college days it secured for him the prizes of successful leadership, and also its training against the needs of struggle in the various conflicts of afterlife.

Furthermore, with the aid of other qualities it helped win for him that most subtle of achievements—popularity. Athletic prowess by itself can not secure this. Popularity eludes mental endowment. It can not be bought. It can not be earned. In its purest aspect it can not be cultivated. It springs from qualities that defy analysis. Just why LOUIS FROTHINGHAM was liked, often beloved, by those who came within the circle of his acquaintance no man can tell. We know only the fact.

After graduating from college and then from the law school he turned his thoughts to broader fields of service than any one profession can give. Although admitted to the bar and at times afterwards practicing the law, the opportunities of public life were more attractive. Probably his interest therein was incerased by what he observed while acting for a time as secretary to a Massachusetts Member of Congress. Then his outlook was broadened by a share in the Spanish War. He had joined the Massachusetts Militia and naturally sought war service, which he found as an officer of marines on the U. S. S. *Yankee*.

Not long after returning, he was able to begin mounting the political ladder, being elected to the general court from the Back Bay district of Boston in 1900. In the next three years steadily increasing responsibilities were intrusted to him, and then by the house of 1904 he was chosen speaker. This was because apart from personal popularity he had convinced his associates that he was cautious, prudent, well-balanced, earnest, sincere, and of complete integrity.

The speakership of the Massachusetts House means something in Massachusetts. Unhampered by the constitutional shackles that minimize the opportunities for service in the legislatures of most of the other States, the general court of the old Bay State still has long sessions, gives an answer to every citizen with a grievance, maintains its leadership in the careful enactment of wise statutes for the public welfare. The speaker can not rule there, but he may guide if he will, and the young speaker from Boston was a wise and skillful guide. Commanding complete respect, trusted as absolutely fair, efficient as a presiding officer, he could have held the position long, but a high sense of duty led him to retire after two years upon the urgent request of party associates that he become a candidate for the mayoralty of the city of Boston. That office seemed to his friends to need him the more, but the electorate thought otherwise, and for a time it looked as if the door to further opportunity in public service was closed.

Such was not to be long the case. Everybody felt that his forsaking the speakership to lead a forlorn hope was a sacrifice not to be forgotten, and so when his friends presented him as a candidate for lieutenant governor in 1908 he started with a deserved advantage not to be overcome, won the nomination with a handsome margin, and then the election.

In our State it is almost a habit to promote the lieutenant governor. After his apprenticeship of three years in the subordinate position, Mr. FROTHINGHAM would undoubtedly have been so promoted, had it not been for the fact that the governor, of opposite party and a candidate for reelection, was unusually skilled in holding the public favor, so that once more it looked as if public life were ended.

Then came an interval of service in other fields. As an overseer of Harvard—by the way, the youngest man to be elected such—he had the chance to serve the university by which he was so highly regarded. Certain lectures he there delivered were elaborated into an excellent book on the constitution and government of Massachusetts. Two hospitals benefited by his counsel as a trustee, and also he became president of a savings bank, which in Massachusetts is a philanthropic institution.

Our entry into the World War gave fresh chance to put his training and experience at the command of his country. Besides receiving a commission as major in the Regular Army, he was able to be of generous help to the Massachusetts men on the other side of the water, for he went across as a member of a State commission to visit the Massachusetts soldiers at the front, and with his wife opened a home in Paris where the boys on leave could find friendly companionship and encouragement.

After the war he returned to the home in North Easton to which he had removed from Boston upon his marriage in 1916. There, amid beautiful surroundings, he was able to gratify his love for nature and to enjoy her bounties. The rose garden became his particular pride. You may trust the man to whom such things bring unalloyed happiness.

Again public life drew him. In 1920 he won the nomination and election to represent the fourteenth Massachusetts district in the National House. So well did he thenceforth perform the duties of a Representative that he could have come back here indefinitely. He commanded the complete respect and good will of his district. For its interest he worked faithfully.

In the House he was gradually winning that confidence which eventually brings important influence. Not a frequent speaker, he was listened to when he took the floor, for it was felt he would say only that which would help. His judgments in the committee room deserved and won attention. Had he been spared for lengthier service he would in time have reached high place in the councils of the Nation.

That he should have been cut off just when life held out such promise is one of the mysteries that pass finite understanding. He seemed to have in perfection the sound mind in the sound body. In all things he was temperate. There was no man among us whom at the close of the previous session we should have more confidently expected to greet when we met here again. Yet now nothing remains for us save to treasure his memory and be thankful that he was our friend.

My colleagues will appraise his character. I must not too much forestall them, but the friendship and association of a quarter of a century, through much of which we worked together, will not let me conclude without attempting to set forth in a few words the reasons why, to my mind, he was such a valuable servant of his fellow man and why his death was such a loss.

He had in unusual degree the kindly spirit, a sympathetic interest in those with whom he came in touch, the wish to make others happy. Though modest almost to shyness, he could on occasion be outspoken and firm. Behind his diffidence was real courage. He was high-minded, clean, sincere. Utterly devoid of affectation, lacking wholly in self-conceit, without pride of place, respecting himself and therefore respecting others, upright and honorable, the world was the better because he lived.

Mr. WIGGLESWORTH. Mr. Speaker and Members of the House, the citizens of the fourteenth congressional district of Massachusetts have conferred upon me the very great honor of intrusting to my hand the torch held high in recent years by your former colleague, my distinguished predecessor, whose memory we honor to-day, LOUIS ADAMS FROTHINGHAM.

It was my privilege to know him first as the popular graduate of my alma mater, the close friend of many of my friends, who had risen to the position of Lieutenant Governor of Massachusetts and later in Treasury days as the successful Representative of my congressional district. Recent experience, however, has afforded an insight into the ideals which governed him in life and an appreciation of the position which he held in the affections of his constituents, which will always abide.

LOUIS FROTHINGHAM devoted his life to public service. He believed that life held no greater opportunity for one in his position than that of serving those about him. His life itself speaks more eloquently than words of his nobility of character, his high public purpose, and his unswerving adherence to whatever course he believed to be honorable and right. As soldier, legislator, speaker of the Massachusetts House of Representatives, lieutenant governor, and a Member of the Congress of the United States he served his State and Nation with distinction and with fidelity and won the respect of all with whom he came in contact.

His also was the touchstone of friendship. His sincerity and ready sympathy were apparent to all. Recalled from duties overseas immediately after his death to engage in an active campaign for the position which had been his by common accord, it was inevitable that I should sense at close range the sentiment throughout his congressional district. I can truly say that LOUIS FROTHINGHAM was beloved by his constituents. Wherever I went and among people of every walk in life I found the same expression of genuine affection for him. I hope sincerely that he appreciated how widespread this feeling was, for to me it seems about the greatest reward that could come to one in his position.

Hundreds of letters received after his death by his devoted widow afford striking evidence of the light in which he was held by a host of friends and admirers. State and Nation are the better for the life which he led. The torch should burn more brightly in the memory of the ideals which guided him to the place won in the hearts of those he served.

The following tribute was written at the time of his death by a friend of years standing:

LOUIS ADAMS FROTHINGHAM, although in politics for many years, was not a politician, as the term goes, yet in many political ways he was adroit. Had he been given the faculty for "mixing" he would have been irresistible. It would have enhanced his natural charm of manner, the kindliness and courtesy which were evidences of his breeding. It took more than a casual acquaintanceship to understand him and to know his sterling qualities.

Shy and diffident he ignored, as against his nature, to take advantage of many opportunities for keeping in the public eye. What he accomplished he did without any appeal to the gallery. He never made a promise he could not keep, and constituents found that it was his habit to minimize even big things he had done, whether for them or the district. He believed in party regularity, and he had enough political acumen to know that legislation is best accomplished by orderly process and not speeches.

When he talked in Congress he was usually very brief, and he wasted no words and got into no acrimonious discussions. He always held that an opponent was entitled to his views, a spirit of fair play which he manifested in all his contacts.

One of his heroes, and also a close friend, was the late Theodore Roosevelt, and this friendship remained unbroken, even though Mr. FROTHINGHAM did not bolt the party in the Progressive movement.

Rugged honesty influenced his every act. Not even political expediency would make him deviate a hair's breadth from the honorable and upright course. He chose deliberately, on leaving college, to go into public service, believing that he owed it to all the people to spend his time usefully, as all of his illustrious and talented family have done. Patriotism, of a sort this was, the same patriotism which sent him into the Spanish-American War, which saw him lieutenant colonel in the Massachusetts State Guard, and then major in the Regular Army in the World War, and also as a member of a Massachusetts commission who braved the dangers of front-line trenches to look after the comfort of Massachusetts troops.

He could have had a life of ease and pleasure, but he chose to busy himself with worth-while things. He could have attained far greater popularity by joining in the hue and cry for popular measures, but chose to work quietly, and by orderly process, for them. He could have capitalized his knowledge and learning, his friendships, and his associations for political advancement, but would not compromise his natural self.

It took a long time to finally know LOUIS FROTHINGHAM, and even then the revelation of his character brought constant surprises to find him so firm and inflexible for the right.

To know him was to be profoundly thankful that there are such men of high character and lofty purpose in political life; to be proud and pleased on penetrating the mask of modesty and diffidence to discover so many fine and noble traits.

Mr. TREADWAY. Mr. Speaker, the name of LOUIS A. FROTHINGHAM is secure in the annals of Massachusetts and will take rank with many of those men who have made our State renowned. Reference to them by name need not be recorded, as many of them will come at once to mind. We are proud that, not only at the present time but throughout the life of the Nation, Massachusetts has contributed its share of men deserving of the honored titles of American citizens and leaders in the affairs of the country.

Others to-day will describe our late colleague's accomplishments as a public servant. I wish only to refer to his personal qualities and my association with him.

Among various types and kinds of men whom I have known, certain outstanding characteristics of Mr. FROTHINGHAM deserve mention. Modesty and sincerity are virtues which everyone would possess. The degree to which they predominated in his life merit our emulation. No matter whether in work or play, that which he did was splendidly done; that which he did with skill and accuracy he would ascribe to chance. He always praised the abilities of others and deprecated his own, although it was always apparent that his success was due not to chance but to ability.

Representative FROTHINGHAM was a man of the very highest ideals of citizenship. His own character was the best evidence of his sincerity of purpose. LOUIS FROTHINGHAM was never known to stoop to underhanded means to accomplish an end. He trod the straight path of honorable accomplishment.

My friendship with him extended over a quarter of a century, during all of which time he held the highest respect and esteem of his associates, due to the constant application of the sterling qualities which I have mentioned. Together with one other Member of the present congressional delegation, who will speak more at length than I, we were associates in the legislature in 1904, when he first was elected speaker, a position which he filled with distinction and credit.

Through political fortunes he was in and out of office in State politics until the beginning of his congressional career. A few years make rapid changes. I happened to be with him when, as a candidate for Governor of Massachusetts, militant advocates of women's suffrage surprised us by an all-day heckling campaign. Our candidate never showed that he was provoked or failed to extend to the women following him from town to town throughout the Berkshire Hills the utmost courtesy and respect. His conduct that day was an evidence of his even temper and modest bearing.

During his service in Congress Mr. FROTHINGHAM displayed the same characteristics he had shown during his early political career in Massachusetts. Seldom taking the floor, his occasional speeches were always received with attention by his colleagues and his arguments indicated his interest in the subjects under discussion, as well as his knowledge of details.

His conception of the obligation of citizenship was always apparent. It was not confined to holding positions of honor in civil life, as he twice volunteered to serve under arms, first in the Spanish War and later in the World War.

We are proud of our association with him and of the example of his character and high type of manhood. His name will take high rank in the annals of Massachusetts public life as a man worthy of its best traditions.

Mr. DALLINGER. Mr. Speaker, my first acquaintance with LOUIS FROTHINGHAM dates back to the time when we entered Harvard College as freshmen in the autumn of 1889. Although he did not neglect, as did so many sons of well-to-do parents, the intellectual side of college life, at the same time he took an active interest in athletics. As a second baseman he had few if any equals in college baseball and was chosen captain of the varsity team. Under his leadership, in our senior year, Harvard won an unbroken series of victories, and, in consequence, he became one of the best known and popular men not only of his class but of the entire college.

LOUIS FROTHINGHAM'S popularity with his classmates was not merely the transitory popularity of the successful athlete but was based on something much more substantial and enduring. He always played clean baseball and throughout his college and law-school career he lived a clean life. Moreover, he was always modest and unassuming and thoroughly democratic in the true sense of the word, so that his classmates not only admired and respected him for his character and attainments, but they entertained for him a real affection.

Upon his graduation from the Harvard Law School in 1896 he was admitted to the bar and in 1901 was chosen one of the members of the Massachusetts House of Representatives from the city of Boston, where he served with distinguished ability for four terms, the last two terms as speaker. From the

speakership he was promoted to the office of lieutenant governor, which he filled with distinction for three terms.

I did not have the same good fortune as my colleague, Mr. LUCE, of serving with our dear departed friend in the Massachusetts Legislature, as my service in that body preceded his. In common with his other classmates, however, I followed his political career as well as his service in the Spanish-American War and the World War with intense interest and pride.

We were all delighted when he was chosen an overseer of Harvard College, to which office he was reelected by the alumni as many times as the rules permitted. He always entertained an abiding affection for his alma mater, and his addresses at the yearly reunions of the class of '93, in which he told us about the progress of the university as a result of his knowledge as a member of the board of overseers, were among the outstanding features of these gatherings.

On the occasion of the twenty-fifth anniversary of our graduation from college he and his charming wife entertained the members of the class of 1893 at their beautiful home at North Easton, Mass. They repeated their generous hospitality five years later on our thirtieth anniversary. On the latter occasion the wives and children of the members of the class were invited, and there was a goodly company gathered together on that beautiful estate from all parts of the country, and none of those present on that delightful occasion will ever forget the gracious hospitality and especially the kindly greeting given to each guest, young and old, by the host and hostess.

At the presidential election of 1920, LOUIS FROTHINGHAM was urged by the leaders of his own party to be a candidate for Congress from the fourteenth district, which for four successive elections had chosen a member of the opposition party to that important office. He finally consented to run and was triumphantly elected to the Sixty-seventh Congress, and reelected to the Sixty-eighth, Sixty-ninth, and Seventieth Congresses, and would have been returned to the Seventy-first Congress but for his untimely death last summer.

As in the Massachusetts Legislature, so here in this great assembly of the Nation's Representatives, LOUIS FROTHINGHAM was respected, esteemed, and loved by all his colleagues. His was a life of clean living and high thinking. It could be truthfully said of him that he was one who not only never intentionally did anything wrong but who never thought anything wrong. His face always retained its boyish expression. He never seemed to grow old or to lose his youthful enthusiasm for the highest ideals. He abhorred the sordid selfishness which is constantly seeking to control public opinion and to influence legislation for its own aggrandizement. He regarded political office as an opportunity for unselfish service to the community, the State, and the Nation, and he stood steadfastly for what he thought was right regardless of possible consequences to his own personal fortunes.

Like his distinguished brother, Rev. Paul Revere Frothingham, who was for more than a generation an inspiring prophet of righteousness, his departure from our midst came quickly and unexpectedly, "in the twinkling of an eye" but, like his brother, our dear friend and colleague was ready to go. To all his relatives and to his host of friends his going came as a great shock, particularly to his wife, to whom as well as to all his family, goes our most heartfelt sympathy. As one who has known and loved him these many years, I can hardly realize that he has left us. In the fullness of an abiding faith, however, I know that he has only passed over the river, which we all must cross, a little ahead of the rest of us, to take up his abode in that "house not made with hands, eternal in the heavens."

Mr. ANDREW. Mr. Speaker and Members of the House, the name "politician" unfortunately does not always bring to mind the finest type of citizenship. It does not always connote the patriot who spends his life disinterestedly in the service of his country. But that was the kind of politician that we had the privilege of knowing in LOUIS ADAMS FROTHINGHAM. If we were blessed in our public life with more men of his character and of his ideals and standards the profession of politics would be in far better repute. Our lamented colleague gave the whole span of his mature life, save for two periods when the country was at war and he offered himself as a volunteer in the military forces, to the business of government in the best and the most admirable sense of that phrase. He helped to raise the respect in which a political career is regarded in the thoughts of all who knew him.

College bred, trained in the law, of independent income, secure in his position, with a wide and influential acquaintance, he might easily have followed a comfortable and remunerative life in the pursuit of law or business. He deliberately chose, however, the rough and uneven road of politics with its harsh struggles, its inevitable rebuffs, its vulnerability to misunderstanding and abuse. One can recall many men who have spent their lives in public office, but one can recall few comparable to LOUIS FROTHINGHAM in unselfishness of ambition, in loyalty to convictions, in unswerving effort to have his life count for what he thought was right and true.

LOUIS FROTHINGHAM was essentially a likable man, not merely genial and gracious in manner but really friendly at heart. Though not devoid of personal ambition, he was always considerate and generous in appreciation of others. He never tried to elbow his way ahead of them. He played fair with his associates and rivals in the political field, just as he had with his team mates and opponents on the gridiron or diamond in his student days. He practiced no subterfuges. He knew no tricks. He was a good sportsman all the way through. He was sincere and direct and without camouflage or evasion. He never trimmed the pattern of his speech to win popular support. He sought no favors by disingenuous means. He tried to find the truth about public questions open-mindedly and he had a rare way of making alignments without regard to personal political advantage or to the favoring opinion of those at home.

His training for Congress was such as is only granted to few. For ancestry there were generations of forbears distinguished in the law, the Christian ministry, and philanthropy. For academic background there was Harvard College and the Law School, from both of which he had graduated and with which his affiliations ever remained close. He had lectured in the college for a time on State and city government, and during 18 years he was a member of the university board of overseers. His political preparation had been varied and thorough. Before coming to Congress he had served six years in the Massachusetts Legislature, including two years as speaker, and after that as lieutenant governor of the Commonwealth. He was peculiarly fitted to render helpful aid to the Committee on Military Affairs, of which he became a member, because his was the remarkable experience of having served successfully in the Marine Corps, the State Guard, and the United States Army.

With such a character and such a training it was but natural that the opinions expressed by Congressman FROTHINGHAM were received with respect and carried weight in the committee and on the floor of the House. During the four terms which he spent here he had come to exert more and more of an influence in Congress, and he had won year by year ever-increasing popularity at home which not only ensured his tenure of office for as long a time as he might choose but gave promise of eventual advancement. He seemed to be on the threshold of his most fruitful years and destined to a long and progressive career in American public life.

On the 23d of August, last year, abruptly and without warning, death laid its hand upon his shoulder and led him away. At the very time when chapters of greater purport seemed about to be written, the book of his life was closed. The sudden ending of LOUIS FROTHINGHAM'S promising career is a source of sorrow to every Member of this body. The House of Representatives lost an able Member held in high and growing esteem, and we, his former colleagues, greatly mourn the passing of a sterling character and separation from a generous, loyal, and delightful friend.

Mr. GIFFORD. Mr. Speaker, it is not my intention to speak at any length on the life and public achievements of our late distinguished colleague. These have been described eloquently in previous tributes which have to-day been paid to his memory. Yet I would express my sincere admiration for the character of LOUIS A. FROTHINGHAM, my friend and neighbor, for he represented a congressional district in part adjacent to my own. On occasions our official problems overlapped, and I was thus able to become personally familiar with the exceptional service which he was daily rendering to his constituents in his quiet, efficient way, and to understand one of the many reasons why he was four times elected to the House by great and ever-increasing majorities.

He was in truth a man who embodied the finest traditions of Massachusetts. He came of honorable and honored lineage. He had received the best that America had to offer in scholastic education and profited by it. He was polished; a gentleman in every sense; a man of no inconsiderable means, yet withal, unfailingly simple, modest, and a sincere friend to all who merited friendship or needed assistance. His true simplicity was also shown in his great love of nature. Possibly some of you visited his wonderful rose gardens, in which he took so much pleasure, and which he shared so generously with all his friends.

He gave of his best to the State and Nation because of an honest desire to devote his special talents to the public service, and not—I know that you will agree—with any thought of personal glorification. Such an idea would have been wholly incon-

sistent with his life and character, and the modesty with which he wore the honors bestowed upon him at home and abroad further proves it.

Every State, like every nation, seems to have a special type which exemplifies its own best characteristics and ideals. It is my feeling that LOUIS ADAMS FROTHINGHAM—what stirring historical memories those last two names bring to our minds—was typical of Massachusetts' finest traditions. To some, who knew him little, he may have seemed like an American aristocrat and conservative, but his quiet reserve cloaked a soul dedicated to the same ideals as those which had actuated his ancestors, who struggled for justice and liberty, both political and religious. Like St. Paul he merely believed in "proving all things and holding fast to the good." His influence was great. His example one which all of us might well have followed consistently.

LOUIS FROTHINGHAM was taken from us suddenly in the prime of a life, rich in heritage and intellectual training, and ripe in wide experience. Such a one the State and Nation could ill afford to lose, especially at an age when many more years of worth while service in the public weal might have been expected of him. Yet regrets of this nature and the sense of personal loss are in part compensated by the recollection of his already notable record as a citizen, soldier, and statesman and by the example which he left for others to follow.

Mr. UNDERHILL. Mr. Speaker, once again the gaunt hand of death has taken from us a beloved and respected colleague. Indeed, sir, the necrological record of this body for this Congress is hardly believable.

To-day we are gathered to commemorate the memory of a distinguished son of Massachusetts, one whom we were all proud to call a friend.

LOUIS ADAMS FROTHINGHAM, scholar, soldier, and statesman, was born in Jamaica Plain, Mass., July 13, 1871. Born amid affluence and ease, the progeny of an old and respected Bay State family, yet he labored incessantly and gave freely of his time and energy to his country. Imbued with patriotism and always interested in the military, he joined the marines and served with that body as a second lieutenant during the Spanish-American War. Upon his return to civil life he took an active interest in politics and in 1901 was elected a member of the Massachusetts House of Representatives. He served in that body for five years, the last two as speaker. From 1909 to 1911 he served the Commonwealth zealously and well as lieutenant governor. When the World War came upon us he again joined the colors, serving as a major in the United States Army. Upon his discharge from the Army, he resumed his activity in politics, and in 1920 was elected to Congress and served continuously in this body until his untimely and sudden death.

Mr. Speaker, I knew Mr. FROTHINGHAM first in 1902, when we both served in the Massachusetts House of Representatives. I grew not only to like him but he had my respect, for to him—

> It was not the loss of a battle that counts,
> But how did you fight, and why?

He had a charming personality, always good natured, a keen lover of sports, and a real student of government. Above all things he was a gentleman of the highest order. To know him was to love him. Our friendship remained unbroken until his death. To me his passing was not only a public loss but a personal sorrow.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, in the death of Hon. LOUIS A. FROTHINGHAM the Commonwealth of Massachusetts suffered the loss of one of her most distinguished and best-loved sons, and the Nation was deprived of one of its most patriotic and useful servants. Born in Massachusetts, a descendant of a long line of sturdy American stock, he loved the lofty traditions and splendid institutions of his native State, and all his life labored with unflagging zeal for their perpetuation.

A lawyer by profession, he honored and adorned the bar. Ardent desire for public service early led him into the field of politics, where special talent for legislative work soon raised him to the front rank. His remarkable service while a member of the House of Representatives of Massachusetts, where he established himself as a sound, progressive, highly capable legislator, led to his quick promotion to the speakership of that important body. Later he rose to the high office of lieutenant governor of his State, serving in that capacity with renewed honor and distinction.

He served his country valiantly and devotedly in both the Spanish-American War and the World War. Having himself been a soldier, he brought to Congress an intimate knowledge of the needs of the soldier. Thus he became here the loyal friend and defender of the veteran and his family, to whose interests he was ever keenly alive. In fact, here in Congress and throughout his long public career he was always the friend and defender of every good and just cause.

He never put party above principle or State or country. He was respected and beloved by men of all parties. As a legislator, as a soldier, as a man, he served humanity and loved to serve. He served humanity because he believed in humanity and considered every man his brother. He had a positive genius for friendship and his friends were legion.

His nature was calm, positive, but not combative. He was not combative because he scorned to wound or offend. He never, I think, had an enemy of his own making. He valued the respect and good will of his fellow men above all earthly rewards.

He was generous and kindly. He was dignifiedly modest; unseemly pride never had sullied his refined sensibilities. He was a high-minded, idealistic, exemplary Christian, whose unnumbered works of simple mercy and unheralded charity will constitute a monument to bless and perpetuate his name. He was the soul of honor. He could not stoop to do a mean thing; he never harbored a mean thought, for he was above all things else a gentleman, a cultured knight sans peur et sans reproche.

It was my rare privilege to know LOUIS A. FROTHINGHAM as a friend for over a generation and a half. "And none knew him but to love." To me his untimely taking off in the prime of his life and at the height of his usefulness came as a distinct personal loss. His gentle spirit is in the eternal realms of his Creator; on earth his memory still lives fragrant, sweet, inspiring. Requiescat in pace!

Mr. MARTIN of Massachusetts. Mr. Speaker, it is with infinite sadness that I pay a brief tribute to a distinguished colleague and esteemed friend of 20 years.

The suddenness of his death came as a great shock. One week before he died I passed a pleasant day in his company. He was in good health and in his usual happy spirits. When the message came of his death it was almost unbelievable. It emphasized the uncertainty of life.

Well do I recall my first acquaintance with LOUIS FROTHINGHAM. It was in 1908, when as a successful candidate for lieutenant governor he was an inspiration to all the young Republicans of the old Bay State. A political revolution prevented what would ordinarily have been a certain procession to the governorship and higher honors.

To his eternal credit he accepted the unexpected twist of fate with the same equanimity with which he accepted the high honors heaped upon him in his young manhood. His greatness in defeat won for him the admiration of his party and his host of friends. Later when his party wished to reclaim the fourteenth district, it instinctively turned to him. The election followed, and no better evidence of the splendid service he rendered in Congress can be offered than in the constantly increasing pluralities with which he was returned to office.

LOUIS FROTHINGHAM stood out as an honest, capable, conscientious public servant. He never sought the glare of the spotlight. He was content to do his duty as his conscience dictated in a modest, efficient manner.

If one was to single out his predominating personal characteristics, it would be to name his sweetness of character and loyalty to his friends. These attributes, generally appreciated, won the firm friendship of all who came into contact with him. No man was blessed with firmer friendships than he.

Massachusetts mourns the loss of a distinguished and beloved son. We have all lost a true and loyal friend. He has gone to his reward. His place in the hereafter is assured. His inspiring character and worthy deeds will live in the fond and enduring memory of his friends, and his splendid life of achievements will assure him a home of happiness in the great eternity beyond.

Mrs. ROGERS. Mr. Speaker, we know that LOUIS ADAMS FROTHINGHAM passed to the Great Beyond last August; all that could die has gone. But his gracious, friendly, helpful spirit lives on and can never cease.

Born to wealth and a life of ease, LOUIS ADAMS FROTHINGHAM chose the harder way of toil for others. Gentleman by birth and tradition, in every way he lived up to the true meaning of that word. He could not do an ungentlemanly thing; he could not perform a mean act. I have never heard him utter an unkind word. He never espoused an unworthy cause. With his intense loyalty to his friends and great loyalty to his ideals, he enriched his own life in enriching the lives of others. His extremely active and successful life left him singularly unspoiled, singularly gentle. The shots of political battles and the struggles of professional life left upon him no marks of bitterness.

His friends were legion and included the most exalted in the land and the humblest, and all took pride in his friendship. His oldest friends tell me that during his entire life rich and poor sought his counsel, and no friend in trouble ever came empty handed away.

As soldier, lawyer, statesman, and scholar, he gave to each and every place his best. His life was all too short. His brilliant career ended all too soon, but he died as he lived, in service. He was ready to give his life for his country in war; instead he died in the service of his country at peace.

Mr. STOBBS. Mr. Speaker, when the Grim Reaper came among us and cut down, in the prime of his life, our beloved colleague, LOUIS FROTHINGHAM, it was very hard for us to understand. Strong, vigorous, and athletic, it seemed impossible for him of all men to be stricken. We feel his loss greatly.

LOUIS FROTHINGHAM came to Congress with a splendid background of public service in his home State of Massachusetts. He had also, on the two occasions of the Spanish-American War and the World War, shown his patriotism and love of country by entering its military service.

He was admirably fitted by temperament, training, and experience, to be a successful Member of the National Legislature. His service in this body was marked by high idealism, combined with sound judgment. He performed his duties faithfully, diligently, and most conscientiously. His personality inspired affection. He was beloved by all those who knew him well.

The outstanding trait of LOUIS FROTHINGHAM was his character itself. He was essentially a man of character. No one could imagine his doing anything, either personally or legislatively, that would seem to deviate in the slightest degree from the highest ethical standards. He abhorred practices below par in others. He was at all times so manly, so straightforward.

His loyalty and devotion to his family and his friends was outstanding. He embodied the best traits of a New England environment. He personified the highest type of a New England gentleman.

His loss to his State and to the Nation is irreparably great. His loss to his friends and to his family is beyond expression.

Mr. CONNERY. Mr. Speaker, it was with very real grief and a sense of personal loss that I learned of the unexpected and sudden passing from this world of my late friend and colleague in Congress, Hon. LOUIS A. FROTHINGHAM. To eulogize him properly is a task beyond the capabilities of my poor power of speech. Enough to say that to us who knew him through intimate daily intercourse no eulogy is necessary to fix him firmly in our minds and memories. I believe it would be difficult to forget—for me, at least—the kind, quiet gentleman, so unfailingly cordial in the course of the many times our duties in Congress as members of the same State delegation have brought us together, both at work and recreation. Since my first coming to Congress, and even before that time, when I met him in Worcester, Mass., at the State convention of the American Legion, I felt that here was one whom I could call a friend and whom I would not hesitate to call on whenever I needed advice or information. Always he was glad to extend to me as a fellow member of his delegation bits of knowledge or data which he believed might be of help to me, and I never hesitated to avail myself of this privilege. I recall with pleasure and pride that on the day when I first took my seat in Congress that Congressman FROTHINGHAM came to me from the Republican side of the House and in his quiet, sincere way shook hands with me and wished me the best of good luck during my coming term. It will seem strange to me now to feel that I shall not see his familiar face nodding its friendly greeting to me.

I have had much admiration for the fine character of Congressman FROTHINGHAM, and always have enjoyed and admired his wonderful command of English, the ease and fluency of his diction, his utter lack of pretense, and quiet sense of humor.

There is not much that can be said. Only that our friend is gone, and although new faces will come, as in the course of nature they must, and others will nod their greeting, just as LOUIS FROTHINGHAM used to, nevertheless I know that there will be a pleasant memory to many of us, and life will be just a little fuller to us for having known a fine and sincere gentleman. After all, when, as one by one we pass on, there is nothing much more we can hope to leave behind us, and how wonderful to leave a memory which brings a thought of affection and admiration to those who knew us. And this our friend, whom I am happy to have called my friend, has done.

Mr. MORIN. Mr. Speaker, I present for the RECORD the resolutions adopted by the Committee on Military Affairs of the House of Representatives as a mark of respect to our late colleague and fellow committee member, Hon. LOUIS A. FROTHINGHAM:

Whereas it has pleased Almighty God, in His mysterious yet wise providence, to call from our midst our esteemed colleague, Hon. LOUIS A. FROTHINGHAM, we, the members of the Committee on Military Affairs, in expressing our sorrow at the loss of one who took an active part in the deliberation of this committee: Therefore be it

Resolved, That in the death of Mr. FROTHINGHAM each member of the committee has all the sense of loss of a personal friend; and be it further

Resolved, That in the death of Mr. FROTHINGHAM the Congress has lost a Member, straightforward, courageous, and honest in his views; and his district a Representative who truly voiced the patriotism and devotion to the principles of representative government founded by the forefathers; and be it further

Resolved, That we sympathize with the bereaved family in their hour of sorrow; and be it further

Resolved, That these resolutions be spread on the minutes of the committee, be made a part of the memorial service to our deceased colleague, and a copy be transmitted to the family.

JOHN M. MORIN,
Chairman Committee on Military Affairs.

THOMAS LEWIS RUBEY

Mr. DICKINSON of Missouri. Mr. Speaker, I knew intimately THOMAS L. RUBEY for more than a quarter of a century. I served with him in the Senate of Missouri, over which body he presided as president pro tempore, and later as lieutenant governor with credit to himself and his high office.

He was elected to Congress from the sixteenth district of Missouri in November, 1910, and served continuously until his death on November 2, 1928, except for two years following what is known as the landslide of 1920 which retired so many of his Democratic colleagues. Mr. RUBEY represented the district so long represented by "Silver" Dick Bland, who on many ballots was the leading candidate for President at the Democratic convention in Chicago in the year 1896, when Mr. Bryan was nominated.

During all of his service in Congress Mr. RUBEY was a prominent member of the Committee on Agriculture. He served his district with honor and distinguished credit. He was loved by his constituents as few men have been. No purer or better man ever came to Congress from any district than this industrious Representative, who served his constituents with a singular devotion to duty and with an ever-present desire to represent the best thought and best interests of his outstanding agricultural district. He lived a good life. He discharged every duty. He wronged no man. He was just to all. He loved his friends, his home, his State, and his country. He followed the dictates of his own conscience in every action after diligent study on every question. He voted on matters of legislation with a stubborn desire to cast a correct vote in the interest of those whose Representative he was and what he believed to be for the best interest of his country. He left an honorable record.

Though nominated without opposition, he withdrew his name and was not a candidate for election in November, 1928, having reached the conclusion that his impaired health was such that he should not again ask for election.

He was by far the strongest man in public favor in his district and was worthy of every honor conferred on him. He was an educator, a banker, a legislator in State and Nation, and successful in every line of endeavor. He was a Christian gentleman, a citizen of the highest type.

He was born in Lebanon, Mo., and on November 2, 1928, at the age of 66 years, he passed away there. I attended the funeral services of my much-loved colleague, held at his residence on Sunday afternoon, November 4. It was a beautiful ceremony, conducted under the auspices of the Masonic lodge of which he was a prominent member, and a wonderful tribute was paid by a great Mason before an immense audience of friends who came to do honor to the foremost citizen of that section, whose life and character was a wonderful example to all who knew him. His remains rest in the cemetery of his much-loved city of Lebanon.

He has gone to his reward. He leaves behind him his widow, an unusual woman, his companion in life. They were as lovers journeying together along pleasant paths. The recollection of his devotion, his high character, his love of right and of country, and of his many virtues of mind and heart will be an ever-present memory to cheer her as she lives her further life.

Mr. DYER. Mr. Speaker, TOM RUBEY, as we knew him during his long service as a distinguished Member of the House of Representatives, was born in the State of Missouri of fine parentage. He received a good education, having taken his

degree from the University of the State of Missouri. For a number of years he taught school at Lebanon, Mo., and at the Missouri School of Mines at Rolla, Mo. Before coming to the Congress he saw service in the general assembly of his State, having served in both of its branches; and for two years, 1903–1905, he was lieutenant governor.

A thorough Missourian and a loyal member of his party, he achieved fame and greatness. His colleagues from that State regret his going. His widow and other loved ones can console themselves in the fact that THOMAS L. RUBEY was a man of character and attainments and put them to good use in the service of the people. Likewise can his friends join his loved ones in his passing and unite with them in saying:

His sun went down in the morning,
While all was fair and bright;
But it was not an eclipse of darkness
That hid him from our sight,
For the valley of death was brighter
Than the hills of the life he trod,
And the peace that fell on his spirit
Was the calm, deep peace of God.
His sun went down in the morning,
While all was fair and bright;
But it shines to-day on the hills far away
In the land that knows no night.

Mr. ROMJUE. Mr. Speaker, in the death of THOMAS LEWIS RUBEY the House of Representatives mourns the loss of one of its ablest and most beloved Members. His constituents have lost a faithful, honest, and dependable friend and public servant. I have had the good fortune to know him intimately. I have been one of his constituents while he served well in the Missouri State Senate and as lieutenant governor of our State. In both of these positions he served with great credit and distinction, as he has done in every instance in which he has been called to public service.

THOMAS LEWIS RUBEY was born in Lebanon, September 27, 1862, the son of Mr. and Mrs. Charles W. Rubey.

He spent his early life on the farm and attended the district schools and later the Lebanon schools. He then entered the University of Missouri, from which he was graduated with the A. B. degree.

Due to his interest in education, Mr. RUBEY was elected superintendent of the Lebanon schools, where he gained the distinction of being one of the foremost educators of the State.

The first office ever held by Mr. RUBEY was that of county school commissioner. This position came to him unsolicited by appointment from Gov. John S. Marmaduke. At that time Mr. RUBEY was superintendent of schools. He filled this unexpired term and at the next spring election was elected school commissioner.

In 1890 Mr. RUBEY was nominated by the Laclede County Democratic county convention as member of the legislature.

Although Laclede County was strongly Republican then, he was elected, and when the legislature met in January, 1891, he took his seat in the house of representatives at Jefferson City.

In 1892 Mr. RUBEY was selected by the board of curators as professor in the Rolla School of Mines, which position he held until the fall of 1897. He won the Democratic nomination and was elected to Congress for the first time in 1910.

Congressman RUBEY always was deeply interested in agriculture and served as a member of the House Committee on Agriculture during his terms in Congress. In the matter of education, he showed a keen desire to foster the public schools of the country as one of the greatest heritages of American boys and girls.

His was an admirable character. The longer and more intimately one knew him the more affection and respect one had for him and his views on any subject that gained his attention. I presume individuals have different means of estimating the characters of great men. Perhaps some traits of character make a stronger appeal than others. The traits of character possessed by TOM RUBEY which marked him as a really great man, according to what I consider the fundamental standard, were these: He was thoroughly honest and had no duplicity in his make-up. He was as loyal and as industrious in looking after the interests of the people whom he represented in Congress as he was in giving attention to his own private affairs; indeed, he was more so, for with him public service came first. It is my judgment he would be alive to-day had he not overtaxed his energies as he did in working so unceasingly in the interest of the farmers in their struggle for some relief from the unequal burdens thrust upon them during the few recent years. He worked overtime and with a commendable zeal to secure the passage of an agricultural relief measure. Combined with his rugged honesty and his unfailing energy in behalf of public service, there was his Christian character. That he possessed, and as I think of him in that character, I recall his own utterance on an occasion when he was speaking of a departed friend in these lines:

And to friends and loved ones who put their trust in him
"Who doeth all things well" there comes that sweet consolation:
We'll meet thee and we'll greet thee on the never-ending shore;
We'll dwell with thee in glory,
To be parted never more.

There are many of the finest products of nature that improve with age. In the main they are products that were always good, always wholesome, and time slowly, gradually, and perhaps imperceptibly strengthens, mellows, and enriches them. It gratifies me to know that this development which nature reserves for her best and rarest products was given a place in the life and character of my departed friend.

We always knew him as conscientious, honorable, and loyal, and as the years passed along there was with him a great measure of kind philosophy which embraced all mankind and a great tolerance of the opinions and views of others. There is perhaps a wide difference of opinion as to what constitutes the most desirable setting for our last days on this trying but interesting earth and our answer to the final summons to another sphere of activity; but the better judgment of mankind, it seems to me, inclines to an experience of usefulness and helpfulness until the hour of our departure shall strike, and to the hope of a peaceful passing into the shadows. From this point of view, with honors upon him, respected by all, and loved by those who knew him best, a good man, a faithful citizen, a devout Christian, passed to his reward.

Blessed are those whose ways are the ways of uprightness, whose days are days of usefulness, and who, answering the last summons, die in the Lord. In this manner so lived and died our friend.

Mr. MILLIGAN. Mr. Speaker, in the passing of THOMAS LEWIS RUBEY this body has lost one of its able and outstanding Members. The great State of Missouri one of its most beloved citizens and native sons.

For many years THOMAS L. RUBEY taught in the Missouri School of Mines, a department of the University of Missouri. He also served in both branches of the general assembly of his State. He also served as lieutenant governor of his State and in this body for 16 years. In his long career of public service he believed "a public office was a public trust." The people's interests were his interests. He so lived that he had the respect and admiration of all who knew him. No man can ask more.

The memory of his labors and sacrifices will remain engraven on the hearts of the people of his district and State.

To those of us who knew him well his failing health was an unending sorrow. Day by day for the past year, with a smile on his face, concealing as best he could the never-ceasing pain from which he suffered, THOMAS L. RUBEY marked off his days. We knew that his case was hopeless and that good health was not to be for him. He knew it, too, of this I am convinced; yet never once did he decry his fate but went forward to the end, true to himself, his friends, and his trust, meeting all with a smile that spoke the great courage that was within him.

He met death as he had met life, with unfaltering faith and undaunted courage.

When we come to measure him and appraise his worth, we know—

His life was gentle, and the elements
So mix'd in him, that nature might stand up
And say to all the world, "This was a man."

Mr. LOZIER. Mr. Speaker, in the death of Hon. THOMAS LEWIS RUBEY this House lost one of its ablest, most useful, and highly esteemed Members. He was splendidly equipped for efficient public service. He had a vigorous, well-balanced, and well-trained mind. He possessed sound judgment and reached his conclusions by logical processes. It was not his habit to hastily form his opinions. He weighed every proposal carefully and subjected it to the acid test of reason, common sense, and right. But when he reached a decision he allowed nothing to swerve him from his duty as he saw it. He was strictly honest personally, politically, intellectually, and in every other way. He was courageous in advocacy of what he believed to be right. He was at all times outspoken and never quibbled or equivocated. Although he aggressively championed principles and policies which he believed to be just and reasonable, he was never unfair or intolerant toward those with whom he differed. He always had an open mind for the reception of truth. Because of his mental vigor, poise, sound judgment, and acute

appreciation of ethical principles he was a valuable legislator, both in the general assembly of his State and as a Member of this House, the greatest legislative body in the world.

But, aside from those outstanding characteristics, he possessed a genial and lovable personality that bound men to him as with hoops of steel.

Though we mourn his home going, who of us will say that he died too soon or that he left his work uncompleted? When I contemplate his useful and upright life I can not view his death as a tragedy nor as the end of existence, like the death of an ox or the uprooting of a giant oak by a tropical storm, nor as marking the beginning of an eternal sleep, nor as a Buddhist Nirvana, or beatific emancipation of the human soul from responsibility and worldly woes and afflictions, by its loss of all personal consciousness, either by utter annihilation or by completely merging it into the Divine. No; death is far different from any of these conceptions.

Rather would I look on his death as a friendly stroke, painless in its touch, severing the silver cord that bound him to the finite. After blameless years, having finished his task sooner than others with whom he labored, with the serenity born of a Christian life and a Christian's hope, he uncomplainingly laid down life's threadbare but unspotted mantle and, following where airy voices led, he crossed a narrow strip of pathless, waveless, tideless sea to the enchanted shores of a blissful everlastingness, where angry billows never break and where in the Father's house of many mansions blissfully abide those whom we "have loved long since and lost awhile." Life's fitful fever over, in the palace of the King he wakes eternally.

Mr. NELSON of Missouri. Mr. Speaker, Representative THOMAS L. RUBEY was a faithful public servant in all that the term implies. He took his work seriously. No request from a constituent was too small to claim his personal attention, none so big but that he gave to it all that it demanded. A deep student of the problems of our day, he devoted much thought in an effort to help arrive at a proper solution of questions claiming the attention of the country. Especially was this true of agriculture.

Long a member of the Committee on Agriculture in the House of Representatives, Mr. RUBEY was splendidly equipped for the place. He was farmer minded. He knew and loved country folk. He was one of them. In his boyhood he was brought into intimate contact with the things of the country. He was no mock friend of the farmer. Although during the latter years of his life interested primarily in banking, his breadth of view, his natural sympathies, and his economic understanding caused him to be ever conscious of the fact that when the farmer is failing there can be no real and permanent prosperity for the cities. During the lengthy hearings held before the committee of which he was a member Mr. RUBEY was in constant attendance, even when not physically able. His first thought was of service to his people.

For more than a quarter century it was our privilege to know Representative RUBEY intimately and well, and we shall never cease to treasure his friendship. He was intensely human, honest in thought and deed, frank and outspoken when occasion demanded, yet charitable and kindly in his estimate of men. The people whom he served were to him more than his constituents; they were his friends, almost, in fact, as one big family. He never permitted his people to place him upon a pedestal. He preferred that they think of him first as a friend, and such he was in all that the word implies.

Not only did Representative RUBEY love the people whom he long represented in Congress, but he loved also the Ozark country, his homeland. To him the mountains and hills were as mounts of promise and inspiration on whose heights there might ever be heard sermons for those who understood. Fond of the open, he enjoyed the sports and recreations of forest and stream. To him the changing seasons, so attractive in the Ozark Mountains, where nature presents an ever-changing panorama, were intensely interesting stories. In God's great out of doors he was at his best and there he was never lonesome.

In view of Representative RUBEY's love for and understanding of the Ozark country, of the the joy he had felt, especially in the glories of the fall time, it seemed especially appropriate that after a long fight to regain his health he should have fallen asleep in early November, magic month in Missouri. When on a beautiful Sunday thousands of friends, including some of his colleagues, met in Lebanon to pay their last tribute of respect, all nature seemed to understand. The sun shone forth, not with unseeming blare and blazonry, but just enough to bring out the beauty of the Ozark blue. On a thousand hills, the hills of the land of his home, the Master Artist had produced wonderful pictures. Gold and red and brown were blended. Then, in a cemetery in the city of Richard Parks Bland, another eminent statesman of the Ozarks, and where great trees were growing, the mortal remains of Representative RUBEY were laid to rest. Lebanon had lost one it loved. City, district, State, and Nation were poorer for his passing, yet richer for his life.

As we drove toward our home that beautiful Sunday afternoon we thought much of the man, of the secure place he had held in the hearts of "the home folks," as he loved to refer to them, and of his fidelity and devotion. We could not think of him as dead. It was only the harvest time in the Ozarks. On the broad tablelands, or in the fertile, narrow valleys, corn was in shock. Fruition is in the fall time. It is the season of the finished product. So it was in the life of Representative RUBEY. He had done his work. A wise Providence had but called him home.

As we proceeded on our homeward journey, we understood more, too, of the part southern Missouri had played in our colleague's life. Driving now through a deep valley, darkness seemed near, but far up on the mountainside the sun was still shining. As the day died, the indescribable purple haze of the Ozarks crept slowly up the great hills producing an impression of abiding peace; the tinkle of cowbells was now and then audible, and with this perchance was the last evening note of a bird.

Now our improved highway takes us over the crest of a great hill, and again on a far ridge we catch the last rays of the sun. So it was in Representative RUBEY's life. He was ever climbing upward and looking for the sunlight if below him darkness seemed gathering. If he found among his associates doubtful qualities, he looked for the good. He preferred this. So, no wonder is it that the people whom he served in various capacities, and in all with credit, should think of him just as do you and I, not merely as a public official of ability, but first and last as a friend.

Mr. COCHRAN of Missouri. Mr. Speaker, out in the heart of the great Ozark Highlands of Missouri, where he was born, lies buried THOMAS LEWIS RUBEY, former Representative of the sixteenth district of Missouri. No Member of Congress was more faithful to his constituency than was Mr. RUBEY. He represented an agriculture district and his health declined while he fought the battle in the Agriculture Committee, of which he was a member for so long, and on this floor, in behalf of those who till the soil for a livelihood. While he came from a district alive with fertile valleys, his people, engaged in diversified farming, have their ups and downs. I have been in the vicinity of Laclede County, Mo., where Mr. RUBEY was born, died, and was buried, when the corn towered high, only in a few days to be washed away by a raging mountain stream, out of its banks. His people would smile at misfortune and start anew as soon as the water subsided.

TOM RUBEY, as he was known to the people of his district as well as to his colleagues here, served the people of 11 counties of Missouri for 15 years and 8 months, and he served them well. He was educated in his State, taught school in his State, and served his State in both branches of the legislature, as well as in the United States Congress.

His death, while a shock to us all, was not unexpected. Broken in health, he could always be found on this floor up to the close of the first session of this Congress. He had felt that a vacation in the Ozarks he loved so well would restore his old-time vigor, but finding progress slow after his return to Missouri, he withdrew as a candidate for reelection after receiving the nomination without opposition.

Mr. RUBEY was a lover of the great outdoors. A good fisherman, but a better hunter, he had roamed the hills of the Ozarks since a boy. The Niangua, Gasconade, Piney, and Meramee Rivers flowed through his district, as did many other mountain streams, and he spent his spare time taking the greatest of game fish from these rivers, hunting deer, wild turkey, quail, and other game on the hillsides. He loved a hunting dog, always possessed a good one, and was fond of talking of the dogs he had hunted over.

Honored with a public trust, he served those who honored him well. His devotion to his duties was exemplified by his almost perfect attendance at sessions of Congress until his health failed. His last great battle was in behalf of the McNary-Haugen bill. My views on this bill differed with his. In fact, all members of the delegation but one other and myself voted for the bill. Mr. RUBEY was anxious to have a solid Missouri delegation supporting the measure. It was the first time I had ever known him to solicit votes for a measure in which

he was interested. He felt very keenly my opposition to the bill, but a few days after the vote we met and, placing his arm around me, said:

You did not vote for my bill, but you did what you thought was right, and for that I admire you. If you had asked me to vote for a bill which I did not think should be passed, I would also have refused.

Mr. RUBEY deserved the support he received from his constituents. There is not a man in his district who knew him, Democrats and Republicans alike, who would not say if you asked him about TOM RUBEY, "We miss him." This, I am sure, conveys the sentiments of the membership of this House, for I know we all miss him.

Mr. NIEDRINGHAUS. Mr. Speaker, it is with a feeling mingled with regret and pleasure that I say a word in behalf of the memory of THOMAS LEWIS RUBEY, former Congressman from Missouri; regret that he is gone and his services are lost to the House, but with pleasure that his services have been so honorable and valuable to his constituents and our country.

The life of Mr. RUBEY is typical of so many successful, useful American boys. He was born in the Ozarks, and like many other Ozark boys procured an education as good as the mountain schools of his day afforded. He then became a teacher in order to obtain funds with which to advance his education. After his career as a teacher, he engaged in the banking business in Lebanon, Mo., where his recognized integrity and courtesy to his patrons built for him a successful business.

Later in life he was elected a member of the Missouri State Senate, where he served with distinction, and while serving as a member he was elected president pro tempore of that body. When a vacancy occurred in the office of lieutenant governor he automatically became lieutenant governor of Missouri, where he served until the end of his term.

His splendid record as a member of the State senate attracted the people of the sixteenth congressional district, and as a result he was elected to Congress, where he served nearly 16 years.

As a Member of Congress he was respected by his colleagues because of his honest, faithful official service. While a Democrat in politics, he never discriminated between the members of political parties in his district in the discharge of his official duties; and so diligent was he in his efforts to render efficient service that he continued at his post long after his physical condition was such as to make his work most distressing.

It can be said of him that his official life in Washington was a great honor to him and his family, and that his services were of great value to the people who honored him.

Mr. WILLIAMS of Missouri. Mr. Speaker, on the 2d day of November, 1928, in the beautiful city of Lebanon in southwest Missouri, THOMAS L. RUBEY passed to his eternal reward. Farmer, banker, school-teacher, and legislator, Mr. RUBEY was one of the great and good men of his generation.

Of a quiet and retiring disposition, he was drawn into the political arena where he occupied an important place for more than a quarter of a century. As a member of both houses of the Missouri Legislature, as lieutenant governor of that great State, and as a Member of this House for 16 years, he served his State and country conscientiously and well. He scorned sham and hypocrisy, and had none of the cunning of designing, scheming politicians. His strength lay in his quiet, plain, open, honest acts and conduct. He cared nothing for the flare of the trumpet or the beat of the drum. The pride and pomp and splendor of official life and position that may have fascinations and allurements for some made no appeal to him. The fawnings and flattery, the plaudits and praise of the populace never beguiled, deluded, or entranced him. There were no vainglorious, bombastic elements in his make-up. There was no crying of his many virtues from the housetops. His entire public duties were performed without parade or bluster. He was never swayed by the "madding crowd's ignoble strife," but "along the cool sequestered vale of life he kept the even tenor of his way."

A Democrat by nature and training his political advice was frequently sought by members of his party. Cool, calm, and conservative, his counsel was always regarded as safe and sound. In his legislative career he was a close student and attentive to routine work. Having been a professor for a number of years in a department of the Missouri University, he always took a deep interest in educational matters. For many years he was a member of the great Committee on Agriculture in this House and was ever solicitous for the welfare of the farmers.

His long experience in public life and his close application to the duties of the various offices held by him gave him a deep insight into the many and varying problems of government. He was an untiring worker. Even when the ravages of disease had undermined his health and sapped the strength and vigor of his younger manhood days, he carried on without murmur or complaint. His long distinguished public service stamps him as a careful, a wise, and an able legislator. In his passing the State of Missouri has lost one of its most progressive and distinguished citizens and the Nation a highly esteemed and valued statesman.

Influential, useful, and brilliant as was his public career, his business and private life was grander still. It was in his home and among the friends of his native city, who knew and loved him, that he was at his best. There it could be truly said of him:

None knew thee but to love thee,
Nor named thee but to praise.

Always working and striving to make his community a better place in which to live, he was progressive, forwardlooking, upstanding, taking the lead in every movement for betterment and improvement.

In any effort to secure a new schoolhouse or church house, or to bring about better social conditions, higher educational standards, higher and nobler moral and religious sentiments, Mr. RUBEY was always found in the vanguard fighting the battle. His kindly, affectionate, helpful service to the community will always be gratefully remembered. He won the confidence and gratitude of the people, not by gaudy show or brilliant display but by the quiet persuasiveness of his sterling worth and the convincing appeal of his deep sincerity. His friends believed in him. They trusted him. They had confidence in him. He met their faith and trust and confidence by unswerving devotion to duty and unwavering fidelity to their cause. His assistance and advice was constantly and quietly and freely given to those with whom he daily met and lived.

His life and character radiated light and warmth and sunshine, bringing hope and happiness to all with whom he came in contact. The night was never too dark or the road too long for him to go on an errand of mercy. If I were to seek the source of all his power and greatness, I would point to his genuine sincerity, his deep sympathies, his kindly spirit, and his earnest desire to help.

As long as real worth and sturdy manhood are recognized in official position and acclaimed in public ceremonies, as long as loyalty to friends and fidelity to duty are fostered and treasured and cherished, either in the courtly palace or around the humble fireside, so long will the name and memory of THOMAS L. RUBEY live in the hearts of his countrymen.

In the city of his birth and surrounded by throngs of sorrowing friends, he was laid to rest beneath a wealth of flowers. There amid the scenes of his boyhood days and the scene of many of his activities and achievements he rests in peace, with the blessings and benedictions of thousands whom he has befriended and helped along the way hovering over him.

Mr. HAUGEN. Mr. Speaker, the Hon. THOMAS L. RUBEY represented the State of Missouri as a Member of the House of Representatives in seven Congresses. During his entire service in the House he was a member of the Committee on Agriculture, of which I have had the honor to be chairman since 1919.

I had the honor and good fortune, by virtue of frequent contact during our long association, to have an opportunity to learn his splendid character, his noble qualities, and purposes so manifest in every walk of life, both public and private. He was a plain, unassuming, unpretentious, and unselfish man. He was a man of sterling qualities, of loving disposition, eminently sociable, pleasant, courteous, obliging, loyal, with a character founded on integrity, with a will to work his way honestly and bravely, endowed with lofty ideals, fortified with a wealth of experience and learning by long years of public life; pursuing his duty with industry, fidelity, unyielding courage, and fixity of purpose. The better I knew him the more I admired him, and realized why his constituents trusted him, and why he was held in such high esteem by his many friends.

Coming to Congress as he did with his genial disposition, keen intellect, noble character, and experience in legislative work, coupled with his patriotic, active, and effective public service, his unswerving and unusual devotion to truth, to the best interest of his State and Nation, always evident in his performance of public duty, naturally won him distinction and many friends.

It goes without saying that a life so bright, a character so pure, with such noble qualities, splendid career, and record as a statesman and citizen has made the world better and added to its happiness.

Mr. KINCHELOE. Mr. Speaker and gentlemen of the House, under the leave granted me to extend my remarks in the RECORD, I herewith insert the resolution adopted by the Committee on Agriculture on December 10, 1928, on the life and services of Hon. THOMAS L. RUBEY, late a Representative of the State of Missouri and an honored member of this committee:

RESOLUTIONS ADOPTED BY COMMITTEE ON AGRICULTURE OF THE HOUSE OF REPRESENTATIVES ON THE LIFE AND CHARACTER OF HON. THOMAS L. RUBEY, LATE A REPRESENTATIVE OF THE STATE OF MISSOURI, AT A REGULAR MEETING OF THE COMMITTEE HELD ON MONDAY, DECEMBER 10, 1928

Whereas the Committee on Agriculture has heard with profound sorrow of the death of one of its prominent members, the Hon. THOMAS L. RUBEY, late a Representative of the State of Missouri: Therefore be it

Resolved by the Committee on Agriculture in this meeting assembled, That in the death of Congressman RUBEY this committee has lost one of its most industrious, serviceable, and diligent members; the House of Representatives one of its most faithful servants; and the State of Missouri one of its most distinguished citizens.

Resolved further, That this committee extend to Mrs. Rubey its condolence and heartfelt sympathy in her hour of bereavement.

Resolved further, That a copy of these resolutions be made a permanent record of this committee and a copy be sent to his widow.

Mr. McSWEENEY. Mr. Speaker, one of the big honors that has come to me as a Representative in Congress was to be chosen as a member of the Committee on Agriculture, and one of the chief benefits and pleasures that I received as a member of this committee was to get acquainted with the Hon. THOMAS L. RUBEY, near whom I had the pleasure of sitting in the committee room.

I saw in Mr. RUBEY's face a kind expression that would make it possible for me, a new member, to go to him for the benefits of his mature judgment on public as well as private matters. I was never disappointed. When I sought his counsel I always received from him gracious consideration and an expression which proved that he had given to the question at hand the most profound thought. He spoke seldom in the committee, but whenever he rose the members of the committee listened eagerly for what he had to say. My five years of service with him had led me, as it had his other colleagues, to form a deep affection for him and to have a great respect for his devotion to public service.

One of my pleasant memories in connection with Mr. RUBEY is that he and his gracious wife stopped at my home in Wooster, Ohio, when they were driving back to Missouri at the close of a session of Congress.

The people of Missouri and the citizens of our country are better off for his having served and are the severe losers for his untimely taking off.

Mr. FULMER. Mr. Speaker, I am indeed grateful to the Missouri delegation for being permitted to pay my tribute today to the memory of Hon. THOMAS L. RUBEY.

From the time that I met Governor RUBEY at Congress Hall Hotel almost immediately after his arrival to enter upon his duties as a Congressman until his death I considered him one of my best friends in Congress. He had served in previous Congresses; therefore, on his return he not only reclaimed his old friends but made friends with the new Members. He was assigned to the great Agricultural Committee, where he served with me until his death. It was on this committee that I had the pleasure of watching the statesmanship-like service of my colleague. It was only a matter of a few days before I observed his deep interest in his constituency, his State, and his Nation. I often visited with him at the hotel, in his office, and sat with him in the House, because I admired his friendly companionship and I had great confidence in his judgment on legislative matters. He was a man of few words, but honest and hard-working. He was a Democrat, but he knew no party or section when a bill had merit, and was for the interest of the great masses and his country. He seemed to understand his people and their needs. He spoke for and served his constituents as a man who knew he had the confidence of those he was serving.

In every instance it was not a matter of keeping his ear to the ground and the playing of politics, but his deep concern was in being right. No Member of this House had more concern about passing legislation proposing to put agriculture on an equality with other groups.

During the Seventieth Congress he returned to Washington almost physically undone, but his regular attention to the daily requests coming in from his constituents, to his work in the committee and the House cause me to say that truly he gave his life for his people, his country, and his God.

In conclusion let me say that his district, his State, and the entire Nation have suffered a great loss in the death of Governor RUBEY. This kind of man is not easily replaced in this body or in the affairs of State and Nation. He received many honors at the hands of his people in this life, and we, with them, mourn his untimely passing away. May the soul of my friend, as I am sure it does and will, forever rest in peace.

Our hearts bleed, but faith bids us look up. Jesus said, "I am the resurrection and the life; he that believeth in me, though he were dead, yet shall he live; and whosoever liveth and believeth in me shall never die."

There is no death! The stars go down
To rise upon some fairer shore,
And bright in heaven's jeweled crown
They shine forever more.

There is no death! The dust we tread
Shall change beneath the summer showers
To golden grain, or mellow fruit,
Or rainbow-tinted flowers.

They are not dead! They have but passed
Beyond the mists that blind us here
Of that serener sphere!

Mr. SWANK. Mr. Speaker and gentlemen of the House, it was with great regret that I heard of the death of my good friend and colleague, Hon. THOMAS L. RUBEY, a Member of Congress from the sixteenth district of the State of Missouri. He was a Member of Congress before I had the pleasure of knowing him. I first became acquainted with him in the Sixty-eighth Congress, and from that time till his death we were members of the Committee on Agriculture. We were together much of the time and became good friends. He was one of the most active members of that committee and took a great interest in the problems of American agriculture. He was familiar with the hard work of the farmers and their dire distress during the past several years. He was always studying hard to find some new solution that would help them. He was truly their friend at all times. No man in Congress worked harder for their benefit than he did. He realized that there could not be any general prosperity in the land unless it was shared to some extent by the farmers. He was an able, conscientious, and industrious spokesman in their behalf and ever labored for their good. He represented them and all the people every day in this body. He never gave up but always pressed the fight for equality for them. They will never have a better friend in Congress or out. When the farm leaders came to Congress they went to see Congressman RUBEY because they knew where he always stood. He not only labored for agriculture but always favored all legislation for the best interests of his people, whom he loved.

He was a man of great heart and deep sympathy. He sympathized with the people of limited opportunities and many a poor man, woman, and little child felt the warmth of his kindly disposition. He went on the theory, which is a good one, that those who most deserved help by legislation needed friends in the American Congress, and he was always on the side of the people. Nothing could swerve THOMAS RUBEY from his plain path of duty. No flattery could sway him, defeat embarrass him, praise blind him, nor threats frighten him. When he decided what was his proper course for the right, he could not be diverted, but traveled the straight line toward the fulfillment of his desired achievements. He was as gentle as a child, fearless at all times, and had the friendship of every Member of the different Congresses in which he served. He was truly a representative of the people who honored him—and it was an honor for his people to keep him here—and always kept their best interests in mind. By close association with him as a member of the same committee and as Members of Congress for six years, I knew him well. Many times have I discussed with him the problems of agriculture and of the American people. His whole mind and soul were bent on doing what was right and best for the people. The last speech on the floor of the House that I heard him make was an earnest and able plea for the American farmer. He sympathized with the man and woman who work hard all day and never receive a sufficient amount for their labors to enable them to enjoy even the necessities of life. He believed that all honest men and women who work are entitled to some of the comforts of life that should recompense hard work and honest living. No person was too humble for him to listen to nor too poor for him to hear. No member of the committee to which he belonged stood higher than he and no man's counsel was more sought. He was always reasonable, logical, and agreeable. No man whom I have ever known appreciated frankness more than

he and despised hypocrisy more intensely. He was never angered by honest disagreement, but accorded to all the right to their own opinions.

Many Congresses have gone, many more are yet to come, but in none of them has there been nor will there be a man more devoted to the public good than Hon. THOMAS L. RUBEY. He not only honored the district that so wisely sent him here but he honored the State of Missouri and the whole American people. I never saw a man that I thought was a better citizen than him whom we honor here to-day. It is, indeed, fitting that we should assemble in the Nation's Capitol at this hour to do honor to his memory and praise a name and a life that can well be emulated by every young man in this land which we all love. He was an honor to this House and loved all our Members. THOMAS RUBEY did not live alone for himself, but for all his people and for his country. With our National Legislature in the hands of men like him, the country will be always safe. Nothing but the highest and purest thoughts ever entered his heart or mind. He always looked for the best in his friends and acquaintances and I never heard him say aught against any man during my acquaintance with him.

My life has been made brighter and better by having had the opportunity to associate with him and to know him so well. He was always actuated by the highest aims and the noblest thoughts. He, indeed, believed that "an honest man is the noblest work of God." He has gone to his reward, but has left a record of which his family, friends, and acquaintances may well be proud. The world is better because he lived here and mingled with his fellow men. Future legislation in Congress will bear the imprint of his work and thought while a Member. His advice, work, and counsel were greatly appreciated by his colleagues on the committee and in the House. And, at last, I can truly say, in the language of the poet—

Green be the turf above thee,
Friend of my better days!
None knew thee but to love thee,
Nor named thee but to praise.

Mr. CLARKE. Mr. Speaker, having served with Hon. THOMAS L. RUBEY for several years on the Agricultural Committee, and though not a member of the same party as he, I wish to bear witness of the help derived from the intimacies of work by that great committee that Mr. RUBEY not alone was faithful in season and out of season in attendance but that he worked intelligently and patriotically for solid legislation in the demands the producers of our agricultural commodities rightfully had upon the Government. He revealed himself to me as a man of the highest probity, zealous in season and out of season in meeting the obligations, duties, and responsibilities that belonged to his high office.

The members of the committee appreciated his sound judgment. When "the Governor" had something to say regarding legislation or regarding the agricultural problems we were investigating he was given the greatest attention. It can truly be said of him that no district and no people in these United States had a more faithful representative than the district he represented.

Mr. FORT. Mr. Speaker, my acquaintance with Governor RUBEY was limited to the twilight of his life. The impression that he has left with me is that of a genial, kindly, courteous gentleman who painstakingly endeavored to fulfill his duties in public office despite the handicaps of age and illness. To the causes he believed in he gave a really intense allegiance. He never spared himself, coming to perform his duties as a member of the Committee on Agriculture or of the House when his physical condition really should have kept him at home. There is slight doubt that his conscientious attention to his work made less comfortable the last months of his life and probably shortened it materially. You never liked or respected him less for a difference of opinion, because the sincerity of his belief was always unquestioned.

Mr. HOPE. Mr. Speaker, my acquaintance with our late colleague, THOMAS L. RUBEY, was confined to the first session of the Seventieth Congress. During that time we were fellow members of the Committee on Agriculture. Notwithstanding the fact that his health was very much impaired, Mr. RUBEY was most faithful in his attendance of committee meetings and took a keen interest in every measure for the advancement of agriculture. His long legislative experience and many years of service on the committee made his counsel and suggestions of great value. In his death this House lost an able Member and his district an experienced and capable representative.

Mr. HOUSTON of Hawaii. Mr. Speaker, it is with sincere regret that I arise on this occasion, for it is always sad to chronicle the passing of a dear friend.

As a member of the Committee on Agriculture in the Seventieth Congress, I was privileged to know the Hon. THOMAS LEWIS RUBEY, and to sit with him through many an interesting hearing upon matters touching farm relief and other agricultural subjects.

Even then he was in ill health, and it was only his courage and his devotion to the interests of the country, I am sure, that kept him at work, where self-interest should have dictated greater care of himself.

He was always the courteous gentleman—friendly and sympathetic, helpful with suggestions to those of us with less experience. I mourn his passing away, and shall always cherish his memory.

Mr. MAJOR of Missouri. Mr. Speaker, this day and hour has been set apart by this body for memorial services for the departed Members of the Seventieth Congress.

As this roll is called the names of Hon. THOMAS L. RUBEY, of the sixteenth Missouri district, and that of Hon. CHARLES L. FAUST, of the fourth Missouri district, appear upon the list of those who have answered the last roll call of this, the greatest legislative body in the world, to appear before the judgment bar of God, before whom we shall, sooner or later, come to give an account of our stewardship.

I have been asked by the Hon. C. C. DICKINSON, dean of the Democrats, and the Hon. L. C. DYER, dean of the Republicans, of the Missouri delegation, to participate in the services of to-day in memory of our departed Members. It is an honor to do honor to the memory of the good. Heralded with the velocity of electricity by wire and radio, the sad intelligence has been borne to every hamlet in the land that Missouri has lost two of its foremost citizens and this body two of its most useful and outstanding Members, Mr. RUBEY, a member of the great Committee on Agriculture, and Mr. FAUST, a member of the great Committee on Ways and Means—one a Democrat, the other a Republican, and both personal friends of mine. Their vote in the districts that repeatedly honored them is a testimonial of the esteem in which they were held by their constituents; their committee assignments are proof of their standing with their colleagues and in their party; and their records evidence that they fully appreciated the honors bestowed upon them and were true to the trust reposed in them. They were able, honest, and courageous. They were loved by their friends, respected by all of their colleagues, and honored by the constituency they served so faithfully and so well. Both died at their posts of duty.

We do not like to think and talk of death, and it is only when some bright particular star falls, or the train of eternity whistles near our own door, that train which has no surveyed route, no schedule, no stated stations; every home on God's earth a depot, and every member thereof a sure and certain passenger, that we take time to pause and ask: "Watchman, what of the hour?" and are reminded with the poet:

Life, I knew not what thou art
But know that thou and I must part,
And when, and how, and where we met,
I own to me is a secret yet.
Life, we've been long together
Through pleasant and through cloudy weather;
'Tis hard to part when friends are dear;
Perhaps 'twill cost a sigh, a tear;
Then steal away, give little warning,
Choose thine own time
Say not good night, but in some brighter clime
Bid me good morning.

TOM RUBEY and CHARLIE FAUST, as they were known and called by their friends and colleagues, were strong partisans, with strong political convictions, party feeling, and attachments, both believed that the interest of their country could be best served through the principles advocated by their respective parties. Though of different political faith, we loved and honored them both for their many sterling qualities and devotion to duty. In this sad hour we grieve with their families, their friends, and associates. In their political battles they fought for what they conceived to be the best interest of their country, and the breath of suspicion never tarnished the rectitude of their actions or the purity of their purpose, and dying left behind them an example that patriots will love to honor and many deeds worthy of emulation.

Their personal characters were replete with those qualities that make up the perfect gentleman—courteous to all, chivalrous, the soul of honor, with unquestioned courage; they endeared

themselves to all they came in contact with. In those tender and more endearing relations of friendship, kindred, and neighbor, they were all that friendship could ask, affection claim, or kindness enjoin. They were Christian gentlemen, true to themselves, their friends, and their country.

In some countries there is a tradition that the spirit of their departed leaders, who in their lives were revered and honored, revisit the land of their love, and when the moon is shedding down its softest and its sweetest beams upon the earth the spirit of the departed leader descends and, passing over the land, blesses the fields and the meadows, and whispers low upon the night winds words of wise counsel to his people. Could these conditions prevail, TOM RUBEY and CHARLIE FAUST, though dead, would far into the future counsel and labor for the people of their districts, their State and Nation, whom they loved so well and served so faithfully.

In their death we are again reminded:

That death comes equally to us all, and makes us all equal when he comes.

Their noble spirits have taken their flight to the God who gave them, so touchingly exemplifying that—

The paths of glory lead but to the grave.

WILLIAM ALLAN OLDFIELD

Mr. WINGO. Mr. Speaker, the death of WILLIAM A. OLDFIELD, of Arkansas, in the Capital City of the Nation on the 19th day of November, 1928, marked the passing of a remarkable man, who for 20 years had been one of the recognized distinctive personalities of the House and a party leader of resource and energy, loved and respected by his associates of every political faith.

When on the morning of February 4, 1874, a child was born to Milton T. and Anne Matheny Oldfield in the village of Franklin, Izard County, Ark., there was nothing to indicate that this son of the village blacksmith would have such an active and useful career and achieve the extraordinary distinction that crowned his efforts. He attended the rural schools and, after he graduated from the Melbourne High School, his family moved to Batesville, Ark., to enable him to finish his education in Arkansas College. Working to defray his expenses, he completed his course in that institution, graduating in 1896. He then engaged in that activity which, in many instances, has been a part of the training of many of America's distinguished men—teaching school in Little River County, Ark. At the outbreak of the Spanish-American War he volunteered his services and assisted in organizing a company of which he became first lieutenant. At the close of that war he returned to Batesville and began the study of law, and was admitted to the bar in 1900. Possessed of marked ability, a strong, pleasing, radiant personality, and a love of his fellow men, it was but natural for him to enter the political arena. In 1902 he was elected prosecuting attorney of the third judicial circuit and reelected to another term in 1904. In his boyhood, while assisting his father in the village blacksmith shop, he met the Congressman from his district, and as a result there was born in his ambitious breast the determination to fill that position. His first candidacy for Congress in 1906 met with defeat, but in 1908 he was successful, and from the date of his entrance into this body until his death he was one of its most active Members. His intense loyalty to his party and his aptitude and capacity for practical organization very early won for him an influence in Democratic councils, and for several years prior to his death he had rendered splendid service as chairman of the Democratic congressional campaign committee.

His ability and industry were recognized by his election many years ago to membership of the Ways and Means Committee.

For 20 years, diligent, active, aggressive, yet genial and fair, he was in the front ranks of the contests waged in this forum, and his passing is a distinct loss, not alone to his loved ones, his district, his State, and his party, but to the entire Nation he served with such fidelity and zeal.

Mr. DRIVER. Mr. Speaker, in the death of Hon. WILLIAM A. OLDFIELD the Nation lost a patriot, the State of Arkansas an eminent son, the second congressional district of his State an energetic and devoted servant, and I a sympathetic and loyal friend. To no Member of this body did the term "no middle aisle" so directly apply, for while he was a man of strong convictions and possessed the courage to utter and defend them, his uniform courtesy, his tolerant bearing, and his unfailing sense of fairness so impressed his adversaries that no enemies were made and no spirit of resentment was aroused. He enjoyed as but few have the confidence and esteem of his colleagues and the citizenry he so ably represented.

Mr. OLDFIELD was a native of his State and district. He was educated in its schools. Born on February 4, 1874, he completed his college course with an A. B. degree in 1896 and entered upon the practice of law at Batesville, immediately impressing his worth upon the public. When war was declared against the Kingdom of Spain in 1898 he followed the patriotic urge in the hearts of all true sons and tendered his services, enlisting as a private in Company M, Second Regiment of Arkansas Infantry, and was discharged at the conclusion of the war as a commissioned officer. He returned home and renewed the practice of his profession with such outstanding success that he was selected in 1902 to fill the important office of prosecuting attorney of the third judicial circuit. His service was conspicuous and won a second term, at the conclusion of which he retired and returned to the practice of law in association with Hon. Charles Y. Cole, the present United States Attorney for the Eastern District of Arkansas. The demonstration of rare capacity, his high sense of honor, combined with unquestioned integrity, had so impressed the people he served that when the distinguished Member from his congressional district, the Hon. Stephen Brundige, retired, Mr. OLDFIELD was called to the Congress, entering the Sixty-first. He served continuously for 20 years, and at the time of his death was holding a commission for the Seventy-first. No public servant enjoyed to greater extent the absolute confidence and affections of those whom he represented. No constituency enjoyed more the loyalty and love of a servant. He was able, alert, and untiring in his labors, and such characteristics so impressed his colleagues that he was induced to assume many responsibilities incident to his duties as a Member of the Congress. Through his proven reliability and capacity he gradually ascended the scale of committees until he reached the Ways and Means, the outstanding one of the House, of which he was a member at his death. He was a member of the Democratic congressional committee for many years and directed its activities brilliantly as chairman for two years and was in such position when the summons came. He was the Democratic whip, and the expression is universal that he was incomparable in such office.

Mr. OLDFIELD was a burden bearer serving the whole of his political career.

The heights by great men reached and kept
Were not attained by sudden flight,
But they, while their companions slept,
Were toiling upward in the night.

The great concourse of sorrowing people coming from every walk of life, meeting in his beloved city in sadness and grief on the day of his funeral, the lengthy procession accompanying his remains to the last resting place, and the profusion of beautiful flowers attested his popularity. The eulogies of Senator JOSEPH T. ROBINSON and Minority Leader Hon. FINIS J. GARRETT, and the funeral sermon of the pastor of his chruch brought manifestation of profound sorrow from the throng crowded in the home church.

Our colleague was blessed with one of the rare jewels of womanhood in his helpmate. The devotion existing and continuing throughout his life was an inspiration to the youth of our land. Ever standing by his side, aiding and encouraging him in his labors, sharing his trials and successes in a perfect sympathy. Our hearts are heavy with grief that she must suffer the loss of such ideal companionship.

Mr. PARKS. Mr. Speaker, it is with a sad heart that I arise to pay a tribute of love and respect to the life and memory of my lifelong friend, the Hon. WILLIAM A. OLDFIELD, of the second district of Arkansas. For more than 30 years the people of his district joyfully gave him whatever honors he sought. For four years he was prosecuting attorney of his district, and he so ably, successfully, and justly served in that capacity that he was elected to the Sixty-first Congress to succeed a man who had made a national reputation by his service here. Mr. OLDFIELD was a native of the district that honored him, and it was his lifelong friends who passed judgment upon his life and character at the polls and sent him here to serve in a greater field.

The luxuries of life were not given to him, and while he succeeded in graduating from one of the principal educational institutions of his State, it was only by industry, thrift, economy, and a desire to succeed and make himself a useful man that he was able to accomplish this. So hard did he labor and so faithfully did he serve here that he was soon made a member of the great Committee on Ways and Means. His hobby was a tariff for revenue only, and he willingly battled the great minds on the other side of the aisle whenever a bill to increase a tariff was presented. He asked no quarter and he made no compromises, and although he oftentimes met defeat, his sword was always flashed on the side of right, and when he went down he held aloft the flag of the people. In the Sixty-seventh Congress he

was selected the Democratic whip, a most important and responsible position, especially for the minority. It was his duty to meet with the leaders to plan our procedure, to keep the lines of his own party together, and to see that no discord was in the ranks. A better man for this duty could not have been found in Congress. Harmony was his watchword, and no two men of his party could drift so far apart that he could not reconcile their differences. He was free to praise and he never hesitated to criticize when necessary, but his criticism was constructive and he never offended the most sensitive.

Without hesitation I say that he was the most popular man in the House of Representatives. He was aggressive and so loved his party and its principles that he often had strong opponents, but I doubt if he had an enemy. He had both great moral and physical courage. While he took great pride in his service in civil life I believe he looked back upon his short military service while his country was at war with Spain with greater pleasure. His years were devoted to active public service and he was known best as a statesman; but one of his greatest characteristics was his affection for his wife and love of home. Those of us who were privileged to be his intimates and knew him by close association with him and his wife, saw in him one of the gentlest and most considerate of husbands. He was never blessed with a child, and all his deep affection was given to her who had taken the pledge to walk by his side in the shadows as well as in the sunlight. From the day that he met his girlhood sweetheart he cared for no other, and when their love grew into marriage they became real partners. So complete and equal was this partnership that each affectionately called the other "Pard."

His was a life of service. He was one of the great men of the House. We mourn him, but feel that while he must for a time sail that dark and unknown sea called "death," yet in the fullness of time he will anchor on the golden shore of the sunlit sea of everlasting life, where he will be privileged to wait and watch the coming of the sail that will reunite him to the one he left behind.

For love will hope, and faith will trust
That somehow, somewhere, meet we must.

Mr. RAGON. Mr. Speaker, the death of WILLIAM A. OLDFIELD was mourned in every section of the country. His association with Members representing both parties in Congress was such as to bring genuine grief to all who intimately knew him.

To those who represent the minority party in the House of Representatives his passing meant the loss of one who manifested a personal interest in the fortunes of each member of his party. His death therefore brought a personal sorrow to each of his colleagues on the minority side, most of whom had drafted heavily from time to time upon his obliging nature. However, it was from every section of the State he loved so much that his death was so deeply mourned. BILL OLDFIELD was proud of Arkansas and Arkansas was proud of BILL OLDFIELD. At his burial in the little city of Batesville, resting in the beauty of the Ozark Mountains, citizens from all sections of Arkansas and from the remotest parts of his own congressional district gathered to pay their last respects to one who had served long and well their interests. The ceremonies were beautiful and impressive, but one could not stand in that multitude unmindful that the greatest tribute paid to our departed friend was the sorrowing presence of those representing all the walks of life—the rich and the poor, the weak and the strong, coming alike to pay a last tribute to a leader whom they had followed with pride and loyalty.

One in public life is often beset with discouragements and is sometimes prone to meditate whether his efforts in public service are worth while. But when the rank and file in a great outpouring came to the last rites of a public servant of many years, it is such an unmistakable evidence of appreciation and affection that we, who are left, find heart to carry on with the consciousness that among the great American people, an honest public service will always find its just reward.

Mr. OLDFIELD was noted throughout his State for his capacity in forming strong friendships. He has so often spoken to me of the loyalty of his friends. To my own knowledge he did not underestimate them. But back of the loyalty of BILL OLDFIELD'S friends was first the loyalty of BILL OLDFIELD to a friend. Around the faults of a friend no man threw a broader robe of charity. This made men love him; this made men follow him in almost blind adoration.

Then, again, he was a man of courage. He rarely paused to give expression to his conviction. When once convinced of the righteousness of a course he had little patience with any scheme to avoid whatever its consequences might be. The lines of least resistance might have served to make his career more a path of roses than it was ever his to share, but it would have meant the practice of a duplicity entirely foreign to his disposition. He was a rarity in modern politics, in that he tried always to take an unqualified stand on all questions of public concern.

His friends not only loved him for his loyalty and courage but they loved his determined spirit. He came from the rank and file. He was an offspring of those who walked in humble but honorable paths. He was the son of that mighty concourse of American people who have made our Nation's Hall of Fame. Call it "ambition," "urge," "determination," or whatever you will, but that spirit or disposition lifted BILL OLDFIELD from the humble environs of a blacksmith's home to one of the leaders in the Lower House of our National Congress. It would be no fairy tale to relate the manner in which he gained such eminence, but the true story would disclose a severe struggle to overcome many difficulties. It was his disposition to meet and to master that associated his name with distinction and honor.

With the background of a good home and family relation as a boy and young man and the inspiring influence of a good wife, BILL OLDFIELD used his splendid faculties to accomplish a successful career. Had he lived he would have been called to still greater fields of service to his fellow men.

It should be a sweet consolation to his family and his friends that they were given a part in the construction of his wonderful career.

Mr. HAWLEY. Mr. Speaker, it is with a renewed sense of personal loss that I speak of the death of Hon. WILLIAM A. OLDFIELD. He was for many years a most active member of the Committee on Ways and Means, having participated in the great measures of financial reconstruction following the World War. His devotion to the public service was signalized by activities in civil life, by patriotic service in the war with Spain, and well-earned promotion, and by a legislative career in Congress, in which he rose to be a vigorous and directing force in the party of which he was a valued member. He gave his heart to whatever cause enlisted his support. He attacked with vigor and defended strongly. Earnest, honorable, likable, we all admired him. Our regret at his final departure is deep and sincere.

Mr. BACHARACH. Mr. Speaker, it is with a feeling of genuine and profound sorrow and regret that I contemplate the death of my good friend and colleague, WILLIAM A. OLDFIELD. He had already won his spurs in the House at the time I was first elected to Congress. It was not long after I took up my service that I was attracted to BILLY OLDFIELD by his genial personality and soon became acquainted with him.

That acquaintance grew and ripened after my election to the Committee on Ways and Means, of which he was a member, and it developed into a real friendship which shall always live with me as one of the happy memories of my service in Congress. We differed very widely at times on the various legislative matters which came before our committee for consideration, particularly on tariff and revenue legislation; but this difference of opinion, which was at all times an honest one, did not interfere with our friendship for each other.

WILLIAM A. OLDFIELD was a man of strong convictions. He was in every sense of the word a Democrat and a believer in the dogmatic principles of his party. He gave much time and study to the intricate workings of all legislation affecting the revenues of the Nation, and he was a conscientious advocate of what he thought was best for the country.

A lawyer, a soldier in defense of his country in time of war, an able and efficient legislator in times of peace, the Nation, like the young and vigorous State which he in part represented in the Halls of Congress, loses a distinguished citizen and a loyal patriot in the death of WILLIAM A. OLDFIELD, while we who have been his colleagues for many years shall miss him and mourn him for his lovable character and friendship.

Mr. COLLIER. Mr. Speaker, it was my good fortune to have been intimately acquainted with Mr. OLDFIELD. I met him in 1909 at the first session of the Sixty-first Congress. We were both new Members and the acquaintance formed nearly 20 years ago soon ripened into a sincere and lasting friendship. For over 10 years we sat side by side on the same committee, and meeting almost daily I had ample opportunity to become familiar with those qualities of heart and mind that characterized WILLIAM A. OLDFIELD, and so endeared him to all with whom he came in contact.

Death during this Congress has exacted a heavy toll from the Committee on Ways and Means. Three of its members—THADDEUS C. SWEET, of New York; CHARLES L. FAUST, of Missouri; and WILLIAM A. OLDFIELD, of Arkansas—have answered the Reaper's call and, "crossing over the river, are now resting in the shade of the trees." They were all outstanding men, men

whose deaths were irreparable losses, not alone to their districts and their States but to the country at large.

BILLY OLDFIELD, as he was affectionately called by his friends, was a natural leader of men. Able, studious, loyal, enthusiastic, and true to every trust, he possessed many of those qualities which the world calls human greatness. Greatness is a comparative word. One of the frailties of human nature is the proneness to believe that in the past those who rose above their fellows and were called great attained the mountain summits of a fame beyond almost the hope of the present generation to secure. We are therefore reluctant to assert and hesitate to declare to-day that which posterity will emphatically affirm to-morrow.

No revenue act providing for the huge sums necessary to pay America's part in the conduct and prosecution of the greatest war in all the ages was ever enacted by the American Congress that in every phase of its construction WILLIAM OLDFIELD did not play a prominent part. He took the lead in legislation looking to the relief of our sick, wounded, and disabled soldiers. As a member of the subcommittee that drafted the adjusted compensation act he rendered invaluable service and many of his wise suggestions are now crystallized into law.

He was an ideal chairman of the congressional campaign committee. He loved the Democratic Party, and I have never known a more devoted adherent. No defeat could dampen his ardor, no disaster could destroy his optimism, but always the day after he was the first to see the silver lining and with boundless enthusiasm and sublime confidence he was again ready to "carry on."

Notwithstanding his intense partisanship his personal friends in the House were limited only by the number of Members in that body. He fought the opposition and he fought hard, but he always fought in the open. He was honest and candid and fair, and I heard as many genuine expressions of sorrow and regret over his untimely death on the Republican side of the House as I did on his own.

It was my melancholy privilege to be present at his funeral in the little town of Batesville. The stores and other business houses were closed during the ceremonies, and there was genuine sorrow and concern upon the faces of all. The Methodist Church was unable to accommodate the vast throng of those who not only from Arkansas but elsewhere came to pay their last tribute of love and respect to one who in every way reflected in his own life the true simplicity and the splendid manhood so characteristic of his proud Commonwealth.

Mr. Speaker, the country needs more men like BILLY OLDFIELD—men of lofty ideals and Christian character; men who have the courage of their convictions; men who, when they know they are right, "are not afraid to say no, though all the world may say yes"; men large of heart, large of brain, large of human kindness, and large in all those qualities which constitute real greatness.

BILLY OLDFIELD has passed away. No longer will we see his smiling face and hear his friendly voice. He has passed away, but he is not forgotten, for he has left behind him that greatest of all legacies—"an honored name, the memory of earnest deeds well done."

Statesman, yet friend of truth; of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Who gained no title, and who lost no friend.

Mr. CHINDBLOM. Mr. Speaker, it is a happy circumstance, though probably not known to the general public, that party affiliation has no bearing upon the personal and social relationships of Members of the House of Representatives. Friendships are formed here, as elsewhere, upon opportunities for acquaintanceship and mutuality of interest and confidence. The standing, and to a limited degree the select, committees of the House furnish such occasions for intimate associations on the part of their Members. Particularly is this true as to those committees, like that on Ways and Means, where sharp differences of opinion may arise and where the Members get into close personal contact. It was in the exchange and conflict of views in the Committee on Ways and Means that I had the privilege of becoming really acquainted with our late colleague, the Hon. WILLIAM A. OLDFIELD, of Arkansas. There was many a sting in his political and partisan utterances on the floor of the House and in his press interviews as chairman of the Democratic Congressional Committee. He was as intense a Democrat as I am a Republican. What is more, if I understood him correctly, he was a Democrat of the old school, a fundamentalist in party doctrine and adherence, and I, for one, honored his consistency and frankness. His party appreciated his worth and placed him in position of organization authority. But what a kindly, gentle, and considerate soul he was in his personal contacts! How affable, straightforward, and open-hearted in his conversation and demeanor! No partisanship there, no personal grudges or disagreements, no disappointments or animosities of any kind! He seemed fit for a long life of service and contentment, but the Grim Reaper mowed him down in the very prime of life. How strange the fortunes of men! How little we know our destiny! Our genial, industrious, and capable colleague, the genuine gentleman from Arkansas, is with us no more, and none mourn his loss and miss his presence among us more than his associates, Republicans and Democrats alike, on the committee which was honored and benefited by his service upon it.

Mr. CRISP. Mr. Speaker, when on November 19, 1928, the soul of Hon. WILLIAM A. OLDFIELD crossed the borderland and entered eternity, the Commonwealth of Arkansas and our beloved Nation sustained an irreparable loss, for, truly, one of the leading statesmen of our day passed from his sphere of earthly usefulness. In early manhood he served his State and country on the field of battle in the Spanish-American War, and for meritorious conduct was promoted from private to lieutenant. For 20 years, he had rendered faithful and efficient service to his people in the House of Representatives. He was a man of splendid mental attainments, of magnetic personality, of deep convictions, and possessed the moral and political courage at all times to defend them. He believed in the principles of Democracy and was a militant Democrat and ever ready to bear the gage of battle for his party. He was a fighting partisan of the highest type, giving hard blows to his opponents and serenely bearing any blows leveled at him. He neither gave nor asked quarter from a political foe, but was at all times a gentleman. He was a true tribune of the masses of the people, his heart's great desire being to protect their interest and to render them service. His life was open; his noble purposes and high character commanded the respect and admiration of all who knew him. In his political debates he left no stings and he never bore malice. He was universally beloved by the membership of the House irrespective of political affiliations.

That his own people loved, trusted, and appreciated him is evidenced by the fact that they elected his capable and beloved wife to represent them as his successor in this august body. Mr. OLDFIELD's devotion to his party caused him to battle for it in the last presidential campaign, when he was not physically able to stand the strain; and this unselfish, heroic sacrifice undoubtedly hastened his end. He was in the prime of intellectual manhood, in the zenith of his power and usefulness, a recognized leader in the House, a statesman of national reputation, when the final summons reached him.

And could we choose the time and choose aright,
'Tis best to die, our honors at the height.

It was my good fortune to know him well, having sat next to him in the Ways and Means Committee room for 14 years. He was always at his post of duty. He was fearless, able, courteous, warm-hearted, and unselfish, and enjoyed the love and confidence of his fellows. We scarce hope to look upon his like again.

Statesman, yet friend of truth; of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Who gained no title, and who lost no friend;
Ennobled by himself, by all approved.

Mr. DOUGHTON. Mr. Speaker, it is a sad and difficult thing for one who admired and loved WILLIAM A. OLDFIELD as I did to attempt even a few words in the nature of an eulogy.

Mr. OLDFIELD preceded me as a Member of Congress by two years. He came in the Sixty-first and I in the Sixty-second Congress. Had he lived to the end of the Seventieth Congress he would have served 20 years. The fact that he was kept in Congress consecutively for so long a period of time is evidence of the high esteem in which he was held by the people of his district and the supreme confidence they had in him.

In the passing of Mr. OLDFIELD there is not any doubt but that Congress lost one of its ablest, most useful, and influential Members. His devotion to duty, his courtesy to every Member of the House, profound knowledge of great national problems were manifest at all times. He specialized in matters of taxation and had mastered this subject in detail perhaps as thoroughly as any Member of the House of Representatives.

I shall ever cherish with fond recollection and gratitude the many acts of kindness he extended to me. He was approachable, courteous, and considerate even to the extreme at all times. When I entered upon my duties as a Representative I was greatly aided by his wise counsel and sympathy.

As chairman of the Democratic congressional committee he rendered great service to his party.

His calling away, seemingly in the midst of a brilliant public career, is one of the mysteries of Providence too profound for human understanding.

BILLY OLDFIELD possessed every qualification of mind and character essential in the making of a truly great man. In fact, the life of WILLIAM A. OLDFIELD was filled with useful deeds and unselfish service. His passing was perhaps as nearly a personal loss to every Member of the House as any man who has served in our body in this generation.

There is no death! The stars go down
To rise upon some fairer shore,
And bright in heaven's jeweled crown
They shine forevermore.

Mr. HILL of Washington. Mr. Speaker, the span of life is measured not so much by time as by accomplishment. Years denote only length, but accomplishment means volume. Simply to have lived for a term of years means little to the world, but to have filled those years with crowded action of useful service gives width and depth, richness, and splendor to life. In the drama of human progress attention is focused upon those who take the rôles of leadership. But leadership is the culmination of years of preparation, growth, and development. More years are required in the preparation for life's greatest service than in the performance of that service.

When Hon. WILLIAM A. OLDFIELD passed from this life on the 19th of last November he was a national character, one of the leaders in the political affairs of the Government; a leader in his own political party; whip of the Democratic Party in Congress and chairman of the national Democratic congressional committee. He lacked only a few months of having served 20 years as a Member of Congress when he moved on to take his place in history.

It is said that "a life that is lived is a tale that is told." His life was full of action, accomplishment, and progress. A comprehensive story of his life can find expression only in the deeds he wrought and the goal he attained. His career was a phenomenal rise from an obscure beginning to an ending of national fame.

WILLIAM A. OLDFIELD was born in the small village of Franklin, in Izard County, Ark., shortly after the end of the "reconstruction period," which left the people of that State in economic ruin. His father was Milton T. Oldfield and his mother was Anne (Matheny) Oldfield. He had three sisters, one older and two younger than he. It was a happy family; love and aspiration predominated. The early years of his boyhood were spent in this village of his birth. We called him Will. He was popular. He was a real boy, loved a good time, was full of fun, played first base on the ball team, was a good swimmer, and a lover of all boyish sports. He was an all-round good fellow. He was a handsome, wholesome, brilliant boy. WILL OLDFIELD attended the public and "subscription" schools in Franklin. He stood high in his classes but did not devote all of his time to study. He did not have to. He found time occasionally to disturb the quietude of his immediate section of the schoolroom. In that time the teachers operated under the principle of "Spare the rod and spoil the child." WILL OLDFIELD took his chastisement with the other boys, and always came out of it smiling. As a boy he was a good sport and indomitable. He never lost these traits of character.

When he was about 10 years of age his family moved to the town of Newburg and later to the county-seat town of Melbourne in order to have better school facilities. It was in the public schools and academies of these towns that WILL OLDFIELD received his preparation for college. He was now about 17 years of age. Then came the problem of finances for his college course. He had no money and his father was not financially able to send him to college. The hard times of the nineties gripped that country. He worked as a hired laborer, made cotton crops on shares, taught country schools, and borrowed some money. Through such means and by practicing rigid economy he finished the liberal arts course in the Arkansas College in Batesville, Ark., graduating therefrom in 1896. Following his graduation he engaged in teaching for a time as the principal of a high school. In 1898 he enlisted as a private for service in the Spanish-American War. He was discharged from that service with the rank of first lieutenant. He studied law, was admitted to the bar, and entered the practice of law in Batesville, Ark. In 1902 he was elected prosecuting attorney for the district comprising the counties of Independence, Stone, Jackson, and Lawrence in that State, and was reelected in 1904. Between 1906 and 1908 he was engaged in private practice. In 1908 he was elected to Congress from the second congressional district of Arkansas and was reelected successively at each general election thereafter. He died 13 days after his last reelection to Congress, in November, 1928.

At the time Mr. OLDFIELD was in Arkansas College Miss Pearl Peden was also a student in that school. It was there that the romance of love between them had its beginning, which was later attested and solemnized in their marriage. It was a happy marriage. That romance has endured.

I knew WILL OLDFIELD from his early childhood. As a boy, as a young man, as a matured man I knew him. I knew him on the playground, in school, in the court room, in Congress. There was no guile in him and no pessimism. He got pleasure out of life and radiated it to his associates. He loved his fellows and was loved by them. Life held for him the prospect of success. Hope and courage never deserted him. He believed in the principle of justice and square dealing. The belief that all men are entitled to equal rights was with him a passion. He was a great Democrat with a capital "D"; he was a greater democrat with a small "d." WILL OLDFIELD made no effort to play to the galleries. He was not spectacular; but with a constancy of purpose he followed the course that led toward the greatest service and the accomplishment of his ideals. No words of mine can adequately express my appreciation of him. His was a humble beginning in a community atmosphere not especially inspiring, but he burst the shell of provincialism and rolled back the encompassing horizon until he saw and was seen as a national character.

WILL OLDFIELD, who, as a barefoot boy found pleasure in shooting turtles along the banks of Strawberry Creek, became a leader in the National Congress. What dreams may he not have had when his youthful eye watched the ceaseless flow of the smaller streams toward the larger rivers that in turn led on to the sea. Certain it is that in him was the developing vision that gave a glimpse of greater opportunities in a richer and broader life.

He pursued this unfolding visualization in response to an urge that inhered in him and would not be denied. The chrysalis breaks the imprisoning cocoon and reaches perfect development. The human will and intellect must break the encasing walls of limiting vision to gain the broader outlook on life. It is a far cry from the sand-lot ball ground of Franklin, Ark., to the Halls of Congress, but the distance was spanned by WILL OLDFIELD by the time he was 34 years of age.

The sentiment that a prophet is without honor in his own country does not hold good in his case. The district he represented in Congress for 20 years embraces the county of his birth. He never lost touch with the friends of his earlier life. He bound them to him by ties stronger than hoops of steel. He justified their confidence by keeping faith with them. Their admiration and respect for him developed into idolization. They feel that he was part of their life, and in them was pride in his advancement. They were as loyal to the cause of his success as they would be to their own interests, for in their view he was a part of themselves.

No native son ever inspired more devoted allegiance or held more firmly the strength of popular sentiment. They watched him grow from boyhood to mature manhood. They watched him develop and unfold the powers of mind and soul that brought him, the son of a village blacksmith, to leadership among men; even as David, the shepherd boy, became the King of Israel. In the hearts of the people of his own district the life and service of WILL OLDFIELD will find a shrine of love and devotion that will endure for all time.

When I first came to Congress, WILL OLDFIELD had been here 14 years. He was already a veteran in the halls of national legislation. He was mature in judgment and secure in the honor that comes with distinguished service. He was already a leader in his own party and in the Congress. His name was on the Nation's lips. He was a national character. To him had come the recognition which his public service commanded. I shall not discuss the scope of that service. Other colleagues will no doubt elect to do so.

The last illness of WILLIAM A. OLDFIELD was of short duration. When the press agencies flashed to the world the sad intelligence of his passing my heart was heavy. I could hardly realize that he was gone from us. It seemed unreal that we should not see him again in his accustomed rôle in the Halls of Congress. His going has left a void that can not be filled. He sacrificed health and physical life in the fulfillment of duty. But he still lives in the annals of his country and in the hearts of the people. Our own lives have been enriched and broadened by his association. He has given us the inspiration of service and progress and the ideal of a life abundantly lived. He was my friend and I respected, admired, and loved him.

Mr. BYRNS. Mr. Speaker, we mourn the death of our departed friend and colleague, Hon. WILLIAM A. OLDFIELD, who

for nearly 20 years ably and faithfully represented the second congressional district of the State of Arkansas. It is a sad privilege to pay a brief but heartfelt tribute to his memory and the public service rendered by him.

Others will tell the story of his useful life; the fidelity with which he served his country both in war and in peace; the service which he rendered to the people in positions of trust at home and before he was sent to Congress; and finally the enviable record which he made during his service here. He won for himself a position of leadership in the House and he enjoyed the confidence and friendship of its entire membership throughout the years of his service.

He and I entered Congress together in 1909. From that time until "God's finger touched him" and he passed on to another world, we were warm, personal friends. Only last September he visited in my home at Nashville, Tenn. We little dreamed that in a little more than two months his course on earth would be finished. He seemed to be in better health than he had been for some years. We discussed the presidential campaign, which was then pending, and the work of the next Congress, to which he was looking forward with much eagerness and interest. It is difficult for us to understand just why he was taken in the midst of his life of usefulness. The ways of Providence are often beyond our understanding.

He was a man of strong convictions. Holding as a Democrat an important position on the Committee on Ways and Means, he never failed to take a prominent part in its deliberations and to impress upon the House his views on tariff and financial legislation.

He was a kindly, sympathetic man. He was a good friend. He was always happy when he could do some one a service. And it was this attribute of his character which popularized him with all who knew him.

It may be truly said of him, Mr. Speaker, that he rendered the best service that was in him, that he was faithful to every trust imposed in him and that his life was not lived in vain. I am proud of his friendship and will always treasure the memory of our pleasant association during the years we served together in Congress.

The contemplation of the death of such a friend is always sad. It is difficult for us to understand just why one should be taken in the prime of life and in the midst of a life of usefulness and service to those about him. But it is consoling that we may look back and enjoy the memories of pleasant associations and feel that the world is better because our friend had lived. We are here but for a little while. Soon "taps" will sound for all of us. To render some service to those about us in our sphere of life; to measure up to the qualities and duties of a good citizen; to endeavor to make the world better and so live that there will be those who will deeply mourn our passing, should be the high aim of every man and woman. Death is not so frightful to one who has such a true philosophy of life; neither is it the end. For surely when such a life passes from this earth it passes on to a higher and better sphere of existence. This was the standard for which our colleague, WILL OLDFIELD strove, and that he succeeded in his high endeavor is attested by the fact that he died with the love and the admiration of all of his colleagues.

To his sorrowing widow, who was his chief inspiration, we extend our tenderest sympathy and rejoice that a grateful constituency has commissioned her to carry on as it did her husband in his lifetime.

Mr. QUIN. Mr. Speaker, our deceased colleague, the Hon. WILLIAM OLDFIELD, from the State of Arkansas, was one of the strongest men who ever represented any district in the United States Congress. It was my pleasure to serve nearly 16 years in the House of Representatives with this distinguished man. According to my recollection, he served more than 20 years as a Member of the House of Representatives. He was a loyal Democrat, a great American, and a most useful citizen. To know WILLIAM OLDFIELD was to love him. On all occasions he had at heart the interests of the average man and woman in this Republic. As a member of the Ways and Means Committee he was an indefatigable worker, always looking out for the interests of the people. His able mind and eloquent voice on the floor of this House demonstrated his worth to his district, State, and Nation.

Mr. OLDFIELD won a high place in the councils of his party and among the statesmen of America. He was a great man, worthy of every trust that the people of Arkansas reposed in him.

He was a gentleman in every sense of the word—bold, fearless, courageous, and honest. He was a regular dynamo of energy, ready at all times to do battle for what he believed to be right.

He was a stalwart Christian gentleman, a devoted husband, and a true and loyal citizen devoted to the cause of his country. He will be missed in this legislative body but his works will live.

Personally I was devoted to my dear friend BILLY OLDFIELD. I knew his worth as a man, as a legislator, and as a friend. I have lost a dear personal friend, but feel solace in the fact that he is in the presence of his Maker in a better and happier world.

Mr. MONTAGUE. Mr. Speaker, upon entering the House at the extraordinary session of Congress of April, 1913, I first met the late WILLIAM A. OLDFIELD, of Arkansas. His kindly reception and generous offer of service to me, a new Member, excited my interest and my appreciation of him.

Subsequently I was frequently in contact with him, and was often the recipient of his expanding consideration and personal friendship. He seemed to anticipate my official needs and desires, thus evidencing his knowledge of Members and his desire to serve them.

The procedure and the legislation of Congress, together with the success of the Democratic Party, held for him his deepest interest and most cherished ambition.

Mr. OLDFIELD was an intense partisan, but without personal hostilities, and his personal attachments and friendships were unhindered by partisan division or differences. His warm and generous nature resented such discriminations.

As suggested, he took the deepest interest in the business of the House, and was industrious in advising Members of the days on which important measures were likely to be considered. He endeavored to stimulate every Member of his party with a full sense of his responsibility to the House and to the country, and to this end he worked with an indefatigability which should excite the envy of every Member of the House. He gave to the House and to the Democratic Party throughout the country his most arduous labor and unsparing time, doing his work tactfully but manfully, without fear or favor, and finding his recompense in noble service and devotion to the Republic. He believed the Democratic Party to be a great institution for public good, essential to the maintenance of the American system, and that it should be so supported and expressed by its leaders as to attract the confidence of the people of the Nation.

Mr. OLDFIELD was much interested in the Interparliamentary Union, and especially in the work of the American group of this union, and as a consequence he was a regular attendant upon its sessions, and on one or two occasions attended the international conferences of this union. In his attendance upon the conference at Vienna it was my pleasure to be with him, and his genial companionship and personal consideration on this occasion will never be forgotten by me.

He had a great capacity for friendships. Of a sunny and happy temperament, eager to help, tactful and sincere, he made many friendships. I acknowledge in this public way my obligation for his kindly regard of myself, and his responses to official and personal requests made of him by me.

A sincere friend, a devoted patriot, a faithful public servant in and out of the Congress, wide sympathies for the struggling masses at home and abroad, he will not soon be forgotten, and somewhere and somehow the influence exerted by him will continue for the good of his friends and for the promotion of the best interests of the people.

Mr. SWANK. Mr. Speaker and gentlemen of the House, the saddest day in the life of any man is when some relative or friend receives that irrevocable summons to appear before the Great Judge of mankind and of the universe and to account for their lives during their brief sojourn on this earth. We are all answerable to that inevitable call when it is served upon us, and can be prepared only by leading an honest, upright life, heeding the exhortation of the Master and holding the esteem and respect of our associates. It is customary to praise the virtues of our friends when death has overtaken them, but we should also show our appreciation while they live.

This afternoon we are met here at this hour set apart by the House to do honor to the memory of our departed comrades with whom we have associated in our common work for our country and our people. On such occasions we extol their virtues and acclaim their greatness, but, Mr. Speaker, no eulogy can magnify nor encomium enlarge the fine character and the exemplary life of the man in whose honor I speak this afternoon. In all my acquaintance in the different walks of life I have never known a better man than Hon. WILLIAM A. OLDFIELD. When I first came to Congress from out of the West he befriended me in many ways and was always my friend. He was of great assistance in more ways than can be told on this occasion. I often went to him for advice and counsel, and he always gave it kindly and wisely. He was the friend of everyone, and especially of the new Members of this great body.

No Member ever went to him for help and was turned away. If any assistance could be given, it was gladly done. Every Member of Congress was his friend. I shall never forget BILL OLDFIELD and never cease to do honor to his memory. It was an honor to be classed as his friend and always a pleasure to be in his presence. No person could dislike him, and no one that I ever knew had anything but praise for him. Such friends are indispensable to a successful life. He was one of the first men I became acquainted with on my first trip to Congress. He had a fine and lovable disposition possessed by few men. In his presence there was always joy and good feeling. When he entered a body of men, gloom disappeared and happiness abounded. If every man had such a disposition, what a different world this would be in which to live. The esteem in which his people held him told of their love and admiration for him. One of the ablest Representatives of one of our greatest States, he won his honors here by hard study, devotion to duty, his great capacity to make friends, by a keen brain, and a most thorough knowledge of the problems of state.

No words of praise and no orator's voice can portray his beautiful character, nor do justice to his honorable and useful life. Such an undertaking here I shall not attempt. The confidence and love of his constituents for him is told by the fact that he represented them in the American Congress for 20 years and no district was ever better represented. He came from the common people and always was glad to be counted as one of them. Positions of honor, influence, and power never lessened his zeal in their behalf nor closed his eyes to their appeal. When a measure that affected the great masses of the common people came before Congress, he was one of its most able and ardent advocates. A Democrat of the old school that believed in preserving the rights of the people, he always looked for the common good of the Government which he loved. A partisan in politics, he was always fair and was respected by all. Ungentlemanly advantage was unknown to his nature. He was a good speaker, an able debater, quick at repartee, and convincing in argument. With deceit he was unacquainted and met every man as a gentleman. No man loved his friends more than he, nor was more forgiving to those who might differ from him. He gave to every person the right to think and act for himself. This Hall and no building is large enough to hold all those to whom he had done a kindness or spoken a friendly word. He always saw the bright side, and kindness beamed from his eyes and dispelled the shadows of unhappiness and discontent.

BILL OLDFIELD was indeed an American nobleman who saw the good in people in preference to looking for other frailties. Human applause and earthly greatness could never cause him to leave his path of duty and devotion to his people. The passing of no man from Congress ever caused more genuine grief than when he left us to take a look at the other side, and as sure as man was ever conveyed to those Elysian fields across the river, I am sure that he is resting there at this hour. He loved his friends, and their faults soon faded from his view, but their virtues were painted eternally in his memory. As a Member of Congress, he was at all times in the forefront for his country's good. Partisan politics could never blind him to his Nation's welfare. His life is worthy of emulation by every boy in the land and his struggles against adversity may well be a guiding star to satisfy the ambition of every young man who desires to serve in high places.

As a member of the powerful Committee on Ways and Means of the House of Representatives he exerted much influence in the framing of tax and tariff legislation. Regardless of who proposed a measure, he was free to oppose or support, as directed by a clear conscience and an honest heart. He was ever alert for the best interests of his district, State, and Nation. Many of his former constituents live in the district which I have had the honor to represent in Congress for the past eight years, and without a single exception they were his friends, as was every person who ever knew him. He was ambitious, as every American citizen is desirous of accomplishing something for the good of his family and his country, but mere approbation alone never actuated him, but he was impelled by that human desire to be of service to his fellow men. While man likes to hear his name sounded in the sweet accents of approval, my good friend BILL OLDFIELD was encouraged by higher aims and a nobler cause. His name is written high in the rolls of this House as one of the best men who ever served any constituency, against whom I never heard a word uttered, and in whose direction the finger of suspicion was never pointed. What a pity that all public officials can not serve as he served, with but one star to guide them, and that the star of public duty. Mind and character are the standard of American manhood, and my departed friend possessed both attributes to the highest degree. He was familiar with hardships and adversity and progressed to one of the highest positions within the gift of his people by industry, perseverance, and a strict adherence to duty. He knew what it meant to walk through the dark, damp tunnel of despair as well as leap the silver stream of happiness and success.

His life and acquaintance will always be a benediction to me and a friendship that I shall ever cherish as clean, pure, and honest. So much did I love him that it would be a great privilege to me sometime to be able to render some service to a member of his family. There is no friendship that I have cherished more and no acquaintance of more lasting remembrance. Nothing mean or low ever entered his mind, but his attention was centered on the higher things of life.

Mr. Speaker, I find some consolation this afternoon and on this sad occasion because I know my beloved friend BILL OLDFIELD—we all called him "Bill"—is resting in that palace where we will hope to finally rest, eternally and everlastingly, from the turbulent life of this world.

Mr. GREENWOOD. Mr. Speaker, in contributing these words to the memory of our colleague WILLIAM A. OLDFIELD, I speak with a feeling of genuine personal loss. We loved him because of his real human qualities.

The Federal Constitution provides that the United States shall grant no titles of nobility. The fathers who builded that great charter must have believed that nobility in our country should consist of the achievement of the individual in serving his fellow man. Measured by this American standard of character and service, our friend Mr. OLDFIELD was a nobleman.

In the vigor of young manhood he volunteered his services in the defense of his country in the Spanish-American War. Likewise in later life he threw his energies in a militant manner, as a legislator in the House of Representatives, into every measure and policy proposed for his country's welfare.

While we admired WILLIAM A. OLDFIELD for his vigor, courage, ability, and integrity as a statesman, yet we shall not allow these characteristics to submerge those even finer qualities of manhood which he manifested as a leader and lover of men. He possessed a magnetic personality endowed richly with a spirit of hospitality. He had a glad hand, a fine spirit of humor, and a word of encouragement for everyone.

The miracles of healing, the words of love, the daily acts of service of the Man of Galilee for mankind in distress, add great emphasis to the Master's philosophy that the "pathway to the throne of God is found in the hearts of men." WILLIAM A. OLDFIELD must have recognized this divine philosophy because his feet constantly traveled this pathway and found a joy in a rich fellowship with his fellow man.

He was also a true follower of his political patron saint Thomas Jefferson. With force and conviction he believed in the people and at all times tried to conserve their rights. Like Jefferson, Lincoln, and Bryan, Mr. OLDFIELD was proud to be a commoner. He hated sham and hypocrisy, and from the depth of his soul, believed that worth and character made the man. As a Representative he rendered great service to his State and Nation.

> Statesman, yet friend to truth; of soul sincere,
> In action faithful, and in honor clear;
> Who broke no promise, served no private end,
> Who gained no title, and who lost no friend;
> Ennobled by himself, by all approved.

Personally we feel enriched in having been associated with WILLIAM A. OLDFIELD as a friend and colleague. We treasure his memory as one who served faithfully and well. Shall we not then garner from his life a renewed inspiration, a deeper devotion to serve mankind, a more constant love for humanity, all of which was so dear to the heart of our friend who has gone on before.

Mr. O'CONNELL. Mr. Speaker, at such a time it is very difficult for me to adequately express my feelings.

Another of our colleagues has been called, and we are again confronted by the mystery and the majesty of death. Another great personality is unable to answer the earthly roll call, and his vibrant voice, so often and eloquently heard in this Chamber, is hushed forever.

WILLIAM A. OLDFIELD, the man and the friend, has entered upon the journey from which the traveler never returns. He died at his post of duty on the altar of toil. In his unremitting application to every call for service he gave no heed to the limitation imposed on a greatly impaired constitution which raised a barrier that he was unable to pass without loosing the silver cord, and breaking the golden bowl of life. I feel that he knew this. In the strenuous discharge of his self-imposed duties as a Member of this House he was literally taking his life in his

hands, thus deliberately shortening a career that promised much in usefulness to his constituency and his country and honor to himself.

He apparently counted a life that was lost in battling for the things he believed to be right, to be a life well lost. Our friend stood four square for his convictions. In his parliamentary combats he gave hard blows and accepted return like the gentleman that he was, but he was unfailing in his courtesy to his adversary, and never overstepped the bounds of courtesy. He was a keen, analytical, forceful thinker, and by unremitting study and research possessed a store of facts and figures, became an adept at repartee, and was a foeman worthy the steel of any man.

BILLY OLDFIELD, as we who knew him loved to call him, was loyal to his friends and to the causes he espoused. In their behalf he spared neither time nor energy, but expended himself with a zeal and a fervor that gave little or no heed to his health nor his interests.

These unselfish qualities of endeavor and loyalty were the means in large measure that brought to an untimely termination a great career.

Mr. Speaker, to-day we mourn the departure of a good, strong, brave, and clean man. No soldier upon the field of battle ever gave himself more freely to the call of duty. If to-day is better than yesterday and to-morrow will be better than to-day, it is because men like our friend lived and labored in his day and generation.

The eminent colleagues from his State on the Great Plains in this House, who worked side by side with him in the successful effort to bring glory and honor and prestige to the Commonwealth he served so well, will enumerate his achievements and his early struggles.

I well remember when I was first privileged to come to this great body to represent in part the State of New York, the friend I mourn in this inadequate tribute lent me his valuable aid in order that I might judge aright the duties of my great office and make a record for myself and the party to which I owe allegiance. He was a kindly, friendly, and patient mentor, the door of whose office was at all times ajar that I might enter for advice and inspiration. The friendly and cordial handclasp, the invitation to be seated, always assured me that I would leave his presence better equipped to meet the problem which had given me many anxious moments.

But such men are not dead; they live in the hearts of their countrymen. The verdict of history will be that he was notable in those qualities which go to make up the best and strongest characters and was a man of whom his State may well be proud. I doubt not that his grateful fellow citizens will long remember his services and that time will only make his memory the brighter.

Some writer once said:

> Every life, no matter if its every hour is rich with love and every moment jeweled with joy, will at its close become a tragedy as sad and deep and dark as can be woven of the warp and woof of mystery and death.

For them death is no tragedy deep and dark, for I know they believe that for him who suffers it is but the opening of a portal to the dawn of a grander, richer, more glorious existence, and that when the final summons comes to each of them in turn he may be sure that his loving comrades who have gone before will meet him with outstretched spirit hands to clasp again the hand of him they loved on earth and bid him welcome as he touches the unknown shore. And so believing, I say in all hope and in all reverence to my companion and my friend, "Good-by, good-by, until we meet again."

In the words of Mark Antony, mourning for his friend, the great Cæsar, let me say:

> This was the noblest Roman of them all.
> He only, in a general, honest thought
> And common good to all, made one of us.
> His life was gentle, and the elements
> So mix'd in him that Nature might stand up
> And say to all the world, "This was a man!"

Mr. MORROW. Mr. Speaker, memorial services were held to-day for the deceased Members of Congress who have left us during the Seventieth Congress. Pursuant to the permission granted Members to extend their remarks, I desire to pay reverence to a man who during his life filled many positions of trust and honor in his native State and in the Nation. During the Spanish-American War WILLIAM A. OLDFIELD served his country with credit and distinction; entering the service as a private he was promoted to first lieutenant. He was elected to the Sixty-first Congress and served with distinction in Congress for 20 years. At the time of his death he had been reelected to the Seventy-first Congress.

Mr. OLDFIELD in the year 1925 became the chairman of the Democratic Congressional Committee of the House, where he wielded great influence in shaping the policy of his party in Congress and in the Nation. He was ever active in all party matters.

He was a sincere and firm Democrat, believing implicitly in the doctrines of his party and in the teachings of Thomas Jefferson that it is the right of the people to rule in the affairs of government. Mr. OLDFIELD was happy in the thought that to make man's future better meant a better government. Politics to him was not a desire for personal rivalry but rather an effort in the interest of a liberty-loving people for good government.

Mr. OLDFIELD was a man of the highest type of citizenship. He took a leading part in shaping the policy of his party and in tiding it to success in its activities in the lower branch of Congress; he was always fair and extremely courteous in his dealing with the opposition but firm in his position when he believed he was in the right.

Our late colleague represented the State of Arkansas, but his work in Congress gave him a much larger field of activity in the affairs of government. His work in behalf of his State was of a constructive character, and later in the broader field of the Nation he gave the best in him to the service of the people. By his early life and training in civil and military affairs he fitted himself so as to take his place in the business and life of the Nation in our time. His was a character of industry, modesty, and achievement of honors won with patience and careful effort.

He believed in his legislative work that the intelligence of our citizenship in the affairs of our Government, and their interest therein, should be maintained by a live, militant Democratic Party. To that end he spent much of his valuable time and gave energetic effort to the success of these ideals. He stood and fought eloquently for clean politics in the affairs of the Nation. It can not be said of him that he did not give the best and most fruitful years of his life to the service of both his State and the Nation.

This world is a better world because he lived and had his being in it. There are those in his State and in the Congress of the United States who will always cherish the memory of Mr. OLDFIELD as a friend. To labor and bring happiness to family and friends is the duty imposed upon us in this enlightened existence.

I can bear testimony in the six years I have personally known Mr. OLDFIELD that few men had combined in them the nobler qualities of mind and heart than had the deceased. His life was an inspiration to all to do better and to be faithful in the affairs of man and God.

The call has come for him, and while he passes from our lives he leaves the memory of his example and an inspiration to carry on the great work he laid down.

Other leaders have already taken his place with the inspiration he left to carry on the battle of life in the interest of the masses of people—that the rule of government shall not be harsh—and that all the people in an intelligent Government like ours shall be a part of and have a voice in the affairs of the same.

I believe that death had no terrors for WILLIAM A. OLDFIELD, and that while he had not run the course that had been allotted to man, he was prepared to pass on, feeling that his work had been well done and that his fellow man felt as he did—that when the call comes we must be prepared to meet it and face our Maker.

On this occasion I feel that it is fitting to quote from one of Lincoln's favorite poems:

> Oh, why should the spirit of mortal be proud?
> Like a fast-fleeting meteor, a fast-flying cloud,
> A flash of the lightning, a break of the wave,
> He passed from life to his rest in the grave.
> * * * * *
> 'Tis the wink of an eye, 'tis the draft of a breath,
> From the blossoms of health to the paleness of death,
> From the gilded salon to the bier and the shroud;
> Oh, why should the spirit of mortal be proud?

Mr. DREWRY. Mr. Speaker, political life in our country is full of changes. We regret the absence of some who retire voluntarily and of others who are retired in the exigencies of political service, but such departures are recognized as liable to happen to everyone, and we hope that our paths will cross again. But inexpressibly more sad is the leaving of a loved comrade

for that "bourne from whence no traveler returns." It is hard to believe that BILLY OLDFIELD has left forever the scene of his labors for his country. He seemed so strong, so vigorous, so energetic in the measures which he advocated so earnestly and with such sound common sense.

These qualities of mind and body carried him successfully through his educational and professional career. Early in life he began his public service and held offices of trust in his native State. Previously he had answered the call to arms in defense of his country and participated in the war with Spain. It is typical of the man that he enlisted as a private; and it is also indicative that he was awarded a commission before he was mustered out. What he did, he did with all his energy and he did it well. Later began his long service in Congress where he served for nearly 20 years.

Soon after coming to Congress I met him, and we were friends from the beginning of my term. He was always ready and willing to aid a colleague and would go to any trouble to do a friend a favor. He had the capacity for friendship to a high degree, and such men earn the friendship of others. He was intensely loyal to his friends. Loyalty is a quality upon which can be built a great character, but which, if not possessed, the whole superstructure is weak, even though the subject possesses other great qualities. He gave his friendship unreservedly; once a friend, he was always a friend and loyally aided in your labors.

He gave generously of himself, and with no reservations. If he agreed to do a thing, he did it with all his energy. As Democratic whip he came into contact with all the members of his party, and he never abused the attributes of that position, while at all times firmly, honestly, and energetically carrying out the orders of the leaders. He made a great success in his handling of this difficult position and was largely responsible for the legislative achievements of the minority party.

Then he was made chairman of the National Congressional Democratic Committee, and here his genius for organization had freer scope. He was a Jacksonian Democrat and he believed firmly in the principles of his party and the righteousness of its cause. In his opinion the country would be better served by the Democracy, and there was no room in his mind for disbelief in this conviction and no lack of energy and enthusiasm in his advocacy. Although his activities caused him much physical discomfort in the feverish days of the last campaign, he doggedly and determinedly "carried on," giving of all that was in him for the success of his party.

He will be missed from the party councils, where his sound common sense and good political judgment were invaluable in the discussion of party affairs; he will be missed in the Halls of Congress, where he used his talents in behalf of his country; but most of all will he be missed in the hearts of his friends, who loved him.

Mr. WILSON of Louisiana. Mr. Speaker, in no field or sphere of human endeavor and activity can the qualities of unfaltering courage and direct aggressive leadership become more valued or of greater public service than in the House of Representatives of the United States.

Our departed and lamented friend, WILLIAM A. OLDFIELD, possessed and effectively exemplified these qualities. He was not only true to his convictions at all times, but on any and every occasion he was ready to fight straight through to establish and maintain the principles for which he stood and to which his party was pledged.

Under our system of government by political parties, in a legislative capacity one must be loyal to his party in order to be a statesman, since our legislative accomplishments in the main are results of organized efforts and actions by the major political parties.

Accepting this view, Mr. OLDFIELD rendered splendid service to his country as a statesman and was a most valued aid to his colleagues in respect to those measures for which his party had made pledges to the public.

The source of my personal sorrow is in the loss of a true, constant, and loyal friend over the entire period of my service in the Congress. I feel sure that he, as other friends who have passed beyond, would have us feel that—

> Death has not taken all away,
> These friends are with us still to-day;
> Each one of us still carries on
> Something of those whose souls have gone.

Mr. McDUFFIE. Mr. Speaker, I am glad to have the privilege of paying tribute to the memory of my lamented friend the Hon. WILLIAM A. OLDFIELD.

He who lives in the hearts of those he leaves behind does not die.

The memories of happy associations with Congressman OLDFIELD, affectionately known on this floor as BILLY OLDFIELD during his 20 years of service, will continue to live in the hearts and minds of all his colleagues.

One of the first Members of the House of Representatives I met on coming to Congress was Mr. OLDFIELD, whose genial and cordial manner drew me near him, and throughout our service together I held for him a most affectionate regard. I shall always hold in grateful memory not only his many helpful suggestions, but his never-failing courtesies.

In politics, while Mr. OLDFIELD was an intense partisan he was also an intense patriot. He loved the ideals and institutions of our Government, and in his official life he always sought to preserve them. His personal popularity in the Congress was not confined to his party, but on both sides of the aisle, as well as in the official life of Washington, he was held in high esteem. The performance of his duties as a Representative in Congress was characterized by that ability and untiring zeal which made him one of its outstanding leaders.

While mourning the loss of our distinguished colleague to-day we are greatly consoled in having amongst us, as his successor, his gentle and elegant wife, who has within her short service as a Member of the House of Representatives won her way into the hearts of the entire membership of this House. She did not seek membership in this body. The friends of her lamented husband urged that she not only serve his unexpired term but again insisted that she accept the nomination for the long term. This was not only a compliment to her but it attested the love, the esteem, and confidence in which Mr. OLDFIELD was held by a constituency who had commissioned him to represent them here for a long period of time. It is fortunate, indeed, not only for the district she represents but for us who miss the companionship and the able service of her distinguished husband that she has come to be with us.

Amongst the first of all human virtues is loyalty. Mr. OLDFIELD possessed a sense of loyalty that was unsurpassed. Loyalty to his country as a national legislator was his first thought, and no man was more loyal to his friends. His untimely death was a distinct shock and loss to his country, to the State of Arkansas, and particularly to that congressional district which honored itself by honoring him and which he served so loyally. He fought the fight; he finished the course; he kept the faith.

Mr. LINTHICUM. Mr. Speaker, WILLIAM A. OLDFIELD, known among his colleagues as BILLY OLDFIELD, was a native product of the State of Arkansas, not only by birth but education and political activity. Born February 4, 1874, he received his foundation for substantial advancement in the common schools of his county and his A. B. degree from Arkansas College at Batesville.

As a lawyer he stood high in his profession, became prosecuting attorney and when war broke out with Spain was among those first to enlist in the service of his country.

In Congress he was among the leaders of the Democratic Party, holding the very important position as a member of the Ways and Means Committee. He was an able debater, and in speeches before the House of Representatives his addresses were clear, instructive, and showed a full knowledge of the subject under discussion.

I knew him for many years. He was a man of most lovable disposition and endeared himself to his colleagues on both sides of the aisle because of his courtesy, kindness, and affability. There is no doubt in my mind that he hastened his death by his overzealousness in the interest of his party's success.

As chairman of the Congressional Campaign Committee, he was ever alert and on the job. When he went to New York to help conduct the campaign from the Democratic headquarters, he was constantly at his desk and never missed an opportunity to promote the welfare of Democracy and the success of the ticket.

He will be greatly missed in the House of Representatives by all who knew him. Each one seems to fit into some particular niche in that great legislative body, and BILLY OLDFIELD certainly by his tact, knowledge, and disposition had his own peculiar place.

It is a pleasure to all of us to know that his constituents loved him and his wife so well that they have sent Mrs. OLDFIELD to the House of Representatives to succeed him. It does not seem possible that BILLY OLDFIELD has departed from our midst, and those of us who have been associated with him for so many years will ever treasure his memory.

CHARLES LEE FAUST

Mr. DYER. Mr. Speaker, CHARLEY FAUST was beloved by his colleagues. Our association with him in the Congress was

a pleasure. He has gone, like other beloved ones, from our midst.

The milestones into headstones turn, and under each a friend.

The best evidence of his greatness and worth comes from those at home, as expressed in an address by United States District Judge Merrill E. Otis, delivered at St. Joseph, Mo., Friday evening, January 4, 1929.

I include it as a part of my remarks.

ADDRESS DELIVERED BY FEDERAL JUDGE MERRILL E. OTIS AT ST. JOSEPH, MO., JANUARY 4, 1929, AT SERVICES HELD IN MEMORY OF CONGRESSMAN CHARLES L. FAUST

Here in St. Joseph, where we knew him best and loved him most, he was never Mr. Congressman, but always and to everyone CHARLEY FAUST—genial, handsome, friendly CHARLEY FAUST. For everyone he met as he walked up and down our streets he had a smile and kindly words genuine as gold. There was not one of us but felt that he was never thinking of himself but of us only, of us as individuals, of our hopes, our interests, our aspirations, thinking in what manner, by what service he could contribute to the bringing of greater happiness to us and ours. He entered into the very hearts of us, and when he died it seemed that each of us in part had ceased to be.

We look back now over the life of this dear friend and none of us remembers ever to have heard from him one word of praise of self, one word of criticism of another. Never once in public address or private conversation did he so much as hint at any part he played. The pronoun "I" was not in his vocabulary. The graciousness of his helpfulness to each who sought it was never lessened by an express or implied "I have done this for you."

In all this district which so splendidly he represented not one human being felt envy of CHARLEY FAUST. Does a father envy the success his son achieves? He rejoices in it, rather. It is his own success. It was so we thought of the success of this man we chose to represent us. We were rising as he rose. Our hopes, not his, were shattered when he passed away.

It is hard for us to think that he is gone and will return no more. True, we read the news, we met the funeral train that bore him back, we saw through tears the wasted form beneath the covering of flowers, we saw the cortege pass as the snowflakes softly fell, pass along our streets, across the river to the old home, but we can not quite grasp it yet, that Charley will not soon be here again to make us glad with that warm handclasp of his and that old sweet smile.

I have been reading recently of those mysterious empires of the Orient at that time of which we of the Occident speak as the Middle Ages. Now and then in those Middle Ages some European traveler, some heroic Franciscan friar, some adventurous Marco Polo, at periods separated from each other sometimes by a hundred years, would penetrate the recesses of the distant East, observe its life and its achievements, and, painfully returning, write out accounts of what he saw. Only these far-separated glimpses (and they were imperfect glimpses) did the West catch of the East for a thousand years. Yet during all that long, long time the life of the East and its civilization uninterruptedly went on. So, hidden from every other, is the life of each man. Of him concerning whom we think we know most of all, really we know little. Who undertakes to describe another's life undertakes that which it is not possible to do. I can describe my own life, but I will not, you yours, but you will not. Each buries in his heart his greatest tragedies, his deepest sorrows, his thwarted hopes, his most trying struggles, his real story—and no other knows that story that he may tell it.

How superficial any attempt of mine to tell the story of the life of CHARLES L. FAUST. That he was born in Ohio; that in his childhood he was brought to Kansas; that he attended school in Highland; that he studied law at Lawrence; that he came here to practice his profession; that for four years he was city counselor, discharging with fine ability the duties of that office; that in 1920 he was elected to the National Congress; that he was four times reelected; that he was a member of the powerful Ways and Means Committee of the House; that at 49 years of age he was stricken with a fatal illness and passed away—what an inadequate picture of the man does such a bare recital of the more conspicuous events in his career afford.

Why he was successful was no mystery. Why he was beloved was no mystery. Why he would have risen, as undoubtedly he would have risen, to a place of the greatest power and influence in national affairs, that would have been no mystery, but he was a mystery to me. For hours at a time I thought about him while he lived and for hours at a time I have thought about him since he died. I owed him a debt I never could begin to pay, but because I longed to try to pay it I strove to know his heart's desire, but I could never find it out. What was deep within his spirit I did not know. Some sorrow that a smile concealed, some ache within that no word made known, some premonition that no sign gave hint of, a loneliness amidst a multitude of friends, these I thought I could perceive as through a dark glass dimly, buried in his heart.

Why he was successful was no mystery. Before he was successful, already he had the appearance and the bearing of success. And those are attributes which of themselves, if supported by other qualities, contribute to success.

In part he was successful because others were vitally interested in him. Others were interested in him because more and more they came to know that he was vitally interested in each of them and in each man and woman and every child in the congressional district he so splendidly represented. Whoever wrote a letter to CHARLEY FAUST who did not immediately receive reply and service? No task was too small for him and none too great. No man in the community was so unimportant that FAUST did not treat him with the same deference he would accord the Chief Magistrate of the Nation and no woman so lowly in the social scale that she did not receive from him as fine a courtesy as he would show a queen. His most casual passing by was like warm sunshine breaking through dark clouds.

Why he was successful and beloved was not a mystery. In Washington as well as here he was beloved by all who knew him. President Harding and President Coolidge each not only valued his counsel and advice but felt for him the warmest friendship. Members of the Cabinet greeted him by his given name. Justices of the Supreme Court of the United States were happy to spend an hour in his pleasant company. His colleagues in the House crowded the anteroom of the Chamber where he lay ill, made anxious inquiries concerning him, felt deepest solicitude that he should soon be well again. His seat in Congress had become secure at last. Never again would it have been seriously contended for by another.

Each of 5,000 could make a speech to-night relating some unselfish service done for him by FAUST. It would be a better eulogy than that I can speak with trembling lips.

Each knows best his own relations with this friend of all. I best know mine.

I can see him now as a dozen years ago I saw him when, a young lawyer, a desperately struggling young lawyer, I went to his office in the Corby Building on a mission of supreme importance to myself. How awkward I must have been. How my knees were shaking, my voice trembling, how difficult it was for me to say to the presentable gentleman who sat across the desk from me: "Mr. FAUST, I would like to be first assistant city counselor." How he put me at my ease, with what kindness he spoke concerning my aspiration, what encouragement he gave me. How clearly I remember now every detail of that scene.

I can see him now as every morning he came into the city counselor's office in the old city hall with a friendly greeting to each of us who made up his official family. If we did anything worth mention he saw to it that we received not only full credit but all credit. If anything was done well, he had words of the kindest praise. If anything was done ill no criticism, no faultfinding came from him.

I can see him now in that meeting so memorable to me which was held one night in the summer of 1920 at the Highlands Country Club. There were gathered the leaders of the party from the several counties of the fourth congressional district. The object of the meeting ostensibly was to decide on a candidate for Congress. I have always thought that the real object of the meeting was to eliminate as mercifully as could be and in as kindly manner as was possible one who was not the best fitted for the race, but who aspired to make it. I can see Charley, as he was called on and can hear him say, "I am for the other man for this opportunity," and he was genuinely and sincerely for the other man.

I can see him now, as I did years afterwards, when one afternoon I was sitting in the court room of the Supreme Court of the United States awaiting the argument of a case, and he tapped me on the shoulder, beckoned me to the hall, and said: "Son, how would you like to be a Federal judge?"

I can see him now in a hundred scenes that are precious in my memory, as each of you can see him in as many that are dear to you.

I can see him now, and when my eyes have grown so dim that I can no longer see anything at all, I shall be able yet to say, "I can see him now."

As he lay there dying, and I think he knew that he was dying—the shadow already was fast sweeping toward the field of consciousness, as he lay there, he beckoned to his side his friend. I think it was not this friend alone whom he thus summoned, but in him each of us and all his friends. In his all-comprehending recollection then there was not one forgotten. Across his countenance flitted the old sweet smile. No word fell from his lips, only his smile spoke the affection his great heart felt. Nearer to his side he drew his friend. Tightly he clasped his hand. Gently he caressed his cheek. And so, holding to his breast us all with that one arm in which a little strength yet lingered, he bade us farewell 'till we shall meet again. And so, he fell asleep.

Mr. DICKINSON of Missouri. Mr. Speaker, I knew CHARLES L. FAUST and highly regarded him. He was an able Representative of the fourth district of Missouri in the northwest corner of the State. A native of Kansas, he came to Missouri and practiced law in St. Joseph where he made his home. He succeeded

Charles H. Booher, a Democrat, who served that district for 12 years. It was known as a Democratic district until CHARLEY FAUST seems to have brought it into the Republican column. He came to Congress—elected in 1920—in the landslide that left at home so many Democratic Congressmen.

While other districts of Missouri returned in 1922 Democratic Representatives, the fourth district of Missouri remained loyal to CHARLEY FAUST. His great personal popularity and unquestioned ability and great service in Congress brought to his support many Democrats who believed in him—were his personal friends and recognized his fitness for congressional service, and by increasing majorities he continued to be elected. In the November election of 1928 he was elected by over 10,000 majority. He worthily executed his trust. His ability was quickly recognized and he was given membership on the Ways and Means Committee, and after I returned to Congress in 1922 we served together on that committee. Our offices in the House Office Building were near, and we saw much of each other. I held him in the highest regard. If he had consented, he would have been nominated and elected United States Senator from Missouri to succeed Senator JAMES A. REED, who was retiring from the Senate, but he preferred to stay in the House and occupy the prominent position he held in committee and party counsels.

His sudden illness came as a shock to us all and his passing away a great regret to all his associates and many friends. His ability, his service, his modest usefulness was recognized by all. He made friends. His courteous bearing, his fine presence, and capable service were marked by all. Continued service and a long life seemed a certainty. He looked the very picture of health. There was universal regret at his death. Congress, his State, and his country have suffered a distinct loss. We were close friends. I valued highly his friendship and sorrowed at his going. His many virtues will be remembered. His remains were taken to St. Joseph, attended by a committee of Congress, where services largely attended were held in memory and tribute to his worth and character and distinguished service. Then his body was taken to his old home in Kansas, the home of his parents, his childhood, and youth, nad there interred to await the resurrection morn.

Mr. HOPKINS. Mr. Speaker, the fourth district of Missouri has lost a great friend and the Members of Congress have lost a loved and respected colleague through the death of CHARLES LEE FAUST. The cloak of life has been taken from him, but in the hearts of his friends he still lives on. His was a record of devotion, a record of service, and a record of loyalty to his country and his constituents. No call for help ever came to him that was not heard. He seemed to live for the good he could do others, and his greatest pleasure in life came through service.

I find an interesting sketch of Mr. FAUST's life in the following letter from Mr. Elliot Marshall, of St. Joseph, Mo. Mr. Marshall was probably one of the closest and dearest friends Mr. FAUST ever had.

He was born in Bellefontaine, Ohio, April 24, 1879, and would have been 50 years old on his next birthday. Bellefontaine was in the congressional district that the late President Harding represented when he was in Congress. His parents were Wilson S. and Ella M. Faust. They moved West when he was a baby and located on a farm near Highland, Doniphan County, Kans. He started life as a farmer boy, plowed corn, milked cows, made hay, and did all the chores that fall to a farmer's son. He attended the public schools at Highland, and after being graduated attended Highland College.

For two years he taught a country schcol in Doniphan County to earn money to pay his way through college. Later he entered Kansas University, from which institution he was graduated in 1903, receiving the degree of LL. B.

His striking physical appearance attracted attention wherever he went. Seeing him for the first time a person would find it difficult to resist inquiring as to his identity. His loving, genial ways won him friends on all sides, and to the day of his death there were men in all walks of life who knew CHARLEY FAUST well enough to call him by his first name.

Mr. FAUST attended the Presbyterian Church. He was a thirty-second degree Mason of the Scottish Rite, and a Shriner. He was a member of the St. Joseph Chamber of Commerce and a member of the Benevolent and Protective Order of Elks, serving that organization as exalted ruler one term, 1919–20.

The city of St. Joseph and the entire fourth district heard with grief and sorrow on November 28 that Mr. FAUST was stricken with thrombosis, but encouraging reports came from his bedside giving out hopes for his recovery. In a few days reports came that he was losing ground, and on December 17, 1928, at 11 p. m., the fatal and dreaded word was received that our Congressman was no more. The whole city was thrown into grief, for everyone felt that CHARLEY FAUST belonged to them personally, and everyone loved and respected him and felt honored by having him their Representative in Congress.

Typical of the expressions of sorrow by various organizations in the fourth district of Missouri is the following resolution from the Missouri Association of Letter Carriers, of St. Joseph, Mo.:

Whereas it has pleased the Almighty in His infinite wisdom to remove from among us our worthy and beloved Congressman, CHARLES L. FAUST; and

Whereas the district has lost a faithful servant and the postal employees a true friend: Therefore be it

Resolved, That Branch 195, N. A. L. C., extend to the bereaved family our heartfelt sympathy in their sorrow; and be it further

Resolved, That a copy of this resolution be sent to the family, a copy to the House of Representatives, a copy to the Postal Record for publication, and a copy be spread on the minutes of the branch.

WM. C. TISCHER.
WM. E. THOMAS.
OTTO G. DAUGHTERS.

As the new Member of Congress from the same district which has been so faithfully represented by the man we are honoring to-day, I feel both the honor and the responsibility which is placed upon me at this time.

Mr. ROMJUE. Mr. Speaker, I would feel that I had neglected to perform a duty I owe to the memory of our dear friend, CHARLES L. FAUST, were I not to add a brief tribute to his memory.

Well do I remember my first meeting with him. It was at Savannah, Mo., where we were both attending the funeral of the Hon. Charles Booher, whom he succeeded in Congress from that district.

From our meeting and acquaintance on that day down to the end of his life, CHARLEY FAUST and I remained close personal friends. While we were of different political affiliation, we frequently conferred on nonpolitical matters concerning which we might be of mutual assistance.

He was genial in temperament and a delightful man to meet. He made his constituency a good Representative, and his popularity with the people is indicated by his successive elections to Congress by substantial majorities.

He received political preferment in his home city before being elected to Congress, and his popularity was ever on the increase, which was indicative of a satisfactory and splendid official service.

He was in such favor with his party, and his services so recognized, that he became a member of the most influential committee in the House—the Ways and Means—thus showing that his merit was duly appreciated and his ability recognized.

His death has removed one of our ablest and most popular Members, and in his death Congress and the country have sustained a severe loss. His departure is sincerely mourned as a national loss, and among those who associated with him, and those who knew him best, his memory will be cherished as a loyal and delightful friend, a congenial associate, a patriotic and devoted servant to his people, and a lover of his country.

The public have a very meager understanding of the strain to which a Member of the House or Senate is subjected. Those Members among you who have been serving here for even a few terms have seen time and time again the health of your comrades shattered, and you have seen them enter an early grave because of the often serious injury to health the services in this body have brought. Under the strain of the labors of political life the health of CHARLEY FAUST gave way and he surrendered to death.

By education, experience, and training of our colleague, based upon his native ability and strong and charming personality, he was equipped for what he became—an ideal Member of Congress.

He deeply respected the wishes of his constituents, and labored manfully to comply with their desires, so far as he could do so without doing injustice to his judgment as to what was right and best.

But I think no fear of political consequences or personal welfare ever turned him from what his own best judgment approved.

But our friend and colleague has passed on to a better world. He sleeps the sleep of the just. He was a good man, a good citizen, a loyal friend, and an able legislator, and in honor of his memory may I say:

Green be the turf above thee,
Friend of my better days!
None knew thee but to love thee,
Nor named thee but to praise.

Mr. MILLIGAN. Mr. Speaker, the news of the untimely death of CHARLES L. FAUST came to me as a great shock and left me with a sense of profound sorrow and personal loss. I feel

honored in calling him friend, with all that the word implies to our close but too brief friendship.

CHARLES L. FAUST died young in years but rich in a useful life, leaving a host of friendships of his own making. He was in the high noon of a splendid intellect, still in full flow and vigor of a perfect manhood. Stricken in mid-career with his work yet scarcely begun, and the laurels bound thick about his brow as green as when gathered in the early morning of his first success. There was no pretense in his make-up; hypocrisy was foreign to his nature. He was honest and plain. He met every issue, big or small, squarely and acted without reservation. He knew not of expediency and never attempted to learn.

In his public career he followed the dictates of a conscience that always responded to the call of duty and the noblest impulses of true manhood.

He was loved by all Members of the House regardless of politics. He did not talk a great deal but thought much, as the poet has said:

> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

One had to know CHARLES L. FAUST well to sound to its uttermost depths the virile force and power of his many-sided character.

His friendship was marvelously true. It was the ruling trait of his character. With him to be once a friend was to be always such; to him the voice of distressed friendship was as the voice of God.

A noble heart pulsing with a love for all humanity has been laid to rest where:

> Love shall stand guard for thee,
> Friends without number,
> Bereaved and disconsolate over thee weep;
> Sweet be thy dreams.
> Untroubled thy slumbers;
> Tranquilly, peacefully, restfully sleep.

Mr. LOZIER. Mr. Speaker, it is one of the crowning glories of our free institutions that the humblest and most obscure citizen may aspire to and attain exalted station in the public service of our Nation. Under our system of government, public honors and public responsibilities are not reserved for the highborn, rich, and favored classes, but any young man of substantial ability, painstaking industry, and well-balanced ambition, may establish himself in the confidence and affections of the people, and on being called to high positions in the Government, may make a valuable and lasting contribution to our national life.

Our late colleague, Hon. CHARLES L. FAUST, of the fourth Missouri district, was a conspicuous example of the poor boy who made good and won worth-while honors in the service of his country. Born on a farm and reared in the great agricultural Commonwealth, by diligent application and the exercise of liberal intellectual ability, he rapidly rose above his environment and demonstrated his ability and capacity for efficient public service.

Since 1903 he has been an honored citizen of St. Joseph, Mo., where he engaged in the practice of law, and where he was city counselor for a number of years before his election to represent his district in Congress. He had a well-developed legal mind, and early in life set himself to the task of—

> Mastering the lawless science of our law,
> That codeless myriad of precedent,
> That wilderness of single instances,
> Through which a few by wit and fortune led,
> May beat a pathway out to wealth and fame.

And right well he succeeded in the practice of his profession. He exemplified its exalted ideals and scrupulously observed its highest standard of ethics.

He was elected to the Sixty-seventh Congress in 1920, and reelected to the Sixty-eighth, Sixty-ninth, Seventieth, and Seventy-first Congresses in a district in which his political party was in the minority. Men of opposing political faiths loved and trusted him because they knew he was honest, candid, able, courteous, fair, and dependable. His was a short but busy life. He was remarkably free from sordid and selfish motives. As a Member of this House, he won and firmly held the respect, esteem, and confidence of his colleagues. He was not spectacular but substantial and sturdy. He was my friend and, although it is a melancholy privilege, I join with my colleagues in paying a sincere tribute to his memory.

Mr. NELSON of Missouri. Mr. Speaker, Hon. CHARLES LEE FAUST faithfully represented the fourth congressional district of Missouri, and when news of his death reached his constituents there was genuine regret among all the people, regardless of class or politics. Handsome in appearance, clean in his life, ever courteous and considerate, he was one of the outstanding and most popular Members of the national House of Representatives. He did not seek the spectacular. His best work was in committees, and especially in the powerful Ways and Means Committee, of which he was a valued member, and in which he would have played a much larger part but for his untimely passing. Many there are among the present Members of the House who can recall some kind deed at the hands of CHARLEY FAUST, as he was so often lovingly referred to. One of his greatest pleasures was in helping a friend, and to him even the stranger came in this class.

Although unmarried, Representative FAUST was essentially a home man. Home ties meant much to him. Just before the 1927 holidays we were discussing Christmas. Mr. FAUST was asked if he planned to go back to the old home for the holidays. His reply was to the effect that so long as his mother lived he never failed to go home for Christmas, but that since her death he knew that it would be so lonesome that he did not care to go back.

Yet through one of those strange happenings which we call fate, or what we will, the body of this beloved Representative was borne back to the old home just before Christmas, 1928. Beautiful and appropriate services were held in the city of St. Joseph, metropolis of the district which he served. Eloquent were the words of tribute spoken by the minister, but not more meaning than were the thousands of good things said by the home folks who had known this kindly and considerate man. Apparently the entire city joined in the last tribute. It was genuine and heartfelt.

Still in the prime of life, and with a future filled with brilliant promise, it seems difficult to understand why Representative FAUST should have been called from his chosen career. Well done, though, had been his work. A man of splendid personality, a citizen of the highest character, and a real representative of the people, he reflected credit upon the Congress.

Mr. COCHRAN of Missouri. Mr. Speaker, the death of Representative CHARLES L. FAUST, so affectionately known to us all as CHARLEY FAUST, removed from our midst an outstanding character, and his death is a distinct loss not only to the people of the fourth congressional district of Missouri, which he so ably represented, but also to the State at large, as well as the Nation.

Some hardly realize why the passing of a Member means so much to the citizenry of his State. It is the position he has attained in the Congress and his willingness to serve the interests of not only his own community but the State that makes his loss so great.

Missouri, housing great industries, had in Mr. FAUST a member of the powerful Ways and Means Committee, willing and anxious to serve the people, always responding to their call for assistance when revenue or tariff bills were under consideration.

In the next session of Congress, and at this time when hearings are being held on the proposed new tariff bill, those who have appealed to him in the past to see that fair play was extended to their products well understand the great loss the people of Missouri sustained by his death. Rarely is a Member advanced to an assignment on the Ways and Means Committee until he has served several terms in the House.

Five times elected from a district, which for many years sent a Democrat to Congress, is evidence of his popularity among his constituents. Had he so desired he could have had the nomination for the United States Senate in the last campaign, and, as the nominee of his party was elected by a large majority, it will be seen he refused a seat in that great legislative body because of his love for the people of the fourth district. He declined to be a candidate for the Senate, stating he would prefer to remain in the House.

Like everyone who came in contact with Mr. FAUST, I cherished his friendship.

Mr. NIEDRINGHAUS. Mr. Speaker, one of the first Members of Congress whom I met when I entered this body at the beginning of the Seventieth Congress was the late CHARLES L. FAUST, whose character and public service we memorialize on this occasion. To me the duty which the hour imposes is a labor of love, and I avail myself of this opportunity to pay my tribute.

I was especially attracted to him by his genial and gracious manner, and from the time I met him until his death I considered him one of my best friends in Congress.

He was patient and painstaking; informed himself about the works of Congress and the various departments, and all matters which related to the business of the Government. He was always eager for facts and went to the bottom of every question with which he had to do. Keen and thorough, he was always prepared on every subject which he discussed. Served faithfully on one of the most important committees of the House—the Ways and Means Committee—and his opinions and judgment were highly respected by his colleagues.

The public esteem in which he was held was evidenced by the mourning at his death. I feel that the House and our good State, Missouri, has lost in him an extremely valuable Member of Congress.

Mr. HAWLEY. Mr. Speaker, a strong and capable man was taken after a brief illness from the comradeship of the House of Representatives when our dearly loved friend, Hon. CHARLES L. FAUST, answered the final roll call. For several years he had been a member of the Committee on Ways and Means, an active and able participant in its deliberations. His purpose was to serve the public welfare. His legal training and experience, and judicial attitude of mind made him a valuable Member. Thoughtful, studious, deliberate in judgment, truly patriotic and careful in his decisions, he greatly revered his country, his State, and his district. He possessed a personality that men admire, and drew friends to him with a strong attachment. The absence from our deliberations, of one in whom we were accustomed to rely, is a serious loss which we deeply deplore.

Mr. BACHARACH. Mr. Speaker, it is for those who knew CHARLES L. FAUST more intimately and for a longer period of years than I knew him to pay to him and his memory that degree of tribute which he richly deserves.

It has been my good fortune, and one that has afforded me genuine pleasure, to have known Mr. FAUST since his election to Congress in the sixty-seventh session, and more intimately since his election to the Ways and Means Committee a few years ago.

He was a man possessed of an unusual personality; quiet, dignified, outwardly reserved, he was, withal, a "man's man." Possessed of scholarly attainments, a keen analytical mind, he displayed a degree of ability which, had he been spared to the country, would have left its impress upon the pages of history.

To know CHARLEY FAUST was to prize his friendship. I know of no man in this House who was more beloved by its membership than our departed friend and colleague; this was equally true of his home people, and it was a distinct tribute to the high esteem and the love which his constituents had for him that he was elected and reelected to Congress as a Republican from a normally Democratic district. It may truly be said that the fourth district of Missouri was a "Faust" district.

Stricken suddenly in the prime of manhood, in his untimely death the House of Representatives has lost a beloved colleague, the State of Missouri has lost a distinguished citizen, and the Nation has lost an able legislator and a real statesman.

Mr. CHINDBLOM. Mr. Speaker, it was my privilege to attend the funeral of our late colleague, the Hon. CHARLES L. FAUST, in his home city of St. Joseph, Mo. The entire community was in mourning. Men, women, and children streamed all forenoon to the church where his last remains lay in state. A tremendous concourse of people attended the funeral services, which were marked by evidences of personal loss and grief seldom witnessed even in the case of public men. The memorial addresses spoke in tender and simple words the deep affection and regard which all felt for our departed colleague. It was plain that he had been the outstanding citizen of the community and that his reputation rested upon his solicitude and kindness for all with whom he came into contact. This testimony bore out the estimation for him of his colleagues in the House. Quiet, considerate, affable, he won not only the esteem but the affection of all who came within the radiance of his cheerful presence. In the House, he gave constant attention to matters of legislation and in the Committee on Ways and Means, where I had the honor to sit by his side, he followed the hearings and discussions with the closest attention. His own observations were always pertinent and effective. His death was a great shock to us all. He was stricken in the apparent power of his manhood, when many years of usefulness and success seemed to lie before him. His relatives and friends have our deepest sympathy. We share with them a genuine personal loss, but shall also cherish with them the memory of his noble character and distinguished career.

Mr. COLE of Iowa. Mr. Speaker, in triumphal reelection, CHARLES L. FAUST returned to Washington in November last. He was the acclaimed idol of the district which he represented in the House of Representatives. The people of that district loved him because he loved them and served them.

A fine, big man, physically and mentally and morally, was my friend, CHARLES L. FAUST, an Apollo among men, a son of Jove himself. He walked all the ways of life in thoughtful dignity. Reserved and courteous; sincere of mind and kindly of heart; a rich friend.

I first met Mr. FAUST shortly after coming to Congress in 1921; we came to Washington at about the same time. A mutual friend, Lurton H. Stubbs, now of Cedar Rapids, Iowa, but formerly of St. Joseph, Mo., happened in Washington and brought us together, quite insisting that we were so much alike in ideas and ideals that we must be friends. It needed no urging to make us such in fact. He soon seemed to me like a younger brother. I found no faults in him during all the years of our associations. He was never a demagogue, never a poser, sincere, earnest, honest in his public office as well as in his private life.

He thought so much that he talked but little on the floor of the House, for the most thinking men are apt to do the least talking. I am told that all his speech making in the eight years of his service was limited to one effort, which filled hardly a dozen lines in the RECORD. What he asked for in that brief speech was voted unanimously, such was the confidence his fellow Members reposed in him.

Before our mutual friend Mr. Stubbs left Washington he added another former St. Joseph man to the list of my friends, Levis C. Hamilton, who had made so much money that his doctors had to prescribe retirement from active business for him. In St. Joseph he had been one of the coterie of friends who idolized Mr. FAUST. Mr. Hamilton had a car and a chauffeur, and so we three made many journeys together on holidays and Sundays to Annapolis, to Baltimore, to Gettysburg, to Harpers Ferry. Rare days of friendship and profitable short journeys into the patriotic history of our country. It was on these trips that I learned to know the real Mr. FAUST. We talked of many things that we had in common, for each of us was born in the mid-west country.

In the memories of such intimate friendly contacts CHARLES L. FAUST is enshrined for me; I can not and must not mar them by the usual eulogies of politics. What he did in public life was all safe and sound and right and true, but what he was as a man and a friend was something finer still.

Mr. CROWTHER. Mr. Speaker, CHARLES L. FAUST was one of my intimate friends on the Ways and Means Committee, where we had served together for nearly six years. In our daily contact I found him to be a gentleman of the old school, courtly and gracious and possessed of a desire to serve his country and his constituency to the limit. He was a splendid lawyer and had the added advantage of a judicial temperament. His decisions on legislative matters were made after careful consideration of the facts and were the result of sound conclusions. A man with such a mind was of inestimable value in his service on this great committee.

CHARLEY FAUST had a genius for making friends and retaining their admiration and devotion. I deplore his passing, and yet I rejoice that I knew him and had the honor to serve with him.

I am reminded of the paragraph by Essary regarding the frequent losses of our membership:

> The hand of change touches heavily the House and Senate each election year, reminding all observers that if life itself is uncertain, the tenure of elective office is more uncertain. Old and familiar faces which may have seemed as permanent as the Ionic columns of the Capitol vanish. Death and defeat take heavy toll, and the transitory nature of greatness is manifest.

EDWARD JOHN KING

Mr. YATES. Mr. Speaker, I am gratified to have the opportunity to take advantage of the action of the House in granting unanimous consent for the extension of remarks on this occasion concerning EDWARD J. KING. EDWARD JOHN KING was elected to this House in 1914 and took his seat March 4, 1915, in the Sixty-fourth Congress.

He has since been elected in seven other Congresses, namely, the Sixty-fourth to the Seventy-first, and had he lived until

March 4, 1929, he would have seen 14 years' service in this body. Only the following Members now living are now Members from Illinois in this body, namely: RAINEY, of the twentieth district; SABATH, of the fifth district; BRITTEN, of the ninth district (admitted March 4, 1913); and DENISON, of the twenty-fifth district; and WILLIAMS, of the twenty-fourth district, both DENISON and WILLIAMS having been admitted March 4, 1915, the same date as KING, and therefore both his seniors only by the accident of having their names precede him alphabetically. KING was thus the senior of all but 4 of the 27 Illinois Congressmen.

Prior to Mr. KING'S entry into this House he had served four terms in the lower house of the Illinois General Assembly, in other words, the house of representatives, having been elected to the forty-fifth general assembly in November, 1906, and reelected to the forty-sixth in 1908 and reelected to the forty-seventh in 1910 and reelected to the forty-eighth in 1912. Prior to his service in the State legislature he served for two years—1893–94—as city attorney of Galesburg, having always been a lawyer in full practice since his graduation from law school.

His earlier education was first in the public schools; second, in the high school in the city of Galesburg; and, third, in Knox College, the famous institution to which he was always intensely loyal, the old college having a history of exalted and conspicuous and inspiring patriotism, its president for many years having been Hon. Newton Bateman, who was elected State superintendent of public instruction on November 6, 1860, the same day on which Abraham Lincoln was elected President.

Knox County, of which Galesburg is the county seat, contains not only Knox College and a number of other fine educational institutions but is also full of newspapers and shops and mills, making it one of the most important centers in Illinois.

The young EDWARD KING, elected city attorney at the age of 26, found himself entering public life in a community of learning and labor, tolerant and in sympathy with the oppressed of all the world, and to-day a great throng of organized labor and a host of railroad men and a strong battalion of colored citizens, as well as men acquainted with school and college and the classics, all pay homage to him and his memory.

Naturally, he was a fighter. His father and nearly all his male relatives were soldiers under Lincoln, and so was his grandfather's grandfather under Washington. KING was absolutely independent. I know this because I was well acquainted with the four Illinois General Assemblies of which he was a member. The first of them was a general assembly presided over by Edward J. Shurtleff, who was elected by a combination of the Deneen men with the Yates men in that general assembly, KING'S running mate for the legislature in the ensuing general assembly, the forty-sixth, being Hon. Burnett M. Chipperfield, afterwards Congressman at large from Illinois; and he had another interesting experience when the people elected a Democratic general assembly in 1912, and the house of representatives had 72 Democratic members while the Republicans had only 52. In the fighting and floor work of that session, which lasted from January 8 to June 30, KING was in his element.

His service here is known to you all; and, in fact, is an open book.

Nobody ever controlled EDWARD JOHN KING.

Nobody ever did the thinking for him. He had only one rule. Whenever anything came up he just asked himself the question, "Is it right?" and if he thought the answer was right, he acted accordingly day and night with all his might.

I have not the slightest doubt whatever but that his district would have continued to send him here the rest of his life had he lived. I must remain silent as to the number of times when he was right or wrong, the number of times when he was absent or present, the number of times when he differed with his committee—the great House Committee on Banks and Banking—of which he was vice chairman when he died. These matters are nearly all of record. I have not the absolute knowledge as to these things.

But I know that he was industrious and conservative and that the work of his office was done, and well done. He rarely let the sun go down on an unanswered letter, and the number of pension bills and public-building bills and bills for relief of various citizens is impressive.

In addition, he was much on the floor and in debate; for example, in the Seventieth Congress he spoke and was attentively listened to on the subject of arms embargo, the legislative appropriation bill, the judges' salaries in the Philippine Islands, the subject of rubber, the loan to Rumania, the Senate tariff resolution, the report of the Committee on Banking and Currency, and many other things, such as granting consent of Congress for extension of time for construction of bridge across the Mississippi.

It is impossible to do what I would like to have done, namely, to quote a paragraph of each of the important speeches delivered during the 14 years.

I content myself with referring to one only:

In the CONGRESSIONAL RECORD of April 5, 1922, under the heading of "Statue of Abraham Lincoln," will be found nine pages containing the remarks of Mr. KING and the petitions and resolutions offered in evidence by him, and in the report by the Committee on the Library in support of a resolution to reerect the statue of Abraham Lincoln upon its original site, Mr. KING, in addition to many other things, discussed the influence of popular marbles in general and the Abraham Lincoln statue in particular. Its erection in front of the courthouse in Judiciary Park, its removal therefrom, and the reasons why it should be reerected. The argument showed deep study and intensive application and dealt convincingly with such questions as proportions and drapery and attitude and the question what is artistic and what is not.

The splendid success of Mr. KING'S effort is well known, and his devotion and dedication to the subject excited the admiration of the whole membership of the House, and the approval of President Harding, and the Library Committee, headed by Senator FESS and by Governor LUCE and of the most powerful press.

I refer to this one speech because time prevents the discussion of others, and it would be impossible to quote from them all.

In saying farewell to our fallen comrade, and in extending our sympathy to the surviving wife and son, I take the liberty to add as a part of my remarks certain paragraphs from the argument of Mr. KING on the Lincoln Statue, as follows:

John Ruskin says:

"The sculptor does not work for the anatomist but for the common observer of life and nature."

The art of the ancients reached down into the common understanding of the people and its plea to them concerned the highest and noblest aims of their country. Xerxes, the Persian conqueror, perceiving this silent appeal and influence, dismantled the statuary and pulled down the temples in Greece, and the first measure Darius took to suppress insurrection among his victims was to raze their temples and statuary.

On the other hand, recognizing the influence of the marble, Augustus had statues erected in honor of the heroes of the Empire who deserved the recognition of their country. His theory, and it seems a wise one, was that such a course was not only an acknowledgment of a debt owing by the nation but stimulated others to like heroic acts for the Empire. To elevate the warrior, the founder, or savior of a nation in the imagination of the people above the ordinary grade of people is a custom which has been handed down from generation to generation from the earliest periods of human history. By word of mouth, by pencil, by brush, by the chisel, has this work of immortalization gone on.

And so this exquisite white figure more than 53 years ago stepped into its position on its pedestal in front of the temple of justice and in the plaza of the city, fresh hewed, in the feelings and thoughts of the time, to become the object of admiration of the masses. Criticized? Yes; and so was the disk thrower by Myron, now and for centuries regarded as perfection in marble, and by contemporaries was declared a distortion and an overelaboration. Its artist creator in penury? Yes; but Phideas himself, known as the "sculptor of the gods," died in prison, an exile from Athens.

Mr. WINGO. Mr. Speaker, it was my good fortune to know ED KING very well. We served for years together on the Banking and Currency Committee of the House and upon several occasions situations arose with reference to legislation which came within the jurisdiction of our committee that gave me a chance to test his strength of character. From my association with him and from my observation of his conduct when his character was submitted upon more than one occasion to very severe test, I came to admire him and respect him very much.

He was one of the most sincere men that I ever knew. He was clean, honorable, upright, truthful, industrious, and patriotic. His courage under trying circumstances was remarkable. In fact, I regarded him as one of the most courageous men of the House. He had his ideas and his convictions, and he had the courage not only to express them but to defend them. He was a big-hearted man who loved humanity, got genuine joy out of service to the people who honored him. Instinctively, he sprang to the defense of the common man when his rights were threatened, and just as instinctively he stood against special privilege. He believed in the right of men to govern themselves because he had faith in the ability of men and women to handle their own affairs and work out their own destinies.

He was an ardent Republican, but among his closest friends were the Democrats of the committee and in the House. He was a great Republican, but a greater American. While he stood with his party organization and was true to the principles of

his party, he was not bound by either if, in his judgment, they involved any surrender of his Americanism or his duty to his constituents.

The State of Illinois is a great State and has contributed to this Nation many men who have rendered signal service, but of none may it be more justly proud than of ED KING, of the record he made as a public official, and prouder still of the clean life he led as a private citizen. I think we may fairly apply to him the lines once spoken by the poet of a great Englishman:

Statesman, yet friend to truth; of soul sincere,
In action faithful, and in honor clear:
Who broke no promise, served no private end,
Who gained no title, and who lost no friend.

Mr. HALL of Illinois. Mr. Speaker, the Grim Reaper has again invaded the Halls of Congress, and Representative EDWARD J. KING, of Galesburg, Ill., has passed to the Great Beyond.

Mr. KING was another example of the poor boy who worked his way through school and by sheer force of character and determination made a success in life.

I knew him first when he was a member of the General Assembly of the State of Illinois.

In his service there he showed marked ability to work, to study, and to achieve.

His record in that legislative body brought him favorably to the attention of the people of his congressional district, and he was selected as the Republican standard bearer for Representative in Congress. He was elected by a large majority, and his service here, as in the State legislature, showed such a marked devotion to duty that he was reelected seven times.

His business and professional life were no less successful than his political life.

He was a lawyer of outstanding ability and a banker of sterling worth.

In the House he served on the important Committee on Banking and Currency, and at the time of his death he was ranking Republican member of that committee.

Mr. KING was a man of modest and kindly disposition, and his conduct among his colleagues was such as to make friends and keep them. His work here, as elsewhere, was not of the showy sort. He was not given to self-aggrandizement.

He seemed to be imbued with the idea that he was the hired man of his constituents; that he was sent here to do their work for them, and he proceeded to do it as carefully, as conscientiously, and as industriously as though it were his own, which, indeed, it was.

In the passing of Mr. KING I feel that I have lost a good friend; that his district has lost a good servant; and that our country has lost a wise and energetic Member of its Congress, the greatest legislative body in the world.

Mr. BUCKBEE. Mr. Speaker, it is with infinite sadness that I am called upon to help as best I can to commemorate the memory of my dear friend and colleague EDWARD J. KING, of Illinois. I know that it is difficult to express one's innermost feelings on such an occasion as this, and so must be content only in saying that, however I am able to express myself, sorrow is deep in my heart.

Mr. KING was known and loved by his people and by all his friends, both here and back in Illinois, and a man to do this is a man of sterling qualities. When one has such a man for friend he learns the true value of real friendship—and it is just such friendship that makes life worth while.

His even tenor, his steadfast purpose, his sound judgment was known and admired by all. His courage, too, was known; it was dauntless, and it was steady and strong as the mighty oak. He faced all obstacles with steady eye, and unflinchingly he went over the stones upon his path with ease. Such was the character of the man, the man as he was known.

Statesman, yet friend to truth; of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Who gained no title, and who lost no friend;
Ennobled by himself, by all approved;
Praised, wept, and honored by those he loved.

How wonderfully eloquent those words are—and how fitting for this man, my friend!

Mr. WILLIAM E. HULL. Mr. Speaker, under the leave granted me I extend resolutions adopted February 18, 1929, by the Illinois delegation on the death of Hon. EDWARD J. KING.

On the 17th of February, 1929, Hon. EDWARD J. KING, our beloved colleague, died at his home, Washington, D. C., in his sixty-first year. Had he lived until the 4th of March he would have served in the Congress of the United States 14 full years. His record as a city attorney of the city of Galesburg, three terms in the General Assembly of the State of Illinois, and the remainder of his life in the Congress of the United States is a most enviable one as a legislator, a gentleman, and a devoted citizen. In his death we, the colleagues of his State, lost a friend and a conscientious comrade. His ability, his integrity, and his friendship appealed to the members of his delegation. The Congress of the United States has lost a valuable Member of the House of Representatives; always at his post whether in health or indisposed. We who knew him best saw him many times on the floor of the House conscientiously attending to his duties when we knew he should have been under a physician's care. And now our friend EDWARD J. KING has passed to the Great Beyond and those of us of the Illinois delegation in Congress who are left behind desire to extend to his wife, family, and friends our profound sympathy and tender solicitude in their bereavement.

Mr. CHINDBLOM. Mr. Speaker, Illinois has suffered severe losses in the House of Representatives of the Seventieth Congress. First came the shock of the passing of the dean of the delegation, the Hon. MARTIN B. MADDEN, of the first district. Then followed the death of the Hon. HENRY R. RATHBONE, Representative at large, and shortly before adjournment came the sad news of the demise of one of our senior Members, the Hon. EDWARD J. KING, of the fifteenth district. Thus 3 out of 27 Members have gone to their rewards during a single term of two years; in fact, within the space of a single year.

Congressman KING was beloved by all his colleagues. His genial, cheerful disposition, even in the midst of severe illness, endeared him to everyone. His high and noble character, his devotion to duty and responsibility, and his deep sympathy and kindliness in his relations with his friends were marked characteristics of a personality that grew constantly in the esteem of his associates as they learned to know and appreciate his true worth. His heart went out to the great mass of the people; those who toil the hardest and get the smallest returns. He loved the memory of the great commoner of Illinois, Abraham Lincoln, the martyred President, who left such deep recollections among the people of Galesburg, the home city of our late colleague, in one of his famous debates in that locality with Stephen A. Douglas. Mr. KING therefore fought strenuously for the restoration of one of the historic statues of President Lincoln in the National Capital. His earnestness and seriousness in this, as in other efforts of his legislative career, so impressed the House that a seemingly hopeless task was fully achieved. Independence of thought and action marked the congressional labors of our late colleague, while he responded faithfully to the real obligations of party solidarity. Highly important and successful service in the Illinois Legislature gave him valuable training for his work in Washington, and he employed his opportunities here to the best of his ability and for the highest welfare of his constituency, his State, and the Nation. In brief, he was "a good and faithful servant," who well merited the rewards of success and appreciation which came to him in ample measure.

Mr. McFADDEN. Mr. Speaker, ladies, and gentlemen of the House, the other day our colleague and good friend EDWARD J. KING, of Illinois, the ranking Republican member of the Banking and Currency Committee, slipped away to the other side. His ready smile and genial, kindly nature, which made friends for him wherever he encountered his fellow men, will be missed by us who knew him well. Although for the last few years Mr. KING was fighting the odds, he was not willing to delegate his work, and made a brave effort to be on hand to do his part for his constituency and the country at large. The fact that he was a member of the House of Representatives of the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth General Assemblies of Illinois, and was elected to the Sixty-fourth Congress and reelected to each succeeding Congress, including the Seventy-first, bears evidence of his faithfulness to duty and of his untiring efforts in behalf of his constituents. We shall miss him.

AFTER THE RECESS

The SPEAKER. Pursuant to House Resolution 295, the Chair declares the House adjourned until to-morrow at 12 o'clock noon.

ADJOURNMENT

Accordingly (at 1 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Thursday, February 21, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 21, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Free list, February 21, 22.
Administrative and miscellaneous, February 25.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 17060. A bill to readjust the commissioned personnel of the Coast Guard, and for other purposes; without amendment (Rept. No. 2622). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17185. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.; without amendment (Rept. No. 2623). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; with amendment (Rept. No. 2624). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McLEOD: A bill (H. R. 17204) to amend title 5 of the United States Code by adding thereto, immediately after chapter 15, a new chapter, creating the department of aeronautics; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17205) to amend sections 1 and 2, chapter 1, title 5, of the United States Code, by adding at the end thereof the words "Eleventh. The department of aeronautics"; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: A bill (H. R. 17206) that the Rock Island Arsenal be given opportunity to bid on parts in the construction of the eight cruisers; to the Committee on Naval Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 17207) to authorize the expenditure of $60,000 for the construction of a dormitory and equipment at the Fort Sill Indian School, located at the Fort Sill School Reservation, in Comanche County, Okla.; to the Committee on Indian Affairs.

By Mr. HOWARD of Nebraska: A bill (H. R. 17208) to extend the times of commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. LETTS: A bill (H. R. 17209) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street, in Bettendorf, State of Iowa; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature, concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such a system; to the Committee on Rivers and Harbors.

Memorial from the State of Montana, memoralizing Congress for the passage of necessary legislation providing for an increase of the tariff on manganese and related ores; to the Committee on Ways and Means.

By Mr. MAAS: Memorial from the House of Representatives and Senate of the State of Minnesota, memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis; to the Committee on Ways and Means.

Also, a concurrent resolution by the Senate and House of the State of Minnesota, memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that we favor the retention of the principle of the flexible tariff law (H. F. No. 13, Res. 8); to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McSWEENEY: A bill (H. R. 17210) for the relief of Emma Pepper; to the Committee on Claims.

By Mr. WELLER: A bill (H. R. 17211) granting a pension to Hannah Green; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12332. By Mr. MAGRADY: Petition of the Sunday school of the Forksville Methodist Episcopal Church, Forksville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12333. Also, petition of 42 citizens of Danville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12334. By Mr. O'CONNELL: Petition of the Charles Hess Co., New York City, opposing an increase in the tariff on Cuban sugar; to the Committee on Ways and Means.

12335. Also, petition of Edgar F. Luckenback, of New York City, opposing certain conditions contained in Senate bill 1781; to the Committee on the Merchant Marine and Fisheries.

12336. By Mr. TEMPLE: Resolution protesting against the proposal to place a duty on Canadian timber, lumber, lath, and shingles by the Pittsburgh Wholesale Lumber Dealers Association, Pittsburgh, Pa., and Retail Lumber Dealers Association of Western Pennsylvania, Pittsburgh, Pa.; to the Committee on Ways and Means.

12337. By Mr. WHITE of Colorado: Petition of the Legislature of the State of Colorado, urging that Congress take appropriate action to relieve, as far as possible, territory devastated as a direct result of an embargo imposed, by providing an outlet from the San Luis Lakes to the Rio Grande, etc.; to the Committee on Irrigation and Reclamation

SENATE

THURSDAY, *February 21, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Eternal God, who countest the nations as the dust of the balance and takest up the isles as a very little thing, who hast put down the mighty from their seat and exalted them of low degree, bless, we beseech Thee, our land with all manner of good, and write the law of justice on the hearts of its rulers and people. Heal the divisions in the household of Thy sons and daughters, and make all their mutual strivings to cease.

Stay the injustice that binds heavy burdens upon the weak, and relieve those who suffer under the wrongs and cruelties of their fellow men. Let Thy fatherly pity and protection rest upon the poor, the sick, and the sorrowful; and may the whole world be filled with the light of Thy truth and the glory of Thy kingdom. Through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS

Mr. VANDENBERG presented the following resolution adopted by the State Senate of Michigan, which was referred to the Committee on Finance:

Senate Resolution 30

Whereas the Department of Michigan, the American Legion, is to-day informed from Washington that Congress is making no provision at this session for adding the 300 beds needed by the United States Veterans' Hospital No. 100, at Camp Custer, Battle Creek, Mich., while giving 500 more beds to Chicago; and

Whereas United States Veterans' Hospital, No. 100, is the only Government hospital for World War veterans in Michigan planned for only 450 beds, this hospital has to-day over 670 patients, while over 100 more eligible veterans are on the waiting list, helping to crowd Michigan's private and State institutions, and new cases are developing every month: Therefore be it

Resolved, That the State Senate of Michigan, in regular session assembled, again appeal to Congress for adding these 300 beds to United States Veterans' Hospital No. 100, by providing funds therefor at the present session; and that copies of this resolution and appeal be sent to the Michigan delegation in Congress, to the Director of the United States Veterans' Bureau at Washington, to the national legislative committee of the American Legion at Washington, and to the chairman of the Veterans' Committee at Washington.

Mr. MOSES presented the following concurrent resolution of the Legislature of the State of New Hampshire, which was referred to the Committee on Post Offices and Post Roads:

Whereas it has come to the attention of New Hampshire that the State of New York is planning to have the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts invited to take part in the observance of an anniversary commemorating the doings of an officer from this State during the Revolution;

Whereas there occurs this year the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Gov. George Clinton and Commander in Chief George Washington and authorized by Congress;

Whereas this successful military enterprise was participated in by officers and troops of New York, Pennsylvania, New Hampshire, New Jersey, and Massachusetts;

Whereas the Sullivan expedition weakened the Indian alliance with the English, cut off supplies of food, gave protection to frontier settlements, opened the western part of the State for settlement, and helped to win for the American Republic the rich interior of the continent:

Resolved, That the honorable Postmaster General of the United States be, and he is hereby, requested to cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

Resolved, That a copy of this resolution be transmitted to the Postmaster General of the United States and to the Senators and Members of Congress from the State of New Hampshire, properly authenticated by the clerks, respectively, of the Senate and House.

Mr. WARREN presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Public Lands and Surveys:

TWENTIETH LEGISLATURE OF THE STATE OF WYOMING.

House of Representatives Enrolled Joint Memorial No. 2, memoralizing Congress to expressly authorize the assessment, taxation, and collection of taxes upon property in private ownership situated within the boundaries of the Yellowstone National Park.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be memorialized as follows:

"Whereas the Yellowstone National Park was created and the boundaries thereof were defined by act of Congress dated March 1, 1872, as amended by act of Congress dated May 7, 1894, and as so created and established includes within its boundaries areas of the States of Wyoming, Montana, and Idaho; and

"Whereas in the act creating Yellowstone National Park and providing rules and regulations therefor no special provision has been made authorizing the assessment and collection of taxes upon property in private ownership included within the boundaries of said park; and

"Whereas there now exists in private ownership a large amount of property situated within the boundaries of said Yellowstone National Park aggregating millions of dollars in value; and

"Whereas the effort of the State of Montana to tax property in private ownership in the Yellowstone Park has resulted in extended litigation, and has resulted in a decision authorizing the assessment and taxation by the State of Montana and the political subdivisions thereof of the property in private ownership included within that portion of the Yellowstone National Park which is located in the State of Montana; and

"Whereas the various acts of Congress establishing the several national parks, including Glacier National Park, Sequoia National Park, Yosemite National Park, Mount Rainier National Park, and Rocky Mountain National Park, each expressly authorize the taxation of property in private ownership situated within the boundaries thereof, and no good reason exists why such law should not be applied to the Yellowstone National Park; and

"Whereas any endeavor on the part of the State of Wyoming to collect taxes upon property in private ownership, situated in that portion of the Yellowstone National Park included within the boundaries of the State of Wyoming, will result in extended litigation which can all be avoided by an appropriate act or amendment to the present act of Congress to specifically authorize the taxation of property, which is in private ownership within the Yellowstone National Park: Therefore be it

"*Resolved by the house of representatives (the senate concurring)*, That we hereby memorialize the Congress of the United States of America to pass an act or to amend present acts of Congress to specifically authorize the taxation of any property in private ownership which is included within the Yellowstone National Park; and be it further

"*Resolved*, That certified copies of this concurrent memorial be forwarded to the Wyoming Senators and its Representative in the Congress of the United States."

MARVIN L. BISHOP, Jr.,
Speaker of the House.
FRANK O. HORTON,
President of the Senate.

Approved at 9.54 a. m., February 14, 1929.

FRANK C. EMERSON, *Governor.*

Mr. KENDRICK. Mr. President, I present a joint memorial passed recently by the Wyoming Legislature in connection with the purchase of the site and buildings of old Fort Laramie and the establishment of a national monument at that point. Among the many forts established on the western plains and in the Rocky Mountain territory it is probably true that Fort Laramie exerted the widest and most definite influence upon the protection of emigrants crossing the plains, the signing of treaties with the different tribes of Indians, and the final settlement of the West than any one of our famous frontier posts. Established in 1834, it is by this fact associated with nearly a century of the Nation's history. Situated upon the old Oregon Trail, it is now very near the line of one of our Federal highways, and already thousands of tourists are annual visitors to this site. It is to be hoped that the Government can be induced to provide funds for the purpose of properly dedicating it as a national monument.

I ask that the resolution may be read and referred to the Public Lands Committee.

There being no objection, the resolution was read and referred to the Committee on Public Lands and Surveys, as follows:

HOUSE OF REPRESENTATIVES,
TWENTIETH LEGISLATURE, STATE OF WYOMING.

Enrolled Joint Memorial 1, memorializing Congress to purchase, restore, and preserve old Fort Laramie and set it aside as a national monument

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be memorialized as follows:

"Whereas old Fort Laramie, located in the North Platte Valley in Wyoming, on the route of the old Oregon Trail, is the most noted frontier post of the old West, where thousands upon thousands of immigrants paused for protection and supplies as they trekked their way westward across the plains of the great West to establish a new empire; and

"Whereas this old fort, to which there is more historic sentiment attached than to any other spot in the West, is fast decaying and should be preserved to posterity in order that future generations may see it and be inspired to emulate those sturdy pioneers who passed that way: Now, therefore, be it

"*Resolved*, That in order to accomplish this purpose Congress be requested to appropriate a reasonable sum to purchase the old fort and grounds and to restore and preserve this noted spot in the West as a national monument; and be it further

"*Resolved*, That the house of representatives of the twentieth legislature, the Senate concurring, do hereby strongly urge favorable action by Congress on this matter, and that copies of these resolutions be submitted to the Interior Department of the United States, to the National Parks Commission, and to each of the Members of the Wyoming delegation in Congress."

FRANK O. HORTON,
President of the Senate.
MARVIN L. BISHOP, Jr.,
Speaker of the House.

Approved at 9.52 a. m., February 14, 1929.

FRANK C. EMERSON, *Governor.*

Mr. KENDRICK also presented a joint memorial of the Legislature of the State of Wyoming favoring the passage of legislation to amend the law so as to specifically authorize the taxation of any property in private ownership which is included within the Yellowstone National Park, which was referred to the Committee on Public Lands and Surveys. (See joint memorial printed in full when presented to-day by Mr. WARREN.)

PROPOSED TARIFF REVISION

Mr. WATSON. I ask to have incorporated in the RECORD a statement relative to points to be emphasized in the proposed revision of duties on agricultural imports with the object of presenting it to the Finance Committee when it reaches the consideration of the tariff. I ask that the statement be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the statement was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

POINTS TO BE EMPHASIZED IN THE PENDING REVISION OF DUTIES ON AGRICULTURAL IMPORTS

We have requested permission to present this brief to your committee because we feel that some very important features affecting the revision of duties on agricultural products can hardly be given too much emphasis.

The first of these is that the present duties are not in fact protective, even in those cases where increases have been made by advice of the Tariff Commission and by proclamation of the President.

This is sufficiently proved by the two tables appended giving the figures of actual imports of competitive farm products for the fiscal years June 30, 1927, and June 30, 1928. The values of these imports are $2,173,000,000 and $2,161,000,000, respectively. These figures are obtained from the Department of Commerce.

Our many contacts with farmers in all parts of the United States, supported by the weight of testimony before your committee, convinces us that the rural population wishes a schedule of tariffs which are in fact protective.

That is to say, an effective tariff bill will be one which will result in reducing the annual imports of competitive farm products from more than $2,000,000,000 a year to a small fraction of that sum.

Unless this is brought about within a reasonable time after its passage, the new tariff can hardly be called a success.

What farmers need, and in our opinion are justified in asking, from the deliberations of your committee and the Houses of Congress, is a substantial monopoly of their own domestic markets.

Your committee need not, in our opinion, fear the results of such an exclusion of foreign products from our markets on the prices paid by the consuming public. An increase of duty on a given product will not necessarily mean that the price of that product will advance an equal amount. In many cases the price to the consumer will not advance at all, and may even decrease.

This is because the ultimate price to the consumer is determined by the general economic law of supply and demand. No agricultural product can possibly secure such a monopolistic position in our markets that the law of supply and demand can cease to operate.

What is asked, therefore, is that the products of our farms be given such tariff protection that the price of each product may at all times find its true and just level, as fixed by the production of the farms and the consumption of the public, without the interference of imports from foreign countries of differing standards of living.

The rural population is further convinced, in our opinion, that the existing schedules of duties on farm products are substantially below those which are now generally given to manufactures.

What is needed is an increase of agricultural duties to a substantial parity with those on manufactures; and it is obvious that any increases which your committee may think proper to make on manufactured goods must be taken into consideration in fixing the rates to be placed on agricultural products.

This, however, is subordinate, in our opinion, to the general principle that the agricultural duties shall be such that the domestic market shall belong exclusively to the American farmer, up to the full extent of his ability, present or prospective, to supply it.

The other point we wish to make is the urgent importance of completing a tariff bill and putting it into effect at the earliest possible moment.

It is incorrect to assume that the products of American farms come to harvest in the summer or autumn, and that a bill which became law by September, for example, would thereby be effective on 1929 crops.

The products of the farms are already going into the markets. They will continue to do so every day, every week, and month from this time until the year ends. The flow of farm products is in fact continuous.

We respectfully ask the committee to bear in mind, therefore, that every day that passes while a new tariff is being drafted sees additional millions of farm products go to market insufficiently protected, or not protected at all.

We fear that a half of the total year's production of 1929 must go unprotected into consumption, even with the best speed that the Congress is able to make. We ask that your committee will not permit any unnecessary or avoidable delays.

THE FARM JOURNAL (Philadelphia, Pa.),
P. E. WARD, *President*.
ARTHUR H. JENKINS, *Editor*.

UNITED STATES PATROL BOAT "CG–295"

Mr. EDGE. Mr. President, I ask that there may be printed in the RECORD and referred to the Commerce Committee certain correspondence and a newspaper article, in the nature of a protest, received by me from a citizen of New Jersey whose boat was stopped by shots from the Coast Guard. It appeals to me as reprehensible.

There being no objection, the correspondence was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

CUTTER FIRES ON YACHT OFF PUNTA RASSA—VISITORS HERE INDIGNANT AT FEDERAL SHIP'S ACTION

Indignant over the action of United States patrol boat *CG–295*, which fired twice across the bow of their yacht, H. H. Work and W. P. Letchford, of Palm Beach, plan to protest against Commander Swain with the Treasury Department. The rum chaser fired on their cabin cruiser *Kadilla*, near Punta Rassa, just as they were preparing to enter the Caloosahatchee.

The affair took place Saturday when the *Kadilla*, with Mr. and Mrs. Work and Mr. and Mrs. Letchford aboard, were cruising up the channel off Punta Rassa. The Coast Guard boat approached the private yacht and fired two shots across her bow without giving a warning of any kind, according to statements made by the owners to-day. They expressed their indignation to Commander Swain of the Government boat and informed him that they planned to report the affair at Washington, feeling that their lives had been needlessly endangered.

Commander Swain stated that his men were on the lookout for a 45-foot cabin boat reported to have aliens aboard.

Mr. Work and Mr. Letchford made inquiries at Punta Rassa and were informed that theirs was not the first boat to be treated in a similar manner. They said that people at Punta Rassa were forced to leave the beach when the patrol boats appeared, due to the danger of shells.

The *Kadilla* has been tied up at Ireland's dock since Saturday and the party are stopping at the Royal Palm Hotel. They had planned to cross the State in a smaller sea skiff but gave up the trip when they were informed that sand bars blocked the canal channel. Mr. Work is an official in the Standard Oil Co. and makes his winter home in Palm Beach. They will return to the east coast by motor in the morning.

JANUARY 28, 1929.

COMMANDING OFFICER,
United States Coast Guard, St. Petersburg, Fla.

DEAR SIR: I wish to make a formal complaint against Coast Guard cutter *295*, commanded by a Mr. Swaine or Swayne.

Last Saturday, January 19, 1929, I was going up the Caloosahatchee River in my 48-foot cabin cruiser, towing a 27-foot fishing skiff, flying the New York Yacht Club flag, as well as my private insignia, when, without any warning, at 11.15 a. m., Coast Guard cutter *295* fired two shots across my bow.

It seems to me that such a procedure was totally uncalled for, as I was proceeding up the river at less than 8 miles an hour, and a most casual inspection through binoculars would convince anybody that we were not rum runners or running aliens. Their excuse was that they were looking for a boat which resembled mine carrying 22 aliens.

Upon arriving at Punta Rassa and Fort Myers I found that several other boats had been molested in the same way. I also learned that about six months ago a Coast Guard cutter even fired at a United States lighthouse tender.

It is so serious that the people in Punta Rassa go out and call their children off the beach when a boat comes in, as they are afraid the Coast Guard will start firing and endanger their children's lives by ricochetting bullets.

I would very much appreciate a reply from you expressing your opinion of what I consider an outrageous procedure. I shall also take this matter up with the Treasury Department in Washington when I go north some time in February.

Yours very truly,

HORACE H. WORK.

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
St. Petersburg, Fla., January 31, 1929.

Mr. HORACE H. WORK,
South Ocean Boulevard, Palm Beach, Fla.

DEAR SIR: Receipt is acknowledged of your letter of January 28 making a formal complaint against Boatswain Arthur J. Swain, the officer in charge of the *CG–295* relative to two shots being fired across the bow of your cabin cruiser when you were proceeding up the Caloosahatchee River on January 19. In this connection you are advised that the *CG–295* repeatedly sounded its whistle and that no attention was paid thereto, and consequently the only recourse to bring your vessel to was the firing of a shot across the bow.

Boatswain Swain states that when you were first sighted there were no flags flying from your boat. Boatswain Swain further states that upon coming alongside he explained the reason why the shots were fired.

The base commander does not agree with you that this was an outrageous procedure, as Boatswain Swain was carrying out his duties.

Respectfully,

C. G. ROEMER,
Lieutenant Commander, United States Coast Guard,
Commander Section Base 21.

FEBRUARY 6, 1929.

C. G. ROEMER,
Lieutenant Commander, United States Coast Guard, Base 21, St. Petersburg, Fla.

SIR: I am in receipt of yours of the 30th ultimo in reference to my complaint in regard to action of Boatswain Arthur J. Swain firing two shots across the bow of my boat as I was going up the Caloosahatchie River on January 19.

I wish to take exception to your statement that *CG–295* repeatedly sounded its whistle, as it is my understanding that these boats are equipped with nothing but a Klaxon horn, which you know could not possibly be heard with two 180-speedway motors running at 900 revolutions.

I also wish to take exception to Boatswain Swain's statement that there were no flags flying when he first sighted my boat. My flags were hoisted at 8 o'clock and I was fired upon at 11.15.

Before I take this matter up with the Treasury Department at Washington when I go North on February 16, I should like to have your opinion on why Swain was not on the lookout, for he must have seen me at least a half hour before I entered the Caloosahatchie River. All that would have been necessary for him to do would have been to start up his boat and come across and block my entrance to the channel, making the firing of two shots entirely unnecessary.

Yours truly,

HORACE H. WORK.

DEAR MR. EDGE: Have as yet received no answer to this letter.

H. H. WORK.

REPORTS OF COMMITTEES

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (H. R. 16406) to repeal the provision of law granting a pension to Annie E. Springer;

A bill (H. R. 16407) to repeal the provision of law granting a pension to Lottie A. Bowhall; and

A joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War.

Mr. DALE, from the Committee on Civil Service, to which was referred the bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service, reported it with an amendment and submitted a report (No. 1846) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10664) for the relief of the State of Maine and the city of Portsmouth, N. H., reported it without amendment and submitted a report (No. 1847) thereon.

Mr. ODDIE, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5737) for the relief of Capt. Walter R. Gherardi, United States Navy (Rept. No. 1848); and

A bill (H. R. 7930) to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve" (Rept. No. 1849).

Mr. STEIWER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9972) for the relief of Charles Silverman, reported it without amendment and submitted a report (No. 1851) thereon.

Mr. BROUSSARD, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 801) to place Dr. Charles H. DeLancey on the retired list of the Navy as a lieutenant commander (Rept. No. 1852); and

A bill (H. R. 12548) for the relief of Margaret Vaughn (Rept. No. 1853).

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9597) for the relief of Fred Elias Horton, reported it without amendment and submitted a report (No. 1854) thereon.

Mr. SCHALL, from the Committee on Naval Affairs, to which was referred the bill (S. 5485) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material, reported it without amendment and submitted a report (No. 1855) thereon.

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (H. R. 4264) for the relief of Philip V. Sullivan, reported it without amendment and submitted a report (No. 1856) thereon.

ADJUSTMENT OF NORTHERN PACIFIC LAND GRANTS

Mr. KENDRICK. Mr. President, as a member of the joint congressional committee appointed to investigate the equities between the United States Government and the Northern Pacific Railway, I submit a report (No. 1845) from that committee, accompanied by a bill which I ask may be placed on the calendar.

The bill (S. 5855) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co. or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the calendar.

EIGHTH JUDICIAL CIRCUIT

Mr. NORRIS. Mr. President, on behalf of the Judiciary Committee, I am instructed to report back favorably with an amendment the bill (H. R. 16658) to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit; and I submit a report (No. 1843) thereon. I am directed by the committee by a unanimous vote to ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The clerk will read the bill.

Mr. CURTIS. Is the House bill amended by the committee?

Mr. NORRIS. It is the House bill, amended by inserting in it a provision for another place for the holding of court. That is the only amendment.

Mr. HALE. Mr. President, I would like to ask the Senator whether its consideration will lead to any debate?

Mr. NORRIS. I do not think it will. It is really an emergency matter.

Mr. HALE. Will the Senator withdraw his request if it does lead to debate?

Mr. NORRIS. Yes.

Mr. BRATTON. Mr. President, may I ask the Senator from Nebraska if the bill is now amended to provide for an additional place of holding court at Kansas City?

Mr. NORRIS. Yes; in the eighth circuit.

Mr. BRATTON. Otherwise the bill is just as it passed the House?

Mr. NORRIS. It is.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska for the present consideration of the bill?

Mr. BLEASE. I object.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

JUDGE FRANCIS A. WINSLOW

Mr. NORRIS. From the Committee on the Judiciary I report back favorably the joint resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York, and I submit a report (No. 1844) thereon.

The joint resolution provides for authority to a subcommittee of the Judiciary Committee of the House to investigate charges that have been made against a United States district judge in New York. Inasmuch as the House is not a continuing body, they must have authority of law to hold hearings on the matter. They desire to get ready for the new Members in the extra session. The joint resolution simply provides that authority. I can not conceive that there is any possible objection to it. I ask in this connection that the report of the committee be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report of the committee is as follows:

[S. Rept. No. 1844, 70th Cong., 2d sess.]

Francis A. Winslow

Mr. NORRIS, from the Committee on the Judiciary, submitted the following report (to accompany H. J. Res. 425):

The Committee on the Judiciary, to which was referred the resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York, having had the resolution under consideration, report the same back to the Senate with a favorable recommendation.

The object of this joint resolution is to give the House of Representatives authority to act during the time intervening between the adjournment of the Seventieth Congress and the assembling of the Seventy-first Congress. The House of Representatives, not being a continuing body, makes it necessary for the passage of a law giving the committee named authority to act after the adjournment of the present Congress. The joint resolution is in the nature of impeachment proceedings and the House of Representatives has sole authority under the Constitution to act in such cases, and the only object of the resolution is to give such committee of the House of Representatives authority to act after the Seventieth Congress has adjourned. This joint resolution will have that effect, and the committee sees no reason why the Senate should not give its consent to the procedure requested by the House of Representatives.

Mr. NORRIS. I now ask unanimous consent for the present consideration of the joint resolution.

Mr. BLEASE. Mr. President, let it be read.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk proceeded to read the joint resolution.

Mr. BLEASE. The clerk need read no further. I object.

Mr. HALE. Mr. President, I would like to ask the Senator from Nebraska whether consideration of the joint resolution will take any time?

Mr. NORRIS. Oh, no; it would have been passed by this time if I had not been interrupted. It simply gives the committee of the House authority to act during the recess.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BLEASE. I object to its immediate consideration. I understand it is nothing in the world but a personal attack being made by a certain party because this judge happened to be a little polite to one attorney, and this man's prejudice leads him to believe there was a little too much politeness. I object.

Mr. NORRIS. Mr. President, I could not hear what the Senator said.

Mr. BLEASE. I have been informed that this is a personal matter, that somebody whose name I will not call thinks this judge has been a little too polite to a certain lawyer there whom this man hates. I do not believe in that kind of legislation and I object.

Mr. NORRIS. It is a proceeding to assist the House in making the investigation which under the Constitution they will have to make anyway.

Mr. BLEASE. I know, but I get my information direct and do not have to go around the corner for it. The man from whom I am getting my information is on the inside of the whole transaction and he knows on what it is based. This is not a thing in the world but prejudice. I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The joint resolution will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

Mr. TYDINGS. I introduce a bill which I ask may be referred to the proper committee and I am going to read the title. It is entitled "A bill to establish a national board of painting and sculpture and to provide for an annual competition for American painters and sculptors."

By Mr. TYDINGS:

A bill (S. 5849) to establish a national board of painting and sculpture and to provide for an annual competition for American painters and sculptors; to the Committee on the Library.

By Mr. BURTON:

A bill (S. 5850) to reimburse the estate of Mary Agnes Roden; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 5851) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.; to the Committee on Agriculture and Forestry.

By Mr. CURTIS:

A bill (S. 5852) to provide for final settlement of the claims of J. F. McMurray and J. F. McMurray as assignee of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nations or tribes of Indians for legal services rendered and expenses incurred. The first four items in this bill, namely: (1) the J. Hale Sypher case; (2) the Eli Ayers case; (3) Choctaw Citizens case, fees and expenses from 1904 to March 4, 1907; and (4) Choctaw-Chickasaw tribal taxes; having been considered by the United States Court of Claims in case No. 33996 but final judgment was not entered, the court holding in these said items it had no jurisdiction, and for other purposes; to the Committee on Indian Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 5854) to amend the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. EDWARDS:

A bill (S. 5856) for the relief of Clotilda Freund; to the Committee on Claims.

By Mr. MAYFIELD:

A bill (S. 5857) granting the consent of Congress for the construction of a dam or dams in Neches River, Tex. (with an accompanying paper); to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 5858) authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind.; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 5859) granting compensation to Ella R. Trussell; to the Committee on Finance.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 5860) to authorize the Secretary of Commerce to dispose of the Marine Biological Station at Key West, Fla.; to the Committee on Commerce.

By Mr. BLAINE:

A joint resolution (S. J. Res. 224) providing for a special examination of Sergt. Walter F. Choinski for appointment as second lieutenant of Infantry, United States Army; to the Committee on Military Affairs.

UNITED STATES TARIFF COMMISSION

Mr. BRUCE. Mr. President, I ask that the bill (S. 5399) to amend the laws relating to the United States Tariff Commission be recalled from the Committee on Finance and indefinitely postponed, and that I be permitted to introduce a bill in lieu of it.

The VICE PRESIDENT. Without objection, the Committee on Finance will be discharged from the further consideration of the bill and the bill will be indefinitely postponed. The bill now introduced will be received and appropriately referred.

The bill (S. 5853) to amend the laws relating to the United States Tariff Commission was read twice by its title and referred to the Committee on Finance.

PENSION TO MARY FRANCES M'CONNELL

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. BROUSSARD submitted an amendment proposing to increase the appropriation for the "Naval Observatory, including $2,500 for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars," from $174,380 to $178,560, intended to be proposed by him to House bill 16714, the naval appropriation bill, which was ordered to lie on the table and to be printed.

THE AMERICAN FLAG

Mr. SACKETT. Mr. President, I submit a resolution, which I ask may be read.

The Chief Clerk read the resolution (S. Res. 334), as follows:

Resolved, That it is the sense of the Senate that the Secretary of the Navy and the Secretary of War issue forthwith appropriate orders preventing the flying of any flag or pennant on the same staff or in any other manner above the flag of the United States of America, or colors representing the same, on any vessel or building or at any other place within their respective jurisdictions.

Mr. SACKETT. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. Mr. President, I object to the present consideration of the resolution. It will undoubtedly take considerable time. I am very anxious to go ahead with the naval appropriation bill.

The VICE PRESIDENT. Objection being made, the resolution goes over, under the rule.

INVESTIGATIONS BY THE FINANCE COMMITTEE

Mr. SMOOT submitted the following resolution (S. Res. 335), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance or any subcommittee thereof be, and hereby is, authorized to sit during the sessions of recesses of the Seventy-first Congress at such times and places as they may deem advisable; to make investigations into internal revenue, cus-

toms, currency, and coinage matters, and other matters within its jurisdiction, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary; and to report from time to time to the Senate the result thereof; to send for persons, books, and papers, to administer oaths, and to employ such expert, stenographic, clerical, and other assistance as may be necessary; and all of the expenses of such committee shall be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

OPEN-PRICE TRADE ASSOCIATIONS

On motion of Mr. McKELLAR, and by unanimous consent, it was—

Ordered, That the report of the Federal Trade Commission on open-price trade associations, transmitted to the Senate on the 13th instant, in response to Senate Resolution 28, agreed to March 17, 1925, be printed, with illustrations, as a Senate document.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1530. An act for the relief of Gilpin Construction Co.;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre;

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.;

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress; and

H. J. Res. 418. Joint resolution to provide for the quartering in certain public buildings in the District of Columbia of troops participating in the inaugural ceremonies.

PROPOSED AMENDMENT OF RULE XXXVIII—OPEN EXECUTIVE SESSION

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The CHIEF CLERK. A resolution (S. Res. 322) submitted by Mr. JONES February 7, 1929, to amend Rule XXXVIII by providing for the consideration of nominations in open executive sessions, except in certain cases.

Mr. JONES. Mr. President, the Senator from Arkansas [Mr. ROBINSON] is necessarily away on account of a death in his family, and so I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

RESERVE BANK RATES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. The resolution (S. Res. 327) submitted by Mr. SHIPSTEAD February 12, 1929, requesting information concerning agreements with foreign banks relative to Federal reserve bank rates.

Mr. CURTIS. Mr. President, I have asked the Senator from Minnesota to let that resolution go over without prejudice. I understand he is willing to do that. It is necessary for me to leave the Senate Chamber in a few moments.

Mr. SHIPSTEAD. I agreed to have the resolution go over without prejudice, because I understood the Senator from Kansas would not be here this morning. If the Senator from Kansas can assure us there will be a morning hour soon, I ask, if he so desires, that the resolution go over without prejudice.

Mr. CURTIS. It is the intention to have another adjournment very soon, following which, of course, there will be another morning hour.

Mr. SHIPSTEAD. Under those circumstances, I shall be very glad to have the resolution go over without prejudice.

Mr. McKELLAR. What is the nature of the resolution, I will ask the Senator from Kansas?

Mr. CURTIS. It is a resolution relative to Federal reserve bank rates.

The VICE PRESIDENT. The resolution will go over without prejudice.

APPOINTMENTS IN PROHIBITION FIELD SERVICE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. A resolution (S. Res. 332) submitted by Mr. WAGNER on February 15 (calendar day of February 20), 1929, requesting certain information concerning employees in the field service of the Prohibition Bureau.

Mr. CURTIS. I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice. This closes the morning business.

NATIONAL INSTITUTE OF HEALTH

Mr. SACKETT. Mr. President, I ask unanimous consent that there may be printed in the RECORD an editorial from the New York Times of yesterday entitled "The Nation's Health."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

THE NATION'S HEALTH

The bill introduced by Senator RANSDELL to create a national institute of health is not on the preferred calendar of the Senate and can therefore not come to a vote at this session, except by unanimous consent. But any Senator who would obstruct its consideration, save for the most valid of reasons, would be taking upon himself a responsibility measurable in terms of human life that might be saved by the service for which the bill provides or that might be lost because of another year's postponement.

The bill was unanimously reported from the committee. It has the approval of Secretary Mellon, who points out that it would not only make possible the use of existing governmental machinery without setting up new bureaus but might encourage private gifts to the Government in aid of the study of health problems. He has also stated in a letter to the chairman of the Senate committee that he is advised by the Bureau of the Budget that the appropriation which it carries "is not in conflict with the financial program of the President." This comes very near implying a Coolidge indorsement of the measure.

Assured is the indorsement of the leading scientific societies, of the American Medical Association, the American Public Health Association, and the American Farm Bureau Federation, and of many other organizations interested in public health, as well as of many prominent men in the field of medicine and education, including Dr. Ray Lyman Wilbur, Doctor Mayo, Dr. Treat Johnson, of the Yale Medical School, and Dr. Reid Hunt, of the Harvard Medical School.

Private research and practice and State and municipal public-health service have done much to reduce the mortality rate and raise the average of life, but health is a matter of such supreme concern that the Nation itself should have a greater part than it has had in the study especially of those diseases which sweep the country without regard to State boundaries and can be conquered only by unified effort. It is to be hoped that with such backing as the bill has—official, scientific, and professional—it will not be halted by one voice.

WILLIAM H. CHAMBLISS

Mr. HEFLIN. Mr. President, I ask unanimous consent that an affidavit by William H. Chambliss in support of legislation pending in the Senate, being Senate bill 2274, be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is here printed, as follows:

To whom this may concern:

From: William H. Chambliss, of Montclair, N. J.

Via: The United States Senate and the CONGRESSIONAL RECORD.

Subject: Bill S. 2274, Report No. 872, Senate Calendar No. 899, and some facts in connection therewith.

1. I hereby certify that the attached booklet, entitled "Calendar No. 899, Senate, Seventieth Congress, first session, Report No. 872," issued and published by the United States Senate in session in the Capitol at Washington, D. C., April 20, 1928, shows briefly in plain words one domestic enemy or foreign crooked man in our own American Consular Service and what he did to me, a native American Navy reserve officer of the confirmed rank of lieutenant in command of an unarmed ship at Rio de Janeiro, en route to Buenos Aires, in 1919, and that the crooked man has not yet been brought to trial for his acts, and that I have not been paid for my services as master of the ship, but, on the contrary, I have been kept out of a job for punishment because of my protests against the acts of the crook.

2. I was under our naval oath at the time and was under what is called retainer pay as a reserve, detached from World War active duty. Under my oath I was required to defend my ship, in accordance with our Constitution, against all enemies, foreign and domestic. Here I must state that the neglect of the so-called United States Shipping Board in not even equipping my ship or me, the commanding officer, with side arms for defensive purposes in piratical zones left me and the brand-new ship and all that she carried totally at the tender mercy of the crook, who employed a foreign boatload of armed aliens, who seized my ship, overpowered me, terrorized my men, and took from my ship her valuable cargo, and kidnaped me and marched me from under the American flag at the muzzles of their foreign rifles and took me ashore miles away and cast me into a vile foreign prison with a foreign flag of green color waving over it. At that time I was in the uniform of the United States of America and had my credentials in my pocket, but had no weapons of any kind to defend myself with, and the crook knew it.

3. That is how our foreign consul, trusted with our interests, handled me when I refused to sign my name to a fraudulent survey report on damaged propeller blades on my ship, and a set of fraudulent repair bills and a permit for him and his foreign aids to unload and sell my ship's cargo.

4. And this crooked man, Arminius T. Haeberle, whose name so clearly indicates its alien nativity, had "friends" who were powerful enough (diplomatically or politically) in the Department of State to whitewash him. Here I will state that Haeberle's protectors and "whitewashers"—perhaps Mr. Karr, or Carr, or Mr. Beck, or Mr. Flanoy or Flanory, of the Secretary of State's offices, know exactly whom I mean when I say Haeberle's "friends"—have sent letters to Members of the Senate and to officials of the Navy Department and Department of Commerce, denouncing me for the opposition that I really offered to Haeberle's crooked acts. Haeberle's sponsors—surely Mr. Beck or Mr. Flanory or Mr. Carr know who they are—have used State Department stationery and "franked" envelopes for approximately eight years in sending out letters telling Americans what a terrible man I am, and what a much-abused saint Haeberle is, and how bad it was of me to object to the thefts of a few hundred thousands of dollars worth of Government freight and cash from my ship at a time when poor Mr. Haeberle, the crooked consul, and perhaps some of his good "friends" needed some ready money. It is unbelievable that Mr. Beck and Mr. Carr and Mr. Flanory all three are innocently "ignorant" of the identity of the good friends of Mr. Haeberle who have signed such big names as "Frank L. Polk" and "Bainbridge Colby" and "Charles E. Hughes" and even our international peacemaker "Frank Kellogg's" names, or perhaps their rubber stamps to letters to Americans "roasting" me and telling how undiplomatic I was to oppose Haeberle's acts to the extent of calling them crooked. Here let me say that it matters not that Haeberle wore the title of "consul in charge" or that Beck, Flanory, and Carr may not enjoy the acquaintance of Haeberle's letter-writing friends who "sign" big names like "Polk," "Colby," "Hughes," and "Kellogg," to Senators asking them to kill my wage bill. I say that crooked deeds have been done by Haeberle and crooked whitewash brushes have been used and crooked fingers have signed names that look like the signatures of at least four stragiht, or consecutively straight, men who have been Secretary of State in turn, to letters denouncing me in terms unworthy of any diplomat who has held the "portfolio" since Wilson "fired" Robert Lansing. The language and attitude assumed by this Haeberle's friends in letters to Senators KING, FLETCHER, and others, telling how I made "false statements about the consular officers at Rio," does not exactly sound like the usually decent correspondence of the big men whose names are "signed" to those roastings; but they do sound rather more like that of some underworld "habitchuee" at some notorious New York murder trial where those who tell the truth in court are killed on their way home.

5. Now, gentlemen of the Senate, owing to the fact that one Member of your body still opposes the free passage of bill S. 2274, and offers no further reason or excuse for his opposition than the bare fact that he has "received letters from the Secretary of State," I hereby request that some Member of the Senate stand up and offer a resolution calling for the immediate consideration of bill S. 2274 and a "yes" or "no" vote on it. All Members who have been elected by majority votings at home owe it to themselves as well as to the sponsor and his opponent to insist upon a roll call and a vote on this bill, because it is a wage bill for money owed by the old 1919 Shipping Board to me, a reserve officer, under a signed contract, but withheld from me for punishment because I opposed a crook in a consulate.

WILLIAM H. CHAMBLISS.

Subscribed and sworn to before me this 14th day of January, 1929, at Montclair, N. J.

C. FRANK COWLEY,
Notary Public of New Jersey.

(My commission expires July 17, 1929.)

NAVAL APPROPRIATIONS

Mr. HALE. I move that the Senate proceed to the consideration of House bill 16714, being the naval appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

APPROPRIATIONS FOR THE WAR DEPARTMENT—CONFERENCE REPORT

Mr. BLEASE. Mr. President, some time ago I introduced a bill——

Mr. REED of Pennsylvania. Mr. President, will the Senator from South Carolina yield to me in order that I may make a request?

Mr. BLEASE. Certainly.

Mr. REED of Pennsylvania. The conference report on the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, was presented to the Senate on last Tuesday afternoon. I ask unanimous consent that it may be taken up and consented to now. I do not think it will lead to a word of debate, because Senators have had an opportunity to look into it. The conference report is now on the table.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Pennsylvania about the amendment which was proposed by the Senator from Massachusetts [Mr. WALSH].

Mr. REED of Pennsylvania. Mr. President, we found that the present law provides exactly the same as proposed by the amendment of the Senator from Massachusetts for every branch of the Army except the Air Corps. The Air Corps asked us not to put in the amendment applying to them because of the need of special technical work, stating that safety was of so much more importance to them than the saving of a dollar or two on the repair of airplanes that they thought it would be highly unwise to do it. The committee felt that it was a matter of general legislation, and in view of the fact that the provisions of the amendment now apply to all the other departments of the Army and that the Air Corps was very strongly opposed to it, we thought it ought not to go in until some legislative bill had passed to that effect; not that we are out of sympathy with it, but we did not want to take the responsibility in an appropriation bill of making an amendment that would increase the jeopardy to the lives of the men of the Air Corps. If the Military Affairs Committees of the Senate and the House think it well to do so, all well and good, but we thought it was too heavy a responsibility for us to take now.

Mr. WALSH of Massachusetts. Mr. President, in connection with Senate amendment No. 46, from which the Senate receded, I should like, if agreeable to the Senator from Pennsylvania, to have permission of the Senate to have printed in the RECORD a letter from the Secretary of War and a letter from the president of District No. 44, International Association of Machinists.

Mr. REED of Pennsylvania. I shall be glad to have that done.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

WAR DEPARTMENT,
Washington, February 12, 1929.

Hon. DAVID A. REED,
United States Senate.

MY DEAR SENATOR REED: The following amendment was added by the Senate to the Army appropriation bill (H. R. 15712, p. 66):

"And provided further, That no part of the moneys herein authorized to be appropriated shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any ordnance, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government arsenals or navy yards of the United States, when time and facilities permit, and when, in the judgment of the Secretary of War, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government."

Section 5 (a) of the national defense act, as amended by the act of June 4, 1920, contains the following provision:

"The Assistant Secretary of War shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis."

The provision as contained in the national defense act is preferable to the amendment added by the Senate, for the reason that work under the former must be done at a Government arsenal or Government-owned factory only when the arsenal or Government-owned factory is able to do this work upon an economical basis. The Senate amendment places Government-owned factories on a preferred basis in competition with commercial companies.

It is believed that this amendment was added for the purpose of restricting procurements by the Air Corps only, and it will require the Air Corps to place orders with Government arsenals and navy yards for work normally done by the aeronautical industry. The amendment has the effect of taking away from the Secretary of War the discretion now vested in him by section 10 (t) of the Air Corps act of July 2, 1926. It is the policy of the War Department to encourage the aeronautical industry so that all material and supplies needed in time of emergency, particularly those items of military aircraft equipment which are not in commercial use, can be obtained from commercial firms rather than from Government arsenals and navy yards, which at that time will be fully engaged on work for which the factories are designed. It is to be pointed out, too, that many parts of aircraft, accessories, and items of equipment, such as instruments, propellers, etc., require a specialized manufacturing knowledge not in the possession of arsenals and navy yards. This amendment may cause orders to be placed with Government-owned factories lacking the necessary technical manufacturing experience which may result in reducing the structural strength and effectiveness of aircraft and thereby endanger the operating personnel.

The War Department does not favor this amendment because its operations are already governed by section 5 (a) of the national defense act except as to the Air Corps, whose operations are governed by the act of July 2, 1926, and urgently recommends that it not be enacted into law.

DWIGHT F. DAVIS,
Secretary of War.

FEBRUARY 16, 1929.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: Referring to the letter dated February 12, 1929, addressed to Senator REED of Pennsylvania by the Secretary of War, commenting upon Senate amendment No. 46 to the War Department appropriation bill, and upon which you desire my comment, permit me to make the following statements:

The language contained in the national defense act of June 4, 1920, quoted in the Secretary's letter, would be satisfactory to our organization if it had been enacted subsequent to the Air Corps act of July 2, 1926. However, the Air Corps act and the department's rules and practices based thereon, excepts from the language of the national defense act, above referred to, the procurement of material for the Army Air Corps. The language of amendment No. 46 constitutes a very mild form of pressure upon the War Department to utilize to a greater extent than is at present the practice, the vast amount of equipment contained in the arsenals in which our Government has invested hundreds of millions of dollars. Inasmuch as the enforcement of the provision depends upon the "judgment of the Secretary of the War" and contains the limitations of time, facilities, and costs, the department should find no embarrassment or impossible situation in meeting the intent of the language.

The arsenals are equipped for doing a great deal of this Air Corps work. For instance, in 1925 the Rock Island Arsenal submitted an estimate for the reconditioning of 500 Liberty motors. The arsenal's estimate was $573 per motor for the first 100, and $473 per motor for the remainder. The Allison Engineering Co., of Indianapolis, Ind., bid $595 per motor for the first 100, and $488 per motor for the remainder. This was a difference of $22 per motor for the first 100, and $15 per motor for the remaining 400, in favor of the arsenal. The contract was nevertheless awarded to the Allison Engineering Co., notwithstanding the fact that the Rock Island Arsenal had previously performed this work in a satisfactory manner, both as to cost and quality of workmanship.

Notwithstanding the fact that the ordnance arsenals exist primarily for the production of ordnance, their more extensive use for peace-time requirements of the War Department has the compensating advantage of keeping intact a sizable corps of skilled workmen who, by means of a rotation system, can all acquire experience on ordnance work, even though they may work most of the time on nonordnance material. Industrial managers freely admit that it takes longer to train a skilled working force than it does to put up the buildings and install the machinery. The mere physical properties embraced within the arsenals would be of little advantage if a skilled working force which understands the art of manufacturing war materials had received no continuous training.

We submit that a skilled working force under the control of our Government in time of peace is second in importance only to a nucleus of an army and highly trained military officers maintained during times of peace.

It is unwise, in our opinion, to repose in any private industry all of the experience and facilities for carrying on a necessary part of our national defense. We feel that the War Department should have within its own control at least a certain proportion of the personnel and manufacturing facilities for the production of every instrument of national defense.

For economy reasons alone, our Government has seen fit in the past to provide itself with manufacturing plants for the production of war vessels, armor and armament, in order to prevent the formation of combinations among private concerns for enhancing the price of war materials to be purchased.

I sincerely trust that Senate amendment No. 46 will be retained in the bill.

Sincerely yours,

N. P. ALIFAS,
President District No. 44,
International Association of Machinists.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS

Mr. FRAZIER. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 303 and Senate Resolution 308. One of the resolutions provides for a continuation of the investigation being conducted by the Committee on Indian Affairs and the other provides for further appropriation of funds in the amount of $15,000. I think the consideration of the resolutions will lead to no discussion. If it shall, I will withdraw my request.

The VICE PRESIDENT. The Senator from North Dakota asks unanimous consent for the immediate consideration of a resolution which will be read.

The Chief Clerk read the resolution (S. Res. 303) submitted by Mr. FRAZIER on January 23, 1929, and reported by the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 1, line 5, to strike out "$60,000" and insert "$45,000," so as to make the resolution read:

Resolved, That the limit of expenditure to be made under authority of Senate Resolution No. 79, Seventieth Congress, agreed to February 1, 1928, providing for a general survey of the condition of Indians in the United States, is hereby increased from $30,000 to $45,000.

Mr. MCKELLAR. Mr. President, will the Senator from North Dakota explain what is proposed to be done by the resolutions?

Mr. CARAWAY. The resolutions provide for a continuation of the investigation being conducted by the Committee on Indian Affairs.

Mr. HAYDEN. Mr. President, was unanimous consent given for the consideration of the resolution?

The VICE PRESIDENT. Not as yet. The resolution has just been read, and the Senator from Tennessee has asked that it be explained.

Mr. HAYDEN. I desire to investigate as to the expenditures heretofore made, and I ask that the resolution go over.

The VICE PRESIDENT. The resolution will go over.

The Senator from North Dakota also asks unanimous consent for the consideration of Senate Resolution 308, which will be read.

The Secretary read the resolution (S. Res. 308) submitted by Mr. FRAZIER January 26, 1929, and reported by the Committee

to Audit and Control the Contingent Expenses of the Senate without amendment.

Mr. HAYDEN. Let that resolution also go over.

The VICE PRESIDENT. The resolution will go over.

ADDITIONAL JUDGE FOR SOUTH CAROLINA

Mr. BLEASE. Mr. President, some time ago there was introduced in the House of Representatives, at the request of the two Federal judges in my State and of the State bar association, a bill creating a third judge for the State of South Carolina. The reasons for the creation of that judgeship were so plain that the House Committee on the Judiciary unanimously reported the bill favorably and the House unanimously passed it. Not the slightest objection was raised.

I have three letters which I desire to read, one of them from one of the United States district attorneys in South Carolina, who is not on my side of politics, and one from each of the United States judges in my State.

I have not heard the slightest reason why an adverse report should have been made on this bill by the Committee on the Judiciary of the Senate. At the same time this bill was adversely reported there were other bills favorably reported, and which are now on the calendar, providing for the creation of several judgeships in other sections of the country. I do not see a single reason given for the creation of one of those judgeships that is any stronger than the reason given by the judges and district attorney in my State for the creation of a judgeship in South Carolina. I can not see any reason why this bill is held up with an adverse report.

I do not think I am violating any confidence when I say that the Chief Justice of the United States did me the honor the other day to call at my office and had a talk with me in regard to the judgeship matter. I shall not say any more in reference to his conversation than simply to state that he said more judges were needed. As to the reasons which he gave for his opinion, that is his own personal matter which he can make public or not as he may see fit.

My secretary has just handed me a letter from the other district attorney in my State, Mr. J. D. E. Meyer. I have not read the letter, but I will now read it to the Senate.

It is dated Charleston, S. C., February 19, and reads as follows:

I read with interest your remarks in the CONGRESSIONAL RECORD in reference to the necessity for an additional judge in South Carolina. I desire to congratulate you upon the stand which you have taken in this matter, and I desire to urge that you do everything possible to secure an additional judge for the State of South Carolina.

Owing to the fact that I am familiar with conditions existing in the eastern district of South Carolina, owing to my position as United States attorney, I desire to advise you of existing conditions. At the present time Judge Ernest F. Cochran is very greatly overworked. I might also add that litigation has so increased since I have been in the office that at the present time we frequently have to wait several months in order to hear a motion in a pending case before the judge, owing to the fact that the presiding judge simply has not the time to promptly hear all the matters which are brought to his attention. Both the number of cases and the importance of the cases have increased within the last few years. Again, several of the important cases involving very intricate questions have consumed considerable time for trial. Judge Cochran has been working consistently in an effort to dispose of the many matters brought before him, and while he never complains I feel certain that the burden placed upon him is unreasonable.

I am not in favor of creating an additional judicial district in the State of South Carolina, because I am of the opinion that to create an entirely new district would be to create additional expense, which is not warranted; and I further believe that the obtaining of jurors from the greater number of counties is more conducive to the administration of justice than it would be to obtain the jurors from a lesser number of counties. I am of the opinion that obtaining an additional judge for the State of South Carolina would be sufficient to satisfy the present needs of the State, and for that reason I am in favor of the same.

If there is any particular information which you desire, I trust that you will call upon me, and I shall be pleased to furnish the same.

Appreciating your efforts to relieve the present existing conditions in South Carolina, I am,

Respectfully,

J. D. E. MEYER,
United States Attorney.

I will also state, Mr. President, in order to show that it is not a party fight, that Mr. Meyer is not of my political faith.

In the RECORD of February 15 will be found a letter from the other district attorney, Mr. Joseph A. Tolbert, who is, by the way, not the Joe Tolbert who handles the South Carolina patronage, but is his nephew.

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY,
WESTERN DISTRICT OF SOUTH CAROLINA,
Greenville, S. C., February 2, 1929.

Hon. COLE L. BLEASE,
United States Senator, Washington, D. C.

DEAR SENATOR BLEASE: I have just received the marked copy of CONGRESSIONAL RECORD of Wednesday, January 30, 1929, and have read with considerable interest the effort now being made by you to secure the passage of a bill providing for the appointment of an additional Federal judge for South Carolina.

I certainly hope that your efforts will be successful in regard to having an additional Federal judge appointed for this State. If you can succeed in having your bill passed providing for the appointment of an additional Federal judge in this State, you will not only provide a means to improve the congested conditions of the dockets in the two United States district courts now but you will accomplish a permanent and lasting benefit for the State of South Carolina.

With kindest regards and best wishes.

As ever,

J. A. TOLBERT.

Mr. Tolbert is the other district attorney of South Carolina. This letter is from Judge Watkins:

JUDGE'S CHAMBERS, UNITED STATES DISTRICT COURT,
Anderson, S. C., February 13, 1929.

Hon. COLE L. BLEASE,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of February 8, regarding the bill for an additional judge for South Carolina, I beg to advise you that in this district the urgency for such provision has constantly increased since my former letters to you and Congressman DOMINICK. Urgent matters are being delayed in spite of every effort to dispose of them, and the growth of business, particularly of corporate enterprises in this section of the country, indicates a large and constant increase of civil business. The added activities of prohibition agents promises a considerable increase in the criminal business. As heretofore stated, I am unable to understand how the merits of the case are affected or can be determined by a comparison with other districts. The logic of such argument would necessarily be that scandalous delays and injustices to litigants in one section of the country would furnish a reason for permitting such a condition in another section. Such course would not only weaken the prestige of the courts and the confidence of the public but would also display a disregard of the obligation of the Government to furnish to every citizen that prompt redress of grievances and assertions of legal rights which unquestionably the Government owes to its citizens. I think you are already aware of the fact that the conditions in Judge Cochran's district are more acute even than in my own, and that both of us have gone to the limit of our capacity and are still doing so to meet the situation.

Yours very truly,

H. H. WATKINS,
United States District Judge.

Judge Cochran writes from Aiken, S. C., February 11, 1929:

Hon. COLEMAN L. BLEASE,
United States Senator, Washington, D. C.

MY DEAR SIR: I received your letter of the 8th instant, inquiring whether my views were the same in reference to the necessity for an additional judge for South Carolina as they were when I wrote the letters which were cited in the CONGRESSIONAL RECORD.

When called upon by the Department of Justice and by Congressman DOMINICK for the House Judiciary Committee on several occasions for my views upon this matter, I wrote them fully and sent certain data which I thought amply sustained my views. I also have in my annual reports for the judges' conference called attention to the same matter. Having on more than one occasion thus called the matter to the attention of the proper authorities, I have felt that my duty to the people of this district and persons having business in my court had been performed in that respect, and that any further suggestion on my part of the necessity for another judge would appear as if I were complaining of the burden which has been upon me for the last five years. For that reason, when the matter came up in the Senate, I did not feel like writing you or Senator SMITH, your colleague from this State, and thus appear to be obtruding my views.

Mr. President, Judge Watkins came here to Washington, and had quite a long conference back here in the President's room with the chairman of the Senate Judiciary Committee. The chairman is at liberty, of course, to make any statement he pleases about the matter; but Judge Watkins left after having seen the bill go through the House. He was not lobbying for it. He happened to be here on other business and I requested him to see and talk with the Senator from Nebraska [Mr. NORRIS], the chairman of the Judiciary Committee, about the matter. The Senator from Nebraska, of course, is at liberty, without my so stating, to make any statement he pleases in reference to Judge Watkins's conversation with him.

Still reading:

However, since you have made the inquiry, I have no hesitation in saying that my views have not changed and that I am more than ever convinced that there is a real necessity that I receive some assistance if those having business in this court are to receive the consideration that they are entitled to under the law. The last report of the Attorney General will give you the figures of the number of cases, etc., for the fiscal year ending June 30, 1928; but, as I have had occasion more than once to say, mere figures are misleading. The question is the nature of the work and the time required for study and consideration. At the end of the last fiscal year I had the clerk prepare a synopsis of the contested matters which required hearing, study, and consideration, and I inclose you a copy of it. I think you will agree with me that this shows that there is more work than one man ought to be required to do; and this does not take into consideration the large amount of administrative and routine business which requires, of course, a great deal of time. As to the number of opinions filed by me during the year, a word of explanation should be made, in order that the figures may not be misunderstood. You will find that I filed 63 opinions altogether. Twenty-four of these opinions, while they required some consideration, were not of such a serious nature; but 39 of them were cases and matters involving serious study and consideration and required considerable time.

One difficulty in this district is the large number of contested matters, and especially the criminal jury trials. You will no doubt recall that last January I tried one criminal case which took a little over five weeks.

That case, Mr. President, could have been saved if the Committee on Banking and Currency of the Senate had reported a resolution that was offered here for the purpose of looking into the conditions of the farm loan land bank in Columbia, S. C.; but they saw fit not to do that, and now I will give you the situation.

This case took five weeks to try. They had a case down there growing out of the same transaction. Judge Cochran disqualified himself of his own motion in a way. A motion was made to get another judge, and Judge Cochran did not think the grounds were sufficient; but, rather than be embarrassed, he himself asked to have another judge sent to the State to try the case. They sent Judge Hayes, of North Carolina. Judge Hayes went down there, I think, in December; heard some preliminary motions of different kinds, postponed the case for a while, and went back to North Carolina. That case is still pending. The judge has been sick; the witnesses have been sick, or some other excuse has been offered, and that case is still open. Judge Hayes has not yet been able to dispose of it, and no man can tell to-day when he will be able to dispose of it, for the very reason I have just stated.

Reading on in Judge Cochran's letter:

There are other cases growing out of those same transactions which will take a number of weeks for trial. Of course, we hope that such long cases are not likely to occur again in the near future; but the fact remains that the nature of both the criminal and civil business is now such that it requires more time for the disposition thereof than formerly.

There was a slight decrease in the civil business last year, and a slight increase in the criminal business; but since the last fiscal year there has been a tremendous increase in the criminal business, and the volume of civil business continues to be steady. The figures since the last fiscal year are not yet available.

Owing to economic conditions and other factors, the situation in this district is somewhat peculiar. I have very definite views as to the causes of this peculiar situation; but it would unduly expand this letter for me to undertake to set forth these matters in detail. My view is that the situation can not continue indefinitely without serious prejudice to the public interests, and that some steps should be taken in the near future to relieve the present embarrassing condition.

Respectfully,

ERNEST F. COCHRAN,
United States District Judge.

Along with that he sends this:

SYNOPSIS OF OPINIONS, DECREES WITHOUT OPINIONS, JURY TRIALS, ETC., EASTERN DISTRICT OF SOUTH CAROLINA, DURING FISCAL YEAR ENDING JUNE 30, 1928

By Judge Cochran

Opinions (nonjury cases) in law, equity, admiralty, and bankruptcy	63
Decrees and judgments (nonjury cases) requiring consideration, but rendered without opinion:	
Law	11
Equity	14
Admiralty	6
Bankrupty	72
Total	103
Civil jury trials	31
Criminal jury trials	54
Total	85

The foregoing does not include routine orders on motions, rules to show cause, dismissals, nonsuits, judgments by default, pleas of guilty, or any routine hearings or business.

By Judge Hale

Opinions	7
Decrees without opinion	6
Other cases disposed of by Judge Hale	17
Total	30

Mr. President, there is your condition. Judge Hale, a very able judge, who pleased the people down there very much indeed with his rulings and fairness in administering justice in the courts, and Judge Hayes of North Carolina—those two judges within the last few months have had to be called into the State of South Carolina to relieve this condition. It is not a condition that I set out, because I do not know anything about it personally. It is not a condition that our delegation in Congress set out, because they know very little of it personally; but it is a condition set out by the two United States district attorneys of the State of South Carolina and by the two Federal judges of the State of South Carolina.

I want to ask the Senate, in all fairness, who knows the most about conditions in that State—the two judges who sit there on the bench every day, and the two district attorneys who sit there and transact the business every day, or men who never have been inside the State of South Carolina, and who do not even know how court is conducted down there, and who have never seen any history of the dockets except what they get from the records up here?

Why should New York have five more judges? Why should South Dakota have another judge? Why should Pennsylvania have another judge? Why should the ninth judicial circuit have another judge? Why should the tenth judicial circuit be divided into two parts? Florida got a new judge here the other day. Some other States have gotten new judges. We have been asked to create 11 judgeships recently, and the State of South Carolina is the only State in the American Union for which the Judiciary Committee has refused to recommend an additional judge, and that in the face of a request from two Republican district attorneys and a Republican United States judge.

It is not a Democratic fight. I do not know who will be appointed judge. I do not know who will be applicants for the office. I know one man who will not be an applicant for it and will not be appointed, and that is the man who is making the fight now on this floor for that judgeship. But the judgeship has been requested. It is not to create a job for somebody. As I say, I do not even know who will be the candidates for it; and if I have anything to say about who shall be appointed I shall, so far as my influence goes, help the man to get it who I believe is the most competent and the most qualified man for it. That is my position in this matter.

I do not want to object to any other State having the judges it needs; I do not like to be put in that position at all, especially when the great man who sits at the head of the judiciary in this country states that more judges are needed, a man whom I have admired since I first read of him, in whose home I have had the honor of being entertained, a man who I know is of the highest character and honor and the essence of truth itself.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from South Carolina yield to the Senator from Utah?

Mr. BLEASE. I yield.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I ask that the action of the House on the Interior Department appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WALSH of Montana. Mr. President, the Senator from Utah [Mr. SMOOT], when this matter was last before the Senate, moved that the Senate recede from its amendment numbered 39. I offer as a substitute for that motion the following:

That the Senate recede from amendment numbered 39 to H. R. 15089, with an amendment as follows:

"In lieu of the matter proposed to be stricken out by the Senate insert the following:

"'or, as to any privately owned lands as are not now occupied exclusively for residence, hotel, or religious purposes, by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302,

sec. 257), whenever, in the opinion of the Secretary of the Interior, acquisition by condemnation proceedings is necessary or advantageous to the Government.'"

That will give the authority to condemn all lands within any of the parks except those occupied for the purposes specified.

Mr. SMOOT. I am perfectly willing to accept the amendment offered by the Senator from Montana.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. HARRIS rose.

Mr. BLEASE. It seems that the Senator from Georgia [Mr. HARRIS] has a matter he wants to have taken up——

Mr. HARRIS. I will wait.

Mr. BLEASE. Just a moment. In order not to be in anybody's way, I shall finish my speech at a later hour in the day.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] is recognized.

Mr. DILL. Mr. President, I want to ask the Senator a question.

Mr. SMOOT. I yield.

Mr. DILL. If the amendment of the Senator from Montana is accepted by the Senate, and it should be accepted by the House, would that mean that ground owned by private parties in the park would be subject to condemnation also?

Mr. SMOOT. Yes; if the property is not a home, or is not used for religious or hotel purposes.

Mr. DILL. Suppose the parties owned mining property.

Mr. WALSH of Montana. It would be subject to condemnation.

Mr. SMOOT. Yes; that would be subject to condemnation.

Mr. COPELAND. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. I yield.

Mr. COPELAND. I have privately asked a question of the Senator from Montana, and he answered the question satisfactorily, and I think the Senate should have the benefit of the answer. In my mail I have had a great many letters from persons interested in conservation, interested particularly in the big trees. They have been very much disturbed lest the legislation should be in such form that those trees could be destroyed. May I ask the Senator in charge of the legislation whether we would have protection against that? Is the legislation in such form, if it is enacted, that those trees can be spared, if it is the wish of the Government to save them?

Mr. SMOOT. If this amendment is agreed to, the Government will have complete authority to condemn any timberlands in any part of the United States.

Mr. COPELAND. Does the Senator from Montana take the same view?

Mr. WALSH of Montana. I do. Moreover, Mr. President, because the Senator has referred to the many letters exciting the public lest the big trees in California should suffer if this legislation should not be enacted, I desire to say that I put into the RECORD some 10 days ago a telegram from the owners of the timberlands in the Yosemite National Park, indicating that they have no purpose whatever to cut, at least not earlier than May, 1930.

Moreover, I then proposed, as I indicated yesterday, that it would not be objectionable to me if the provisions concerning condemnation, in view of the fact that there was no opposition offered by the Senators from California, be applied to the Yosemite. That was rejected. I then agreed that the condemnation proceedings should be applied to any lands in any of the parks valuable for the timber upon them, and that was rejected. Now, I propose that the condemnation provision be made applicable to any lands in any of the parks except those that are occupied as homes, or for religious or hotel purposes.

Mr. COPELAND. I think the answer is very conclusive, and should be satisfactory to persons interested in this problem; but I would like to ask the Senator one more question. Is it intended that the Government shall proceed to make condemnation to protect the big trees?

Mr. SMOOT. Wherever necessary, that is what they are going to do.

Mr. McKELLAR. Do I understand from the Senator from Montana that the amendment he now suggests has been agreed to?

Mr. WALSH of Montana. No.

Mr. McKELLAR. I mean, has it been agreed to by the committee?

Mr. SMOOT. Yes.

Mr. WALSH of Montana. The Senator refers to the conferees?

Mr. McKELLAR. Has it been agreed to by the Senate conferees?

Mr. SMOOT. Yes.

Mr. DILL. Mr. President, I wonder whether the Senator from Montana and the Senator from Utah——

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state his inquiry.

Mr. FESS. My inquiry is in the interest of regular procedure—how we can recede with an amendment?

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that the motion made by the Senator from Montana is not in order. Only one motion can be made which has a dual aspect—that is, a motion to recede and a motion to ask for a further conference. That is the ruling of the present occupant of the chair.

Mr. WALSH of Montana. Mr. President, that ruling would equally apply, I take it, to the motion of the Senator from Utah, then.

The PRESIDING OFFICER. The motion of the Senator from Utah is in the usual form, as the Chair caught it. The Senator from Montana offered an amendment in the nature of a substitute which suggests legislation over which the Senate and the House have lost control by referring the disagreement between the Houses to a committee of conference.

Mr. WALSH of Montana. I ask unanimous consent for leave to present the motion.

Mr. SMOOT. I hope that leave will be granted.

The PRESIDING OFFICER. Is there objection to the unanimous consent requested by the Senator from Montana? The Chair hears none.

Mr. DILL. Now I want to ask a question. Will the Senator yield?

Mr. SMOOT. I yield.

Mr. DILL. Would the Senator be willing to include in the motion mining properties owned in the parks?

Mr. WALSH of Montana. My judgment is that it would be useless to do that. We might as well stand where we are.

Mr. DILL. These mining properties, it seems to me, are of very indefinite value, necessarily, and it would seem unnecessary that condemnation proceedings should be carried on. On the other hand, this seems to me a rather broad power to give the Secretary.

Mr. SMOOT. It is the same power the Government has in respect of the condemnation of other property.

Mr. WALSH of Montana. I fully agree with the Senator from Washington, but we are confronted with this situation, and I am willing that this amendment should be made.

Mr. DILL. I have been supporting the Senator from Montana in this matter because I believe he is absolutely right in it, and I am not disposed to interpose any objection at this time, but I think it is a bad legislative practice to enact laws giving the Secretary of the Interior power to condemn all kinds of property, including mining claims legitimately held in the parks.

Mr. WALSH of Montana. The Senator is quite right, and the power is more tyrannical when it is exercised, or authority is given to exercise it, with reference to homesteads and other property of that character acquired as homes of the people.

Mr. OVERMAN. Mr. President, may I ask the Senator from Utah a question to see if I heard him correctly?

Mr. SMOOT. Certainly.

Mr. OVERMAN. The Senator stated that under this legislation the Secretary of the Interior would have the right to condemn lands anywhere in the United States. Did he mean what he said?

Mr. SMOOT. I misunderstood the question. I simply meant to say that if the conference report were agreed to, the Secretary would have the same power to condemn lands within forest reserves——

Mr. OVERMAN. Oh, the Senator confines it to forest reserves?

Mr. SMOOT. I thought that was what the Senator asked me.

Mr. OVERMAN. Mr. President, I do not like this manner of proceeding. It is a bad precedent. The usual practice is to concur or not to concur. Nonconcurrence sends a report back to the conference committee, and if that were done in this case, the suggestion of the Senator from Montana [Mr. WALSH] by his amendment would be considered by the conference committee.

The PRESIDING OFFICER. That was the ruling of the present occupant of the chair.

Mr. OVERMAN. That was the ruling, and it is the practice to which we have always adhered. If we take this action we will set a precedent that will certainly come back to curse us. I hope the Senator will not insist on his amendment, but that

the conference committee will take up the suggestion of the Senator from Montana and consider it.

Mr. WALSH of Montana. Mr. President, I drafted it in the first place in the form of an instruction to the conference committee. It was suggested to me, however, that that might be out of order. Perhaps the present occupant of the chair would take the view established by some precedents that instructions can be given to a conference committee. May I ask the present occupant of the chair what is his view about that?

The PRESIDING OFFICER. However that may be, inasmuch as we are working under a unanimous-consent agreement, the question now is on the adoption of the amendment offered by the Senator from Montana.

Mr. WALSH of Montana. I desire to submit, before the matter is closed, a joint resolution of the Legislative Assembly of the State of Montana protesting against the legislation as it now stands in the House text, and approving of the amendment adopted by the Senate, which I ask to have printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the following is a true and correct copy of an act entitled Senate Joint Resolution 1, by Pauline, enacted by the twenty-first session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 12th day of February, 1929.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 14th day of February, A. D. 1929.

[SEAL.] W. E. HARMON,
Secretary of State.

Senate Joint Resolution 1

Whereas exclusive jurisdiction was ceded to the United States over and within all territory included in, or thereafter to be included in, that tract of land in the State of Montana, set aside by an act of Congress approved May 11, 1910, for the purposes of a national park, to be known as Glacier National Park; and

Whereas exclusive jurisdiction over said territory was ceded to the United States, reserving to the State of Montana the right to tax persons and corporations, their franchises and property included in said tract; and

Whereas the said Glacier National Park, at the time it was so ceded to the Government of the United States, included within its boundaries the homes of many of the citizens of the State of Montana, and their property, by means of which said citizens obtain their livelihood; and

Whereas it, the said Glacier National Park, contains property from which revenue is now being obtained by the State of Montana, and by several of its counties; and

Whereas the said Glacier National Park was established and jurisdiction thereof accepted by the Government of the United States, with full knowledge of such conditions, such property rights and such rights of the State of Montana, and its several counties, to obtain taxation revenue therefrom; and

Whereas it has come to the attention of the Legislative Assembly of the State of Montana, that there has been introduced in the National Congress a bill for an act the purpose of which is to provide for the taking of such property, by eminent domain, by the appropriate arm of the Government of the United States; and

Whereas the loss by the citizens of the State of Montana of their homes above described, and the loss of the property by means of which such citizens obtain their livelihood, and the loss of such right of taxation, above set forth, to the State of Montana and its several counties, can not be compensated by payment of the value of such property; Now therefore be it

Resolved by the Legislative Assembly of the State of Montana, That we do respectively protest against the enactment of such a law by the National Congress, in that its enactment would enable agents of the Government of the United States, to perpetrate a breach of faith on the part of such Government, with the State of Montana, and with individual citizens thereof; and direct that copies of this resolution be forwarded by the secretary of State to the President of the United States, and to the Representatives and Senators of the State of Montana in Congress.

Approved by J. E. Erickson, governor, February 12, 1929.

Mr. WALSH of Montana. Mr. President, likewise I want to submit section 3 of the act to establish a National Park Service, as follows:

That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this act shall be punished as provided for in section 50 of the act entitled "An act to codify and amend the penal laws of the United States."

Thus by the cession of jurisdiction to the National Government over these parks the Secretary of the Interior is made the absolute autocrat of them. He is the lawgiver for these parks. He has the same power to make rules and regulations that the Congress of the United States has, as a State legislature would have, as a municipal council would have. He may make all necessary rules and regulations for the Government of the parks, and he has proceeded to do so, and among others he has made the following rule:

No person, firm, or corporation shall reside permanently, engage in any business, or erect buildings in the park without permission in writing from the Director of the National Park Service, Washington, D. C.

I refer to this for the reason that some support for the legislation is asked upon the claim that there are buildings in the park that are offensive, and that ought not to be there. The Secretary of the Interior already has full power to prescribe all necessary rules and regulations for the construction of buildings in the park and to prescribe the use to which they shall be put, or to limit the use.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered as a substitute by the Senator from Montana.

Mr. BRATTON. Mr. President, may the substitute be read?

The PRESIDING OFFICER. The clerk will read the proposed substitute.

The amendment was read, as follows:

or as to any such privately owned lands as are not now occupied exclusively for residence, hotel, or religious purposes, by condemnation under the provisions of the act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever, in the opinion of the Secretary of the Interior, acquisition by condemnation proceedings is necessary or advantageous to the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana in the nature of a substitute.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I would like to have noted in my remarks in this connection the fact that I have received telegrams from the Boone and Crockett Club, the New York Zoological Society, Mr. Charles Frederick Carter, and others, expressing anxiety regarding the preservation of the big trees.

SIMON A. RICHARDSON

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9168) for the relief of Simon A. Richardson, reported it without amendment and submitted a report (No. 1850) thereon.

Mr. SIMMONS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 9168, which has just been favorably reported by the Senator from Virginia [Mr. SWANSON]. There will be no debate upon it, I am sure.

Mr. HALE. If there will be no debate, I shall not object.

Mr. SIMMONS. There will be no debate whatever. It is a very small bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9168) for the relief of Simon A. Richardson, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Simon A. Richardson, who enlisted in the Navy July 26, 1898, shall hereafter be held and considered to have enlisted on the 26th day of May, 1898: *Provided,* That no back pay, pension, bounty, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. HALE. Mr. President, I ask that the formal reading of the bill be dispensed with, that the Senate proceed to the consideration of amendments, and that committee amendments be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. KING. I object.

The PRESIDING OFFICER. Objection being made, the clerk will read the bill.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. If a Senator has the floor and yields for the submission of a conference report, does he thereby lose the floor?

The PRESIDING OFFICER. Following general debate he does. The Senator from South Carolina yielded the floor and general debate ensued. The Senator thereby lost all right to the floor until again recognized by the Chair. The clerk will proceed with the reading of the bill.

The legislative clerk proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the subhead "Naval Reserve," on page 10, line 23, after the word "duties," to strike out "$4,697,931" and insert "$4,750,000"; in line 24, after the word "than," to strike out "$160,000" and insert "$180,000"; and on page 11, line 4, after the word "than," to strike out "$859,875" and insert "$882,931," so as to make the paragraph read:

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve, and pay, allowances, and subsistence of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of drills or other equivalent instruction or duty, or appropriate duties, and administrative duties, $4,750,000, of which amount not more than $180,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage, not more than $78,011 shall be available for clerical and messenger services for Naval Reserve administration in naval stations and districts for the fiscal year ending June 30, 1930, not more than $882,931 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than $754,816 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve.

Mr. HARRISON. Mr. President, will the Senator from Maine give us some explanation of the amendment on page 10, line 23?

Mr. SWANSON. Mr. President, does not the reading of the bill have to be completed first?

The PRESIDING OFFICER. The Chair holds that committee amendments are in order whenever they are reached.

Mr. HARRISON. I just noticed the proposed increase in the appropriation, and I thought perhaps the Senator from Maine might want to make some explanation.

Mr. HALE. The Senator wants some explanation of the amendment?

Mr. HARRISON. Yes.

Mr. HALE. The amendment to which the Senator refers appears on page 10, line 23, of the bill. It adds $52,069 to the House figures. Of this amount, $20,000 is for a merchant-marine reserve and $32,069 to provide for the training of aviators in the Naval Reserve who are 35 years old and over. The provision for the merchant-marine reserve is to provide a course of instruction for members of the reserve which, under the Naval Reserve law was organized and started, but no provision has been made for paying them. There is no such provision in this bill. All the amendment does is to provide a course of instruction for them. That is taken care of by the $20,000 increase in the appropriation.

The second item is to take care of the training of aviators in the Naval Reserve who are 35 years of age and over. The committee heard from the Assistant Secretary of the Navy for the Air, Mr. Warner, and from the Secretary of the Navy on this matter, and they both emphasized the importance of not cutting off these aviators at the age of 35. I may say that in the British Navy a man is not allowed to retire from flying until he reaches the age of 48 unless for some physical defect. Many of our best flying officers in the Navy are over the age of 35. There are 26 of these officers in the reserve, and it was considered by the committee advisable to give them the practice in flying.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 22, page 16, the last clause read being as follows:

BUREAU OF ENGINEERING

ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work; payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; in all, $19,686,300, and, in addition, the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to make transfers during the fiscal years 1929 and 1930 from the naval supply account fund to the appropriations "Engineering, Bureau of Engineering, fiscal years 1929 and 1930," and "Construction and Repair, Bureau of Construction and Repair, fiscal years 1929 and 1930," of sums not to exceed in the aggregate $1,500,000, to be available exclusively for the procurement and installation of new tools and machinery for shops under the cognizance of the Bureau of Engineering and Construction and Repair: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and naval material for the fiscal year ending June 30, 1930, shall not exceed $1,715,000.

Mr. KING. Mr. President, I should like to ask the chairman of the Committee on Naval Affairs whether, under the heading of Bureau of Engineering and out of the sum of $19,686,300, any part of the expenditures incident to modernizing the *Oklahoma* and any other naval vessel is included, or is the appropriation for the Bureau of Engineering wholly independent of the amount required for that purpose?

Mr. HALE. This appropriation is for the general work of the Bureau of Engineering of the Navy. The item of new construction comes under a different heading in the appropriation bill as does also the appropriation for major alterations of naval vessels.

Mr. KING. Then this $19,000,000-plus appropriation for the Bureau of Engineering does not include the amount necessary for the repair or the modernizing of some of the existing battleships?

Mr. HALE. No; it is simply for the general engineering work of the Navy for the ensuing fiscal year.

Mr. KING. Does the Senator from Maine know the amount carried by other appropriation bills for the Navy for the next fiscal year? What I mean is this: This appropriation bill carries three hundred and forty-odd million dollars, and in addition we have passed other appropriation bills for the Navy. The question I am asking is, Can the Senator advise us as to the entire cost of the Navy for the next fiscal year?

Mr. HALE. Does the Senator from Utah refer to the deficiency bills? We shall have a further deficiency bill this year which will include certain items that we know about at the present time. For instance, the other day the Senate passed a bill providing for the modernization of the *Arizona* and the *Pennsylvania*. That bill has not yet been signed by the President. In regulating the personnel of the Navy for the coming year it is really necessary that the bill should become a law, so that the men who are on those ships may be released and may take their places on the *Oklahoma* and *Nevada*, which are now undergoing repairs. The deficiency bill will, in all probability, if the President signs it, carry an appropriation taking care of that matter. Then, we know that there will be certain deficiencies to take care of the marines in Nicaragua and in China.

Mr. KING. And also in Haiti?

Mr. HALE. No; I do not think there will be any deficiency for taking care of the marines in Haiti.

Mr. KING. Does this bill carry an appropriation for the maintenance of marines in Haiti?

Mr. HALE. The bill carries appropriations for the maintenance of the marines everywhere except the additional cost for the special missions in Nicaragua and in China. It does include the appropriation for the marines in Haiti.

Mr. KING. I hope the Senator will pardon me if I refer again to the question which I propounded in good faith and because of a desire to learn just what the appropriations will be for the next fiscal year for the Navy. This bill as passed by the House carries an appropriation of $347,750,448. The Senate has added to the bill $12,962,069.

Mr. HALE. That is correct.

Mr. KING. So that the amount of the bill as reported to the Senate is $360,716,517?

Mr. HALE. That is correct.

Mr. KING. As I recall, we passed for the Navy two bills within the past month which carried, as I remember, considerably over $20,000,000.

Mr. HALE. Those were bills merely authorizing expenditures.

Mr. KING. They were authorizations.

Mr. HALE. I will explain to the Senator that the money to take care of those authorizations will be provided in the deficiency bill. A small amount does appear in this bill for the *Nevada* and the *Oklahoma*. As the Senator will remember, we increased the limit of cost of the modernization of those vessels by, I think, $450,000. That item does appear in this bill, but, so far as the additions which may come during the fiscal year 1930 are concerned, I can not tell the Senator at the present time what they will be, because they will come on the deficiency bill, and, of course, no one can estimate what they will be. The deficiencies last year, as I recall, amounted to approximately $30,000,000, and this year they are very much less than that.

Mr. KING. The Senator is always very frank and does not conceal any rather unpleasant conditions as affecting some of these bills—unpleasant because of the enormous appropriations involved. Does not the Senator think that the $360,000,000 which is carried in this bill will be augmented by at least from twenty-five to forty million dollars in deficiency bills before the expenses of the Navy for 1930 shall have been met?

Mr. HALE. I can not tell anything about that any more than the Senator can. I suppose there will be some deficiencies; but I know of no particular deficiencies that are expected at the present time.

Mr. KING. What does the Senator think will be the aggregate for the Navy that will be appropriated before we adjourn in the deficiency bills that will be reported?

Mr. HALE. As I have said, if we take care of the *Arizona* and *Pennsylvania* in full, that will amount to about $14,500,000; and the deficiency appropriation for the expenses of the marines in Nicaragua and China will be about $3,600,000. Then, I think, there is a matter of about $1,000,000 to take care of the submarine safety devices recommended by the commission appointed by the President. Those figures, however, I have not as yet received. I know of no other large figures that are coming in.

Mr. KING. Then the expenditures for the Navy——

Mr. HALE. Those expenditures, of course, would come on the appropriations for the current year rather than the appropriations for next year. They would have to be added to the 1929 bill.

Mr. KING. That is in the deficiency bill which is coming now?

Mr. HALE. Yes; that is the second deficiency bill.

Mr. KING. Does the Senator have in mind the appropriations which were made for the Navy for the fiscal year 1929?

Mr. HALE. The Senator will see on the report that the appropriations for 1929 were $362,345,812.

Mr. KING. Then the appropriations that will be carried in the deficiency bill will be properly chargeable to last year?

Mr. HALE. To last year.

Mr. KING. So that that would swell the appropriations for 1929 to more than $375,000,000?

Mr. HALE. Yes; if they are so added. Of course, I can not tell whether the President will sign the bill that is now before him authorizing the modernization of the *Arizona* and the *Pennsylvania*.

Mr. KING. The President having signed the cruiser bill, it is quite evident that he will sign the measure to which the Senator refers; and I regret to say, judging from the example just referred to, that other measures that are subject to criticism as militaristic seem to meet with legislative and Executive approval. An appropriation in peace times of $380,000,000—it will be more than that—for the fiscal year ending June 30 of this year for the ordinary expenses of the Navy is something which ought to excite the curiosity, if not the interest, of the American people. We are loud in our declarations for peace. Many of our preachers, public writers, and Senators proclaim with fervor and vehemence that we are a peace-loving nation. To exemplify our love for peace we proceed to appropriate for the fiscal year 1929 nearly $800,000,000 for the ordinary expenses of the Army and Navy. When this fact is mentioned the reply is made, "This is the richest and most powerful nation in the world and $800,000,000 are unimportant." For the fiscal year 1930 it is certain that the military and naval appropriations will exceed this stupendous sum. Perhaps they will aggregate $850,000,000 for the Army and the Navy. And this when we are at peace with the world and we claim to be the apostle and evangel of peace and have just signed a treaty renouncing war and solemnly declaring that we will settle all disputes by pacific means. The United States should carry the message of international good will to all nations. It should be the crusader for the abolition of war and the reduction of armaments. The world needs a great moral leader. The hour is ripe for such leadership. This Nation, because of its influence and power, its freedom from domestic controversies, its immunity from assaults from without, its assured safety and progress—its invulnerable position—should set the example for peace—and be worthy to wear the crown of moral and spiritual leadership in all the world.

When we hear the claims so often made in our country of the devotion of the United States to peace, and then hear the strident cries for hundreds of millions for military purposes, we may expect that there will arise a feeling among some people as to our sincerity, and that our course will awaken skepticism as to the purposes of the United States and lead other nations to larger expenditures for "military preparedness."

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. HARRISON. The Senator has given a great deal of study to the naval bill as well as all other measures that carry appropriations in Congress. I am very much interested in what the Senator is saying. As I caught the figures, the naval appropriations this year will amount to about $380,000,000.

Mr. KING. Does the Senator mean for the fiscal year 1929?

Mr. HARRISON. For the fiscal year 1929.

Mr. KING. At least that amount.

Mr. HARRISON. How much were they for the fiscal year 1928?

Mr. KING. Will the Senator permit me to call attention to the figures for a number of years?

Mr. HALE. Mr. President, I can give the Senator the figures for 1928. The figures for 1928 were $318,131,957, and there was a deficiency that year of about $30,000,000.

Mr. KING. If the Senator wants to be accurate—and I know he does—the appropriations for the Navy for the fiscal year 1928 were $344,771,626.22, and that does not include subsequent appropriations authorized during that year.

Mr. HALE. I have given the figures that were given to me by the Navy Department.

Mr. HARRISON. How much were they for the preceding year, 1927?

Mr. KING. I do not desire any controversy with my friend from Maine. The Senator stated that he gave the figures, but that there were deficiencies following. That would account for the differences between the figures submitted by him and those stated by me.

Mr. HALE. The figures were very nearly the same.

Mr. KING. So that the figures which I have obtained from an examination of the records confirm the accuracy of what I said, that the appropriations for the Navy for the fiscal year 1928 were $344,771,626.22.

Mr. HARRISON. That was for 1928?

Mr. KING. 1928.

Mr. HARRISON. Has the Senator the figures for 1927?

Mr. KING. Yes; $324,917,575, but there were deficiencies which increased this amount.

Mr. HARRISON. So, really, they have been going up since 1928.

Mr. HALE. In that case, Mr. President, my figures show a little larger amount—three hundred and twenty-two million and odd thousand dollars for the appropriation bill, and $2,087,654.99 for the deficiency bill.

Mr. HARRISON. May I ask the Senator, on the basis of the estimate, what will be approximately the appropriations for 1930 and 1931 with this new program adopted?

Mr. HALE. It is impossible to tell what they will be for 1931, Mr. President. The report shows what the estimates are for this year—$361,465,132.

Mr. HARRISON. Well, they will be larger, will they? It is natural to assume that they will be larger in 1930 than in 1929, and larger in 1931 than in 1930, with this cruiser program.

Mr. HALE. I should say they would be larger; yes. We have done very little under increase of the Navy for replacement of ships during the last few years. Of course, that will come now in the next few years. There must be large expenditures for that purpose in the near future.

Mr. HARRISON. So that bears out the statement the Senator from Utah is making, that we are climbing up in our appropriations for the Navy?

Mr. HALE. Yes; but I think the Senator should realize that a large part of that increase is due to the fact that we have developed a new branch of the Navy—the air branch of the Navy—and that we are now spending on direct appropriations for that branch about $31,000,000, and for indirect appropriations, including the hire of the men, and so forth, very nearly $20,000,000 more; so that is really $50,000,000 that has been added to what we formerly spent.

Mr. KING. Mr. President, the Senator knows that there is no diminution in the number of the personnel of the Navy, no reduction in the number of officers or enlisted men. The Senator also knows that there is no decrease in the number of naval bases, yards, and stations maintained by the Government. It is a notorious fact that we are maintaining many bases, navy yards, and stations that are wholly unnecessary. But political and other pressure preserves them, though their cost is millions of dollars annually. This is pure waste. As a matter of fact, the Senator will agree with me that the cruiser bill which was passed a few days ago will involve the outlay of millions and perhaps tens of millions of dollars for improvements upon yards and docks, naval bases and stations, and for the purchase of equipment in order to construct the new cruisers and to repair the various vessels belonging to the Navy.

Mr. HALE. No, Mr. President, I do not agree with the Senator about that. The outlay for fixing up the yards to take care of these ships is very small. These ships will be built in yards where we already have the ways, and the total cost of fixing up the ways is, I believe, somewhat under $2,000,000. We are spending now a certain amount provided by this bill for fixing up shops and other facilities in the yards.

Mr. KING. The Senator can not contend that with the construction of 15 new cruisers, a large number of which are to be built by the Government, additional expenditures will not be called for in order to prepare the necessary navy yards, ways, and shops, and acquire machinery for their construction.

Mr. HALE. One of the reasons why the Committee on Naval Affairs was in favor of having the ships built in the yards was that there were facilities there which were not being used, and now those facilities will be used in the construction of these ships.

Mr. KING. Mr. President, notwithstanding the observations of my friend—who desires to be and usually is exceedingly accurate—I have no doubt that we will be called upon if the 15 cruisers are constructed to build additional yards or greatly improve those now owned by the United States and to improve the machinery and the appliances needed in ship construction.

Mr. HALE. A certain amount will be needed for that purpose.

Mr. KING. So, Mr. President, the expenditures for the fiscal year 1930, concerning which the Senator from Mississippi inquired, are still in nubibus. We do not know what they will be. We know that this bill carries appropriations of the amount which I stated a moment ago—$360,712,517. We know that the deficiency bill which will be reported before adjournment will carry $20,000,000, or thereabouts. We also know that after such deficiency bill has been passed there will be other expenditures or contingent liabilities that will accrue which will be chargeable to this fiscal year, and there will be large deficiencies that will have to be met, incurred in the fiscal year 1930. It is impossible even to hazard a guess as to what the costs of the Navy will be for the fiscal year ending June 30, 1930; and no one can predict, with this navalistic spirit which is flagellating the people, what the expenses of the Navy will be for the fiscal year 1931. The expenses are increasing and if the present policy is pursued, it is certain that within the next few years the requirements for the Army and the Navy will annually exceed $1,000,000,000.

Mr. President, we only know that we are embarking upon a tempestuous sea, whipped by propaganda from naval and military officers, including the Secretary of the Navy, the Secretary of War, and others who are interesting themselves in securing enormous appropriations for so-called "preparedness."

A few months ago the Secretary of the Navy and representatives of the Naval Board appeared before the House Committee on Appropriations dealing with naval affairs, and urged authorizations and appropriations for 71 new naval craft, the cost of which would have been, directly and indirectly, approximately $1,000,000,000. The Secretary of the Navy was frank enough, during the course of his testimony, to admit that he envisioned a program which would cost within a few years more than $2,500,000,000 for naval construction. He did not include in this stupendous sum the usual and ordinary expenses of the Navy, which are mounting higher and higher each year, and which this year will be between $380,000,000 and $400,000,000.

I recall that the present chairman of the House committee during the hearings suggested that the 71 naval vessels which were demanded by the Secretary of the Navy and the Naval Board were merely a "starter" for naval construction. Seventy-one new naval vessels, costing approximately $1,000,000,000, were to be only a "starter" in naval construction!

The chairman of the Committee on Naval Affairs of the Senate in an address delivered last spring stated that we would soon be called upon to appropriate at least $60,000,000 annually for replacements, and that was, of course, in addition to the appropriations which were sought for the new cruisers and other naval craft.

We will soon be told that the battleships are obsolete. We hear the echoes now that they are obsolescent, and when they become obsolete hundreds of millions will be demanded for the construction of new battleships. The mounting costs of naval vessels should arouse the attention of the country. A few years ago a battleship cost a few million dollars. They now cost between forty and fifty million dollars, and plans were drawn for some which would cost $75,000,000 each.

What is to be the end of this naval spirit and these enormous demands for naval appropriations? What will be the amount demanded from the taxpayers of the United States to meet the demands of the bellofists who are flagellating the people and telling them that our security is menaced and the life of the Nation is in danger. The Presiding Officer looks a little incredulous when I use the word "bellofists." The word "pacifist" is on the lips of some. The Latin word for "peace" is embraced within the word "pacifist." There is a Latin word "bellum." Why not "bellofist"? There are bellofists in the world—shall we not say some in the United States—who are nervously and excitedly interested in securing not only four hundred million annually for the ordinary expenses of the Navy but stupendous additional sums for new naval construction.

Yet, as I said, this is a peaceful Nation, and we boast that we are the leaders in spiritual thought, that we wear the crown of moral and ethical primacy among the nations of the world. We evidence our devotion to peace by having carried on during the past two years the most extensive propaganda for naval and military expenses that has ever occurred in peace times in the United States. Officers of the Army and the Navy have visited all parts of the United States during this period and addressed organizations and gatherings of every character. They have advocated what they called "preparedness" and urged large appropriations both for the Army and the Navy. And other propagandists have added to the flame that has burned fiercely throughout this land.

Mr. President, there have been repercussions in the United States of a military character that must be disappointing to those who believe in international peace and good will, in international fellowship that binds nations together, in order that they may march side by side toward the illuminated heights of peace, where there will be found economic, industrial, and political freedom.

The Senator from Mississippi [Mr. HARRISON] asked what the naval appropriations were for 1928. They are more than $344,000,000 for that year. For 1929 they will be as I stated, more than $380,000,000. For 1930 they will be more than $400,000,000. For 1931, with this progressive ratio maintained, they will be $450,000,000 or more. And if a program for battleships and other naval craft replacements is to be inaugurated, then the costs will be much greater.

In 1922 the naval appropriations amounted to more than $410,000,000, but a considerable part of this amount was to meet obligations incurred during the war. There were "hangover" obligations resulting from war contracts, some of which were rescinded or abrogated after the war. In 1923, after those contracts had been met and the obligations chargeable to the Navy, which were incurred during the war, had been discharged, the ordinary expenses of the Navy were $302,873,000. In 1924 they began to rise, and amounted to $330,000,000 plus for the ordinary expenses of the Navy. In 1925 there was a slight reduction, the appropriations amounting to $300,000,000. In 1926 the appropriations were $302,862,000. In 1927 they amounted to $324,917,000; and in 1928, as I have stated, they were more than $344,000,000.

The tide is rapidly rising, and the future has no promise of a diminution in the annual expenses of the Navy; but, on the contrary, there is a stern command that we shall increase our

appropriations, a command, in my opinion, not by the great mass of the people, but by an active minority that exercises too great influence in legislative and executive activities.

During the discussions in the Senate the past month much has been said about minorities and the power which they exercise. I think no country lends itself so much to propaganda—and not infrequently propaganda of a sinister, unfair, inaccurate, and unethical character—as the United States. There are scores of organizations, many of them having headquarters in Washington, which are constantly engaged in propaganda in behalf of policies, measures, and legislation touching almost every activity of communities, States, and nations. These organizations are active and militant. Many of them have no concern as to the rights of the States or the limitations upon the Federal Government. Demands are made upon Congress for appropriations, for all sorts of legislation—often absurd and fantastic—and in my opinion Congress—and I say this without any disrespect—too often yields to selfish, irrational, and improper demands.

Much of our legislation is not the result of calm and deliberate consideration, or the dispassionate examination of the needs of the people, and what justice and the welfare of all require. Thousands of bills are introduced each session, and the appropriations sought would drain the Treasury of the United States and compel the levy of additional taxes.

Since coming into the Chamber this morning, I have been handed a statement of the expenses of our Government for a number of years past. It presents a rather unsatisfactory situation. The increase has been from a few hundred millions to more than four billions. The expenditures for the next fiscal year are approximately $5,000,000,000. The oft-expressed purpose of the party in power to return to "normalcy" in expenditures has not been realized, and we are now told by Republican leaders that the national expenses will constantly increase. Where attention is challenged to these enormous burdens, and particularly those resulting from the demands of the Departments of War and Navy, the reply usually made is that the United States is rich and can afford to grant these stupendous appropriations made by Congress. There seems to be a sentiment that large appropriations and enormous expenditures by governments are evidences of prosperity. The rule of economy is obsolete; and the attempt to compel agencies of the Government to follow a policy of rigid economy is resented and denounced. There is too much materialism; the disposition to measure everything by the standard of worldly wealth and material things manifests itself in many avenues of life of this country.

It were well if there were more regard for the moral and spiritual values of life; that the true basis and foundation of happiness and genuine progress were relied upon, that there was less militarism and more of fellowship and good will; that there was greater devotion to art and music and knowledge and spiritual things.

I refer again to the testimony of Secretary Wilbur. He asked for authorization to construct 71 war vessels, the cost of which would have been approximately $1,000,000,000, and he admitted that the program of the Navy called for over $2,000,000,000 for naval construction.

Mr. President, we can not, in my opinion, justify the demands being made upon the Government for military purposes. No military power that ever cursed the earth demanded of the people $800,000,000 in peace times for military expenditures. And yet this Republic, consecrated to peace and justice and freedom, now takes from the people nearly $1,000,000,000 for its Army and Navy, to be expended in one year. And the tragedy of the situation is that there is no promise of relief. Indeed, the program calls for heavier taxes and larger appropriations.

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. HALE. Mr. President, will the Senator from Utah yield to me to make a request?

Mr. KING. May I inquire what the request is?

Mr. HALE. That the Senate lay aside the unfinished business and take up the naval appropriation bill.

Mr. KING. I think the Senate desires to proceed with the Nicaraguan canal bill. Does the Senator want to lay aside his own bill? Is he filibustering against the Navy bill?

Mr. HALE. My bill is not now before the Senate. The hour of 2 o'clock having arrived, the Nicaraguan canal joint resolution has been laid before the Senate, and I wish to ask unanimous consent that that measure be laid aside so that we may proceed with the consideration of the naval appropriation bill.

Mr. KING. The Senator from New Jersey [Mr. EDGE] has been patient and I know he is greatly interested in securing consideration of the measure upon which he has set his heart. I should be sorry to disappoint him. I think we had better proceed with the consideration of the Nicaraguan canal measure.

Mr. HALE. Mr. President, will the Senator not let me make my motion?

Mr. KING. For the present I do not yield for that purpose.

Mr. EDGE. Mr. President, will the Senator yield to the sponsor of the Nicaraguan canal joint resolution?

Mr. KING. I yield for a question.

Mr. EDGE. The Senator has shown so much consideration for the measure that certainly he would yield to its sponsor.

Mr. KING. I do not want to yield the floor or yield for any purpose which would take me from the floor, certainly until I learn what is to be the program of my Republican friends.

Mr. EDGE. The Senator from New Jersey had in mind proposing another unanimous-consent agreement. In other words, mirroring the very kind suggestion of the Senator from Utah that I am very much interested as sponsor of the measure, I want to propose a unanimous-consent agreement which will insure its final consideration, which seems at the moment somewhat obscure.

Mr. KING. Procrastination is the thief of time. The Senator's measure has the right of way, and I suggest that the Senator take up his joint resolution.

Mr. WARREN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. KING. I yield.

Mr. WARREN. It seems to me, along that line, that if the Senator would consent to a unanimous-consent agreement which would not take the Senator from the floor we would get along better in that way. I hope the Senator will not object to the unanimous-consent request.

Mr. KING. I am not yielding the floor except that I yield to my friend from New Jersey to submit a unanimous-consent request.

Mr. EDGE. I shall not take advantage of the courtesy of the Senator from Utah further than to submit the request. I have no desire to delay consideration of the naval appropriation bill or any other appropriation bill, as I have already indicated. However, I do feel that the joint resolution providing for a survey of a very important national subject should at least be assured final consideration and I will make this suggestion for a unanimous-consent agreement. I think it demonstrates my generosity and I hope it will be complied with.

Upon the conclusion of the consideration or disposition of the naval appropriation bill, on which I am taking some chances. I ask unanimous consent that the Nicaraguan canal joint resolution (S. J. Res. 117) be resumed as the unfinished business and be continued until its final disposition, with the understanding that there shall be four hours unlimited debate following the disposal of the naval appropriation bill, following which debate shall be limited to 10 minutes upon the joint resolution or amendments thereto.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. There are two parts to the request as I understand it. One is a request for unanimous consent to lay aside the unfinished business, which is the Nicaraguan canal bill.

Mr. EDGE. That is correct.

Mr. DILL. The other is that when the naval bill has been completed the Nicaraguan canal measure shall then resume its status as the unfinished business.

Mr. EDGE. With the understanding as presented that there shall be four hours of debate without limitation, and that beyond the four hours there shall be a limit on the debate.

Mr. DILL. That is the third part of it. Here are three unanimous-consent requests in one.

Mr. EDGE. It seems necessary under the conditions that we are now facing.

Mr. DILL. Does the Senator mean that he thinks it is so important to build the Navy that we should not have the canal first? Is he not afraid he will get a Navy and not have the Nicaraguan canal for the Navy to go through?

Mr. EDGE. In answer to that, though the answer is obvious without my making it, I have no desire that the Nicaraguan canal measure shall be used as a vehicle upon which a filibuster on the naval appropriation bill or any other appropriation bill shall be waged. So I am making what I consider a businesslike proposal, that it shall succeed in consideration the naval appropriation bill. Of course, when I do that I am naturally running

the risk of final disposition of the naval appropriation bill. It does seem to me that the unanimous-consent request should be granted by the Senate in view of the fact that the Nicaraguan canal joint resolution is now the unfinished business.

Mr. DILL. If the Senator will restrict his request to the mere matter of laying aside the unfinished business and taking it up again, I shall have no objection to that part of it; but I do object to fixing a time for debate before the debate has begun.

Mr. EDGE. Of course, I would not imagine it would be necessary to ask unanimous consent to take up the Nicaraguan canal measure upon the disposition of the naval appropriation bill. I have too much regard for the element of fairness that would control the Senate, and hence I am sure the Nicaraguan canal measure would naturally be restored as the unfinished business without any unanimous-consent agreement. The only object I had in submitting the request was to try to arrange for the final disposition of the resolution.

Mr. HALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HALE. Am I to understand that objection has been made to the unanimous-consent request?

Mr. DILL. I objected to the latter part of the request.

Mr. HALE. Does the Senator from Utah still have the floor?

The PRESIDING OFFICER. The Senator from Utah still has the floor.

Mr. EDGE. Mr. President, has the unanimous-consent request been granted?

The PRESIDING OFFICER. It has not been granted. It was objected to by the Senator from Washington.

Mr. HALE. The Senator from Washington objected to the latter part of it.

Mr. EDGE. There is nothing in the former part of it, because I do not propose to stand in the way of the naval appropriation bill. I have made that very clear. Upon its disposition I will at once move to take up the Nicaraguan canal measure, if it shou'd not be resumed as the unfinished business without a motion.

Mr. HEFLIN. Mr. President, what was the latter part of the request that the Senator from Washington objected to?

The PRESIDING OFFICER. Limiting debate on the Nicaraguan canal joint resolution.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. KING. I yield to the Senator from Virginia.

Mr. SWANSON. I have just come into the Chamber. So as not to treat anybody with any degree of injustice or delay I ask unanimous consent that the naval appropriation bill be taken up, and after it is disposed of that the Nicaraguan Canal joint resolution shall be resumed as the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. BLAINE. To which I object.

The PRESIDING OFFICER. The Senator from Wisconsin objects.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I will yield to the Senator from Wisconsin, though I ought in fairness to yield to the Senator from Maine, because he asked me first to do so.

Mr. HALE. I would like to make a motion. Will the Senator from Utah yield for that purpose?

Mr. KING. Will the Senator withhold it for a moment?

Mr. HALE. Very well.

Mr. KING. I yield to the Senator from Wisconsin.

Mr. BLAINE. I was merely going to express the hope that the Senator from New Jersey would not further ask unanimous consent or permit unanimous consent for the further consideration of the naval appropriation bill until the Nicaraguan canal joint resolution is disposed of. It seems to me that the passage of the joint resolution of which the Senator from New Jersey has charge in all probability might minimize the necessity for the extreme haste proposed by the Senator from Maine in building the cruisers. I am not going to discuss that question now. I am just endeavoring to persuade the Senator from New Jersey in the hope that the Nicaraguan canal joint resolution providing for the investigation might be kept before the Senate as the unfinished business until we can dispose of it.

Mr. EDGE. Mr. President, if the Senator from Utah will further yield——

Mr. KING. I yield further to the Senator from New Jersey.

Mr. EDGE. I have already expressed my view as to that course of procedure. Much as I am interested in the passage of the joint resolution, which it is not necessary for me to emphasize further, I do not propose, so far as I am concerned, to have it used as a vehicle for filibuster, or whatever term may be used, to prevent the further consideration of the naval appropriation bill. I have no doubt in the world as to the fairness of the Senate in restoring the Nicaraguan canal joint resolution when this important appropriation bill is disposed of. I will not now even ask unanimous consent that that be done.

Mr. HALE. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield to the Senator from Maine.

Mr. HALE. I move that the Senate proceed to the consideration of Calendar 1786, the naval appropriation bill, thus displacing the present unfinished business.

The PRESIDING OFFICER. Does the Senator from Utah yield for that purpose?

Mr. KING. I think, in all fairness to the Senator from Maine and to the Senate, I should permit the Senate to express itself upon that matter, although I feel that it would be unfortunate if we should displace the Nicaraguan canal measure at this time, because that is so "highly important."

Mr. DILL. Mr. President, the motion of the Senator from Maine is debatable?

The PRESIDING OFFICER. It is debatable.

Mr. WARREN. Mr. President, will the Senator from Utah yield to me?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. KING. I yield.

Mr. WARREN. I think it is perfectly plain that if we are to proceed, we ought to do it in order, and each bill ought to have what belongs to it in the matter of time. There is no question that appropriation bills have a position of a senior order if they wish to take it. It seems to me that we could get along faster and better if we might agree to the unanimous-consent request to proceed with the consideration of the naval appropriation bill for a time at least, until we can ascertain what the real situation is.

Mr. KING. Let me say to my dear friend from Wyoming, whose devotion to public duty is known to all of us, that I think he is sometimes a little too earnest in crowding appropriation bills through the Senate without debate. I am making no criticism, for if I were in his place probably I should be as earnest as he is, although I can not command the earnestness which he does. But we will appropriate before we have adjourned nearly $5,000,000,000. Bills have been passed through the Senate carrying from $300,000,000 and $400,000,000 up to $1,000,000,000 without one hour of debate. No legislative body in the world has exhibited such confidence, I hope not misplaced, in those who have formulated the appropriation bills. We have taken them without a grain of salt and swallowed them without debate.

My friends must not be too anxious, when an appropriation bill carrying nearly $400,000,000 is placed before us this morning, if it shall be debated a little while. If the Senator from New Jersey intimates that a little debate, which has not consumed more than half an hour, is a filibuster, I think he had better revise his judgment and his concept of what a filibuster is. There has been no evidence whatever of any filibuster.

Appropriation bills have been accepted without challenge as they have come from the hands of their constructors. The naval appropriation bill will go through, of course. The Senate is committed to enormous appropriations. I am only surprised that the bill does not carry $450,000,000 instead of nearly $400,000,000, but it will go through, and if my friends will possess their souls and patience a little while they will see the opportunity to take out of the Treasury of the United States this golden stream that will leave a deficit, so that the Finance Committee will have the unpleasant task at the next session of the Congress of increasing the burden of taxes upon the American people.

Mr. SWANSON. Mr. President, let us have the yeas and nays.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico will state the inquiry.

Mr. BRATTON. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to proceed to the consideration of the naval appropriation bill.

Mr. DILL. I want to say something about it before the motion is voted on. I have no intention of delaying a vote unduly.

The Senator from New Jersey has pending a joint resolution for the investigation of a proposed Nicaraguan canal. I am opposed to the passage of that joint resolution, but I have no desire to delay its consideration. Neither have I any desire to choose between it and the naval appropriation bill as such.

When the Nicaraguan canal joint resolution shall be before the Senate for discussion, I propose to discuss it, and to discuss only that measure and the subjects connected with it. I do not expect unduly to delay a vote on the joint resolution. I myself may want to spend an hour or slightly longer in discussing the joint resolution, and there may be other Senators who will want to discuss it. For that reason I did not want to enter into any agreement to limit debate before the discussion shall have been opened and before the field of discussion shall have been determined upon. For that reason also I have repeatedly objected to a time limit being set on the debate on the Nicaraguan canal joint resolution.

Mr. EDGE. Mr. President, will the Senator yield to me?

Mr. DILL. I yield.

Mr. EDGE. I appreciate the sentiment the Senator has expressed and I know that he proposes to follow out the policy which he has indicated, which will assure a final vote on the joint resolution; but I do want to draw his attention to the fact that he is not entirely correct in saying that the joint resolution has not been debated. It has been up at two different morning sessions; it was up for two or three hours at an afternoon session, and it has been debated to quite an extent. So when I presented the proposal for a limitation of debate I really thought it was a fair proposition.

Mr. DILL. I remind the Senator, however, that all the discussion practically, with the exception of my own remarks, has been by those who favor the joint resolution. I spoke for about 40 or 45 minutes against the measure, and I was interrupted during a part of that time. The charge in the press is that this is a 1-man filibuster that I am conducting on the Nicaraguan canal joint resolution. I think the joint resolution holds tremendous possibilities, not only of expenditure but as affecting the policy of the Government. I think it is important that those questions be discussed. I am ready to discuss them now. If, however, it is the will of the Senate that it will take up the naval bill, then I have no objection to that; but I did want to make clear my position on the joint resolution. I am not obstructing it and am not desirous of the joint resolution being laid aside, particularly. If it be for the purpose that the naval bill shall be given precedence, I shall have no objection to that.

Mr. EDGE. I want to express my appreciation of the Senator's assurances.

Mr. DILL. But I will not agree to limit the debate before the joint resolution comes before the Senate for consideration.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine [Mr. HALE].

Mr. BROOKHART. Mr. President, there will be some discussion of the motion before it shall come to a vote. The naval appropriation bill seeks to include appropriations that will cover not only the five cruisers provided for the first year under the cruiser bill but will also begin the construction of the five cruisers proposed to be laid down during the second year. That presents a far-reaching policy.

The amendment, as I understand, is proposed by the Senate committee over the objections of the Budget Bureau and of the President of the United States. It looks to me like an attempt to jam through appropriations that will tie us fast to the construction of 10 new cruisers, notwithstanding the fact that we might be able to reach an international agreement that will eliminate all of that construction. If what this bill proposes were done, it would tie the hands of the new administration in negotiating disarmament in the future. Therefore the consideration of the bill and of this amendment at this time raises a grave and far-reaching international problem, and it is my purpose to prevent that result if possible.

I think the committee went far afield when it included in this bill appropriations for five of the cruisers the construction of which was postponed for a year in the cruiser bill itself. I should make no objection to the passage of this bill or to its consideration if it proceeded in accordance with the terms of the cruiser bill itself; but that it does not do. It is seeking to crowd these cruisers up a year ahead of time provided in the cruiser bill.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Maine?

Mr. BROOKHART. I yield.

Mr. HALE. Will the Senator explain just what he means by that statement?

Mr. BROOKHART. My statement meant just what it said. I will give some details a little later.

Mr. HALE. Very well; I will wait.

Mr. BROOKHART. Those details will show how the result which I have indicated is to be brought about; but I repeat that it is an attempt to crowd the cruiser construction ahead by a year.

Mr. HALE. Ahead of the program provided by the cruiser bill?

Mr. BROOKHART. Yes.

Mr. HALE. I shall be interested in hearing the Senator's explanation of that.

Mr. BROOKHART. It is crowding construction a year ahead of what would happen if the terms of the cruiser bill were followed; and by doing that, by getting us committed to the construction of 10 new cruisers, the result will be to interfere with any disarmament conference that might be organized.

I think all the world expects the new President of the United States to come forward with a practical scheme of disarmament. He represents good will in the world perhaps as no other man does, and therefore it seems to me there is even a design in this crowding of the cruiser policy. It seems to me that the United States Steel Corporation and those who are more interested in cruisers than they are in America would like to tie his hands. It seems to me they would like to start a construction program that could not reasonably be stopped, or, if it were stopped, could be stopped only to great profit of the Steel Trust itself. Furthermore, it seems to me that the amendment that we are asked now to take up for consideration has cleverly provided for that result.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. WHEELER. As I understand the Senator from Iowa, he is really backing up what the President of the United States has advocated, while those who are asking for the adoption of the amendment are opposing the President of the United States and the President elect as well.

Mr. BROOKHART. I think that is true, and I will ask some questions of the chairman of the committee to find out about that. I wish to ask the chairman of the committee a question about the item on page 45. An increase has been made in the appropriation from $22,750,000 up to $28,550,000. What was the original Budget recommendation in reference to that appropriation?

Mr. HALE. The original recommendation was for $5,800,000 to be added to the bill.

Mr. BROOKHART. The committee have added $5,800,000 over and above the Budget recommendation?

Mr. HALE. No. The Budget recommendation was for $5,800,000; we have adopted the $5,800,000 recommended by the Budget and have taken out $500,000 to start the construction of a second batch of five cruisers.

Mr. BROOKHART. The Budget recommended nothing for that purpose?

Mr. HALE. The Budget recommended nothing for the first batch of cruisers to be constructed under the terms of the cruiser bill in 1929 and added nothing for the second batch to be constructed under the terms of the cruiser bill in 1930. The committee has simply followed out the terms of the cruiser bill.

Mr. BROOKHART. But the Budget made the estimates on this bill under the direction of the President, did it not?

Mr. HALE. Yes; without regard to the cruiser bill. The specific terms of the cruiser bill were that five of the light cruisers must be started during each of the fiscal years ending June 30, 1929, June 30, 1930, and June 30, 1931.

Mr. BROOKHART. Did the House of Representatives pass the naval appropriation bill before the cruiser bill was passed?

Mr. HALE. The appropriation bill passed the House before the cruiser bill was signed.

Mr. BROOKHART. Then, what was it the President and the Budget asked in reference to the cruiser bill?

Mr. HALE. The President submitted the Budget estimates to the President of the Senate, which came to the Appropriations Committee of the Senate, for $5,800,000 for armor and armament and $6,000,000 toward construction of five cruisers and one aircraft carrier, and also $570,000 for providing and reconditioning buildings and providing additional equipment and facilities at navy yards and ordnance yards necessary for the construction and equipment of the ships, that amount to be immediately available.

Mr. BROOKHART. That applied to the first five cruisers?

Mr. HALE. It applied to the first five cruisers.

Mr. BROOKHART. There was no request from the President or from the Budget for anything except——

Mr. HALE. Except the first five cruisers; but under the terms recommended by the Budget they were not to be started as provided in the cruiser bill.

Mr. BROOKHART. Even the first five were not?

Mr. HALE. No; nothing was said about making any appropriation immediately available so that they could be started this year. They were not to be started until the calendar year 1930; and the Senate simply rectified that.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. BROOKHART. I yield.

Mr. PHIPPS. May I call attention to the fact that in no case of appropriations for new cruisers does this bill exceed the amounts recommended by the Budget. The only difference is in the application of the amount of $500,000, and in another case $200,000, which is made immediately available.

Mr. HALE. Mr. President, I should like to say to the Senator that on page 45 of the bill, line 17, the suggestion has been made that this clause might be construed—I do not think it would have that effect myself—to allow the immediate construction of the second lot of cruisers. I do not know that there is anything in that suggestion; but to obviate it I am proposing to add an amendment to line 17, after the words "Increase of the Navy," as follows:

> Except the $500,000 available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929.

That means that none of that $500,000 can be used at all until the fiscal year 1930.

Mr. BROOKHART. But the Senator proposes, even after his amendment is adopted, still to hold the $500,000 for the second series of five cruisers?

Mr. HALE. Oh, certainly. That is in conformity with the terms of the cruiser bill, which states that five must be started in this fiscal year and five in the fiscal year 1930.

Mr. BROOKHART. That is in conformity with the terms of the cruiser bill before those terms arrive.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield to the Senator.

Mr. KING. I should like to ask the Senator from Iowa or the Senator from Maine if it is not a fact that this appropriation bill is so framed that it calls for an appropriation to be expended—a part of it, at least—immediately, or before the 30th of June, with reference to the second five cruisers which are to be started in 1930?

Mr. HALE. No, Mr. President.

Mr. BROOKHART. Yes; I think so. Let me answer first. I have the floor, and I will answer first my idea of that. I think, as the bill is prepared, that all of that $28,000,000 is available to be spread over the whole 10 cruisers if they want to do it, and $500,000 of it is specifically allotted to the second series of 5 cruisers. Now the Senator from Maine says he will amend this "immediately available" clause in line 18——

Mr. HALE. Which had to do simply with the question of draftsmen, and so forth.

Mr. BROOKHART. He proposes to amend it so as to restrict it only to the $500,000; but that is still $500,000 on the second series of cruisers.

Mr. HALE. Oh, no; it does not restrict it to the $500,000. It restricts it to everything but the $500,000. That was in the estimate that was sent up by the Budget.

Mr. BROOKHART. I think the Senator did not understand my inference. The $500,000 applies to the second series of five cruisers.

Mr. HALE. Yes, Mr. President; and I am providing by this amendment that I am going to offer that no part of that $500,000 may be used until the fiscal year 1930, so there can be no question about it.

Mr. BROOKHART. Under that provision, what is the use of having it in this bill at all? If we are going to wait until 1930 to use it, let us wait until then to appropriate it.

Mr. HALE. This is the time to legislate for the fiscal year 1930. This is the appropriation bill for the fiscal year 1930.

Mr. BROOKHART. We will have two sessions of Congress in time to meet that.

Mr. HALE. This is the regular appropriation bill for that year. This is the place for it to go in. If it does not go in here, it will have to go into some deficiency bill.

Mr. BROOKHART. I understand; but the cruiser bill is not the regular thing. It is a very irregular appropriation bill, a very extraordinary appropriation bill.

Mr. HALE. The cruiser bill is now the law, the Senator will admit; and it seems to me, as I recollect it, that it was adopted by a very large vote of the Senate.

Mr. BROOKHART. Yes; I remember about that vote quite well. The size of the vote, however, does not make any difference about the provisions of the law; and now the Senator, after getting that big vote, thinks he can crowd this thing ahead a year.

Mr. HALE. Does not the Senator think the cruiser bill is the law now?

Mr. BROOKHART. Yes; and that is what I am following.

Mr. HALE. Are we not following out the law?

Mr. BROOKHART. No; you are not. You are going ahead of the law.

Mr. HALE. I think not.

Mr. BROOKHART. If the Senator will follow the law he will cut out this $500,000, and, with his other amendment, this controversy will end.

Mr. HALE. The $500,000 is simply following out the terms of the law.

Mr. BROOKHART. The law does not call for $500,000.

Mr. HALE. It calls for something to start the ships.

Mr. BROOKHART. In 1930, yes; but not now, in 1929.

Mr. HALE. This is the time when we are legislating for 1930. The bill before us is the 1930 appropriation bill.

Mr. BROOKHART. Things are likely to happen in 1930, and we shall be in better shape for a disarmament conference if we have no entanglements over this cruiser program; and therefore there are special and most potent reasons why we should not be appropriating for 1930 in 1929 in connection with this matter.

The Senator will concede, will he not, that we have time enough to appropriate in 1930 the money to take care of this proposition?

Mr. HALE. There are a great many matters in this bill that come up under the 1930 program that we might legislate for later on; but this is the time when we are legislating for that year, and it is entirely proper for us to put in an appropriation of this sort.

Mr. BROOKHART. If these cruisers are laid down at any time in 1930, they will comply with the law; will they not?

Mr. HALE. Yes.

Mr. BROOKHART. If we are going to have a disarmament conference, it certainly is sensible that we should not start this program until the result of that conference is known.

Mr. HALE. Oh, I think not, Mr. President. I think we shall be in a very much stronger position in the conference if we show that we are really going ahead.

Mr. BROOKHART. Even though we have to junk these ships and pay the Steel Trust a big profit afterwards?

Mr. HALE. There is not the slightest chance in the world that we shall have to scrap any of these ships. The President has already told us about that. We have debated that question on the cruiser bill.

Mr. BROOKHART. But the President wanted the time limit taken off entirely so that it would not be necessary to build any of the ships in 1930.

Mr. HALE. The President does not believe in time limits.

Mr. BROOKHART. But the Senator from Maine would not listen to the President.

Mr. HALE. Certainly I would not, Mr. President. I think it is the duty of Congress to decide when ships shall be built.

Mr. BROOKHART. I want to commend the Senator from Maine as an insurgent. That is a new proposition, coming from him.

Mr. President, I think the facts as stated illustrate the situation quite clearly. This is an attempt in 1929 to start the appropriations for the cruisers that are to be laid down at any time in 1930. There is no necessity for that to comply with the cruiser law. It is taking time by the forelock, as it were; and I think the taking is not in the interest of the American people so much as it is in the interest of the profiteers who want to build these ships.

That being true, on that ground this matter ought not to be passed now. Especially should it not pass now when we consider the fact that a disarmament conference might have to consider the proposition of junking these ships. I hope it will have to consider the problem of sending to the junk pile all the big ships of the world, so far as that is concerned.

Before, when we held the disarmament conference on battleships, we had to pay a cancellation fee of some $25,000,000 to the contractors who held the contracts for the construction of those ships. Already that policy has been severely criticized on the floor of the Senate and outside, for that matter; and yet this bill and this amendment propose to drive us right into a

similar situation again. I think we ought to learn our lesson from that former experience, and now is the time to think about that.

I have no idea that those who are so keen for this appropriation care anything about the little $500,000. That is only a little bit of an item in this bill; but $500,000 is enough to tie us fast to those five cruisers.

The cruiser bill itself provides that these ships shall not be built if the President of the United States can secure a proper international agreement for disarmament.

Mr. PHIPPS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. BROOKHART. I yield.

Mr. PHIPPS. Will not the Senator finish quoting from the bill and read the proviso that the President may discontinue construction at any time?

Mr. BROOKHART. Yes; he discontinued construction on the battleships which we sank, and he paid the Steel Trust and others $25,000,000 to do it.

Mr. PHIPPS. Mr. President, will the Senator yield further?

Mr. BROOKHART. I yield.

Mr. PHIPPS. The Senator has made reference more than once to the so-called Steel Trust, and once by name mentioned the United States Steel Corporation. I believe the Senator is not fully informed or he would not make those allusions. I do not care anything about the Steel Trust; but the Steel Trust does not care anything about these ships, as far as that is concerned. The displacement of the ships is 10,000 tons each. The steel going into them will not exceed six or seven thousand tons each; and the steel for the entire 10 cruisers, 70,000 tons, if it went to that, would not run one of the Steel Corporation's mills for 30 days. So I think the Senator is making a mountain out of a molehill when he refers to any interest of the Steel Trust in the construction of these cruisers.

Mr. BROOKHART. But 30 days is a long time to run the United States Steel Corporation.

Mr. PHIPPS. I said one mill of the Steel Corporation. I am speaking of one rolling mill out of half a dozen that may be in the same plant.

Mr. BROOKHART. The Federal Shipbuilding Co., the largest one of all, I believe, is owned by the United States Steel Corporation; and there will be contracts outside of furnishing the steel. The Steel Trust certainly has an interest in carrying out this proposition.

Mr. PHIPPS. Mr. President, will the Senator yield further?

Mr. BROOKHART. I yield.

Mr. PHIPPS. I do not think it is quite fair for any Senator to name any particular corporation in his argument. He may speak of the industry as a whole. The United States Steel Corporation is not the only manufacturer of steel in the United States by any manner of means. It has several large competitors, any one of whom is quite competent to bid at any time on a 70,000-ton order for materials.

Mr. BROOKHART. I would have no objection to putting all their names in the RECORD, so far as I am concerned, but I generally adopt the policy of taking the biggest and most important one. That is why I named this special company. It is doing about half of all the steel business in the United States, and I think it is entitled to prior mention when we come to talk about trusts, and the economic powers that rule our country.

Mr. President, what will be the effect of starting this appropriation as it is provided in this bill, and, if there is not some far-reaching method to tie us fast to these other five cruisers, why not cut off the other $500,000, along with the amendment proposed by the Senator from Maine and end this controversy? We could still build every one of these ships within the time authorized by the cruiser bill, we could carry out that law in every detail, but for some reason the committee comes in with an amendment which they say they will reduce to $500,000, and they block all of the important business at the end of this session just to get that little $500,000 appropriation, which they do not need.

That fact alone is enough to arouse those, and every one of those who believe that we ought to have an international agreement for disarmament. There is something wrong about a situation that will stand on that narrow margin and that kind of ground. If this did not tie us fast in some way, it would be perfectly agreeable to everybody to drop out that $500,000 item and go ahead with the provisions for the construction of the five cruisers, but as this bill stands now, unless the amendment is adopted, this appropriation could be spread over 10 cruisers at once, and the whole 10 of them could be laid down under the provisions of this bill and before any disarmament conference could be arranged. Then we would be in the embarrassment, possibly, we were in before, of sinking ships that cost vast millions of money or leaving the world armed in a degree which we would not want.

These are some of the reasons why I am opposed to the consideration of this bill now in this form. Let us see how that figures out. The Senate committee bill as proposed carries for new construction under "Increase of the Navy," $12,370,000, divided as follows:

Construction and machinery, $5,800,000.
Armor, armament, and ammunition, $6,000,000.
Improving and equipping navy yards, $570,000.

Making a total of $12,370,000. All of these increases are on account of the new construction work in connection with the cruiser building program as enacted by the Congress in the cruiser law.

The Senate committee amendment on page 45 provides that $500,000 shall be available toward the construction of the second five light cruisers. Then a further amendment provides that all moneys appropriated under this head shall be immediately available. So the bill as it stands now makes all this money available, to be spread over and used in starting or laying down 10 cruisers.

The Senator from Maine, to be fair, says he will offer an amendment to limit that.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. PHIPPS. I was going to call the Senator's attention to that. A reading of the entire provision ought to straighten out any misapprehension. It is not the intention that the $12,370,000 shall be immediately available, of course. That is not the intention, and that is not the language.

Mr. BROOKHART. The Senator from Maine said that he was willing to offer an amendment that would limit the use of these appropriations, so far as the second series of five cruisers is concerned, to the $500,000; but again I want to call the attention of the Senator from Colorado to the fact that the $500,000 is a little item, and it will get nowhere toward the construction of those cruisers, except to tie us fast to that policy.

Mr. PHIPPS. Mr. President, will the Senator yield further?

Mr. BROOKHART. I yield.

Mr. PHIPPS. Allow me to read the proviso:

Provided, That appropriations contained in this act on account of "Increase of the Navy" shall be immediately available, in the discretion of the Secretary of the Navy, for the employment of such clerks, draftsmen, and technical employees as may be required at navy yards, in field-inspection offices, and in the Navy Department in the District of Columbia, for the preparation of plans and the work of inspecting and constructing vessels building, such employees to be in addition to those otherwise provided for.

So that it does not for a moment permit the use of $12,370,000 upon the passage of this bill. Only the amount required for these specific purposes, the employing of clerks and draftsmen, is to be made immediately available, in the discretion of the Secretary of the Navy. So that the Senator has evidently misunderstood the purpose of the proviso, which was prepared by the Bureau of the Budget, and not by the committee. The language used is the exact language sent by the Bureau of the Budget.

Mr. BROOKHART. In connection with the $500,000 item, which the Bureau of the Budget did not send, it opens up all these funds, for all 10 cruisers, if that is desired, although it is employed in particular lines.

Mr. PHIPPS. It is not intended that that $500,000 shall be used until after July 1 next.

Mr. BROOKHART. That does not change the situation. If it is not the intention to use it until after July 1, why have it in here at all? Why have anything in this bill that will open up the question of tieing us fast to that 10-cruiser policy at once? Why not wait until we have plenty of time to appropriate the money in the regular session?

Mr. PHIPPS. It would go over for a year; the regular bill will not become operative until July 1, 1930.

Mr. BROOKHART. That is plenty of time. The money could be appropriated in the regular session next December, and that would be plenty of time.

Mr. PHIPPS. That is the judgment of the Senator from Iowa.

Mr. BROOKHART. I will ask the Senator, does he not concede that we could appropriate this money in time to comply with the provisions of the cruiser bill in the next regular session of Congress.

Mr. PHIPPS. Not in the next regular session, and I doubt if we could in the expected special session, because the chances are that the House will have no Committee on Appropriations active.

Mr. BROOKHART. When is the second series of cruisers to be laid down?

Mr. PHIPPS. Under the provisions of the cruiser bill, it is provided that the second five should be laid down during the fiscal year 1930.

Mr. BROOKHART. That is, not until the 1st of July, 1930?

Mr. PHIPPS. Until the 1st of July, 1930; that is correct.

Mr. BROOKHART. And Congress will meet in regular session on the first Monday in December, 1929?

Mr. PHIPPS. That is correct.

Mr. BROOKHART. And if that Congress appropriates the money before the 1st of July, 1930, then it will have complied with the terms of the cruiser bill?

Mr. PHIPPS. No; because the money that would be appropriated in the naval appropriation bill would not become available until the first of the following July, assuming that we passed the bill in December.

Mr. BROOKHART. This appropriation is not in the regular naval appropriation bill. This is a special affair, for the construction of new ships, in a new and separate bill, different from the naval appropriation bill.

Mr. PHIPPS. It would have to be a special bill to accomplish the purpose the Senator suggests. In that event, the money would have to be made immediately available.

Allow me to call the Senator's attention to this point: The Senator has been talking while the so-called Nicaraguan canal bill is presumably before the Senate. A motion is pending——

Mr. BROOKHART. I am talking on the motion.

Mr. PHIPPS. The Senator is discussing the motion. If the Senator will permit a vote upon the motion, and let us proceed with the discussion of the naval appropriation bill, in a very reasonable length of time the points he is now discussing will come up in regular order, and we, with the Senator's assistance, may have a vote on those amendments. If the Senator's contention prevails, certainly the amendments will go out. Otherwise, I should think the Senator would be entirely willing to defer to the views of a majority of the Senate. So, if we may proceed in the regular order, and permit a roll call——

Mr. BROOKHART. Does the Senator insist I am not proceeding in regular order?

Mr. PHIPPS. I think it would be a little more regular if the Senator would permit a vote on the motion now pending.

Mr. BROOKHART. I think it would be still more regular if the committee had followed the cruiser law, and kept this appropriation out of this bill, and kept this controversial question down. As soon as I knew of it I let its sponsors know that I expected to oppose it by every means at my command.

Mr. GLASS. Mr. President, a parliamentary inquiry.

Mr. BROOKHART. I yield.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. GLASS. I would like to inquire whether the Senator from Colorado is engaged in a filibuster against his own bill?

Mr. PHIPPS. I hope not; that was not my intention. I only regret that the Senator from Iowa is not in accord with the views of the majority of the committee who have reported the bill.

Mr. BROOKHART. Whatever the construction of this amendment may be, with the $500,000 included, this means that money is provided for laying down not 5 but 10 cruisers within a little more than one calendar year. I think there can be no doubt of that conclusion.

Again, I want to say that if that were not the purpose of this, it seems to me everybody could at once agree to take out this $500,000, and amend this bill, so that there would be no objection, and then proceed in the orderly manner which the Senator from Colorado suggests. There are other matters which ought to have attention here during this short session.

Mr. President, I think the committee was justified in bringing in an amendment to the bill which provides for the five cruisers, as the cruiser law commands. I think there is no criticism whatever of the committee that could be made upon that proposition, but here is the other highly controversial question of prematurely starting the next five cruisers, and the committee can not be justified for injecting that proposition into the pending bill and into this situation at this time.

I think the program of starting all 10 of these cruisers in any way is uneconomical. The orderly construction of a ship such as a cruiser covers about 30 to 36 months. The amount of money expended the first year is relatively small, the second year relatively large, and the third year somewhat smaller. A possible allocation on a ship to cost $17,000,000 would be, roughly, $5,500,000 to $6,000,000 for armament and ammunition. Since procurement of guns and ammunition can be carried forward quite independently from the question of the hulls and the machinery, this part of the program would admit of flexible adjustment over a period of 30 to 36 months. This would leave between $11,000,000 and $11,500,000 for hull and machinery for one ship to be expended over a period of 30 to 36 months.

The economic expenditure on one ship of this latter amount would be about as follows: $1,500,000 approximately in the first year. If this appropriation were spread over all 10 ships it would not be quite that much, but it would not be much below it, either. There would then be $6,500,000 to $7,000,000 approximately the second year and $3,000,000 approximately the third year.

It will thus be seen that though the item in the current bill is $12,370,000 or, exclusive of navy-yard improvement, $11,800,000, a very small amount is provided for each of 10 ships. In other words, it is only a little more than $1,000,000 for each ship. That will mean, however, that the Government will be committed to ship construction of all 10 ships, and that is the important point in this argument.

The second year the appropriation upon reasonable rapidity of construction would be ten times $6,500,000 or $7,000,000, or approximately $65,000,000 or $70,000,000. The third year, even if no other new ships were laid down, it would be $30,000,000.

This is an uneconomic method, and a better method would be to spread this cost out as the cruiser bill itself provided. We will only get the first five cruisers started at the last end of the fiscal year 1929. Therefore the next five under the idea of the cruiser bill are to be laid down at the end of 1930 and the last series would be laid down at the end of 1931. If that is to be our order of procedure, then there is no occasion for a 1930 appropriation in this session of Congress nor in the extraordinary session of Congress that will follow. There is plenty of time to do it after the regular session convenes in December of this year. Therefore if there is no other purpose in the bill except to carry out the provisions of the cruiser construction law, there is no occasion for keeping this controversial item in the bill.

If the situation was such that we could not reasonably make the appropriation and take care of the program as the law now provides, then I would not be criticizing the committee for bringing in this amendment against the will of the President of the United States and the Budget and everybody else. But no necessity and no argument is presented to claim in any degree that we need the appropriation now. It is a spider web for entanglement purposes and it might entangle us in a way that would be more far-reaching than we could anticipate at this time.

Of course, I was opposed to the whole cruiser program. I felt then, and I feel now, that it was unwise, so far as our international relations were concerned—extremely unwise, in fact—and I also feel that it is unwise from the standpoint of efficiency itself. These ships will never be used in war. They will be a nuisance that will employ men in a useless occupation during war time.

We will hide them away, or attempt to hide them away, so the submarines and the aircraft may be unable to find them. I realize their importance in international negotiations, because the military idea, or the naval idea, of all the countries is the same as that which existed in the dark ages. The military idea never lets loose of an old thing. It is clinging to many things in the Army and the Navy to-day that are a positive load and a clog in the road of efficiency. The idea of building cruisers is one of them still clung to by the navies of the world. However, it is an efficient way to provide profits for the Steel Trust which the Senator from Colorado [Mr. PHIPPS] objects to having me mention, but which I can not refrain from mentioning occasionally. It is an efficient way of providing those plans and of encouraging agencies that believe in war and organization for war. It brings to the support of that idea many elements in business, and even elements in labor, although in justice to labor I want to say that they are opposed to war, even these construction programs that would give them employment are not set down by them as a test for labor support.

Mr. President, the cruiser bill itself directs the President of the United States to enter into international negotiations for disarmament. It authorizes him to discontinue the construction of the cruisers if a suitable arrangement for disarmament can be made. That is the one saving clause in that law; that is the one American idea. I wish all the world would think about that provision of the law, and not remember us for the bloodthirsty policy that was presented in the arguments for the bill during its consideration. I wish they would think of that law as only an aid to an international conference.

Mr. President, I believe that the President elect of the United States will encourage such a conference. The British ambassador has already suggested it, and the British minister of foreign affairs has already said, in answer to interrogatories in Parliament, that the announcement of the British ambassador to

the United States is in accord with the ideas of the British cabinet. As the building of these cruisers was against Great Britain, that is a plain indication that Great Britain is ready to talk disarmament.

I want the new administration in the United States to be ready to meet Great Britain halfway, and more than halfway, if necessary, to accomplish that great purpose. I think the one concrete thing along this line that has so far been done was the Washington Disarmament Conference, which actually resulted in the sinking of some of the best battleships in the world. That was a genuine proceeding, though it brought some criticism merely because of the useless and foolish expenditure of money in the first instance for such a purpose.

Again, if we begin the construction of the 10 cruisers, and then get into a disarmament conference which should limit the number of our cruisers below or down to what we already have, once more it will be necessary to take them out into the ocean and sink them to the bottom and sacrifice the vast amount of funds that will have been expended upon them. I had rather put as little embarrassment of that kind as possible upon the new administration; I had rather begin the construction of as few of these ships as is possible. I realize that if we comply with the law we shall have to lay down five of them before the 1st of July. I sincerely hope that this new high-speed-acting President of ours will find some method of inaugurating these negotiations even to the extent of preventing the laying down of the first five of these cruisers. I suspect that the Committee on Naval Affairs, with its bloodthirsty ideas of ships and more ships all the time, are a little bit afraid of something of that kind, and, therefore, they are using excessive speed and excessive energy to amend the naval bill so as to provide for laying down 10 cruisers instead of 5 and tie the hands of the new administration in the greatest possible peace movement, that of disarmament upon the seas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	McNary	Shortridge
Black	George	Mayfield	Simmons
Blaine	Gerry	Moses	Smoot
Blease	Gillett	Neely	Steck
Bratton	Glass	Norbeck	Steiwer
Brookhart	Glenn	Norris	Stephens
Broussard	Goff	Nye	Swanson
Bruce	Hale	Oddie	Thomas, Idaho
Burton	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hastings	Pine	Tyson
Copeland	Hayden	Pittman	Vandenberg
Couzens	Heflin	Reed, Mo.	Wagner
Curtis	Jones	Robinson, Ind.	Walsh, Mass.
Dale	Kendrick	Sackett	Walsh, Mont.
Deneen	King	Schall	Warren
Dill	McKellar	Sheppard	Waterman
Fess	McMaster	Shipstead	Watson

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is detained from the Senate because of illness.

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague the senior Senator from Florida [Mr. FLETCHER]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of House bill 16714, being the naval appropriation bill.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. KING (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I do not know how he would vote upon this matter, and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. BLAINE (when Mr. LA FOLLETTE'S name was called). I desire to announce that if my colleague [Mr. LA FOLLETTE] were present and voting, he would vote "nay."

Mr. McKELLAR (when his name was called). On this question I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

The roll call was concluded.

Mr. KING. I am advised that if the senior Senator from Florida [Mr. FLETCHER] were present he would vote as I shall vote, and I therefore feel at liberty to vote. I vote "yea."

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is detained on official business, and that if present he would vote "yea."

Mr. CARAWAY. I wish to announce the necessary absence of my colleague, the senior Senator from Arkansas [Mr. ROBINSON], who is detained by reason of attending the funeral of a relative.

Mr. JONES. I desire to announce that the Senator from Connecticut [Mr. MCLEAN], the Senator from Rhode Island [Mr. METCALF], the Senator from New Hampshire [Mr. KEYES], and the Senator from New Mexico [Mr. LARRAZOLO] are absent on account of illness. If present, each of these Senators would vote "yea."

I also desire to announce that the Senator from Pennsylvania [Mr. REED] is necessarily absent. If present, he would vote "yea." He has a general pair with the Senator from Delaware [Mr. BAYARD].

Mr. GERRY. I desire to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Kentucky [Mr. BARKLEY], the Senator from New Jersey [Mr. EDWARDS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on official business. If present, they would vote "yea."

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WHEELER] and the Senator from Oklahoma [Mr. THOMAS] are detained on official business.

Mr. TYDINGS. I desire to announce the necessary absence of the junior Senator from Missouri [Mr. HAWES]. If present, he would vote "yea."

The result was announced—yeas 64, nays 5, as follows:

YEAS—64

Bingham	Glass	Moses	Smoot
Blease	Glenn	Neely	Steck
Bratton	Goff	Norbeck	Steiwer
Broussard	Hale	Oddie	Stephens
Bruce	Harris	Overman	Swanson
Burton	Harrison	Phipps	Thomas, Idaho
Capper	Hastings	Pine	Trammell
Caraway	Hayden	Pittman	Tydings
Copeland	Heflin	Reed, Mo.	Tyson
Couzens	Jones	Robinson, Ind.	Vandenberg
Deneen	Kendrick	Sackett	Wagner
Dill	King	Schall	Walsh, Mass.
Fess	McKellar	Sheppard	Walsh, Mont.
George	McMaster	Shipstead	Warren
Gerry	McNary	Shortridge	Waterman
Gillett	Mayfield	Simmons	Watson

NAYS—5

Black	Brookhart	Frazier	Nye
Blaine			

NOT VOTING—26

Ashurst	Edwards	Keyes	Reed, Pa.
Barkley	Fletcher	La Follette	Robinson, Ark.
Bayard	Gould	Larrazolo	Smith
Borah	Greene	McLean	Thomas, Okla.
Curtis	Hawes	Metcalf	Wheeler
Dale	Howell	Norris	
Edge	Johnson	Ransdell	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

THE PRESIDENT ELECT AND HIS POLICIES

Mr. HARRISON. Mr. President, now that this appropriation bill for the upkeep of the Navy is before the Senate, it would seem appropriate to say something about some of the many incidents that are now occurring in Washington.

We read with a good deal of pride and pleasure the fine receptions that were accorded to the President elect as he journeyed forth recently with his army of news correspondents and attendants and censors into Central and South America. Of course, we did not get the news of everything that happened on that cruise or in the many cities visited, but we got a good deal. The fact that we did not get more news was due to the ability and alacrity of the censorial mentor of the party, Mr. George Barr Baker.

Then, when the President elect returned from the sunny climes of South America, where hospitality was showered upon him, and his heart warmed by the plaudits of the people he went to beautiful Florida; and there, too, he received warmth and congratulations of many who had been loyal to him politically in the late campaign. There he basked in the sunshine, rolled in sands along the beach, fished in tepid waters, and had a gen-

eral good time, playing with the many office seekers gathered there. From the reports we read, all of us thought that we had a real human being as the next President of the United States. Little did we dream that he could ever forget the thrill that comes from real and warm-hearted hospitality. We thought that the time would even come when his political friend of years, my friend the Senator from Indiana [Mr. WATSON], would visit him and pay humble tribute to his majesty. So I am sure that those who have the kindly feelings that I have toward the President elect read with surprise the afternoon papers and the news items of the morning papers saying that the news correspondents, with a foot of snow on the ground, were forced to stand out in front of the residence of the President elect, shivering and freezing, waiting for some piece of news to drop, censored by George Barr Baker.

This picture in the afternoon paper which I hold in my hand, the Washington Daily News, shows three fine young correspondents—Thomas L. Stokes, of the United Press; George Durno, of the International News Service; and Roger Cortesi, of the Associated Press—dressed in woolens, with hands in their pockets, with overcoats and shawls wrapped around them, with the collars of their coats all turned up, no fire anywhere around, bogged down in this snow that is unprecedented this winter in Washington, with no stirring signs of life inside.

It may be that the cloistered gentleman who is warming his feet inside by a great, big log fire, all pleasant and fine, with his office seekers sitting around him, thinks that the country is not concerned as to what is going on inside; but the people of America are anxious to know what their President elect is doing and what is running through his mind with reference to Cabinet appointments, with the 4th of March approaching and only a few days remaining. Why, there are some people who are even interested to know who is going to be the next Attorney General of the United States. Certainly the leaders of the prohibition cause in this country are interested, and certainly the bootleggers are interested, and of course the great middle class are interested.

It may be that Senators are not interested, or at least one Senator, because, if we read correctly, one Senator has been tendered the job of Attorney General and has declined it. That is the best act the President elect has done, if it is true; and if he does appoint the distinguished senior Senator from Idaho [Mr. BORAH], it will be the best appointment he will make during the four years he will serve as President of the United States.

Mr. DILL. Mr. President——

Mr. HARRISON. If the Senator from Washington will permit me, if it had not been for these correspondents shivering and freezing in the cold outside, unattended save, perhaps, by an occasional censored message from George Barr Baker, the country never would have known that this tender had come to the distinguished Senator from Idaho. Certainly we would not have known that on last evening he sauntered forth to the residence of the President elect, and was cloistered there in secrecy talking over these great matters of state.

If it had not been for these correspondents, forced, as they were, to remain outside on the streets, shivering and freezing in a foot of snow, the country, perhaps, would not have learned that my good friend the Senator from Indiana [Mr. WATSON], the next leader in this body of the majority party, had rekindled the old fires of love for the President elect, and that now they were Bobbie Shealeys in a common cause.

So these correspondents are playing an important part, and on this occasion I feel like extending sympathy to them, and expressing the hope that at least the President elect will send outside to them some kindling wood so that these boys can build up a little fire not only to keep themselves from freezing but apply some warmth to the cold and disappointed office seekers that leave the chilly presence of the President elect.

I know that the President elect is concerned about his own comfort and convenience when he becomes President, because we are informed that already he has recommended to the committee of the Senator from Utah [Mr. SMOOT] an appropriation of $200,000 to make larger the Executive Offices, so that he might provide more and plenty of room for the two new assistant secretaries he requests; and, of course, whatever else he asks of my friend the Senator from Utah [Mr. SMOOT], he will receive, because he is one of the few Senators here who recently has felt his warm touch and succumbed to the embrace of his extraordinary hospitality.

Mr. HEFLIN. Mr. President, the Senator from Mississippi did not tell us whether or not these newspaper boys had notified the President elect in advance that they would be there at that early hour or whether he knew they were out there quietly waiting, shivering in the cold. It is a matter of great national interest as to whether they really suffered while waiting to see Mr. Hoover. And the paramount question now appears to be, Did they see him? [Laughter.]

Mr. WATSON. Mr. President, we are always interested when the Senator from Mississippi makes a speech, particularly a jocular address, or one in facetious vein. I wish I could be teased into following him into that very delightful field to which he tauntingly invites me, but there are other days coming, and I am so deeply interested in the passage of the pending measure that I can not for five minutes be tempted into any sort of filibuster myself.

I do not know whether or not the newspaper boys were standing outside in the cold; I know nothing about the depth of the snow in which their feet may have been encased, if I may be permitted to use the term, but I will say this to my good friend from Mississippi, whose friendship I so particularly enjoy, that after the next administration shall have begun we are going to make it so entirely warm for my friend that there will be no snow in which anybody need stand.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WATSON. Surely.

Mr. DILL. Does not the Senator think that it is especially unfortunate that the only snow that the Capital has had this year should be marred by the incident that has been described by the Senator from Mississippi?

Mr. WATSON. This is a sort of playful mood in which we all find ourselves at this time, but we all know that when the President elect went South he had but little opportunity to study the problems that confronted him or to deal with the questions he had to solve. He found it necessary to come back where he could get that companionship and that advice and that counsel which he is seeking and which he intends to seek in the future. It was the most natural thing in the world for him to do that thing.

Mr. HARRISON. Mr. President, does not the Senator think that he got that companionship and advice and counsel when the Senator from Utah journeyed forth to Florida and remained there with the President elect for several days?

Mr. NEELY rose.

Mr. WATSON. Undoubtedly he got all that he wanted from the Senator from Utah, who always is familiar with all public questions, and whose advice we nearly all take because it is always sound and sane when he sees fit to give it. But, in addition to that——

Mr. NORRIS. Is he not sound and sane at other times? [Laughter.]

Mr. WATSON. Mr. President, I said that the Senator's advice was sound and sane.

Mr. President, I did not have the pleasure of journeying after the President elect down to Florida, but I have no doubt that he found pleasure and recreation there while attending to some of the duties of the position which immediately confronts him, he not yet being President of the United States.

I want to say this in all seriousness, because my friend, though he did not bring it up in a serious vein, invites for one moment a serious discussion.

Mr. HARRISON. Before the Senator goes to that, he does not want to create the impression upon the minds of Senators here that he is not in the confidence of the President elect, does he?

Mr. WATSON. That the Senator from Mississippi is not?

Mr. HARRISON. No; that the Senator from Indiana is not.

Mr. WATSON. I think I am. If not, I hope to be.

Mr. HARRISON. Of course the Senator is.

Mr. WATSON. I think I am, and therefore I think I speak with some knowledge of the subject when I say that the President elect is giving as earnest and as serious consideration to the problems with which he will have to deal, both as to men and as to measures, as any man who has been elected to that position in my time, and that runs back a good many years. I think that when he comes into the office of President of the United States he is coming into it as thoroughly armed and equipped for the efficient discharge of his duties as any man who has taken that position in the Senator's day or in mine.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. WATSON. Surely.

Mr. BLAINE. The voice of the Senator sounds ominous and menacing to some. He suggested that after the 4th of March it would be so hot around here that we would not find any snow in Washington.

Mr. WATSON. I was referring to my Democratic friends.

Mr. BLAINE. Does the Senator intimate that the President elect is going to consign the Senator from Mississippi to the lower regions?

Mr. WATSON. Well, I am reminded that water seeks its level.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. NEELY. Does the distinguished Senator from Indiana think that Mr. Hoover will make it hotter for Democrats after the 4th of March than he made it for Republican presidential candidates before and during the Kansas City convention?

Mr. WATSON. I should think so.

Mr. HARRISON. May I ask the Senator this: He will not make it any hotter for me than he has for some of the Cabinet members of the Coolidge administration, will he?

Mr. WATSON. As to that, I am not advised. I am not in the confidence of the President elect as to his Cabinet selections, nor have I sought to be. I have no doubt that when he selects a Cabinet and presents the names here it will be found that the men are of such character, and men who have rendered such service, and are so conspicuous in their various fields of activity that we shall be glad immediately and unanimously to confirm them. Now, this talk was started in a facetious vein——

Mr. HARRISON. I thought what the Senator was saying was facetious.

Mr. WATSON. And I want to say to my friend from Mississippi that we will have abundant time in which to discuss all these questions, jocularly if he pleases, facetiously if he likes, but seriously, as he and I sometimes will want to discuss public questions. I believe that in the future, as in the past, the conduct of the Republican Party in public life will be such that the ranks of the Democratic Party will be thinned by those who continue in the future, as in the last election, to support the policies and measures and leaders of the Republican Party, and with that I am now content.

Mr. HARRISON. The Senator rose to furnish a little kindling wood to warm up these newspaper boys outside. Will he not say something about that now?

Mr. WATSON. I prefer to see them privately.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The next amendment was, under the heading "Bureau of Supplies and Accounts—Pay, subsistence, and transportation of naval personnel," on page 25, line 2, before the word "available," to insert "and made immediately," so as to read:

In all, for pay, subsistence, and transportation of naval personnel, $154,512,782, of which sum $578,500 shall be charged to the unexpended balance of the appropriation "Pay, subsistence, and transportation, Navy, 1928," which is continued and made immediately available for such purposes; and the money herein specifically appropriated and made available for "Pay, subsistence, and transportation of naval personnel," shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Yards and Docks—Maintenance, Bureau of Yards and Docks," on page 31, line 4, after the word "One," to strike out "$3,000" and insert "$4,000"; in line 13, after the word "One," to strike out "$3,000" and insert "$2,500"; and in line 14, before the word "each," to strike out "$2,000" and insert "$1,500," so as to read:

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including the purchase, exchange (including parts), maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed 10 in number) and the Naval Establishment not otherwise provided for, and including not to exceed $1,150,000 for clerical, inspection, drafting, messenger, and other classified work in the field, $7,639,300: *Provided*, That during the fiscal year 1930, the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the following respective numbers and costs: One $4,000, 5 at $2,000 each, 10 at $1,500 each, 28 at $650 each, 10 motor cycles at $450 each, and 5 motor busses at $3,800 each: *Provided further*, That the Secretary of the Navy shall sell, or exchange in part payment for such new vehicles to cost $1,200 or more, the following respective numbers of motor-propelled passenger-carrying vehicles in use and of makes which now cost in excess of the following respective prices per vehicle to replace: One $2,500, 5 at $1,500 each, and 10 at $1,200 each.

The amendment was agreed to.

The next amendment was, under the heading "Increase of the Navy," on page 45, line 7, after the word "authorized," to strike out "$22,750,000" and insert "$28,550,000, of which $500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930," so as to read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $28,550,000, of which $500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930, and, in addition, the Secretary of the Treasury is authorized and directed to make transfers during the fiscal year 1930 from the naval supply account fund to this appropriation of sums aggregating $2,000,000, and the total sum hereby made available shall remain available until expended.

Mr. BLAINE. Mr. President, I rise for the purpose of making a point of order, but before making the point of order, I desire to set forth the reasons why I think the point of order ought to be made.

Mr. BINGHAM. Mr. President, will not the Senator state the point of order he has in mind?

Mr. BLAINE. It will be a point of order against amendments in an appropriation bill containing new and general legislation. The point of order will refer to the rule of the Senate covering that matter.

I notice that in the act authorizing the 15 cruisers it is provided that—

The President of the United States is hereby authorized to undertake, prior to July 1, 1931, the construction of 15 light cruisers and 1 aircraft carrier, according to the following program.

The "following program" is five light cruisers during the fiscal year ending June 30, 1929, a like number in 1930, and a like number in 1931. That is the specific authorization—five cruisers for each of the three years 1929, 1930, and 1931.

The amendment proposes, under the heading "Increase of the Navy"—

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $28,550,000, of which $500,000 shall be available toward the construction of the second five light cruisers.

The vessels that have heretofore been authorized consist of 15 light cruisers. They are authorized, but they are divided into three classes, yet the authorization stands for the three years.

The amendment proposed is to permit the use of $28,550,000 for hulls and the outfitting of vessels and machinery for vessels so authorized, not only the 15 authorized but as well cruisers that are already in the course of construction prior to the authorization of a few days ago, except with reference to that class of five cruisers for the fiscal year 1930, where there is a limitation of $500,000. But there is no limitation upon the Navy Department or those who will administer this law with respect to the $28,050,000. That can be used under the terms of the bill and the amendment on all of the cruisers, on those which have been authorized prior to the recent authorization and on the cruisers authorized for the year 1929 and 1930, the limitation being only on the class for 1930 or a limitation of $500,000.

Therefore, Mr. President, the bill and amendment propose an entirely different set-up for construction and go beyond the authorization of the bill, go into the year 1931, and the Navy Department or those administering the law may take the $28,050,000 and use it for a purpose not authorized by the act passed a few days ago—that is, use it in the present construction of cruisers which have not been authorized until the year 1931, thereby changing the general law.

Therefore, I make the point of order that the Committee on Appropriations may not report an appropriation bill containing new or general legislation.

Mr. HALE. Mr. President, will the Senator explain why he thinks this would allow the department to proceed to use the appropriation for the construction of 10 or 15 new cruisers?

Mr. BLAINE. For all vessels that are authorized, and the limitation is on the class for 1930 only, and that is a limitation of $500,000.

Mr. HALE. There is $22,750,000 provided in the House bill, and that refers not to these cruisers, but, in part, to eight cruisers that were already authorized and are now in process of construction. It refers partly to them and partly to the three submarines which were authorized under the law of 1916. What we have done is to add to this the $5,800,000 as recommended by the Budget, and it is exactly what is recommended by the Budget to take care of the first five cruisers. The committee has further provided that $500,000 shall be taken out of that $5,800,000 and applied to the second lot of cruisers, but, as I

explained to the Senator from Iowa this afternoon, I am proposing to amend, in line 17, page 45 of the bill, by adding the following words:

Except the $500,000 available toward the construction of the second five cruisers, the construction of which is authorized by the act approved February, 1929.

So there can be no question that these cruisers can be constructed at the present time.

Mr. BLAINE. I do not know what was in the minds of the Committee on Appropriations. I do not know what was in the minds of the Bureau of the Budget. I am not dealing with what might have been in their minds or what was in their minds. I am directing my point of order to the bill as it now provides, namely, on account of hulls and outfits of vessels and machinery of vessels heretofore authorized. That includes all of them. There is no limitation on the eight earlier authorized.

Mr. HALE. I explained to the Senator that the eight were taken care of.

Mr. BLAINE. And the 15 are taken care of in this bill, too. Ten of them are already authorized, except that the limitation is upon the class of 1930, and that limitation is $500,000. The language can not be plainer. It really does not subject itself to interpretation. "All authorized" means all that have been authorized, the 8 and the 15. They are all authorized. There is no dispute about that, and therefore the bill proposes to begin upon the construction not only of those already under construction but as well the 15 cruisers authorized by the recent act.

Mr. HALE. I think in view of the fact that the Budget estimate provides for the first five cruisers alone, and it is so affirmatively stated in the letter from the Director of the Budget, there is no merit in the point of order raised by the Senator from Wisconsin.

Mr. BLAINE. We can not legislate here on the basis of a letter from the Bureau of the Budget. When this body legislates the interpretation must be taken from the language of the bill itself and not from a letter which some other department of the Government may have written.

Mr. NORRIS. Mr. President, will the Senator permit me to interrupt him?

Mr. BLAINE. Certainly.

Mr. NORRIS. In view of what the Senator from Maine has said, I would like to call attention to the fact that the appropriation bill is for the fiscal year ending June 30, 1930. It contains an appropriation in the amendment against which the Senator from Wisconsin has made his point of order providing for $500,000 toward the construction of five cruisers which under the law can not be built until 1931.

Mr. HALE. No; in the fiscal year 1930.

Mr. NORRIS. But the Senator has gone beyond that in the bill and has proposed to appropriate $500,000 for the second batch of cruisers.

Mr. HALE. That is for 1930 and not 1931.

Mr. NORRIS. We are not authorized under the act to which the Senator refers to do that thing, as I understand the law.

Mr. HALE. Oh, yes; we are authorized to do just that thing. Five are to be commenced before July 1, 1929, five are to be commenced before July 1, 1930, and five are to be commenced before July 1, 1931. It is the second five we are providing for in this bill under the terms of the cruiser bill.

Mr. BLAINE. The language of the authorization is five light cruisers during each of the fiscal years ending June 30, 1929, 1930, and 1931. Those have all been authorized, but by classes of five to be built in each fiscal year. Now the Senator from Maine proposes in an appropriation bill to begin the construction of all of the 15 cruisers with the exception of the limitation of $500,000 placed upon those in 1930. That is the plain language of the bill.

Mr. HALE. It could not be done under the law, because the law provides that they shall be started at that time and not before.

Mr. BLAINE. The point of order I am making is that the committee is changing the general law and is permitting it to be done. They are proposing to permit the 15 cruisers to be begun in 1929. There is no question about that.

Mr. HALE. I deny that.

Mr. BLAINE. I am talking about the plain language of the proposal. I know what is in the Senator's mind, but we can not legislate the Senator's mind into this bill. I am sorry sometimes that that might not be done, but it can not be done under our Constitution. The entire 15 cruisers were authorized and the Navy Department may begin the construction the very moment the President signs this bill under the present authorization, except the $500,000 only shall be available toward the construction of the five cruisers in 1930.

Mr. HALE. Mr. President, the Senator might possibly be right, though I do not think he would be right even then, if we had already authorized the 15 cruisers unconditionally. We have authorized 15 cruisers, but we have only authorized them under the provisions of the cruiser law, that only five may be built each year for three years and therefore we are not authorized to go ahead with the construction of more than five cruisers a year. We are authorized to go ahead with the construction of those for 1929 and that we have provided for. We are also authorized to go ahead with those provided for 1930 because we have come to the time when we must pass the annual appropriation bill for the fiscal year 1930. The last five we are not yet authorized to construct and therefore could not go ahead with them. Therefore I claim the Senator's point of order is not well taken.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. HALE. I yield.

Mr. KING. Does not the Senator perceive that even an appropriation bill, if it is not challenged, if it goes through and becomes a law, may repeal a prior positive statute? The Senator has called attention to the fact that the cruiser bill which we have passed provided for the construction or undertaking, to use the language of the bill as I recall it, of the five cruisers in three successive years. That is a statute, but I agree with the Senator from Wisconsin that this amendment would amend that statute.

Mr. HALE. I do not agree with the Senator at all.

Mr. KING. The Senator is attempting in an appropriation bill to amend a positive statute which we enacted only a few weeks ago. The Senator must concede that an appropriation bill, if it is enacted into law without challenge, can repeal a pre-existing statute.

Mr. HALE. It can, but this particular one does not. This one refers to the cruisers heretofore authorized, and refers to the terms under which they were authorized, and under those terms we are limited in the construction of the cruisers.

Mr. KING. The Senator admits, does he not, that an appropriation bill may repeal a prior law; that is to say, in an appropriation bill there may be incorporated a provision which will repeal a prior law.

Mr. HALE. Certainly.

Mr. KING. Even if it is not cognate to the matter discussed or considered in an appropriation bill. If it may repeal a former statute, then the only question is, Does this directly or indirectly, by implication or specifically, repeal any of the provisions of the cruiser act? I think it does.

Mr. HALE. My contention is that it does not.

Mr. KING. I think the language is sufficiently broad to authorize the commencement of the construction of the second five cruisers. There seems to be no limitation upon the amount of the $28,000,000, which may be used for that purpose. With that construction, it seems to me, to be very clear that this is an attempt upon an appropriation bill to modify an existing statute.

The VICE PRESIDENT. The Chair holds that the point of order is not well taken.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. NORRIS. Earlier in the day when this bill came up for consideration first the Senator from Utah [Mr. KING] demanded the reading of the bill and objected to the unanimous-consent request submitted by the Senator from Maine. The bill was not read in full. We were only part way through with it when the morning hour expired. My inquiry is, Under that order should not the bill be read before the amendments are taken up? Unanimous consent has not been given to dispense with the reading of the bill. It has not even been requested since then.

The VICE PRESIDENT. The reading of the bill will be resumed, and the amendments will be voted on as they are reached.

Mr. NORRIS. I did not understand what the Chair said.

The VICE PRESIDENT. The reading of the bill will be continued.

The legislative clerk resumed the reading of the bill at the top of page 26, beginning with the item "Maintenance, Bureau of Supplies and Accounts," and read down to the end of line 2, on page 33.

Mr. SWANSON. Mr. President, I am going to make a request which I think will result in disposing of the pending bill and at the same time be fair to everyone concerned. I ask unanimous consent that general debate on this bill shall be closed to-morrow afternoon at 3 o'clock and that after the hour of 3 o'clock to-morrow afternoon debate shall be limited to 10 minutes on the bill and 10 minutes on any amendment to it. Then when the Senate concludes its business this afternoon it may adjourn, or take a recess, or have an executive session, as may be desired.

Mr. KING. The proposal of the Senator from Virginia is agreeable to me.

Mr. HALE. It is agreeable to me.

Mr. NORRIS. Mr. President, I have no objection to it, but there are only a few Senators present, and I think in fairness the roll should be called.

Mr. SWANSON. The Senator from Utah has spoken to other Senators about it.

Mr. SMOOT. The agreement suggested by the Senator from Virginia does not fix a definite time for a vote, and, consequently, a roll call is not necessary under the rule.

Mr. NORRIS. It does not fix a definite time for a vote, but I think we ought to have a roll call, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Glass	Moses	Smoot
Black	Glenn	Neely	Steck
Blaine	Goff	Norbeck	Steiwer
Bratton	Hale	Norris	Stephens
Brookhart	Harris	Nye	Swanson
Broussard	Harrison	Oddie	Thomas, Idaho
Capper	Hastings	Overman	Thomas, Okla.
Caraway	Hawes	Phipps	Trammell
Couzens	Hayden	Pittman	Tydings
Curtis	Heflin	Ransdell	Tyson
Dale	Johnson	Robinson, Ind.	Vandenberg
Deneen	Jones	Sackett	Wagner
Dill	Kendrick	Schall	Walsh, Mass.
Fess	King	Sheppard	Walsh, Mont.
Frazier	McKellar	Shipstead	Warren
George	McMaster	Shortridge	Waterman
Gerry	McNary	Simmons	Watson
Gillett	Mayfield	Smith	

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, a quorum is present.

Mr. SWANSON. Mr. President, I desire to submit to the Senate a proposed unanimous-consent agreement that to-morrow, after the reading of the Farewell Address of George Washington, the Senate shall proceed to the consideration of the pending bill, and that after 3 o'clock on that calendar day all debate shall be limited to 10 minutes on the bill and 10 minutes on each amendment.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement proposed by the Senator from Virginia? The Chair hears none, and the unanimous-consent agreement is entered into.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted severally on its disagreement to the amendment of the Senate to each of the following bills of the House, and that Mr. SMITH, Mr. LEATHERWOOD, and Mr. LANKFORD were appointed managers on the part of the House at the respective conferences:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, and that the House had receded from its disagreement to the amendment of the Senate No. 36 to the bill, and concurred therein.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to each of the following bills:

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers; and

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS of Texas were appointed managers on the part of the House at the conference.

IMMIGRATION QUOTAS BASED ON NATIONAL ORIGINS

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the senior Senator from Minnesota [Mr. SHIPSTEAD] before the Senate Committee on Immigration regarding the Nye resolution to postpone effectuation of the national-origins clause of the immigration law.

In view of the fact that this resolution may be debated before the Senate in a few days, I ask that these remarks be printed in the body of the RECORD. They constitute an able analysis of the report of three Cabinet officials who investigated the results of regulating immigration by means of the national-origins plan.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. HENRIK SHIPSTED BEFORE THE SENATE COMMITTEE ON IMMIGRATION REGARDING THE NYE RESOLUTION TO POSTPONE EFFECTUATION OF NATIONAL-ORIGINS CLAUSE

Senator SHIPSTEAD. On two previous occasions the Committee on Immigration has been called upon to examine the report of the three Cabinet officials based upon their investigations through statistical reports. On both occasions your committee has refused to accept the report. The reasons given to the Senate for refusing to accept the report are contained in the following statement by the chairman of the Committee on Immigration, February 1, 1927:

"I desire to say that under the present immigration law the President is required to promulgate a proclamation on the 1st day of April, 1927, in respect to the national-origins provisions of the law.

"Upon this subject two messages have been received by the Senate. The last of those messages states that figures relied upon for the quota numbers of various countries are ambiguous and that practical legislation could not be predicated upon them."

And further he says:

CLARIFICATION OF DATA CONSIDERED IMPOSSIBLE

"I violate no confidence, I think, in saying to the Senator from Missouri that the majority of the Immigration Committee desired to repeal the national origins law, but there being a minority in favor of it and our time being so limited, we felt that we could not at this time have definitive action.

"The resolution passed the Senate, came before the Immigration Committee of the House, and a majority of the committee reporting the resolution to the House reported, in part, as follows:

"'The committee having considered the text of Senate Joint Resolution 152, to postpone for one year the going into effect of the national-origins provision of the immigration act of 1924, is of the opinion that at the end of one year from July 1, 1927, the same uncertainty as to the results of regulating immigration by means of the national-origins plan will continue to exist.

"'That the Secretaries of State, Commerce, and Labor will have little, if any more, positive evidence on which to base quota findings than at present.

"'That too much uncertainty exists as to the requirements of the law that "the President shall issue a proclamation on or before April 1, 1927," when read in conjunction with further provisions of the law.

"'That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.

"'That the committee is of the opinion that the United States, having started on a policy of numerical restriction, the principle of which is well understood, that little will be gained by changing the method.'

"I take it for granted that your committee has again refused to accept the report of the fact-finding commission appointed by the President according to law. I base that upon the fact that the committee has decided to hold public hearings."

LAW OF 1924 SPECIFIC

Under the provisions of the immigration law of 1924 the commission composed of the Secretaries of State, Labor, and Commerce and the task of determining the national origin of the population of the United States. The specific instruction of the law to this commission reads as follows:

"Such determination shall not be made by tracing the ancestors of descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable."

You will note that the mandate is quite specific in its limitations upon the commission. The purpose of this provision of the law was to create a fact-finding commission. The commission is instructed by law to confine their source of information to "immigration and emigration" statistics, "together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable."

The law specifies these three sources of information upon which to find the facts. The report is here; in fact, it is here for the third time by request of the committee for the purpose of determination by your committee as to whether or not the commission has complied with the provisions of the law in its search for facts and if the facts reported are of such a character that the committee in its judgment feels they are sufficient and substantial enough to form the foundation of the immigration policy of the United States.

It must be clear to everyone that the limitations conferred by law upon the fact-finding commission extend also to the Committee on Immigration in this case. The committee sits in a judicial capacity in judgment on the report, and the report of the commission must form the foundation of your decision. Under the law it seems plain that the committee is confined to the report of the commission. It therefore becomes important to learn what is the foundation of the commission's report.

Therefore I call the committee's attention to the testimony of the chairman of the commission's "experts," whose duty it is to report to the commission of three Cabinet officials in order that we may learn upon what their report is founded.

CENSUS OF 1790 BASIS OF REPORT

On page 14 of Senate document dated March 15, 1928, and designated as "Hearing before the Committee on Immigration, United States Senate, Seventieth Congress, first session," we read the following:

"Senator SHIPSTEAD. Doctor, upon reading the report I got the idea that the census of 1790 plays a very important part in your report.

"Doctor HILL. Yes; that is true.

"Senator SHIPSTEAD. It is almost a foundation for the entire report, as I read it.

"Doctor HILL. Well, you are talking now about the census record, not about the century of population growth?

"Senator SHIPSTEAD. I am talking about the census record; and the century of population growth is based, as I understand it, upon the census of 1790?

"Doctor HILL. Yes.

"Senator SHIPSTEAD. So the census of 1790 becomes the key to the arch of the whole basis of calculation, as I understand the report. I wanted to know if that is your idea.

"Doctor HILL. Yes; for that part of the population which we call the original native stock, representing about 45 per cent of the total.

"Senator SHIPSTEAD. Can you tell us how many or what percentage of the statistics gathered in that report were destroyed when the British burned the Capitol here?

"Doctor HILL. Well, the records for New Jersey, Delaware, Georgia, Kentucky, and Tennessee. These records have been lost, but it is not altogether certain that they were destroyed when the British burned the Capitol, although that is the tradition.

"Senator SHIPSTEAD. It was given at one time as something like six or seven States of which the statistics were burned at that time, so given by one of the Commissioners of Immigration.

"Senator COPELAND. Does the Senator mean that the records relating to those States were burned?

"Senator SHIPSTEAD. Yes."

In Senate document, dated December 22, 1926, and designated "Hearings Before the Committee on Immigration, United States Senate, Sixty-ninth Congress, Second Session," on page 4, while making a statement on the provisions of the law specifying the source of information upon which the commission was instructed to base its conclusion, I made the following statement:

"* * * Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses and such other data as may be found to be reliable."

It will be seen from the above that the most important element in this determination is "statistics of immigration and emigration." The next important element is "rates of increase of population as shown by successive decennial United States censuses."

As reliable statistics of immigration and emigration are not in existence, the whole plan fails and leaves the determination to mere guesswork or conjecture.

"Senator REED. In the absence of statistics, you say?

"Senator SHIPSTEAD. Yes; I say 'reliable statistics' are not available. According to the best authorities, there are no reliable statistics of immigration for the first 213 years of this country's history. I believe you stated in the debate upon this proposition that there were none until 1820?

"Senator REED. Yes.

"Senator SHIPSTEAD. I am quoting from your statement on the floor of the Senate, April 3, 1924, page 5460, part 6, volume 65, of the CONGRESSIONAL RECORD: 'There was no official governmental record of immigration commenced until the year 1820.'"

Dr. Edward McSweeney, former Assistant Commissioner of Immigration, has made a statement on that, and if you would care to have me do so I would like to read it. He said [reading]:

"In 1819 a law was passed making it necessary for the captains of all incoming ships bringing passengers to the United States to file a manifest of the passengers, but except to give the number of the passengers to the Government was never other than perfunctory and almost never used. These accumulated manifests were burned in the Ellis Island fire of 1896. The first real attempt to gather immigration statistics was after the Immigration Bureau was established in the early nineties."

In 1906 Congress passed a law providing that the Director of the Census be authorized and directed to publish in permanent form, by counties and minor subdivisions, the names of the families returned at the first census of the United States in 1790.

Speaking of the difficulties in this work, William S. Rossiter, then chief clerk of the Census Bureau, stated in Outlook for December 29, 1906, page 1071, marshals in the different districts who had charge of the census:

"The break in official records is one of the marks of the teeth of the British lion, these papers and many others having been destroyed during the occupation of Washington in the War of 1812."

Mr. Rossiter also states:

"Vagaries of size, shape, paper, ruling, chirography, and language could easily be forgiven if, however, thereby we could restore the missing schedules for Delaware, Georgia, Kentucky, New Jersey, Tennessee, and Virginia, another reminder of the British, for they were also destroyed during the occupation of Washington."

Mr. Rossiter estimates that one-fourth of the enumeration is now lacking and that it would be very difficult to comply with the law of 1906.

Director of the Census North was not seemingly deterred by the fact that such a large part of the records was missing, and proceeded in 1909 to make a voluminous report which not only used the partial records but gave meticulous percentages of the racial divisions in the country based solely on names, the same as the late Senator Lodge has done in his Distribution of Ability in 1896. Well, certainly the recklessness of that would be apparent; for instance, here is a man by the name of Murphy; suppose he marries a girl of German descent.

What would the children be? If you go by name, of course, they would be called Irish; the German would be wiped out. If an Irish girl should marry a man with a German name, a Scotch name, or Scandinavian name the Irish descent would be wiped out.

These fragmentary statistics of immigration and emigration are, therefore, admitted by the chairman of "experts" to be the foundation of their report. One-half of the records of the census of 1790 were destroyed more than 100 years before the commission began its work. In the census of 1790 the only information gathered by the census takers was the name and age of the individual. No information was gathered to determine their national origin. The only manner in which the national origin could be determined of the population of 1790 would be from the remaining records of the seven remaining States. Six are gone and the only manner in which the national origin of the remainder can be determined is by tracing the national origin of each individual of the population at that time by spelling or sound of his name. This is "tracing the ancestors of descendants of particular individuals," but the law creating the committee of experts says "such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of emigration and immigration, together with rates of increase of population as shown by suc-

cessive decennial United States censuses, and such other data as may be found to be reliable."

It seems plain and must be patent to the committee that the census of 1790 is specifically eliminated from consideration in this work by specific provision of the law. It is plain, in view of the statement of Doctor Hill that the census of 1790 is the foundation of his report that this evidence places the report in an indefensible position. There remains, then, (a) "Statistics of immigration and emigration."

RECORDS FROM 1819 TO 1896 BURNED

On April 4, 1924, page 5460, part 6, volume 65, of the CONGRESSIONAL RECORD, I find the statement made by the Senator from Pennsylvania [Mr. REED]:

"There was no official governmental record of immigration commenced until the year 1820."

The immigration statistics provided for by law in the year 1819 were burned in the Ellis Island fire of 1896. As to the reliability of these records, Dr. Edward McSweeney, former Assistant Commissioner of Immigration, said:

"In 1819 a law was passed making it necessary for the captains of all incoming ships bringing passengers to the United States to file a manifest of the passengers, but, except to give the number of the passengers to the Government, was never other than perfunctory and almost never used. These accumulated manifests were burned in the Ellis Island fire of 1896. The first real attempt to gather immigration statistics was after the Immigration Bureau was established in the early nineties."

Therefore the immigration statistics up until the early nineties were "perfunctory and almost never used," and what there was of them were destroyed by the Ellis Island fire in 1896. These immigration statistics are therefore eliminated not only by the provisions of the law on account of unreliability but also by the fire.

There remains, then, for the consideration of the committee "the rates of increase of population as shown by successive decennial United States censuses and such other data as may be found to be reliable." It is hard to understand what effect "the rate of increase of population as shown by successive decennial United States censuses" can have upon the determination of the national origin of the American population so long as no information bearing upon national origin of the American population was gathered by the Census Bureau until 1850, and the Census Bureau did not gather any statistics on the origin of parents that were complete until 1890.

NO NATIONAL-ORIGIN CENSUS RECORD UNTIL 1890

I desire to call the committee's attention to Doctor Hill's testimony in Senate document designated as "Hearing Before the Committee on Immigration, United States Senate, Seventieth Congress, First Session," March 15, on page 19:

"Senator SHIPSTEAD. Doctor, have we got the returns for 1800?

"Doctor HILL. Have we got them?

"Senator SHIPSTEAD. Yes.

"Doctor HILL. There are some States missing still. States for which the 1800 census records are missing include Georgia, Kentucky, Mississippi, New Jersey, Tennessee, and Virginia, and certain limited areas in some other States; also Indian Territory and Northwest Territory.

"Senator SHIPSTEAD. There were six or seven missing out of 1790.

"Senator WILLIS. I was wondering whether or not that might not be a check worth while. Our committees made these computations on the basis of the census of 1790. Suppose they should start an entirely independent inquiry, taking the census of 1800 and 1810 and see where they come out. It would be a pretty useful check, would it?

"Senator COPELAND. Up as far as 1830 it would be, Doctor Hill. That would be a very large undertaking, a very large task, especially as we would have to work with manuscript records. We haven't printed these schedules as we have those of 1790.

"Senator WILLIS. You say you have not any printed record for the census for the earlier periods?

"Doctor HILL. I mean by that the original records. Of course, we have census reports giving statistics.

"Senator WILLIS. Seventeen hundred and ninety was printed; 1800 was not, or 1810?

"Doctor HILL. No; nor has any later census been printed.

"Senator SHIPSTEAD. Can you tell me the first census we took in which we undertook to find out what country these people came from?

"Doctor HILL. 1850.

"Senator SHIPSTEAD. There was nothing done up until that time by our enumerators to determine where those people came from in Europe?

"Doctor HILL. That is true.

"Senator COPELAND. In 1850 did they go back further than the immediate parents?

"Doctor HILL. It did not go back as far as that; simply their own birthplace; whether foreign born, and in what countries.

"Senator COPELAND. When did they begin to ask anything about the parents?

"Doctor HILL. They made a beginning in 1880; but, as I stated a while ago, that was not a complete classification. The first complete classification made of parents was in 1890.

"Senator SHIPSTEAD. Then until 1850 there was nothing to show except by assuming from the names?

"Doctor HILL. Well, we have the figures, you know.

"Senator SHIPSTEAD. Were there any other immigration figures other than those required by the Government to be filed by the officers of incoming ships with the immigration officers, the number of passengers, and that the passengers landed were accredited to the flag carried by the ship?

"Doctor HILL. I think you are right about that. I am not familiar with the immigration regulations of those days.

"Senator SHIPSTEAD. So, if the ship came in carrying passengers from all over Europe, assume she had a thousand passengers, the officer would file with the immigration department a manifest showing that a thousand came here, and that German ship and immigration officials would accredit those immigrants to Germany; is that right?

"Senator REED. I doubt whether there was any ship of that capacity at that time.

"Senator SHIPSTEAD. Of course, the figure I assumed merely for the purpose of illustration. For instance, an English ship coming in under the English flag, carrying passengers from all over Europe, the passengers would be accredited to England?

"Senator WILLIS. The way they handled ships in those days that would not be a bad guess, because they did not have tramp vessels gathering up cargo. A ship was laden and went to a certain port.

"Senator REED. Your conclusions upon that were checked, were they not, by statistics of emigrants from various countries?

"Doctor HILL. So far as we could get them."

In Doctor Hill's last report he says:

"In order to utilize the available date to best advantage in the determination of national origin it was necessary first of all to deter what proportion of the white population of the United States in 1920 was derived from the white population present in the United States when the first census was taken in 1790."

Suppose that it were possible to determine what percentage of the population of 1920 was descended from the population prior to 1790, what bearing could that have on the national origins of the population of 1920 unless we had some definite immigration and census records informing us on what was the national origins of the population prior to 1790?

On page 2 of Doctor Hill's last report we learn:

"The national origin of the original native or colonial stock is assumed to be the same as that of the 1790 population. In its preliminary report, submitted in 1926, the quota committee accepted the classification of 1790 population by nationalities as given in A Century of Population Growth, a work published by the Bureau of the Census in 1909. It was admitted, however, that there was a 'considerable element of uncertainty' in a classification based as that was upon the names of heads of families."

On page 4 of the last report and the one now pending we find that one of the experts explains the method of determining the national origins of the population of 1790. This shows plainly that the committee of experts' report is based on A Century of Population Growth, which again is based on the census of 1790, and the only excuse for basing the quotas on the census of 1790 and the only scientific thing about it is that they determine the national origin of the population of 1790 by tracing or by guessing the national origin of the individual using his name as a basis. This method was considered so unscientific at the time of the passage of the immigration act that the Congress specifically prohibited this method from being used.

Therefore, up until 1890, we find there was no complete classification made of the national origins of the parents of the American population by the Census Bureau. This is an admission of Doctor Hill in the hearings conducted by your committee. It seems to me, therefore, that the record as well as the law rules out the "rate of increase as shown by successive decennial United States censuses."

DANGERS OF GOING ASTRAY

There remains, then, "such other data as may be found to be reliable." What that data is and how reliable it may be is for the committee to determine. In passing upon the reliability of whatever remaining data there may be I am sure it is not necessary to warn the committee against going astray on testimony presented by people whose mental complex seems biased by international and racial prejudices and inhibitions always latent to some extent in the human breast. The law does not provide that the committee shall consult the opinions and prejudices of our various racial or national groups. The law specifically provides that the commission of Cabinet officers shall search the records for facts. The law does not provide the commission shall search emotions for prejudices. It is plain that the same provisions of law apply to the committee. The Congress of the United States legislates under the provisions of the Constitution. It is not within the province of Congress to legislate for or against any person or group representing any nationality composing its citizenship. We legislate as Americans. The Constitution does not distinguish between racial groups.

I find on reading the report of the committee of experts that they have arbitrarily divided the American population into two classes. The native American stock and the immigrant stock. The native American stock is held by the committee of experts to be composed of those whose ancestors were here before 1790, and that part of our population whose ancestors came here after 1790 are designated as immigrants and the children of immigrants. This arbitrary classification is the foundation of the report of the committee. I would like to know how this committee of "experts" discovered that the population of the United States prior to 1790 were not immigrants or children of immigrants. That is a new theory that I nominate to stand on a par with Doctor Einstein's fourth and fifth dimensions, interesting for speculative purposes, but surely not to be relied on to form the foundation of an American immigration policy. I know of no provision of law nor do I desire any such that may prohibit those whose ancestors were here before 1790 from purchasing for themselves championship belts for the purpose of designating to the world that they are the only "simon pure" Americans. But for purposes of legislation we can not distinguish or give any preferred status to any particular group.

The law specifically confers the duties of finding the facts upon a commission of three Cabinet officers. This commission has made its report. It is evident that the report of the Cabinet officers based upon the work of their "experts" satisfy the committee that the data is not of such a character that it was sufficient to comply with the provisions of section (c) of the immigration act. I therefore assume that the present hearings have been extended by the committee to other sources in the hope that it may find "such other data as may be found to be reliable." How scientific and how reliable such testimony may have been as presented to the committee by the various witnesses appearing before it is for the committee to determine. It must be evident and apparent to the committee that the sources enumerated in the law have been searched and found wanting.

It is therefore plain that the committee having discarded the report of the commission appointed by law, and if the national-origins clause is to be put into effect and used as a basis for our immigration policy it can only be done by amending the immigration act of 1924. If that is the intention of the committee, I assume its recommendations will be based upon information obtained in public hearings, and will be political in character, since the scientific and statistical data to which we are limited under the law is not found to be reliable.

THE CALENDAR

Mr. CURTIS. Mr. President, if no Senator desires to debate the naval appropriation bill, I ask unanimous consent that the Senate proceed for one hour to the consideration of unobjected bills on the calendar, beginning where we left off at the last call.

The PRESIDENT pro tempore. Is there objection?

SEVERAL SENATORS. Make it three-quarters of an hour.

Mr. CURTIS. Very well; I ask that we take up unobjected bills on the calendar for three-quarters of an hour.

Mr. BRATTON. Beginning at what point?

Mr. CURTIS. Where we left off at the last call.

Mr. BRATTON. What is the calendar number?

The PRESIDENT pro tempore. Order of Business 1322.

Mr. KING. Unobjected bills?

Mr. CURTIS. Yes; unobjected bills.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will state Order of Business 1322.

The first business on the calendar under the unanimous-consent agreement was the bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes.

Mr. RANSDELL. I move to take up that bill.

Mr. KING. I object.

Mr. BINGHAM. That was not the agreement, Mr. President. The agreement covered only unobjected bills on the calendar.

Mr. RANSDELL. Very well; I withdraw the motion.

The PRESIDENT pro tempore. The unanimous-consent agreement includes only unobjected bills. Does the Chair understand that objection has been made to the consideration of this number on the calendar?

Mr. KING. Yes.

Mr. RANSDELL. I hope there will be no objection to the bill.

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

The PRESIDENT pro tempore. This bill will be passed over.

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1928, was announced as next in order.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HALE. Mr. President, will the Senator allow that bill to go over for a few minutes until I can get the papers relating to it? It is of great importance to the Navy Department.

Mr. KING. I do not want it to come up this afternoon.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

THE CENSUS

The bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses was announced as next in order.

Mr. KING. Mr. President, the Senator from Maryland [Mr. BRUCE] is very much interested in this bill. I do not think we ought to take it up in his absence.

Mr. JONES. Mr. President, the Senator from Maryland has submitted an amendment, which he intends to propose with reference to the civil service. So far as I am concerned, I am perfectly willing to accept the amendment and take it to conference and do the best I can with the matter.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. BINGHAM. What is the number of the bill?

The PRESIDENT pro tempore. It is Order of Business 1376, House bill 393.

Mr. KING. It is the bill providing for the fifteenth and subsequent decennial censuses. It is a very important measure.

The PRESIDENT pro tempore. The Chair understands the Senator from Utah to maintain his objection. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws was announced as next in order.

Mr. BINGHAM. That bill will take some debate, Mr. President. I think it had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

GRAND JURIES

The bill (S. 2204) to amend section 284 of the Judicial Code of the United States was announced as next in order.

Mr. JONES. What is that bill about, Mr. President?

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 284 of the Judicial Code be, and the same is hereby, amended so as to read as follows:

"SEC. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. And such judge may, upon

request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to continue business unfinished by such grand jury: *Provided, however,* That no grand jury shall be permitted to sit in all during more than three terms. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

Mr. JONES. I have no objection, Mr. President.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

REFUNDS OF TAXES

The bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. BINGHAM. Mr. President, at the request of the Senator from Rhode Island [Mr. METCALF] who desires to be here when these bills are considered, I ask that this bill and the next one on the calendar, Senate bill 5319, may be passed over.

The PRESIDENT pro tempore. Senate bill 5223 will be passed over; and the same order will be entered with reference to the next number on the calendar, Senate bill 5319, to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 5, to strike out all of section 6, and to insert in lieu thereof a new section, as follows:

SEC. 6. The court shall also direct service of a copy of said order of citation before the return date of the said order upon each of the persons named therein who is, so far as ascertainable by reasonable inquiry, residing or sojourning at the time within the District of Columbia. The court shall also require a copy of said order of citation to be mailed, postpaid, to such of the persons named therein as may be shown by said petition or affidavit to be nonresidents of the District of Columbia, such copy to be addressed to such persons at their last-known places of residence.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the word "of" where it first occurs, to strike out "an amount equal to the assessed value of the land to be taken" and insert "the amount of the estimated compensation stated in said declaration," so as to read:

Upon the filing of said declaration of taking and of the deposit in the registry of the court to the use of the persons entitled thereto of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per cent per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the registry. No sum so paid into the registry shall be charged with commissions or poundage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (H. R. 11725) for the apportionment of Representatives in Congress was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12695) to authorize the licensing of patents owned by the United States was announced as next in order.

Mr. DILL and Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXAMINATIONS OF FEDERAL RESERVE MEMBER BANKS

The bill (S. 5349) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the seventh paragraph of section 9 of the Federal reserve act, as amended (sec. 326, title 12, U. S. C.), is further amended by striking out the last sentence thereof and inserting the following:

"The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, and to any other proper persons."

SEC. 2. That section 5240, United States Revised Statutes, as amended by section 21 of the Federal reserve act, is further amended in the third paragraph thereof (sec. 483, title 12, U. S. C.) by striking out the second sentence of such paragraph and inserting in lieu thereof the following:

"The expense of such examinations may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ATTENDANCE OF WITNESSES IN FEDERAL COURTS

The bill (S. 5229) to amend section 876 of the Revised Statutes was announced as next in order.

Mr. JONES. Mr. President, what is the change that is proposed in the Revised Statutes? That is all I desire to know.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

Mr. WALSH of Montana. Mr. President, I think I can state that. The bill simply authorizes subpœnas to be issued for witnesses in any part of the United States, except that if the subpœna goes more than 100 miles an order of the court must be had.

Mr. JONES. I have no objection.

Mr. KING. Mr. President, let me ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Montana wish now to offer the amendment which he has offered, and which is printed and lying on the table?

Mr. WALSH of Montana. I do. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. On page 2, line 3, it is proposed to strike out the period after the word "Columbia" and to add thereto the following:

Provided, however, That in the taxation or assessment of costs, witness fees for witnesses subpœnaed as provided by this section shall not be taxed or assessed in an amount greater than fees now provided by law for mileage, per diem, and sustenance, and not in excess of the actual number of miles necessarily traveled and the actual number of days necessarily in attendance within the State in which the trial is held.

Mr. KING. I should like to ask the Senator whether the subpœna would run beyond the limits of the State?

Mr. WALSH of Montana. Yes; it would run anywhere in the United States if the court so ordered. Application must be made to the court. The purpose is actually to bring the witnesses in where they can be interrogated before the court, rather than to take their depositions at a distance; but the order must be procured, and no costs can be taxed against the defendant that are incurred without the State.

Mr. WATSON. Mr. President, does this mean that a witness can be subpœnaed clear across the country?

Mr. WALSH of Montana. Yes.

Mr. WATSON. From one end of the United States to the other?

Mr. WALSH of Montana. Yes.

Mr. WATSON. And his attendance compelled?

Mr. WALSH of Montana. Yes.

Mr. KING. In a civil suit?

Mr. WALSH of Montana. In a civil suit. The necessity is so obviously apparent in the cases arising out of the oil leases. Depositions in cases of that kind would be of no consequence at all, or, at least, would not meet the necessity of the case; and whether or not the subpœna shall be issued is a matter that is always addressed to the discretion of the court.

Mr. WATSON. Mr. President, I am very loath to object to the consideration of any measure; but that seems to me to be so drastic, and such a sweeping change in the existing situation, that I should like to have time to study the bill. I think I shall object.

The PRESIDENT pro tempore. The bill will be passed over.

APPOINTMENT OF ADDITIONAL JUDGES

The bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania was announced as next in order.

Mr. BLEASE. Mr. President, I ask unanimous consent to take up Senate bill 5193, House bill 8551, House bill 9200, House bill 12811, House bill 8295, and House bill 14659, and that they be passed en bloc.

Mr. KING. I think we had better let all these bills go over.

The PRESIDENT pro tempore. They will all be passed over.

BILLS PASSED OVER

The bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly was announced as next in order.

Mr. BINGHAM. Mr. President, at the request of the Senator from Rhode Island, I ask that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 9021) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MISUSE OF OFFICIAL BADGES

The bill (S. 2213) providing against misuse of official badges for United States marshals and their deputies was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, to strike out "Attorney General" and to insert in lieu thereof the words "head of any department of the Government of the United States"; on line 8, after the word "by," to strike out the words "United States marshals or their deputies, special agents of the Bureau of Investigation of the Department of Justice, Federal probation officers, or officials or employees of Federal penal or correctional institutions" and to insert in lieu thereof "any subordinate thereof"; and on page 2, line 4, to strike out the words "the Attorney General may prescribe" and to insert in lieu thereof the words "may be prescribed by the head of the department of which such badge indicates the wearer is an officer or subordinate," so as to make the bill read:

Be it enacted, etc., That hereafter the wearing, manufacture, or sale of a badge or badges of the design or designs prescribed by the head of any department of the Government of the United States for use by any subordinate thereof, or of any colorable imitation thereof, or the possession of any such badge or badges, or colorable imitation thereof, with intent to sell or wear the same, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department of which such badge indicates the wearer is an officer or subordinate.

SEC. 3. Any person who offends against the provisions of this act shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing against misuse of official badges."

OHIO RIVER BRIDGE, KENTUCKY

The bill (S. 5337) to extend the time for constructing a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind., was announced as next in order.

Mr. SACKETT. Mr. President, I move that that bill be indefinitely postponed.

The motion was agreed to, and the bill was indefinitely postponed.

BUILDING REGULATIONS IN THE DISTRICT OF COLUMBIA

The bill (S. 5360) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital was announced as next in order.

Mr. KING. Mr. President, from my understanding of this I am in favor of the bill; but the Senator from Maryland, as I understand, has objected to it, and would like to be heard on it. In his absence, I feel like asking the Senator from Minnesota [Mr. SHIPSTEAD] to let the bill go over. I do not ask that for myself, because I am for the bill, as I understand the bill.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

JOE D. DONISI

The bill (H. R. 924) for the relief of Joe D. Donisi was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe D. Donisi, the sum of $100 a month for 50 months, from and after the date of the approval of this act, as compensation for disability resulting from injuries sustained by him on August 27, 1922, while a student, citizens' military training camp, Camp Knox, Ky. Such monthly payments shall be made through the Employees' Compensation Commission.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SPECIAL DISBURSING AGENTS, ALASKA RAILROAD

The joint resolution (H. J. Res. 135) for the relief of special disbursing agents of the Alaska Railroad was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CACHE NATIONAL FOREST, IDAHO

The bill (H. R. 310) authorizing an addition to the Cache National Forest, Idaho, was announced as next in order.

Mr. THOMAS of Idaho. I ask that that may go over.

The PRESIDENT pro tempore. The bill will be passed over.

STREETS AND ROADS IN THE DISTRICT OF COLUMBIA

The bill (S. 5121) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan, of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925, was announced as next in order.

Mr. BINGHAM. Mr. President, I understand that the Senator from Pennsylvania [Mr. REED] desires to look into that bill a little further, and I ask that it go over at his request.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4559) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and

marines, and granting pensions and increase of pensions in certain cases was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FEDERAL PRISON CAMPS

The bill (H. R. 11285) to establish Federal prison camps was announced as next in order.

Mr. KING. Let us have an explanation of that bill.

Mr. STEPHENS. Mr. President, this is a House bill, and it came before the Judiciary Committee, a subcommittee was appointed consisting of the Senator from Wisconsin [Mr. BLAINE], the Senator from Oregon [Mr. STEIWER], and myself. Representative CRAMTON, of Michigan, appeared before the committee, and we went into the matter very thoroughly.

It is well known that the Federal prisons are badly crowded. Really, there is not enough room to take care of the prisoners in a proper way. So it has been suggested by the Department of Justice that some measure of relief might be given by providing, under certain restrictions and limitations, that prison camps might be established on public domain and that the prisoners taken there caused to take part in the work that is to be done of a public nature. There is no idea of bringing these prisoners in contact with the general public, and it seems that all the safeguards relative to that situation have been suggested and provided for in this bill. The House bill was amended only in one particular.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. STEPHENS. Certainly.

Mr. KING. I am very much in sympathy with the theory of this bill, if I understand the bill, but I have in mind the fact that there are only a few Federal prisons, a large number of prisoners are imprisoned, and if we establish Federal prison camps they might have to take the prisoners to some State other than the one in which they are confined, the cost would be enormous, and the experience we have had in some places where the prisoners were "farmed out," if I may use that expression, has not been entirely satisfactory. I was wondering if all those matters had been brought to the attention of the committee, and if they had considered them.

Mr. STEPHENS. Those matters were considered. Of course the old system of leasing convicts is not carried out in this measure. These camps will be, I imagine, of a temporary nature, because when work is concluded in a particular section, then it will be necessary, of course, either to carry the prisoners back to the penitentiary or take them to some other place to work. The transportation of prisoners will mean some expense, but they will be paying expenses by performing these services.

Mr. KING. Will the Senator allow me to ask one more question?

Mr. STEPHENS. Certainly.

Mr. KING. Has not a commission been authorized recently to make a thorough investigation into the Federal prisons, and to make recommendations for such changes and modifications as are necessary in existing law? If so, it would seem to me that we might pretermit legislation upon this matter until their report comes in. But I do not want to intrude my judgment against that of the committee which has investigated the matter if they considered all those questions.

Mr. STEPHENS. We went into these matters pretty thoroughly, and the questions were discussed rather carefully before the House committee.

The Senate Committee on the Judiciary was willing to accept the bill as it passed the House, provided it was amended in one small particular, and that amendment is found in the first page.

Mr. JONES. Mr. President, may I ask the Senator, not having had an opportunity to read the bill and hearing only a part of what he said, whether the present inmates of the prisons are to be employed by private contractors or by the States or counties on public works?

Mr. STEPHENS. No. The idea is this, that the Attorney General will be authorized to establish, equip, and maintain prison camps upon sites selected by the Attorney General, the Secretary of Agriculture, and the Secretary of the Interior, and on written order of the Attorney General convicts may be conveyed to those camps, where they will be employed upon works the cost of which is borne exclusively by the Federal Government. That means, of course, that they can not be employed upon public roads where the States pay part of the cost, and can not be employed upon Indian reservations.

Mr. JONES. Suppose a private contractor has a contract for the building of a public building. Could he employ or use these convicts?

Mr. STEPHENS. No, Senator.

Mr. JONES. Very well.

Mr. STEPHENS. They are not to be controlled or handled in the slightest by private contractors.

Mr. KING. One other question, if the Senator will permit me.

Mr. STEPHENS. Certainly.

Mr. GLASS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FEDERAL CONSTRUCTION CO. (INC.)

The bill (S. 4817) for the relief of the Federal Construction Co. (Inc.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow to Federal Construction Co. (Inc.) the sum of $2,800, in full settlement for the construction of a concrete drainage trench in connection with contract of July 6, 1925, for the construction of a drainage system at United States Veterans' Bureau Hospital No. 97, Chillicothe, Ohio. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,800 for payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF ARMY OFFICERS

The bill (H. R. 4266) for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, as follows:

On page 2, strike out lines 1 to 15, inclusive; in line 16, strike out "(4)"; in line 17, strike out "$5,162.58" and insert "$2,169.89"; strike out lines 21 to 25, inclusive; on page 3, strike out lines 1 to 10, inclusive; on page 4, strike out lines 1 to 5, inclusive; on page 8, strike out lines 1 to 6, inclusive; on page 9, strike out lines 1 to 8, inclusive, so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow credit in the accounts of the following officers and former officers of the Army of the United States in the sums herein stated which now stand as disallowances on the books of the General Accounting Office:

Maj. Walter S. Drysdale, Infantry, the sum of $2,169.89, being the amount which he, as disbursing officer at Peking, China, credited in his accounts for the loss resulting from exchanges between United States and Chinese currency.

(8) Maj. F. G. Stritzinger, jr. (now colonel), General Staff, the sum of $30.34, being the amount of overpayments made by him as disbursing officer at Deming, N. Mex., in 1916.

(9) First Lieut. W. W. Jenna, Infantry, the sum of $1,870, being the amount which he, while assistant United States military attaché and acting quartermaster at Athens, Greece, and Belgrade, Yugoslavia, credited in his accounts for loss resulting from exchanges between United States and local currency.

(10) Maj. Wallace C. Philoon, Infantry, the sum of $1,068.44, being the amount which he, as disbursing officer at Peking, China, credited his accounts for the loss resulting from exchanges between United States and Chinese currency.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following officers and former officers of the Army of the United States the sums herein stated:

(1) Maj. Earl J. Atkisson, Chemical Warfare Services, the sum of $500, to cover the loss of his automobile shipped on a Government bill of lading on August 30, 1917, and not subsequently delivered to him, but later salvaged as Government property and sold for $291, which sum was deposited in the Treasury of the United States as miscellaneous receipts.

(2) Maj. Delbert Ausmus (now captain), Coast Artillery Corps, the sum of $853.60, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen in February, 1920.

(3) William A. Bailey (formerly first lieutenant, Signal Corps, agent officer), the sum of $936.16, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen between October 30, 1919, and December 20, 1919.

(4) Capt. Ralph E. Bower, the sum of $135.10, being the amount he has refunded to the United States to cover the loss by fire, on or about March 6, 1920, of public funds for which he was responsible.

(5) Capt. William Bowman, Quartermaster Corps (now warrant officer), the sum of $450, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, lost in February, 1919.

(6) Henry C. Chappell (formerly captain, National Guard, retired), the sum of $58.50, being the amount paid by him to various newspaper companies for advertisements published in May, 1917, soliciting enlistments in the Quartermaster Reserve Corps.

(7) H. D. Cory (formerly captain, Quartermaster Corps), the sum of $600, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen between March 27, 1918, and May 4, 1918.

(8) Capt. Richard D. Daugherity, Forty-eighth Infantry, the sum of $256.91, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on December 7, 1918.

(9) Maj. Charles B. Elliott, Infantry, the sum of $15.60, being the amount he has refunded to the United States to cover the amount of overpayments made by him, through a misinterpretation of regulations, to members of the National Guard of New Jersey from September 1, 1916, to November 30, 1916.

(10) Capt. Lewis J. Emery, Quartermaster Officers' Reserve Corps, the sum of $139, being the amount he has refunded to the United States to cover the loss, through an unavoidable accident, of public funds for which he was responsible during the transfer of funds at Cristobal, Canal Zone, on August 6, 1917.

(11) Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Regiment Infantry), the sum of $120.44, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen on or about August 9, 1918.

(12) Capt. Thomas Feeney, Cavalry (now sergeant, detached enlisted men's list), the sum of $7.50, being the amount he paid on or about November 29, 1919, toward settling a claim for civilian clothing furnished general prisoners upon their discharge at war prison barracks No. 12, Fort Oglethorpe, Ga., in excess of the amount authorized for such clothing at that time.

(13) John H. Hall (formerly first lieutenant, Thirty-third Regiment Infantry), the sum of $200, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, lost by him on or about July 6, 1918, while crossing the Aguadulce River, Panama.

(14) Capt. John Heilich, Quartermaster Corps (now technical sergeant), the sum of $1,960, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen on or about December 10, 1919.

(15) Nelson Keys (formerly second lieutenant, Infantry), the sum of $238.75, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on or about December 10, 1918.

(16) Capt. James T. MacDonald, Quartermaster Corps, the sum of $39.33, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on or about April 8, 1920.

(17) William D. Nicholas (formerly first lieutenant, Quartermaster Corps), the sum of $226.84, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, lost by the cashing of a check, on a forged indorsement, for such amount between May 2, 1919, and August 4, 1919.

(19) Capt. Talmage Phillips, Quartermaster Corps, the sum of $4,727.57, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen at Gatun, Panama Canal Zone.

(20) Charles F. Risler (formerly captain, Ordnance Department), the sum of $57, being the amount paid by him for advertising, on July 7, 1919, the sale of surplus ordnance supplies.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Berwind-White Coal Mining Co. the sum of $118.40. Such sum represents the amount of the damages sustained by such company as a result of a collision between the United States Army chartered barge *Eureka No. 12*, owned by such company, and the United States Army chartered tug *Reliable*, in New York Harbor, on August 23, 1918, due to defective steering gear on such tug.

SEC. 5. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George G. Motter (formerly corporal, Company E, Three hundred and twenty-ninth Infantry), the sum of $50. Such sum represents the amount deducted from the pay of the said George G. Motter for the purchase of a Liberty bond which he has not received.

SEC. 6. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Schmidt, of Fort Leavenworth, Kans., the sum of $216.75. Such sum is equitably due him on account of the cancellation by the United States on November 1, 1917, of a contract granting him the privilege of grazing stock on a certain portion of the Fort Leavenworth Military Reservation for one year beginning July 1, 1917.

SEC. 7. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following newspapers and publishing companies the sums herein stated:

(1) Charleston American, Charleston, S. C., the sum of $38.40.

(2) Dispatch Printing Co., St. Paul, Minn., the sum of $60.48.

(3) Evening Post Publishing Co., Charleston, S. C., the sum of $40.32.

(4) Montgomery Advertiser, Montgomery, Ala., the sum of $16.75.

(5) Newburgh News Printing & Publishing Co., Newburgh, N. Y., the sum of $27.

(6) New York Evening Journal, New York, N. Y., the sum of $420.

(7) Spokesman-Review, Spokane, Wash., the sum of $23.40.

(8) Stivers Printing Co., Middletown, N. Y., the sum of $22.50.

(9) Times Publishing Co., Montgomery, Ala., the sum of $4.69.

(10) Trenton Times, Trenton, N. J., the sum of $13.44.

(11) Waterbury Republican, Waterbury, Conn., the sum of $22.50.

Such sums represent the value of the printing, done respectively by such newspapers and publishing companies, of official advertisements which were ordered without prior written authority from the Secretary of War during the years 1918 and 1919.

SEC. 8. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the following former enlisted men of the Army, their heirs or assigns, the sums herein stated:

(1) Jose M. Caballero, the sum of $50.

(2) Lloyd Cowles, the sum of $50.

(3) Charles A. Goodman, $50.

(4) Percy E. Leland, the sum of $100.

(5) Luis Rosario, the sum of $100.

Such sums represented the value of Liberty bonds which were subscribed and paid for in full by the respective former soldiers but never received by them.

SEC. 9. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Paul C. Potter, Infantry, the sum of $572.11, being the appraised value of personal property lost or destroyed at Plattsburg Barracks, N. Y., between the months of May, 1916, and June, 1919.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. The sections will be renumbered in conformity with the amendments made.

FLOOD RELIEF

The bill (S. 5201) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927 was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

G. J. BELL

The bill (H. R. 10191) for the relief of G. J. Bell was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. ANDREW J. BAKER

The bill (H. R. 11385) for the relief of Dr. Andrew J. Baker was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN FOREIGN TRADE CORPORATION AND FILS D'ASLAN FRESCO

The bill (H. R. 8511) for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco was announced as next in order.

Mr. KING. Mr. President, that bill passed the House, and I have examined the report of some of the testimony. The facts set forth in the report which was submitted by the House committee do not seem to me to entitle the company to relief. I am not so sure that it is not entitled to relief, but I would like to go over the bill and examine it more fully.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

AGENCY SALARIES OF THE INDIAN SERVICE

The bill (S. 5563) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service was considered as in Committee of the Whole.

Mr. FRAZIER. Mr. President, House bill 16568, to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service, Order of Business 1725,

is identical with the Senate bill just reached on the calendar. Therefore I move that the House bill be acted on instead.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill H. R. 16568.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRAZIER. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

LAWTON, OKLA., FIRE RELIEF

The bill (H. R. 4084) for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917, was announced as next in order.

Mr. BRUCE. Let that go over.

Mr. THOMAS of Oklahoma. Mr. President, I desire to occupy a moment or two in explanation of this bill. The bill pertains to some 25 citizens of my home city in Oklahoma. The measure has been passed twice by the House of Representatives; it came to the Senate two years ago too late to receive consideration; it came back at this session; and after thorough consideration the junior Senator from Colorado made an adverse report. Upon my request the Committee on Claims gave me permission to come before the committee, which I accepted, and after consuming the better part of a forenoon the bill was reported out over the objection of the Senator from Colorado.

The bill proposes to pay some 25 citizens the total sum of about $75,000 because of fire loss during the war. The city of Lawton is adjacent to the Fort Sill Military Reservation. Fort Sill gets its water from the Lawton city water supply. The lake that furnishes water to those two institutions comes from the mountains some 15 miles away from Lawton. The lake is some 200 feet above the city and the water runs by gravity across the reservation to the city of Lawton. When the war came on in 1917 the pipe line supplying the city and fort was not large enough to supply both institutions, because with the influx of soldiers at Fort Sill and Camp Doniphan, something like 50,000 or 60,000 soldiers, the pipe line was too small, being only 16 inches in diameter. So the city of Lawton, at the request of the War Department, gave Fort Sill the entire water supply, or the capacity of the pipe line.

An arrangement was made with Camp Doniphan and Fort Sill that they should have the entire water supply—the full capacity of the pipe line—in the daytime from 4 o'clock in the morning until 11 o'clock at night. From 11 o'clock at night until 4 o'clock in the morning the city of Lawton could open up the valves and the people could fill their buckets, bathtubs, and barrels to tide them over the next day. In order to protect the city of Lawton and its property from fire an arrangement was made that, in case of fire, the entire pipe-line capacity should be turned down to the city of Lawton. The man in charge of Camp Doniphan, Major General Wright, entered into an understanding by letter with the city authorities that, in case of fire, the valves should be opened and the entire capacity of the pipe line should be turned to the city to fight the fire.

One day in September, I have forgotten the exact date, fire broke out in the city. The city is practically a new town, established in 1901, and in 1917 was only 16 years old, a western country town, the buildings mostly of one-story construction, some two stories, mostly frame. So when the fire broke out of course great damage was done.

Under the agreement with the authorities at Fort Sill in a case of that kind, the authorities telephoned to Camp Doniphan and asked them to close the valves leading to Fort Sill and to turn the entire capacity of the water down to Lawton. The city authorities telephoned Fort Sill when the fire broke out, but the person they got on the other end of the line at Fort Sill told them to call some place else. They telephoned some place else and were again advised to telephone still another place. After 45 minutes of ceaseless efforts to get the water turned on and failing, the city of Lawton was forced to send a man on a motor cycle to Camp Doniphan and get the valve opened. The valve was close to Fort Sill. It was finally opened and in a few minutes the fire was put out, but during the 45 minutes two blocks of the city were destroyed. Those two blocks were covered with frame buildings.

Mr. BRUCE. Mr. President, I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4084) for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917, which had been reported from the Committee on Claims, without amendment, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75,000 to the persons whose names appear below, as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: Date Crabtree, $1,132; H. D. Ingraham, $33,682.57; Anna Beaver, $1,800; W. Garven, $1,000; Mrs. C. E. Bear, $7,750; Joe Jacobson, $3,000; Dr. L. C. Knee, $3,000; S. J. Coffey, $1,413.18; C. J. Aurell, $406.75; J. G. Mitchell, $3,077.88; John H. Ledgerwood, $200; E. L. Shanklin and E. L. Kelley, $1,550; Julia N. Burns, $1,208; Hannah Beaver, $700; Mary E. Wooten, $3,150; Charles Fuson and J. E. Fuson, $3,850; Ada Hammond and O. W. Northrup, $2,419.72; Annabel Young, $1,775.35; Lee N. Wallis, $1,000; Mrs. E. C. Swisher, $959; D. D. Dean, $317; C. R. Simpson, $2,850.15: *Provided*, That before any of said claims are allowed and paid the Comptroller General of the United States shall make an investigation of each of said claims to determine the extent and amount of such loss and damage, and such claims shall be adjusted in amounts not in excess of the amounts set out herein and upon certificates issued to each said claimant by the said Comptroller General of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL PRISON CAMPS

Mr. STEPHENS. Mr. President, the Senator from Virginia [Mr. GLASS] has kindly consented to withdraw his objection to calendar No. 1607, the bill (H. R. 11285) to establish Federal prison camps. I ask that we may recur to that number.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 9, to strike out the words "or any other public improvement for which Congress provides appropriations" and insert in lieu thereof the words "the cost of which is borne exclusively by the United States: *Provided*, That this act shall not authorize any such camp for employment upon any Indian reservation," so as to make the bill read:

Be it enacted, etc., That the Attorney General is hereby authorized to establish, equip, maintain, and operate prison camps upon sites selected by the Attorney General, the Secretary of Agriculture, and the Secretary of the Interior. Upon written order of the Attorney General persons convicted under the laws of the United States may be transferred to such prison camps for employment upon road or trail building, the cost of which is borne exclusively by the United States: *Provided*, That this Act shall not authorize any such camp for employment upon any Indian reservation.

SEC. 2. That the act of Congress approved June 21, 1902, as amended by the act of April 27, 1906, providing for commutation for good conduct for United States prisoners, shall be applicable to prisoners transferred to the camps herein authorized; and in addition thereto each prisoner, without regard to length of sentence, shall be allowed, under the same terms and conditions as provided in the acts of Congress above referred to, a deduction from his sentence of five days for each month of actual employment in said camp.

SEC. 3. That all laws of the United States relating to the imprisonment, transfer, control, discipline, escape, release of, or in any way affecting prisoners, except as modified by this act, shall be applicable to prisoners transferred to the camps herein authorized.

SEC. 4. That as part of the expense of operating such prison camps the Attorney General is hereby authorized and empowered to provide for the payment to the inmates or dependents upon inmates of prison camps herein authorized such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe.

SEC. 5. That the expense incident to the establishment, equipment, maintenance, and operation of prison camps shall be payable from the appropriation for support of United States prisoners, and such appropriation shall be reimbursed to the extent agreed upon by the Attorney General and the head of the department to which the appropriation for road building or such other public improvement incident to which the prison camp was established was made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GENERAL SUPPLY COMMITTEE

The bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes, was announced as next in order.

Mr. TYSON. I object.

The PRESIDENT pro tempore. The bill will go over.

Mr. GOFF. Mr. President, may I ask who it was that objected?

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. TYSON] objected.

Mr. GOFF. I wish the Senator from Tennessee would withdraw his objection. This is a very important measure. It has the unanimous approval of the Judiciary Committee. It involves a saving of $500,000 to the Government in purchasing supplies which are needed by it in every executive department of the Government. It provides for a reimbursable fund and provides for a warehouse that will permit the storage of all the purchases of the United States Government for its needs. It also eliminates entirely any expense that may in any way be connected with trucking and carrying materials from the railroad stations to the different executive departments. It has met with the unqualified approval of the Comptroller General, the Secretary of the Treasury, the General Supply Committee, and the Committees on the District of Columbia. It has also in its present form fully met the approval of the committee of the House.

Inasmuch as it is very important to get the bill through and have it go back to the House for consideration and approval there, as amended, I would ask the Senator, in view of the statement that I know what I am now saying is within the knowledge of many other Senators upon the floor to whose attention the matter has been invited, to withdraw his opposition.

Mr. TYSON. I can not withdraw my opposition for the time being. I shall be glad to talk with the Senator about it.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

Mr. TYSON subsequently said: Mr. President, I desire to withdraw my objection to Calendar 1672, House bill 5769.

The PRESIDENT pro tempore. Without objection, the Senate will recur to the consideration of Calendar 1672.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted, etc., That the Secretary of the Treasury, through the General Supply Committee established under the provisions of section 4 of the act approved June 17, 1910, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," is hereby authorized and directed to purchase or procure and distribute supplies to meet the consolidated requirements of the executive departments and independent establishments of the Federal Government in Washington, D. C., and of the municipal government of the District of Columbia: *Provided*, That the requirements of the field services of any department or establishment, when request is made by the head thereof, shall be included in such purchase or procurement and distribution of supplies. The supplies to be purchased in this manner shall be designated by the Secretary of the Treasury from those for which he is authorized under existing law to make term contracts or to include in the general schedule of supplies issued annually by the General Supply Committee.

SEC. 2. That each executive department and independent establishment shall furnish from time to time, when called on to do so, estimates of its requirements for inclusion in purchases which it is proposed to have made by the Secretary of the Treasury, and there shall be reserved from proper appropriations sufficient amounts in each case to reimburse the general supply fund hereinafter created. The General Supply Committee shall charge the proportionate cost of supplies, including breakage, shrinkage, transportation, cost of handling by the Treasury Department, and inspection, and bill the same to each requisitioning department; and each requisitioning department and independent establishment shall reimburse said general supply fund out of its appropriation upon proper vouchers.

SEC. 3. That there is hereby authorized to be set aside as a special fund in the Treasury Department, to be known as the general supply fund, such sum as may be appropriated by Congress for the making of payments for supplies to be purchased under the provisions of this act, including the cost thereof and transportation charges, and reimbursement therefor upon presentation of proper vouchers, shall be made by each requisitioning office, out of any appropriations which may be applicable, by depositing the proper amounts directly to the credit of the Treasurer of the United States for the credit of the general supply fund herein authorized, and duplicate certificates of deposits issued therefor shall be promptly forwarded to the General Supply Committee: *Provided*, That all such reimbursements shall be placed to the credit of the general supply fund, and the same are hereby reappropriated for the same purpose as the original fund: *Provided further*, That there shall be included in each annual report of the Treasury Department a statement of the assets and liabilities of the said general supply fund as of June 30, including as assets any supplies purchased therefrom and on hand, for which reimbursement has not been received: *Provided further*, That the Comptroller General of the United States shall make an annual audit of the general supply fund as of June 30, and there shall be covered into the United States Treasury as miscellaneous receipts any surplus found therein, all assets and liabilities considered, above the amount appropriated to establish the said fund: *Provided, however*, That payments for supplies procured for a field service may, in the discretion of the head of the department or establishment controlling such field service, and with the concurrence of the Secretary of the Treasury, be made direct to the vendors by the department or establishment.

SEC. 4. That the Secretary of the Treasury is authorized to prescribe suitable regulations to give full force and effect to the purposes of sections 1, 2, and 3 of this act.

SEC. 5. That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, such sites and additions to sites, in the vicinity of United States Reservations 17B, 17C, 17D, or 113, as may be necessary, and is authorized and directed to construct, on the sites so acquired or on other land in said District belonging to the United States not needed for other purposes, the location to be subject to the approval of the National Capital Park and Planning Commission, a building or buildings of fireproof warehouse type, with approximately 400,000 square feet of floor space, to provide storage space and facilities and the necessary offices connected therewith, for use of the General Supply Committee of the Treasury Department, of other departments or independent establishments of the United States Government, and of the municipal government of the District of Columbia.

SEC. 6. That the control of assignment of space in said building or buildings shall be vested in the Public Buildings Commission, established by section 10 of the act approved March 1, 1919. Compensation for such occupancy, space, and facilities as are utilized by the Commissioners of the District of Columbia shall be on a rental basis on terms to be fixed by a board consisting of the Director of Public Buildings and Public Parks of the National Capital, the engineer commissioner of the District of Columbia, and the Supervising Architect of the Treasury.

SEC. 7. That the plans for such building or buildings shall be prepared by the Director of Public Buildings and Public Parks of the National Capital in consultation with the Commission of Fine Arts; and he shall be charged with the custody, protection, maintenance, repair, and operation of said building or buildings.

SEC. 8. Authority is hereby given for closing and vacating such portions of streets as lie between such sites and such alleys as intersect such sites, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such site.

SEC. 9. Not more than $10,000 of any funds hereafter appropriated for the purposes of this act may be expended by the Director of Public Buildings and Public Parks for obtaining, by contract or otherwise, such special technical personal services as may be necessary, at rates of pay as may be fixed by the director not exceeding those usual for similar services, without reference to civil-service rules and the classification act of 1923.

SEC. 10. Appropriations of the amount necessary to carry out the provisions of sections 5, 6, 7, 8, and 9 of this act, not exceeding $1,750,000, are hereby authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the consolidation and coordination of Government purchase, to enlarge the functions of the General Supply Committee, to authorize the erection of a public warehouse for the storage of Government supplies, and for other purposes."

BILL PASSED OVER

The bill (H. R. 12203) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States was announced as next in order.

Mr. KING (and others). Over.

The PRESIDENT pro tempore. The bill will be passed over.

GABRIEL ROTH

The bill (S. 1688) for the relief of Gabriel Roth was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$25,000" and to insert in lieu thereof "$7,564.15"; in line 8, to strike out "confiscation" and insert in lieu thereof the word "loss"; in line 9, before the word

"arrested," to strike out the word "falsely," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gabriel Roth the sum of $7,564.15, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all of his claims against the United States on account of injuries sustained and the loss of his property when he was arrested and imprisoned by officers employed by and acting under authority of the Department of Justice, said arrest having occurred at Jacksonville, Fla., on or about January 21, 1918.

Mr. KING. Mr. President, I would like to have the Senator from Mississippi give me some explanation of the bill. The reason I ask that is because a number of persons have spoken to me and said that the bill does not have merit and that if it were passed it would be a great reflection upon officers of the Government. I have not had time to examine into it, but several persons have spoken to me in opposition to it. I should be glad to have the Senator in a few moments explain the bill.

Mr. STEPHENS. Mr. President, this is a bill which received very careful consideration. The man Roth was arrested during the war period. In all my experience I have never known a case where any individual was worse treated than he. He was not a German, but he was charged with being one. The real reason for the charge being made against him was because at the time he was operating a restaurant next door to a saloon. The former owner of the restaurant had been assisting the saloon keeper in violating the law by selling liquor for him after hours. Mr. Roth refused to do that after he purchased the restaurant, and the saloon keeper reported that he was a German spy.

As I have said, he was arrested. He was shamefully treated by the men who placed him under arrest. He was abused and vilified, and the name of his mother was brought into the matter. His personal property was taken from him, some of it of considerable value. He was never able to recover that property. He was not permitted to get in touch with a certain society which was being conferred with by the Government from time to time, in order that he might establish the fact that he was not a German citizen.

Further, Mr. Roth had papers of great value. It had cost him a large sum of money to procure those papers. The bill was introduced and referred to the Claims Committee of the Senate. The clerk of that committee testified before the subcommittee having the bill in charge as to the theft of the papers. I shall not go into all those details, because it might reflect on some persons whose names I do not care to draw into the discussion. Those papers belonging to him were stolen out of the committee room. They have never been found.

Congressman Mason, former Senator Mason, interested himself in the case and thought under all the circumstances that the man ought to have the sum of $50,000. Later, however, when the bill was introduced it provided for $25,000. The Senator from North Dakota [Mr. NYE] and I, sitting as a subcommittee, considered the matter quite carefully, heard all the evidence, and literally spent days considering the matter, because our sympathies were somewhat aroused, and yet we did not want our sympathies to lead us away from the right. So we were quite careful, and we proposed an amendment to the bill reducing the amount from $25,000 to $7,564.15.

Mr. KING. What became of the personal property which was taken from him and what was its value?

Mr. STEPHENS. It disappeared. The officers who arrested Mr. Roth, or one of those officers, I should say, was a man of very bad character. They disappeared. We of the committee were never able to get in touch with those men, even through the Department of Justice. This statement of the facts about the matter did not come alone from Mr. Roth, but from disinterested parties. In addition to that, there was much evidence that he had been in contact with many of our citizens of the highest type, certain organizations of splendid people, and that he had always borne a splendid reputation.

Mr. KING. I am trying to ascertain, if the Senator will pardon me, just what his losses were, and, secondly, what obligation the Government has. Who were the officers that arrested him and why should he not proceed against them?

Mr. STEPHENS. That would be useless because they have no property. Even if he recovered judgment, he could not collect anything on the judgment. The Senator will observe that the amount was reduced to $7,564.15 and the report shows that the amount is made up of several items. One thing was a Liberty bond which was taken from him by the officers. Certainly jewelry was taken from him. He was kept in jail for quite a while. Now, he has become a physical wreck, and almost, I might say, it seems to me, a mental wreck because of the worry that he has had on account of the treatment he received. The matter was discussed before the subcommittee composed of the Senator from North Dakota [Mr. NYE] and myself, and the committee felt that the man should be repaid at least this sum.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BLACK subsequently said: Mr. President, I desire to state with reference to the Roth bill just passed that I am a member of the Committee on Claims. I voted in the Committee on Claims against the recommendation of the committee. I did not want to place my judgment against that of the entire committee, so I did not object to the consideration of the bill at this time. I objected to it in the committee on the ground that the Government should not pay anything in the way of damages for false imprisonment or malicious prosecution, and I did not want it to appear here that I had established a precedent for myself by voting for such a proposition.

RESOLUTIONS AND BILLS PASSED OVER

The resolution (S. Res. 258) directing the Federal Trade Commission to reinstate the complaint against the Continental Baking Corporation was announced as next in order.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 14039) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 208) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 5722) to provide for the purchase of the Harriman Geographic Code System was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. Can not the Senator from Utah permit that bill to be acted upon?

Mr. KING. I ask that it go over, Mr. President.

The PRESIDENT pro tempore. The objection being maintained, the bill will go over.

The bill (S. 4800) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. BRATTON. Mr. President, the senior Senator from New York [Mr. COPELAND] is absent. He requested that this bill go over, and I make the objection solely on his behalf.

Mr. McNARY. Is the Senator from New Mexico referring to Senate bill 4800?

Mr. BRATTON. Yes. The senior Senator from New York, who is absent from the city, requested me to ask that it go over.

Mr. McNARY. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

F. R. BARTHOLD

The Senate, as in Committee of the Whole, considered the bill (H. R. 9659) for the relief of F. R. Barthold, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,016.91 to F. R. Barthold, as compensation for the total destruction of a building and other property during a fire accidentally set by a Government employee while in the discharge of his official duties.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4577) to amend section 29 of the Federal farm loan act, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PROVISION FOR MILITARY RECORDS FOR CERTAIN CITIZENS

The joint resolution (S. J. Res. 100) to provide for appropriate military records for persons who, pursuant to orders, re-

ported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That upon application made by or on behalf of an individual, whether living or deceased, the Secretary of War be, and he is hereby, authorized to carry upon the records of the War Department as though he had been duly inducted into the service of the United States and subsequently duly discharged therefrom, any registrant under the selective service law and regulations who applied for voluntary induction into the service and was accepted, and who, pursuant to competent orders, reported for active duty as a soldier, but whose induction into the service, through no fault of his own, was not formally completed on or prior to November 30, 1918; and the name of any such shall, under this act and regulations to be prescribed by the Secretary of War, be so carried upon the records of the War Department; and any such person shall be deemed to have been a soldier and shall be regarded as such from and after the date on which, pursuant to competent orders, he reported for active duty as a soldier, to such extent as to entitle him to receive a certificate evidencing his discharge from the service as of the date of the termination of such service.

SEC. 2. That no person shall be entitled to receive any bonus, compensation, gratuity, pay, allowances, or privileges by virtue of any provision of this act which are not conferred upon individuals discharged from draft.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918."

HOSPITAL AT MARION BRANCH SOLDIERS' HOME

The bill (H. R. 14153) to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch was considered as in Committee of the Whole.

Mr. KING. I should like to have an explanation as to necessity for that bill.

Mr. BROOKHART. Mr. President, the bill provides an appropriation for the building of a hospital which was authorized by previous legislation. When the Government came to construct the building it was deemed unwise to erect the character of building which could be constructed with the first appropriation of $100,000; it was not considered that it would be economically sound to do that. So, in order to provide for an ample and sufficient building, the additional appropriation is asked for beyond the authorization. I think it is all right, and the committee were unanimously of that opinion.

Mr. KING. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TESTS OF PROTEIN IN WHEAT

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. The period provided in the unanimous-consent agreement for the consideration of bills on the calendar having expired, the Senator from Kansas is recognized.

Mr. WALSH of Montana. Mr. President——

Mr. CURTIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I had hoped that we would reach on this call of the calendar Order of Business 1795, being Senate bill 5632, a bill of such importance and urgency that it was my purpose to ask unanimous consent for its consideration this afternoon. It provides for the establishment by the Government in cooperation with the States of protein-testing laboratories. It has the enthusiastic approval of the Department of Agriculture and the unanimous approval of the committee. I think there is no objection to it. I ask unanimous consent for the consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5632) to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes, which was read, as follows:

Be it enacted, etc., That this act shall be known as the "Federal-State protein testing act"; and the word "Secretary," as used herein, means the Secretary of Agriculture.

SEC. 2. That the Secretary is hereby authorized to establish, maintain, and operate protein-testing laboratories at such places as he may deem advisable and practicable for the official protein testing of wheat and the certification thereof and for and in connection with the other purposes specified herein. The Secretary is also authorized to have tests made in any such laboratory on the protein content of wheat of any year prior to or during the harvesting and marketing thereof, and he may compile and disseminate estimates based on such tests on the probable amount of protein in the wheat in any given area; and the Secretary is further authorized to collect and disseminate information for the benefit of all concerned pertaining to protein in wheat as a merchandising factor and relative to the conditions affecting the quality and quantity of protein in wheat and surrounding the marketing of wheat with respect to protein.

SEC. 3. That cooperative protein-testing laboratories shall be established, maintained, and operated whenever deemed practicable in cooperation with any State agricultural college meeting conditions prescribed by the Secretary or in lieu thereof with any other agency of a State with which cooperation is found practicable and desirable.

SEC. 4. That the Secretary is authorized to charge and collect fees fixed by him for any laboratory from persons requesting the performance of services under this act. In case a protein-testing laboratory is operated cooperatively, the Secretary shall prescribe the basis on which any fees charged and collected hereunder shall be divided upon payment between the cooperating parties. All money accruing to the Secretary as aforesaid shall be deposited and covered into the Treasury as miscellaneous receipts. The Secretary is further authorized from time to time to make such regulations as he may deem necessary for the efficient execution of the provisions of this act, and he may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, books, publications, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, $285,000 for expenditure during the fiscal years 1929 and 1930 for carrying out the purposes of this act, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this act is hereby authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF OLD POST-OFFICE PROPERTY AT BIRMINGHAM, ALA.

Mr. BLACK. Mr. President, will the Senator from Kansas yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Alabama?

Mr. CURTIS. I yield.

Mr. BLACK. There is on the calendar, being Order of Business 1761, a House bill to provide for the sale of the old post-office property at Birmingham, Ala. The terms of the sale and the time of sale are left to the discretion of the Secretary of the Treasury. The bill has been favorably reported by the Senate committee, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14466) to provide for the sale of the old post-office property at Birmingham, Ala., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to sell the Government property situated in the city of Birmingham, Jefferson County, Ala., known as the old post-office property and described as being all of lots 11, 12, 13, 14, and west 20 feet of lot 15, in block 87, according to the Elyton Land Co.'s survey of property in Birmingham, Ala., and more particularly as beginning at the northeasterly intersection of Second Avenue and Eighteenth Street, running thence with the line of Second Avenue 170 feet, thence in a northwardly direction 140 feet to an alley, thence with the line of said alley 170 feet to Eighteenth Street, thence with the line of Eighteenth Street 140 feet to beginning. Said property to be sold, in the discretion of the Secretary of the Treasury, at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchasers thereof by the usual quitclaim deed. The proceeds of said sale shall be paid into the general fund of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED ELIAS HORTON

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 9597) for the relief of Fred Elias Horton and I submit a report (No. 1854) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. KING. Mr. President, I should like to know what it is about.

Mr. SWANSON. Mr. President, Commander Horton served in the auxiliary service of the Navy, before the war, for 11 years and 6 months. He commanded colliers and naval auxiliary vessels. When the World War came on the officers serving in the naval auxiliary service were put in the Naval Reserve Force. He served during the war and for about six years in the Naval Reserve Force. He was recommended for bravery and a decoration was given to him by the Secretary of the Navy. In 1921 he could have appeared before a retiring board on account of the condition of his eyes, which was very bad, but the department needed his services, and he continued to serve until 1925, having a service of 17 years. All this bill does is to permit him to appear before a naval retiring board in order to determine whether the blindness from which he is suffering and which is now nearly complete was contracted in the service of the Government.

Mr. KING. Mr. President, this character of legislation is very bad, in my opinion. It will be the basis of additional applications for relief, as the Senator knows.

Mr. SWANSON. There are two or three similar bills which have passed. This man is now nearly blind. All he asks is the privilege, which he had at one time, of appearing before a naval retiring board, to ascertain whether the condition of his eyes is due to his service for the Government. I do not think there will be any objection to the bill.

Mr. KING. The Naval Affairs Committee, in my humble opinion, succeeded in securing the passage of a general bill that was ample, and, indeed, too broad, and now they are reporting constantly measures which violate the rules which they should observe.

Mr. SWANSON. This case was different. The bill to which the Senator refers was where the service was rendered in the reserve. This officer served for 11 years and 6 months in the Navy before the war. All he asks is the privilege of going before a regular naval board to ascertain whether the condition of his eyes is due to his naval service. I hope the Senator will not object.

Mr. KING. I will not object, but I say to the Senator that such measures as this are very unfair to the Government.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to order Fred Elias Horton, formerly commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war: *Provided*, That if said naval retiring board finds that the said Fred Elias Horton is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all duties of the grade of commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to appoint Fred Elias Horton a commander, United States Naval Reserve Force, and to place him upon the retired list of the Navy with the retired pay and emoluments of that grade: *Provided further*, That no back pay, allowances, or emoluments shall become due because of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF CERTAIN WORLD WAR OFFICERS

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. CURTIS. I yield.

Mr. BINGHAM. Mr. President, I had hoped that we might reach on the calendar this afternoon Order of Business No. 1724, being the bill (S. 4708) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the world War." Inasmuch as it has not been reached, I ask unanimous consent to consider the bill at this time.

Mr. KING. Mr. President, I must insist upon the understanding.

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. CURTIS. I ask unanimous consent that to-morrow evening, at not later than 8 o'clock, the Senate shall proceed to the consideration of unobjected bills on the calendar, beginning where we left off this afternoon; and if the consideration of unobjected bills shall be concluded before 11 o'clock that the remainder of the time until that hour be devoted to the consideration of bills on the calendar under Rule VIII.

The PRESIDENT pro tempore. May the Chair make an inquiry? Does the unanimous-consent request of the Senator from Kansas contemplate a continuous session of the Senate to-morrow?

Mr. CURTIS. No; when the naval appropriation bill shall have been disposed of to-morrow afternoon I contemplated that the Senate would take a recess until 8 o'clock.

The PRESIDENT pro tempore. Ought that not be included in the agreement?

Mr. CURTIS. I did not put that in, because I did not know at what time we would complete the consideration of the naval bill, and I thought it might be possible, after the disposition of that bill, to take up for consideration some other measure.

The PRESIDENT pro tempore. May the Chair suggest to the Senator that he present his unanimous-consent request in the usual form of such agreements providing for evening sessions, that at not later than 6 o'clock the Senate take a recess until 8 o'clock, and so forth?

Mr. KING. I shall feel constrained to object. I will have no objection to-morrow morning, as soon as we meet, to having the Senator from Kansas propose such an agreement, because then there will be Senators here who are now absent.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 22, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 21, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

From morning's dawn to evening's shade, Thou art our guardian angel, Heavenly Father. So remain with us that there shall be no room for the memory of any wrong. The heart of love is the sweetness of existence. O for a world of strife shut out and a world of brotherhood shut in. Blessed God, persuade the strongest, the weakest, and the humblest that we forgive just in the degree that we love. May we this day renew our covenant, and may it be said to our country that truth is between us forever. Be Thou the anchor of our best thoughts, the guide on our pathway, and the very soul of our mortal beings. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; and

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15712) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Senate recedes with an amendment from its amendment numbered 39 to the bill (H. R. 15089) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes."

WITHDRAWAL OF CONFERENCE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to withdraw the conference report on the District of Columbia appropriation bill, in order to make a correction.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to withdraw the conference report upon the District of Columbia appropriation bill for the purpose of making a correction. Is there objection?

There was no objection.

RULES TO CONSIDER CERTAIN BILLS

Mr. SNELL, from the Committee on Rules, submitted the following resolutions, which were severally reported and severally referred to the House Calendar and ordered printed:

OLEOMARGARINE

House Resolution 333

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10958, a bill to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

NATIONAL DEFENSE ACT—EDUCATIONAL ORDERS, ETC.

House Resolution 334

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 450, a bill to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

PROHIBITING SENDING OF STOLEN PROPERTY IN INTERSTATE COMMERCE

House Resolution 335

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10287, a bill to prohibit the sending and receipt of stolen property through interstate and foreign commerce. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

NORTHERN PACIFIC RAILROAD LAND GRANTS

Mr. COLTON. Mr. Speaker, by direction of the joint congressional committee appointed to investigate the Northern Pacific Railroad land grants, and under authority of joint resolution of May 28, 1928, I present a privileged report from that committee.

The SPEAKER. The gentleman from Utah presents a privileged report from the joint committee under authority of joint resolution of May 28, 1928, and the same will be referred to the Union Calendar and ordered printed.

MEMORIAL ADDRESSES

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to proceed out of order for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, as chairman of the committee on memorials some two or three weeks ago I asked that all Members of the House be granted 10 legislative days within which to extend their remarks upon the life, character, and public services of our late colleagues memorialized in the ceremonies of yesterday. I suggest to the Members who will extend their remarks that they leave them with the official reporters, with the understanding that all the remarks touching any one of our late colleagues be assembled and printed in one issue of the RECORD. I think all will see the wisdom of this course.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LINTHICUM. How long a time did the gentleman say we have within which to extend our remarks?

Mr. FRENCH. Ten legislative days. Consent for that has already been granted. Members have inquired touching the form that will be used in the heading. May I say that a form has been worked out which the reporters have and which will be a common form used in all extensions of remarks of this character.

Mr. DICKINSON of Missouri. And that will be inserted by the reporters?

Mr. FRENCH. Yes.

Mr. DICKINSON of Missouri. And no further request need be made?

Mr. FRENCH. No.

Mr. BRAND of Georgia. Is that 10 days from yesterday?

Mr. FRENCH. Yes.

Mr. COLE of Iowa. Mr. Speaker, as a newspaper editor, may I suggest that all of these be printed in one issue, not only with reference to one of our deceased colleagues but with reference to all of them.

Mr. FRENCH. I think that would be a desirable procedure to follow.

The SPEAKER. The time of the gentleman from Idaho has expired.

REGULATING THE PRACTICE OF THE HEALING ART IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report upon the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, and move its adoption.

The Clerk reported the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3936) entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, and 5, and agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the language inserted by the House insert the following after the letters "tion," in line 5, page 38: "and practitioners of clystertory treatment"; and the House agree to the same.

FREDK. N. ZIHLMAN,
FRANK L. BOWMAN,
THOMAS L. BLANTON,
Managers on the part of the House.

ARTHUR CAPPER,
A. H. VANDENBERG,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3936) entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," submit the following detailed state-

ment in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

On amendment No. 1: By this amendment the House corrected an obvious oversight in the drafting of the bill. Section 2 of the bill, prior to adoption of the House amendment No. 1, provided that "No person shall practice the healing art in the District of Columbia who is not (a) licensed so to do, or (b) if exempted from licensure under section 42 of this act, then duly registered."

In addition to the classes exempted from licensure by section 42, certain other practitioners are exempted under section 43, which was not mentioned in section 2 of the bill as passed by the Senate. This oversight was corrected by the House amendment, which the Senate conferees have accepted.

On amendments Nos. 2, 3, 4, and 5: By these amendments (several of which involve only relettering of separate phrases) the House provided that the commission on licensure shall, in addition to appointing boards of examiners in medicine and osteopathy, basic sciences, and chiropractic, appoint also a board of examiners in naturopothy. This assures equal recognition to practitioners of naturopothy under the same restrictions and limitations applying to other methods of healing. By action of the conferees the Senate recedes from its disagreement to this action of the House and agree to the same.

On amendment No. 6: By this amendment the House provided that the provisions of the act requiring examination, educational qualifications, licensure, etc., should not apply to persons treating human ailments by what is known as "clystertory treatments" involving the use of liquids applied by mechanical means to the internal organs of the body.

So far as is known, there are only one or two such practitioners in the District of Columbia; and no known or recognized schools for the teaching of such methods of treatment. It was felt by the conferees on the part of the Senate that to leave in the bill such a broad exemption might in the future make this particular section a refuge for many unprincipled persons seeking to prey upon the sick. It is felt that neither harm nor injustice will be done by substituting in lieu of the House amendment a provision that practitioners of clystertory treatment within the District of Columbia on January 1, 1928, may continue to so operate under the provisions of this act. The Senate, therefore, recedes from its disagreement to the amendment of the House numbered 6 and agree to the same with the substitution outlined above, to which the House conferees have agreed.

FREDK. N. ZIHLMAN,
FRANK L. BOWMAN,
THOMAS L. BLANTON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

BEAL NURSERY, EAST TAWAS, MICH.

Mr. HAUGEN. Mr. Speaker, I call up the conference report upon the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., and move its adoption.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment strike out "$25,000" and insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

CHAS. L. MCNARY,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal nursery at East Tawas, Mich., submit the following written statement, explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report.

The Senate amendment to the House bill, H. R. 10374, struck out everything after the enacting clause, and in lieu thereof inserted the following:

"That the Secretary of Agriculture is hereby authorized to expend, from the appropriation for planting trees on national forests during the fiscal year ending June 30, 1929, and/or from the appropriation for cooperation with States during the same fiscal year under the provisions of section 4 of the act of June 7, 1924 (43 Stat. 653), as amended, such amounts, but not to exceed a total of $25,000, as may be necessary to acquire by purchase or condemnation lands or water rights necessary, in his judgment, for forest-tree nurseries or for additions to existing forest-tree nurseries, and any lands obtained under the authority of this act shall, upon acquisition, become parts of the nearest national forests."

Amend the title so as to read: "An act authorizing the acquisition of land and water rights for forest-tree nurseries."

The House bill provided that an amount not to exceed $2,500 be used to acquire certain lands as an addition to the Beal nursery in East Tawas, Mich. The Senate amendment provided that an amount not to exceed a total of $25,000 be used for the acquisition of land and water rights for forest-tree nurseries. The House recedes from its disagreement to the amendment of the Senate, with an amendment to strike out the amount of $25,000 and insert in lieu thereof $20,000.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PACTS BETWEEN VARIOUS STATES

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bills H. R. 6496, 6497, 6499, 7024, and 7025, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Idaho calls up several bills with Senate amendments thereto, and asks unanimous consent that the House disagree to the Senate amendments and agree to the conference asked by the Senate. The Clerk will report the bills.

PACT BETWEEN NEW MEXICO AND OKLAHOMA

The Clerk read as follows:

A bill (H. R. 6496) granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho asks unanimous consent to take from the Speaker's table the bill H. R. 6476, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. SMITH, Mr. LEATHERWOOD, and Mr. LANKFORD.

The SPEAKER. The Clerk will report the next bill.

PACT BETWEEN NEW MEXICO, OKLAHOMA, AND TEXAS

The Clerk read as follows:

A bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the House insist upon its disagreement to the Senate amendments and agree to the conference asked for. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SMITH, Mr. LEATHERWOOD, and Mr. LANKFORD.

The SPEAKER. The Clerk will report the next one.

PACT BETWEEN NEW MEXICO AND ARIZONA

The Clerk read as follows:

A bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the House insist on its disagreement to the Senate amendments and agree to the conference asked for. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SMITH, Mr. LEATHERWOOD, and Mr. LANKFORD.

The SPEAKER. The Clerk will report the next one.

PACT BETWEEN COLORADO AND NEW MEXICO

The Clerk read as follows:

A bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the House insist on its disagreement to the amendments of the Senate and agree to the conference asked for. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SMITH, Mr. LEATHERWOOD, and Mr. LANKFORD.

The SPEAKER. The Clerk will report the next one.

PACT BETWEEN COLORADO, OKLAHOMA, AND KANSAS

The Clerk read as follows:

A bill (H. R. 7025) granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the House insist on its disagreement to the amendments of the Senate and agree to the conference asked for. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SMITH, Mr. LEATHERWOOD, and Mr. LANKFORD.

OLIVER C. MACEY AND MARGUERITE MACEY

Mr. UNDERHILL. Mr. Speaker, I present for printing under the rule the conference report on the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey.

The SPEAKER. Ordered printed.

THE COLUMBIA RIVER BASIN BILL AND A NEW RECLAMATION POLICY

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the so-called Columbia Basin bill.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, the reclamation policy pursued in the past, while it has brought great fertility to limited areas of the West, is far too limited in its application to meet conditions as they now exist. We have developed areas far from the great centers of population and remote from the natural markets of the country.

We now need a broader policy that will commence with the reclaiming of the worn-out lands of New England and the East, lands that can be made to produce the staple crops in abundance, lands that are near to the centers of population and the markets of the country.

We of the East have poured out our money by the hundreds of millions to develop the West, with the result that our agriculture is at a low ebb. We have taken the lifeblood out of the industry, sent it elsewhere to develop other sections, and put their agricultural products and their farms into competition with our own. Now, we are coming to you and asking you to give heed to our needs and help us to bring back to productivity our worn-out soils.

This is a broad policy of reclamation that should command the support of the entire Nation. Until that is done I feel constrained to oppose the limited policy that we have been following. I have no specific objection to this bill, but I commend a broader policy that will bring back to the great storehouse of the Nation during the years of the past at least a measure of agricultural prosperity.

This is not a new idea. It has been proposed by a Secretary of the Interior and commended to our attention. Until his advice is heeded, let us halt such legislation as is comprehended in the pending bill.

MINORITY VIEWS ON DISTRICT STREET RAILWAY MERGER BILL

Mr. BLANTON. Mr. Speaker, I am a member of the Committee on the District of Columbia. I ask unanimous consent that I may have until Saturday night in which to file minority views on the so-called merger bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an editorial from the Manufacturers Record concerning the Federal Reserve Board.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting an editorial concerning the Federal Reserve Board. Is there objection?

Mr. UNDERHILL. I object.

The SPEAKER. Objection is heard.

Mr. BRAND of Georgia. Will the gentleman withhold his objection for a moment?

Mr. UNDERHILL. If the gentleman wants time, I am willing to reserve my objection.

Mr. BRAND of Georgia. This is on a subject which is now engaging the attention of the Federal Reserve Board and financial circles all over the United States.

Mr. UNDERHILL. I have nothing against the Manufacturers Record, but I object.

The SPEAKER. Objection is heard.

COUNTRY RETREAT FOR PRESIDENTS

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement by the President of the United States concerning the proposed summer White House, as well as a brief description of the property selected.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the suggestion of President Coolidge that it would be advisable to provide for the Chief Executive of the Nation a place close to Washington where the President might go for two or three days, thus affording a complete change of atmosphere, which would be beneficial to the health of the occupant of the White House, will be before the Congress for action in the form of a small appropriation, $48,000, when the last deficiency bill is under consideration.

The necessity for such a retreat is presented by President Coolidge in a signed article published in the fiftieth anniversary number of the St. Louis Post-Dispatch, December 9, 1928. In concluding the article the President suggested to Mr. Joseph Pulitzer, owner of the paper, that the press could bring about the establishment of a home in the hills for the President if it would take it up and pursue it with vigor. The St. Louis Post-Dispatch has acted upon this suggestion, and following its lead the papers of the country have commended the idea editorially.

The article written by President Coolidge follows:

A SUGGESTION CONCERNING THE PRESIDENCY

By Calvin Coolidge, President of the United States

THE WHITE HOUSE,
Superior, Wis., August 10, 1928.

Mr. JOSEPH PULITZER,
Editor, the Post-Dispatch,
St. Louis, Mo.

MY DEAR Mr. PULITZER: Your message advising me that the Post-Dispatch is planning on celebrating its fiftieth anniversary with a special edition containing contributions from various people, and requesting me to send you an article dealing with some phase of the presidential office, has been received. A half century is an exceedingly respectable age for a newspaper in our country. That period has seen the development of the community which you serve from a thriving town to a great metropolis, in which your publication has taken an important part. Your distinguished father, Joseph Pulitzer, was for many years one of the leading figures in the journalism of the United States and left his publications strongly marked with the force of his own character when he handed them down to those who are worthily carrying on the various enterprises which he had built up. Those who, like myself, have known him by reputation, and his successors by personal contact, may well join you in celebrating your coming anniversary.

As a President about to retire, I feel at liberty to write of certain phases of that office which one who was entering upon its duties might feel some hesitation in discussing. I shall briefly express my opinion concerning a subject which is often broached, but about which nothing is ever done, although it is recognized by everyone as a matter of the gravest importance. I refer to the health and physical condition of the President, not so much for my own sake as for my successors. I have often remarked that at least I had one distinction. I have been the healthiest President that the country has ever had.

My ability to keep well has not been due to a particularly robust constitution or any extraordinary efforts in physical exercise. My habits have been regular. It is seldom that I have been late at meal time and I have avoided keeping late hours. Very little work has been done before breakfast, but usually I have taken a short walk, and during the winter season a more extended walk before dinner, which has been my chief mode of exercise. I have kept a couple of vibrating machines in my room, which I have found helpful. It will be seen that in the matter of exercise my efforts have been toward a conservation of time. Such activities have been adopted as could be put into operation at once without the necessity of a change of clothing or travel to some other location before exercise could begin.

At the time I took office there was considerable discussion of what could be done to remove all unnecessary burdens from the President. Some legislation was proposed. I did not look upon that with much sympathy, perhaps because unconsciously I may have felt it would be a declaration of weakness, but certainly because my experience in public office made me know that whether I was to be overburdened with work and broken down in health depended more on myself than any act of Congress. The duties of the Presidency are exceedingly heavy. The responsibilities are overwhelming. But it is my opinion that a man of ordinary strength can carry them if he will confine himself very strictly to a performance of the duties that are imposed upon him by the Constitution and the law. If he permits himself to be engaged in all kinds of outside enterprises, in furnishing entertainment and amusement to great numbers of public gatherings, undertaking to be the source of inspiration for every worthy public movement, for all of which he will be earnestly besought, with the inference that unless he responds civilization will break down and the sole responsibility will be on him, he will last in office about 90 days. There are certain addresses which the President must make, certain appeals to which he may respond, like this one which you have made to me. But in the vast majority of cases he must and should decline.

It is of course obvious that the President should not burden himself with details. Those should be attended to by his departments and his office staff. He should not do any work that he can have done by others. Such energy as he has should be directed not so much toward doing work as making certain that the work is being well done.

There is, however, one thing which the Government could do, which, I think, would be of great physical assistance to the President. Washington is practically at sea level. Its climate is an exceedingly good all-the-year-round climate, but at times the humidity is high and unrelieved it becomes monotonous. The only avenue of escape for the President is the naval boat *Mayflower*. This is a regular naval craft used for the training of seamen, like any other craft, but it is kept stationed in the navy yard in Washington and is fitted up for the use of the President whenever he may desire to go aboard. The handicap about the *Mayflower* is that it must necessarily go down the Potomac, which is a change of view and of considerable relief, but affords no change in altitude and very little in climatic conditions.

The movements of the President are a very ponderous operation. Other officers of the Government can travel with a considerable degree of freedom. If they wish to spend a week end at a hotel or a club, they can do so without difficulty. They also have greater liberty in accepting private hospitality. When the President moves it is an event.

A large retinue follows and extensive preparations have to be made in advance for his reception and care. The only place he can enter without considerable preliminary disturbances is the White House.

For these reasons it seems to me that some place should be provided in the hills within easy striking distance of Washington where the President might go for two or three days at a time, when he was so disposed, with conveniences for entertaining members of the Government and other guests, where he could have that freedom of action which he has only at the White House, and where he could get a complete change of atmosphere.

While I have made no mention of the mistress of the White House, she is of course to be considered. The public little understands the very exacting duties that she must perform and the restrictive life that she must lead. Fully as much as the President, she needs an opportunity for a change and some place where she can have the seclusion of the White House without a constant reminder of its obligations.

Three or four years ago some thoughtful-minded person left a legacy of $200,000, which I should judge would have been ample to provide a place of this kind within 60 or 75 miles of Washington. It had a proviso that it should be accepted by the Congress. I did not give the matter any thought at the time and the Congress never paid any attention to it. Had it been accepted, a country house would now be available.

Such a residence would not be in a strict sense a summer White House, but if such a place had been provided I should not have desired to leave Washington so early in the season or return so late. Being distant from the Capital for a considerable length of time each summer is attended with a good many inconveniences, even when we have the use of the airplane for mail purposes and a special wire running into the White House. It is desirable for the President to stay for some time in different sections of the country, but a month or six weeks at the most is ample for him to make such observations and acquaintances as are required for him to understand something of the problems of various localities.

It is not too much to hope that the press of the United States can bring about this desired result. I am certain that if you would take it up and pursue it with the vigor which always marks the advocacy of any cause in which you believe, you could undoubtedly prove an important factor. If this could be done, future Presidents and future mistresses of the White House would have a great deal for which to thank you, and you would have the satisfaction of knowing that the celebration of your fiftieth anniversary has been an opportunity for a real service to our country.

Very truly yours,

CALVIN COOLIDGE.

Mr. Speaker, President Coolidge has recommended to the Congress an appropriation of $48,000 to be used for alterations and repairs to the buildings now located at Mount Weather, Va., overlooking the Shenandoah Valley. This property, formerly used by the Weather Bureau for weather experiments, abandoned for that purpose, belongs to the Government. It is about 60 miles from Washington and 30 miles from the proposed Shenandoah National Park. The land cost the Government years ago $2,513.15 and the buildings constructed thereon an additional $181,527.70, making a total investment of $184,040.85.

As Lieutenant Colonel Grant, 3d, Director of Public Buildings and Public Parks says, it is the most economical way of carrying out President Coolidge's suggestion.

Mr. Raymond P. Brandt, a member of the staff of the Washington bureau of the St. Louis Post-Dispatch, visited Mount Weather and wrote an interesting article concerning the place. I include his article, published in the Post-Dispatch Sunday, February 10, 1929, as part of my remarks. The article follows:

A VISIT TO MOUNT WEATHER, COOLIDGE'S SUGGESTION AS RETREAT FOR PRESIDENTS

By Raymond P. Brandt, a staff correspondent of the Post-Dispatch

WASHINGTON, February 9.—Atop Mount Weather, of the Blue Ridge chain, just 61 miles into Virginia from Washington, the Government owns 84 acres of land which President Coolidge thinks could be made into an ideal country retreat for future Presidents—a refuge where our Chief Executives could find occasional relief from the low altitude, the heat, and the formality of the Capital.

The writer inspected the site and was surprised to find that it was easily accessible to Washington and that the buildings were almost ready for occupancy. President Coolidge has told friends that $30,000 would be ample to make the place into a modest but comfortable country home, an extension, as it were, of the White House. The buildings were formerly used by the Department of Agriculture Bureau.

When President Coolidge, in the fiftieth anniversary number of the Post-Dispatch, first advanced the idea of a rural retreat for future Presidents, he stated that the place should be within easy motoring distance of Washington and should give a distinct change of elevation, Washington being only slightly above sea level.

NOT THREE HOURS FROM WHITE HOUSE

Mount Weather meets the two conditions. It has an elevation of 1,800 feet and in summer can be reached in two hours through some of Virginia's most interesting scenery. Traveling in a light automobile, the writer made the trip from the White House in two and a half hours. He was delayed by 5 miles of icy mountain road that called for low gear all the way. Should the Mount Weather site be chosen for a presidential retreat it is safe to assume that the State of Virginia would be glad to build an all-weather concrete road from the village of Bluemont to the top of the mountain where the Government buildings stand. With the exception of this stretch, the road from Washington is good. In fact, part of it is the best in Virginia.

The 84-acre tract and its buildings were used for many years by the Department of Agriculture Weather Bureau as a field laboratory. It was abandoned, however, in 1915, when the bureau decided to concentrate much of its experimental work in Washington.

The principal structure on the tract is a large, square, three-story yellow brick administration building, with 16 bedrooms and 7 baths. This building, set on the very peak of the mountains, faces to the east, and overlooks the Loudoun or Goose Creek Valley. At its back, to the west is the beautiful Shenandoah Valley, the pride of Virginia, with

the Shenandoah River plainly visible as it meanders through the fertile farm land. The grounds have been landscaped just enough to afford good views of the two valleys. This building has a large veranda from which there is a splendid view of the eastern valley. The Shenandoah Valley is best seen from the cupola that once housed the meteorological instruments.

James Fowler, the caretaker of the place, said that on a clear day a person could see 22 miles to the hills in the east and "as far as the eyes will go" to the west. The view from the cupola compensated for the 2½-hour ride.

BUILDINGS ON THE SITE

A hundred yards to the right of the main building is another structure about the same size but made of native stone. It was used by the weather experts as a laboratory. A hundred yards from it is a large frame house which was used by the superintendent and his family as a home. Like the other buildings, it has been abandoned, yet it shows few signs of deterioration.

Hidden in the trees to the right of the old administration building and laboratory is a heat and power plant, which furnished steam heat and electricity to the other buildings.

Back of these buildings is a structure which the writer took for a huge hay barn. He was astonished to learn that it was a balloon house. Fowler said that the weather experts had used a 30-foot captive balloon to gather data on the upper air currents. Near this barn-like structure are two gas tanks.

Fowler, who owns a farm adjoining the Government tract, became as enthusiastic as a real-estate salesman when he described the many advantages of Mount Weather as a presidential retreat.

"There are plenty of turkeys, quail, pheasants, rabbits, and squirrels in the woods around here," he said. "If the President wanted to fish, he could go down to the Shenandoah or Goose Creek and hook catfish, perch, and, perhaps, some mountain trout."

ARRANGEMENT OF MAIN HOUSE

Taking the writer through the main building, Fowler showed how it could be made fit for the President, his family, and his guests. He pointed out that the main hall was furnished in real fumed oak. The two large rooms to the right and left of the hall were identical in size and each had a large brick fireplace. Back of these were two other large rooms. Fowler thought that the two rooms on the left side of the house could be used as a sitting room and a study, and the back room on the right side as a dining room.

As it stands now, the dining room could seat 20 persons. Fowler pointed out that if a larger room was wanted, the wall between the front and back room could be knocked out. This would give room for 30 or 40 persons.

All the rooms have high ceilings. Back of the old dining room is a large butler's pantry, and behind that, one enormous kitchen with a large range. The second floor is reached by a fair-sized stairway—also of fumed oak, as Fowler pointed out. On this floor and the third were the bedrooms. Walls could be easily knocked out if larger rooms were desired. The third floor opens on the roof of the veranda. This roof commands a magnificent view of Goose Creek Valley.

POPULAR FOR COUNTRY HOMES

Mount Weather has long been a popular location for country homes, Fowler said. He named with pride some of the city men who had country estates on this mountain. Among them were Admiral Leigh-Palmer, formerly president of the Emergency Fleet Corporation; Peter Drury, a Washington business man; and F. L. Sandoz, a wealthy Washington real-estate dealer. The men have large and imposing homes, half hidden from the road by the trees, but overlooking the valleys. The estates run from 10 to 1,000 acres.

The caretaker was much impressed by the fact that Frank G. Carpenter, the world traveler and writer, had had a large country estate on the mountain.

"You know, Carpenter traveled all over the world, yet when he settled down he selected this mountain," Fowler said. "He called his place 'Journey's End.' Rather appropriate for a fellow who had traveled so much, wasn't it? His daughter is living on the place now."

Fowler seemed somewhat distressed over the slight signs of deterioration in the buildings. As a matter of fact, however, these signs seemed extremely slight when one remembered that the buildings have not been used for more than 13 years. The walls were never papered or painted, and naturally some of the plaster has fallen down. There were also some large cracks in the cement floor of the veranda. On the whole, however, the buildings are in fairly good shape, and President's estimate of $30,000 for putting the place into shape seemed liberal. The two main buildings originally cost about $40,000 each and were solidly built.

OVER HISTORIC GROUND

No description of Mount Weather would be complete without a few words about the road leading to it from Washington. It includes part of the famous Lee Highway and the Lee and Jefferson Memorial Highway and it runs through the interesting and historical villages of Falls Church, Fairfax County courthouse, Leesburg, Purcellville, Round Hill, and Bluemont.

Leaving Washington by way of the Francis Scott Key Memorial Bridge, the motorist goes through the Virginia suburbs of Washington. Then comes Falls Church, the first real village where one finds southern homes with high-columned verandas. Here the motorists strike a concrete section of the Lee Highway, which takes him to Fairfax County courthouse, where George Washington's will is on display. This is one of the best roads in Virginia.

At Leesburg the motorist sees a real southern town. To a middle westerner the homes are enormous. They are the old ante-bellum homes, built when a man counted his wealth in acres and slaves. Purcellville is much like Leesburg, only smaller. Hamilton and Round Hill are of the same type, yet distinctive.

At every turn, however, the motorist is struck with the evident prosperity of the countryside. Sleek Holstein and Jersey cattle mark this section as one of the most prosperous dairying regions in the East. If any other proof were needed, the skeptical need only look at the huge, well-kept barns and towering silos.

From Leesburg on, the Blue Ridge Mountains form the western horizon. These mountains might have been misnamed as to height, for they are not very high; but they were certainly not misnamed as to color. They are blue, particularly at sunset.

If Mount Weather is finally selected as a presidential retreat, the automobile trip will be an integral part of the recreational benefits.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. LUCE. Mr. Speaker, I call up the conference report on the Senate bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on Senate bill 3848. The Clerk will read the conference report.

The conference report was read.

The conference report and statement is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 2, line 3, insert in lieu of the matter stricken out by the House amendment the following: "*Provided*, That the secretary may be paid such salary for his services as may be determined by the commission. The commission is also authorized to pay such actual and necessary expenses as the secretary may incur in the performance of his duties. Such salary and expenses shall be paid by the treasurer of the commission upon the order of the secretary thereof and then only when approved and countersigned by the chairman of the executive committee"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Page 3, line 5, strike out all of the last sentence of the said House amendment; and the House agree to the same.

ROBERT LUCE,
JOSEPH L. HOOPER,
A. L. BULWINKLE,
Managers on the part of the House.

SIMEON D. FESS,
F. H. GILLETT,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The committee of conference on the disagreeing votes of the two houses on the amendments of the House to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers, submit the following written statement, explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report.

House amendment No. 1 struck out the proviso relating to the payment of the salary and expenses of the secretary of the com-

mission and the method of approval of expense accounts. It is quite important that the commission should have the services of a secretary, and the language substituted provides for payment of salary as may be determined by the commission and reimbursement for actual and necessary expenses in the performance of his duties, as well as the manner of approval of accounts covering such expenses.

That part of House amendment No. 2 providing that no charge shall ever be made for admission to the memorial grounds or for viewing the memorial is retained. That part relating to the necessity for legislative action on the part of the State of South Dakota in the matter of providing for maintenance of the memorial is stricken out, the nature of the memorial being such that there can be no maintenance cost for many centuries.

ROBERT LUCE,
JOSEPH L. HOOPER,
A. L. BULWINKLE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I submit a conference report on the bill H. R. 16422, the District of Columbia appropriation bill, and ask that it be reported. I ask unanimous consent that the reprinting of the conference report may be dispensed with and that it may be considered at this time.

The SPEAKER. The gentleman from Nebraska submits a conference report on the bill H. R. 16422, the District of Columbia appropriation bill, and asks unanimous consent that the reprinting of the report be dispensed with, and that it may be considered at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report it.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows.

That the Senate recede from its amendments numbered 1, 5, 7, 13, 14, 15, 17, 33, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52, 53, 54, 55, 57, and 58, and agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,658,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*: Provided*, That effective July 1, 1933, that portion of section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, entitled "An act to establish a normal school for the city of Washington" (section 42, chapter 57, of the Compiled Statutes in force in the District of Columbia), which provides that the graduates of the normal schools in the District of Columbia shall have preference in all cases when appointments of teachers for the public schools are to be made, is hereby repealed"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,982,600"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That upon completion of such building, the building now occupied by the Business High School shall be used as an elementary school"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That hereafter no more than $50 per annum shall be paid as extra compensation to members mounted on bicycles, and no more than $312 per annum to members who may be called upon to use motor vehicles, furnished and maintained by themselves"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "For the study and preparation of plans for a sanatorium for the care, treatment, and education of tubercular children, $1,500, to be immediately available, and the Commissioners of the District of Columbia shall submit such plans with recommendations to the first session of the Seventy-first Congress"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 36.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

HIRAM BINGHAM,
L. C. PHIPPS,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Appropriates $9,000,000, as provided by the House, instead of $10,000,000, as provided by the Senate, out of the Federal Treasury, as the Federal Government's contribution to the expenses of maintaining the District of Columbia government.

On amendment No. 2: Strikes out a provision, as provided by the House, proposing that hereafter the superintendent of licenses of the District of Columbia shall not issue a registration certificate or identification tags for any motor vehicle upon which any personal taxes are due and unpaid to the said District.

On amendments Nos. 3, 4, 5, and 6: Makes several language corrections, as proposed by the Senate, under the office of the highways department.

On amendment No. 7: Appropriates $63,700, as provided by the House, instead of $59,900, as provided by the Senate, permitting the employment of a superintendent of the District repair shop under the office of the municipal architect.

On amendment No. 8: Permits 2¾ per cent as proposed by the Senate, instead of 2½ per cent, as proposed by the House of all apportionments of appropriations in excess of $2,000,000, for the use of the municipal architect in payment for the services of draftsmen, assistant engineers, clerks, copyists, and inspectors employed on construction work.

On amendments Nos. 10 and 11: Appropriates $95,400 as provided by the Senate, instead of $95,135, as provided by the House, which permits the purchase of a truck instead of a passenger car, already provided.

On amendment No. 12: Appropriates $25,000, as provided by the Senate, instead of $22,000, as provided by the House, for postage for strictly official mail matter.

On amendment No. 13: Appropriates $3,900, as provided by the House, and stricken out by the Senate, for the paving of Upton Street NW., Thirty-eighth Street to Wisconsin Avenue.

On amendment No. 14: Appropriates $9,900, as provided by the House, and stricken out by the Senate, for the paving of Forty-second Street NW., Jenifer Street to Military Road.

On amendment No. 15: Strikes out an appropriation of $21,000, as proposed by the Senate, for the paving of Western Avenue NW., Forty-first Street to Chevy Chase Circle.

On amendment No. 16: Makes a correction in language, as proposed by the Senate.

On amendment No. 17: Appropriates $4,900, as proposed by the House, and stricken out by the Senate, for the paving of Eighteenth Street NW., Allison Street to Webster Street.

On amendment No. 18: Appropriates $10,800, as provided by the Senate, for the paving of Tunlaw Road NW., Thirty-seventh Street to Beecher Street.

On amendment No. 19: Appropriates $7,400, as provided by the Senate, for the paving of Benton Street NW., Tunlaw Road to Huiderkoper Place.

On amendment No. 20: Appropriates $1,600, as provided by the Senate, for the paving of Observatory Place NW., Benton Street northward to concrete.

On amendment No. 21: Appropriates $6,200, as provided by the Senate, for the paving of Eighth Street NW., Tuckerman Street to Underwood.

On amendment No. 22: Appropriates $5,400, as provided by the Senate, for the paving of Tewksberry Street NW., Seventh Street to Eighth Street.

On amendment No. 23: Appropriates $6,500, as provided by the Senate, for the paving of Neal Street NE., Bladensburg Road to Holbrook.

On amendment No. 24: Appropriates $14,000, as provided by the Senate, for the paving of Newton Street NE., Rhode Island Avenue to Eastern Avenue.

On amendment No. 25: Appropriates $12,800, as provided by the Senate, for the paving of Myrtle Avenue NE., Central Avenue to Walnut Street.

On amendment No. 26: Appropriates $8,800, as provided by the Senate, for the paving of Evarts Street NE., Twentieth Street to Twenty-second.

On amendment No. 27: Appropriates $2,900, as provided by the Senate, for the paving of Summit Place NE., T Street to Todd Place.

On amendment No. 28: Appropriates $12,300, as provided by the Senate, for the paving of Douglass Street NE., Queens Chapel Road to Twenty-fourth Street, instead of $7,300, as provided by the House, for the paving of Douglass Street NE., Twenty-second Street to Twenty-fourth Street.

On amendment No. 29: Appropriates $6,500, as provided by the Senate, for the paving of Twenty-third Street SE., Minnesota Avenue to Q Street.

On amendment No. 30: Corrects a street-paving designation as proposed by the Senate.

On amendment No. 31: Appropriates $80,000, as proposed by the Senate, instead of $75,000, as provided by the House, for grading streets, alleys, and roads, etc.

On amendment No. 32: Corrects the figures covering the total amount to be disbursed and accounted for as "Gasoline tax, road and street improvements."

On amendment No. 33: Strikes out the provision, as proposed by the Senate, providing that so much of the cost of the work for the reconstruction of the floor system and hand rail of the Anacostia River Bridge as relates to the paving between and 2 feet exterior to the outer rails of the street-car tracks, and to the reconstruction of the street railway track system, shall be paid by the street-railway company using the bridge.

On amendment No. 34: Appropriates $612,000, as proposed by the Senate, instead of $600,000, as proposed by the House, for suburban sewers.

On amendment No. 35: Strikes out language, as provided by the House, making applicable only 25 per cent of the graduates of the normal schools to the preferential provision of section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, beginning July 1, 1931, and inserts language in lieu thereof, repealing entirely the provision referred to on and after July 1, 1933.

On amendment No. 37: Appropriates $5,983,400 for the salaries of teachers in the District of Columbia, instead of $5,982,600 as provided by the House, and $6,000,000 as provided by the Senate.

On amendment No. 38: Appropriates $12,000, as provided by the Senate, for transportation for pupils attending schools for crippled pupils.

On amendment No. 39: Corrects a date.

On amendment No. 40: Corrects language.

On amendment No. 41: Includes, as proposed by the Senate, the words "and sanatorium," in the language appropriating $150,000 for the erection of a new health school for colored pupils.

On amendment No. 42: Includes language, as proposed by the Senate, in the appropriation for the construction of a new school building for the Business High School, extending the amount appropriated for the necessary remodeling and enlargement of the heating plant at the Macfarland Junior High School to provide heat for the new Business High School.

On amendment No. 43: Inserts the language, as proposed by the Senate, "exclusive of the treatment of grounds" under the contract authorization for the erection of the new Business High School.

On amendment No. 44: Inserts language as provided by the House and stricken out by the Senate, proposing that upon the completion of the new Business High School, the building now being used by the Business High School shall be used as an elementary school, but strikes out the words, proposed by the House but stricken out by the Senate, "for colored pupils."

On amendment No. 45: Corrects language, as proposed by the Senate.

On amendment No. 46: Inserts language, as provided by the Senate, providing a new platoon school building, and a colored health school and sanatorium, in the appropriation for the purchase of a site on which to locate a new junior high-school building.

On amendment No. 47: Strikes out language, as proposed by the House, for the purchase of a site for a colored health school.

On amendment No. 48: Corrects a total.

On amendment No. 49: Inserts language, as proposed by the House but stricken out by the Senate, limiting the amount to be paid to policemen for bicycle and automobile compensation, but strikes out language, as proposed by the House and stricken out by the Senate, reducing the amount to be allowed to policemen for extra compensation for horses.

On amendment No. 50: Strikes out language, as proposed by the Senate, limiting the appropriation for the payment of salaries for police, affecting the salary of a local police officer.

On amendment No. 51: Appropriates $78,600, as proposed by the Senate, instead of $74,000, as proposed by the House, for personal services in the conduct of hygiene and sanitation work of public schools.

On amendment No. 52: Corrects language.

On amendments Nos. 53 and 54: Provides, as proposed by the Senate, for seven stenographers, instead of six, as proposed by the House, for the Supreme Court of the District of Columbia.

On amendment No. 55: Appropriates $22,000, as proposed by the Senate, instead of $18,000, as proposed by the House, for the Children's Hospital.

On amendment No. 56: Strikes out language, proposed by the Senate, appropriating $150,000 for the erection and equipment of a tubercular hospital for children, but makes available, as proposed by the Senate, $1,500 for the preparation of plans for such purpose.

On amendment No. 57: Corrects a subtotal.

On amendment No. 58: Corrects language.

The committee on conference have not agreed on the following:

On amendment No. 36: Inserting language, as provided by the Senate, converting the two normal schools in the District of Columbia into a teachers' college, and at the end of the fourth year thereof to award appropriate degrees.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the statement of the conferees may be read in lieu of the report.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, I would ask the gentleman to make a statement as to the extent of the change made in the conference report.

Mr. SIMMONS. If the gentleman from New York pleases, it is the change I suggested to him ought to be made.

Mr. GRIFFIN. I know; but I think the House should be informed.

Mr. SIMMONS. The Senate carried in the District appropriation bill an item of $150,000 for a tubercular hospital for children. After conference with the District officials and others, it was determined that a study of that matter ought to be made and we wrote into the conference report a proviso of $1,500 for this study and directed that a report be made to the first session of the coming Congress. The money will not be available unless made available immediately until July 1. I have withdrawn the report and inserted the proviso that that $1,500 be immediately available, and with that exception there is no change in the report.

Mr. GRIFFIN. I suggest that a further reading of the report is unnecessary.

Mr. SIMMONS. The Clerk will read the statement.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

During the reading of the statement the following occurred:

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIFFIN. To make the suggestion to my colleague from Nebraska, that all of this statement was published in the RECORD of February 19, on pages 3805 to 3807. In view of the fact that there has been no amendment made other than that which was presented by the gentleman a few moments ago I suggest that a motion be made to dispense with the further reading of the statement.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the further reading of the statement be dispensed with. Is there objection?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether he has taken care of the balance of Sixteenth Street, about which we spoke last year.

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. It is all taken care of?

Mr. SIMMONS. In the House bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. Without objection, the statement will be printed in the RECORD.

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 36.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 36: Page 39 of the printed bill, insert in line 5 the following language: "*Provided*, That the Board of Education is hereby authorized, under appropriations hereafter to be made, to expand the two existing normal schools into teachers' colleges, and at the end of the fourth year thereof to award appropriate degrees."

The SPEAKER. The gentleman from Nebraska moves to recede and concur in the Senate amendment.

The motion was agreed to.

PERMISSION TO MAKE THE UNITED STATES A PARTY DEFENDANT IN CERTAIN CASES

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 13981 to permit the United States to be made a party defendant in certain cases, disagree to the Senate amendment, and agree to the conference asked. The Senate has stricken out all after the enacting clause and inserted an entirely new bill, and I have been instructed by the Committee on the Judiciary to ask the House to dissent to the Senate amendment, agree to the conference asked by the Senate, and have conferees appointed. The Senate has already appointed conferees.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 13981, disagree to the Senate amendment, and agree to the conference asked. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the Senate amendment?

The SPEAKER. The Clerk will report the bill and Senate amendment.

The Clerk read the title of the bill.

During the reading of the Senate amendment the following occurred:

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the further reading of the amendment be dispensed with, as we are only going to formally disagree to the amendment and send the bill to conference.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I would like to find out if the Committee on the Judiciary, by unanimous vote, recommended the action which is now taking place?

Mr. GRAHAM. Yes; this morning.

Mr. SCHAFER. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. GRAHAM]? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. GRAHAM, DYER, and SUMNERS of Texas.

NANCY HART

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart, with a Senate amendment, and if this request is granted I shall move to concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was agreed to.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to act as Speaker pro tempore tomorrow.

LOAD LINES FOR AMERICAN VESSELS

Mr. WHITE of Maine. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1781, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. At our last session section 1 had been read, but the committee amendments had not been reported. The Clerk will report the committee amendments.

Mr. ABERNETHY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from North Carolina rise?

Mr. ABERNETHY. I understand, Mr. Chairman, that general debate has been completed and we are now reading the bill under the 5-minute rule?

The CHAIRMAN. General debate is exhausted and the first section of the bill has been read, but the committee amendment has not yet been reported.

The Clerk read as follows:

First committee amendment: Page 1, line 5, strike out "Subsec." and insert "Sec."; same line, strike out "Cargo carrying" and insert "Merchant."

The CHAIRMAN. The question is on the committee amendment.

Mr. LAGUARDIA. Mr. Chairman, I desire recognition on the committee amendment.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, I desire, if possible, to get the attention of the committee to point out the necessity of speedy enactment of this bill and the abundance of data, information, and statistics on this very interesting subject to be found in the legislative records of other countries, particularly England.

The opposition to this bill seems to be localized to meet particular conditions in various localities of the coast. Yet if the attitude of the House to-day is contrasted with what took place in the British Parliament in 1875 and 1876 it will show that great progress has been made to an impressive degree. Still there is this striking similarity, that the very same exemptions sought in the early days of the legislation in England are written into this bill to-day.

No one can think of load line without pausing a moment to pay tribute to the pioneer in this work, Samuel Plimsoll, of the British Parliament. He was a lone crusader for nearly 20 years in bringing about the reform which resulted in the enactment of the first load-line law in England. For 20 years this man fought in the British Parliament. He was considered a nuisance, as some reformers and progressives are in this country, and at one time had no less than 20 suits for libel pending against him. In one instance the judge was so impressed with the truth contained in the statement which was the basis for the libel suit that he departed from the old English maxim, "The greater the truth, the greater the libel," and dismissed the complaint on the ground that the plaintiff had not come

into court with "clean hands." That indeed, was startling in an action at law.

Prior to the first enactment of the shipping act of 1875, conditions in England due to the complete freedom of shipowners to load their vessels without any restriction or supervision were almost beyond description. It was Samuel Plimsoll who compelled the passage of the first act to make a continuance of these shameless enterprises impossible. Here is a brief extract from the Lifeboat Journal of November 1, 1870—a British publication—which perhaps tells the entire story and which described the conditions which Mr. Plimsoll was seeking to correct:

> We have repeatedly through the medium of this journal strongly called attention to the terribly rotten state of many of the ships above 20 years old; in too many instances on such vessels getting ashore their crews perish before there is any possibility of getting out the lifeboat from the shore to their help. * * * Such is the notoriously ill-found and unseaworthy manner in which these vessels are sent on their voyage that in every gale, even if it be one of moderate character only, it becomes a certainty that numbers of them will be destroyed, as will be seen from the fact that 844 of them were lost in 1864, 934 in 1865, 1,150 in 1866, 1,345 in 1867, 1,014 in 1868, or 6,357 in six years. It is overwhelming to contemplate the loss of life from these, in too many instances, preventable wrecks.

Even the Government recognized this terrible condition, for in the report of the Board of Trade for 1868 we find this startling statement:

> If this number is subdivided, it will be found that about half of it is represented by unseaworthy, overladen, or ill-found vessels of the collier class, chiefly employed in the coasting trade. For the six years ending 1868 the number is more than half.

Notwithstanding these terrible conditions, the impressive annual statistics of dead British seamen, Mr. Plimsoll's effort to pass a temporary bill would have been balked in 1875 had he not created a scene in the House of Commons and so outraged some of the staid and dignified proprieties of that august body as to attract universal attention to the resistance of the shipowners and crystallize public opinion in favor of the enactment of the first load-line bill.

Alexander H. Japp, an English author, in a short biographical sketch of Samuel Plimsoll, published by T. Fisher Unwin, London, puts in one paragraph that may well be applied to the consideration of this bill to-day and what, to my mind, fits almost every movement for welfare legislation and for laws to protect the lives of the workers, to prevent exploitation, and to make life safer and cheerful:

> One of the oldest arguments directed against Mr. Plimsoll in his benevolent crusade was that such measures, if passed, would "destroy responsibility." Responsibility, indeed. The responsibility of a man employing labor is only legitimately exercised when he takes all precautions to protect the lives of those employed by him. The liberty to do what one likes with one's own may be accepted in its widest latitude as regards goods and chattels, though even here the law has come in with many wise restrictions; but, though a man hires the labor of another, he does not make himself master of his life, and he is assuredly responsible to society if in any way which is preventible he endangers it.

The controversy against the enactment of the law compelling ships to undergo inspection and fix a specific load line was so strong that, as I have just stated, even the usual calm and dignity of the British House of Commons was upset on many occasions.

In England, and I believe the law applied to the United Kingdom, the first statutory obligation to mark a load line on the sides of a vessel was contained in the merchant shipping act, 1875. This act was the outcome of the agitation against the alleged unseaworthiness of ships, with which agitation the name of the late Mr. Samuel Plimsoll was so closely associated, and the circular disk with a horizonal line drawn through its center, which is the statutory mark, has ever since been commonly referred to as the "Plimsoll mark."

This act was to remain in force but one year, and under it the compulsory marking of a load line applied only to foreign-going vessels. Gentlemen will note that way back in 1875 in England they were seeking some of the same exceptions and exemptions contained in the bill before us. That is, exempt coastwise vessels and certain kind of lumber schooners, and we here add an exemption to ships on the Great Lakes. If we study the history of this legislation in England, it will readily be seen how foolish it would be to repeat the mistakes of the past and make these exemptions. In 1876 the British Parliament passed a further act which required the owners to place the statutory mark upon every British ship except those under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts. This mark was to indicate the maximum load line in salt water to which the owner intended to load the ship for the voyage upon which she was about to proceed.

I find that the act of 1876 which provided and compelled a statutory load line, its position on the sides of a vessel was determined by the owner and it was permissible for him to alter the position at the commencement of any voyage from a port in the United Kingdom. It will readily be seen that such a law was not satisfactory to the sponsors of the load-line legislation, which accounts for the agitation being kept up in England for many years after the enactment of the first laws in 1875 and 1876. I will state right here that this provision was found to be unsatisfactory. For that reason, when the bill now before us is read for amendment, I shall seek to strike from the bill that provision which would permit a shipowner from recommending or selecting the agency authorized to inspect and mark the ship. In the light of experience it would be a fatal mistake to permit that provision to remain in the bill.

The provisions of the English law respecting compulsory marking of the load line remained in operation without alteration until the year 1890, in which year the law was amended, and the power to detain overladen ships was conferred on the British Board of Trade. Having constituted the power to detain ships, the Board of Trade then found it necessary to prepare tables of freeboard for the guidance of their surveyors. It would seem that at this time the marking of the ship was taken from the shipowners themselves, and all control taken from the shipowners and vested in the Board of Trade. Between 1873 and 1890 the question of load line was very much alive in England. The first tables of freeboard were published in 1882, and in 1883 Lloyd's Register of Shipping also issued tables of freeboard based upon principles which were afterwards adopted by the first load-line committee, which was appointed by the Board of Trade in December, 1883.

In 1885 the load-line committee reported that it was necessary to frame general rules concerning freeboard which would prevent overloading without unduly interfering with trade, and submitted tables of freeboard giving the maximum loading which could be permitted with safety in cargo-carrying vessels. Due to the tremendous agitation and irresistible public opinion, these tables were adopted by the Board of Trade on the voluntary application of shipowners. Thereafter the Board of Trade assigned load lines to vessels in accordance with these tables. The application of the tables and the compulsory marking were definitely written into the English law in 1890 by the merchant shipping load line act. By the same act the Board of Trade was empowered to employ Lloyd's Register of Shipping and any other corporation or association for the survey and register of shipping approved by the Board of Trade. The language of the bill now before us follows in this respect almost verbatim the provisions of the English act of 1890. The provisions of the English law with respect to compulsory marking of the load line have remained in operation to the present time and are now embodied in the English merchant shipping act of 1894. An extension of the provisions was made in the merchant shipping act of 1906, which provided that the exemption of ships under 80 tons' register employed solely in the coasting trade from compulsory marking of a load line should cease so far as it respected cargo-carrying steamships.

Now, gentlemen, why should we to-day in the year 1929 exempt free-lumber schooners or vessels operating on the Great Lakes or vessels operating to and from territory contiguous to the United States? Even the act of 1894 was found to be too loose and permitting of too many exceptions, and a committee was appointed in England in March, 1898, to consider a proposed modification of the limits laid down in the tables of freeboard for the operation of the winter North Atlantic freeboard. Immediately after the appointment of the committee the members reported to the Board of Trade that there were other questions requiring consideration, notably an extension of the tables of freeboard to larger vessels than those already provided for and the formulation of rules for dealing with so-called turret-decked vessels. This committee reported in November, 1898, and the so-called winter North Atlantic freeboard was modified in accordance with their recommendation, which also included tables of freeboard in regard to large vessels and turret-decked vessels.

In 1903 the German authorities adopted tables of freeboard which caused the British rules to again be reviewed while studying the new German rules. The Board of Trade revised the tables of freeboard, the new tables going into effect on the 1st of March, 1906.

In the general debate reference was made to lumber-carrying schooners. I understand that some of my colleagues from both the Atlantic and Pacific coasts will make every effort to exempt lumber-carrying schooners. In this instance, too, it is not neces-

sary to experiment, for we have the experience of England and other countries which have enacted load line laws and which were confronted with the same claim from owners of ships specializing in the transportation of lumber. Permit me to quote from the report of the committee of the British Board of Trade of 1926:

SPECIAL LOAD LINE FOR TIMBER-LADEN VESSELS

We have given careful consideration to the question of a special load line for timber-laden vessels which would permit them to be loaded more deeply than vessels loaded with other cargoes. We find that the load-line rules adopted by the Governments of the Netherlands, Norway, and Russia make special provision for such a load line and that there is a body of opinion in some other foreign countries to the effect that timber-laden vessels, under certain conditions, can be immersed with safety more deeply than vessels with other cargoes.

We have examined the specific conditions contained in the load-line rules of the Netherlands, Norway, and Russia, under which the deeper immersion of timber-laden vessels is permitted. While we are unable to fully agree in detail with those conditions or with their application, we recognize that in certain cases where vessels are specially constructed or specially fitted for the carriage of wood goods, both in the holds and on the deck, it might be contended from some points of view that timber-laden vessels could be loaded more deeply than vessels laden with other cargoes, provided it could be guaranteed that the special conditions required were fulfilled. In the great majority of cases, however, the carriage of deck cargoes of wood goods increases the risk to the vessel and to the crew; and even in the special cases referred to we consider that it is quite impracticable to insure by administrative or other action that the special conditions are complied with.

In these circumstances we are of opinion that it is not desirable to make any provision in the rules for the assignment of a special timber load line.

It would seem to me, in the light of past experience, we should not exempt lumber schooners, whether they are sailing to contiguous foreign territory or not. That is another reason why I shall oppose the committee amendment contained in section 9 of the bill.

In the discussion in general debate questions were asked as to the loss of lives and ships of American registry, and no one seemed to have any figures in regard to it.

If the committee will give me its attention, I will start with 1924. In 1924 we lost on the Atlantic coast 96 vessels, which were a total loss. We lost in tonnage 45,664 tons, 65 lives, and a total property loss of $5,215,000.

Mr. BACON. Was that all due to overloading?

Mr. LAGUARDIA. That brings us to the point. I am going to put in the figures. In England prior to the enactment of the first load line law the loss was over 50 per cent greater than after its enactment. Since then there has been a gradual decrease in losses, both in lives and ships, due, of course, to improved ships, radio, and better construction.

Mr. WELSH of Pennsylvania. Was the legislation in England passed in 1878?

Mr. LAGUARDIA. In 1875 the first act was passed by Parliament.

If my colleagues will permit, I want to give you these figures and statistics of the dead for the past five years before yielding to other questions. In the year 1924, as I was stating, we lost on the Atlantic and Gulf coasts 96 vessels and 65 men. On the Pacific coast, 47 vessels and 29 men. On the Great Lakes, 15 vessels and 16 men. At sea and in foreign waters we lost no less than 28 vessels and 79 men. The property loss along the coast was $9,000,000, and at sea it was $6,549,931 in the year 1924. During the year 1925 we lost on the Atlantic and Gulf coasts no less than 100 vessels and 73 persons; on the Pacific coast, 57 vessels and 20 persons; on the Great Lakes, 15 vessels and 39 persons. I want to remark right here that the vessels on the Great Lakes were by no means small individual sailboats or small motor boats. The 15 vessels lost had on board passengers and crew 3,230 persons whose lives were endangered. During the same year, 1925, we lost 34 vessels at sea and in foreign waters and 43 men. The property loss along the coast during this year was $11,000,000, and the property loss in foreign waters was $3,680,878. In 1926 we lost on the Atlantic and Gulf coasts 122 vessels and 141 men; on the Pacific coast 41 vessels and only 4 men lost their lives; on the Great Lakes 18 vessels were totally lost and 17 men. The value of the property lost along the coasts during that year was $13,000,000. In that year the loss at sea and in foreign waters was 24 vessels totally lost and 66 men. This is quite a decrease from previous years, owing in a measure to the fact that according to the statistics there were less American ships employed in foreign waters than in the previous years. The total property loss of American ships in foreign waters was valued at $4,000,000. In 1927 we lost on the Atlantic and Gulf coasts 114 vessels and 104 men; on the Pacific coast, 61 vessels and 21 men; on the Great Lakes, 20 vessels and 5 men. Again I want to stress the fact that the vessels on the Great Lakes were of average large tonnage, as the reports of the Coast Guard Service indicate that the lives of 4,213 people on these 20 ships were endangered.

The total property loss along the coast for that year was $13,000,000. In 1927 the loss of American ships in foreign waters was 37 ships and 68 men; property loss of $6,979,733. In 1928, 119 vessels were totally lost, taking with them 59 lives, along the Atlantic and Gulf coasts; along the Pacific coast, 51 ships and 14 men; the Great Lakes, 18 ships were lost and 31 men. The property loss along the coasts in this year was $11,000,000. During the same year we lost 31 ships at sea and in foreign waters and 51 lives, representing a property loss of $5,852,967.

These figures were taken from the annual reports of the United States Coast Guard. It is proper at this point to pause in order to pay a tribute to our splendid Coast Guard Service. It is no exaggeration to say that thousands and thousands of lives were saved through the splendid, efficient, and courageous service of our Coast Guard. [Applause.]

Mr. SHREVE. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SHREVE. Can the gentleman tell the House how many ships on the Great Lakes were lost by reason of overloading?

Mr. LAGUARDIA. I will say to the gentleman that such arguments were urged as part of the opposition in the British Parliament.

Mr. SHREVE. I do not care anything about the British Parliament. I have lived on the shores of Lake Erie for 30 years, and I know that the losses were not by reason of overloading.

Mr. LAGUARDIA. Will the gentleman say that overloading did not contribute to the loss?

Mr. SHREVE. Possibly in one or two cases.

Mr. LAGUARDIA. And the gentleman means to say that overloading has nothing to do with the loss?

Mr. SHREVE. Absolutely. The reason why you can not overload a ship on the Great Lakes is because they can not enter a harbor. The harbors will not take an overloaded ship. It is absolutely foolish to talk about it.

Mr. LAGUARDIA. I will say that the decrease in total loss of vessels in the British registry was 50 per cent after the passage of the Plimsoll load line. The losses—that is, total losses of ships—in the reports are classified in four subdivisions: Founderings, strandings, collisions, and other causes. For instance, in 1927 on the Great Lakes the total losses were 7 ships foundering, 5 stranded, 1 collision, and 7 attributed to other causes. I am sure that no one can deny that overloading is fatal to any ships in distress. I will add that overloading may in many of these instances be the direct cause of placing a ship in distress.

Mr. LEHLBACH. Has the gentleman any figures to show where any of this loss or what proportion of this loss was caused by overloading?

Mr. LAGUARDIA. Yes.

Mr. LEHLBACH. Has the gentleman similar statistics of other maritime nations?

Mr. LAGUARDIA. I am referring constantly to the comparison between the losses of British vessels before the load line law and after the load line law. I say to the gentleman from New Jersey that that was the very opposition that was presented against the great fight of Samuel Plimsoll, to whom the whole world owes a debt of gratitude.

Shipowners at that time, when insurances were flourishing, were able to insure their old and unsafe vessels, overload them, send them to sea, and with the limitation of liability in the British law, the same as we have here under the statute enacted in 1851, would have a profit and money for a new ship if the old ship was lost. They cared little for the lives of the crew.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment. Of course, the opposition to this bill is purely local. The gentleman from New Jersey [Mr. LEHLBACH] has a certain type of ships in mind. The distinguished gentleman who interrupted me a moment ago [Mr. SHREVE], of Pennsylvania, is interested in the Great Lakes, and in the Great Lake ships, but what we are interested in is human lives. That is the fight that Samuel Plimsoll put up for over 20 years of his life. As I said before, he was hailed into court for libel and there was a demonstration and scene in the House of Commons, the conditions were so bad. In the face of these figures, in the face of the hundreds of lives lost every year, in the face of the hundreds of ships that founder, there is not a man on the floor of this House who can stand up and say

that overloading a ship is not a contributing factor to the loss of the ship.

There is nothing new in the load-line idea. You gentlemen can not find a freight car in this country that does not have upon it the limit of loading capacity, and there is no one who would think of putting 5 tons of freight on a 1-ton truck. There is no one who would think of overloading his automobile. But with a ship it is quite different, and why?

This is the reason. If a freight car is overloaded, it collapses and breaks down right on the track. That in itself encumbers the track and delays trains and traffic for days and days. Then the railroad company besides must pay all damages to the freight on that train injured by reason of the overloading. At sea, under our law, taken from the sixteenth century, the liability of the shipowner for loss is limited to the value of his interest in the ship. If the ship is a total loss, he is exempt from all liability. Besides, under our law, if the ship is insured, and they always are, the owner pockets every cent of the insurance and not one penny of it can be reached by the owners of the cargo or by the families of the men who lost their lives with the ship. That is the reason why we have a load line or a load limitation on freight cars and none up to date for ships. That is the reason why it took England 25 years to enact a load line law. And, gentlemen, to be perfectly frank about it, that is the reason why certain types of ships are seeking to be exempt from the provisions of this law. I want to see this law passed to-day without exempting a single solitary ship. It is the limitation of liability, the exemption of liability if the ship is a total loss with the pocketing of the insurance money that encourages overloading. The history of the sea, the records of the shipowners, the statistics of lost ships and drowned seamen, the records of the British Parliament are the unanswerable proof and evidence of this statement.

How can anyone, after the fight of Samuel Plimsoll, after seeing the beneficial effects to the British merchant marine in cutting down loss 50 per cent, stand up in the year 1929 and ask for an exemption in a load line bill?

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MORTON D. HULL. Has the gentleman any testimony with reference to marine insurance rates, before and after the change in the load line law?

Mr. LAGUARDIA. They went down, of course. I do not know the exact figure, but with the wireless, and the load line law, and the improved methods of naval architecture, of course the insurance rates went down; but right there, with the insurance rates coming down, with the limitation of liability, do not you see the resistance of the load line law? If the subject were that of overloading a freight car, you could not argue against the capacity limitation. If it were a truck, you would not argue against the limitation of the capacity. There is not an honest shipowner who would resist this law, and why? Because he loads his ship in safety. Who is resisting it? The shipowners who desire to overload their ships, because insurance to them is more than human life. You can not get away from that argument. No reputable shipowner who does not desire to overload his ships will oppose this bill.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. I do not think that that last statement of the gentleman is quite correct, because some of us are basing our objection because of a peculiar situation with regard to the matter of lumber schooners.

Mr. LAGUARDIA. Yes; in respect to lumber schooners.

Mr. JOHNSON of Washington. Yes; and with regard to favoritism for certain barges.

Mr. LAGUARDIA. I am against all exemptions.

Mr. JOHNSON of Washington. We support in the main all that the gentleman has said.

Mr. LAGUARDIA. Of course, we will all join in opposing any amendment that will exempt any class of ships.

Mr. ABERNETHY. The gentleman is in favor of the bill as written by the committee?

Mr. LAGUARDIA. I do not want those exemptions. I am taking the information available 20 or 30 years after this law was enacted and accepted in every large maritime country, and I am opposed to bringing into this bill any provisions excepting any ship that floats on the water flying the American flag. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITE of Maine. I want to inquire of the Chair about the committee amendment.

The CHAIRMAN. The committee amendment on page 1, line 5, reported by the Clerk, is actually two amendments. The Chair will take the liberty of separating them. The first amendment is to strike out the word "Subsec." and insert the word "Sec.," and the second is to substitute the word "Merchant" for the words "Cargo carrying." The Chair will take the liberty of calling the attention of the gentleman from Maine to the fact that section 1 actually does not begin in line 5 but on line 3. It is the customary procedure to omit the numbering of the first section. If the committee amendment is adopted, lines 3 and 4 will be orphans.

Mr. WHITE of Maine. I think the criticism of the Chair is sound. I ask unanimous consent that the first amendment be stricken out altogether.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the words "Subsec. 1" be stricken out. Is there objection?

There was no objection.

The CHAIRMAN. Now, the purpose of the committee amendment on line 5 is to strike out the word "Subsec." and insert the word "Sec."; and strike out "cargo carrying" and insert the word "merchant." The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 8, after the word "a," strike out the word "foreign."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 1, line 9, after the letter "(b)," strike out the words "cargo carrying" and insert in lieu thereof the word "merchant."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DAVIS. Mr. Speaker, I suppose it is clearly understood that we permit to remain in line 5 the letter "(a)" and in line 9 the letter "(b)"?

The CHAIRMAN. Yes. If there are no further amendments to section 1, the Clerk will read.

The Clerk read as follows:

SUBSEC. 2. The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in subsection 1 (a) and (b) of this section to establish by regulations from time to time in general accordance with the practice of the principal maritime nations the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded: *Provided*, That no load line shall be established or marked on any vessel, which load line, in the judgment of the Secretary of Commerce, is above the actual line of safety. Such regulation shall have the force of law.

With committee amendments as follows:

Page 2, line 3, strike out "Subsec." and insert in lieu thereof the word "Sec.," and in the same line strike out the words "of this section."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

In line 6, strike out the words "in general accordance with the practice of the principal maritime nations."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

In line 9, after the word "loaded," insert "and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk began the reading of section 3.

Mr. DEAL. Mr. Chairman, will we be able to return to these sections for amendment after we go forward with the committee amendments, or shall we offer amendments now?

The CHAIRMAN. Amendments to each section should be offered after the committee amendments are disposed of. Otherwise you can not return.

Mr. DEAL. Otherwise we lose our opportunity?

The CHAIRMAN. Yes.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. WHITE of Maine. Mr. Chairman, I think the section has not been finished.

The CHAIRMAN. The Clerk began the reading, but did not finish it. The Clerk will read.

The Clerk read as follows:

SUBSEC. 3. It shall be the duty of the owner and of the master of every vessel subject to this section and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: *Provided, however,* That at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this action. Such corporation, association, or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this section and to said regulations to depart from any port or place designated in subsection (1) of this section without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

With a committee amendment as follows:

Page 2, line 17, strike out "Subsec.," and insert in lieu thereof the word "Sec."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 3, line 21, strike out the word "section" and insert in lieu thereof the word "act."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows.

Page 3, line 23, strike out "subsection (1) of this section" and insert in lieu thereof "section (1)."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ABERNETHY rose.

Mr. WHITE of Maine. Mr. Chairman, may I offer one suggestion?

Mr. ABERNETHY. I yield.

Mr. WHITE of Maine. Mr. Chairman, I move to strike out the word "section" in line 18, on page 2, and insert in lieu thereof the word "act."

The CHAIRMAN. The gentleman from Maine offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Maine: Page 2, line 18, strike out the word "section" and insert in lieu thereof the word "act."

The amendment was agreed to.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word. I listened with a very great deal of interest to the argument of the gentleman from New York [Mr. LAGUARDIA] in favor of this character of legislation. I want to say that if the gentleman knew just the difficulties the committee had to overcome in arriving at this composite bill I do not think he would undertake to change it in any particular whatsoever. If it had not been for the attitude of some of us of the committee who were not in sympathy with this legislation except as it applied to foreign shipping you would not have had an opportunity at this session of Congress to have passed any kind of load-line legislation.

Mr. LAGUARDIA. I appreciate that.

Mr. ABERNETHY. A number of us thought we should accept the Senate bill as it came from the Senate, the Senate bill dealing only with foreign shipping. There is a very great effort being made now by all the nations of the earth to get together on load-line legislation so as to enable various ships to go into the ports of the various countries without interference. As far as the Senate bill favored load-line legislation there was no objection from a single member of our committee; some of our committee wanted to bring all shipping under the provisions of the bill, others were opposed to this position. When you go into local territories, like those bordering on the Great Lakes, the waters of southern territories, the inland waterways and the Pacific coast, and undertake to put a lot of regulations on a lot of people who have been going to sea for years and years without any regulations it brings on very serious controversies. So we all got together, put our cards on the table, and got behind this bill.

While I was not in favor of anything except foreign ships being included in load-line legislation at this time, in fairness to the members of the committee who favor all vessels being put under load-line legislation, I for one am going to stand back of this bill just like it is written, without crossing a "t" or dotting an "i." When I get into a situation and undertake to enter into a compromise with men like the chairman of the committee, the gentleman from Tennessee [Mr. DAVIS], and others I am going to stand by the committee's action. I think the gentleman from New York would forward this legislation if he would undertake to help us to pass this bill as amended rather than to start a fight here to try to cut out these amendments.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I am not going to impose on the patience of the committee, but I just want to say to the gentleman from North Carolina that I understand his interest in barges operating in his waters; I understand the interest of those who operate ships on the Great Lakes, and I hope these gentlemen will understand my interest in human lives. Our only difference is that one gentleman is interested in barges while I am interested in human lives.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ABERNETHY. I do not think the gentleman is justified in making that statement. I am interested in human lives as much as he is.

Mr. LAGUARDIA. I am glad to hear that and I hope the gentleman will help me strike out section 9.

Mr. ABERNETHY. If the gentleman continues his present attitude he will scrap this legislation and he will get no load-line legislation this session. I think we are all in favor of human lives.

Mr. LAGUARDIA. I am sure the gentleman is, and, therefore, I presume he does not care so much about section 9.

Mr. ABERNETHY. Yes, I do; I am heartily in favor of section 9.

Mr. LAGUARDIA. I would like to have the attention of the chairman if I may. My reason for taking the floor was to ask the chairman this question: This work in England is carried on by the British Board of Trade, but the British Board of Trade is an official governmental body while here we delegate this work to the "American Bureau of Shipping" or "such other American corporation." Then on page 3 there is a provision I do not quite understand; it carries this language:

That, at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve.

Are we to understand that the shipowners are going to select the agency which will conduct the inspection of the ships and the establishment of the safe load lines?

Mr. WHITE of Maine. Answering the gentleman's question, the situation is just this: The British Board of Trade has been in existence and operation for almost untold years. It is an organization that reaches into every port of the British Isles and British Dominions. Its representatives are always available to act with respect to these matters, while the American Bureau of Shipping is of comparatively recent birth. It has not expanded as we hope it will expand in the years to come, and it seemed to the committee there might arise a situation where it was necessary to have this survey and there might not be immediately available a representative of the American Bureau of Shipping. So we gave to the Secretary of Commerce the discretion. It is not a right granted to the shipowner,

but it is in the discretion of the Secretary of Commerce whether in proper circumstances he will permit some one else, or some other agency, to determine the place upon the ship where the load-line mark shall be placed; and that is all there is to it.

Mr. LAGUARDIA. Mr. Chairman, I then move to strike out on page 3, line 5, "at the request of the shipowner," and in line 8 "which the shipowner may select, and the Secretary of Commerce approve," so that the proviso will read:

The Secretary of Commerce may appoint for the purpose aforesaid, any other corporation or association for the survey or registry of shipping, or the Secretary of Commerce may appoint for said purpose any officer of the Government—

And so on.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 3, line 5, after the word "that," strike out "at the request of the shipowner"; and beginning in line 8 strike out "which the shipowner may select and the Secretary of Commerce approve."

Mr. WHITE of Maine. Mr. Chairman, I rise in opposition to the amendment. I think I have generally stated the situation. There are a thousand ports in the United States stretching from the eastern corner of my State down along the Atlantic seaboard, through the Gulf, and up the entire Pacific coast. I think it is probable in the extreme that in many of these ports at times there will be no representative of the American Bureau of Shipping; there will be no immediate and direct representative of the Department of Commerce. The ship, however, will be there under the necessity of proceeding immediately to sea, or as soon as may be proceeding to sea. I think it is altogether desirable that those upon the ground, knowing the conditions, knowing who is immediately available to perform the duties under this proposed act, may be permitted to request of the Secretary of Commerce that the person on the ground and available may do the work; and then it is lodged in the judgment and the discretion of the Secretary of Commerce whether he will or will not grant the request.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. LAGUARDIA. My objection is not to the request but to the selection.

Mr. GARBER. Mr. Chairman, I ask that the gentleman from Maine may be given an additional three minutes in order to answer some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma.

There was no objection.

Mr. WHITE of Maine. I yield to the gentleman.

Mr. GARBER. How often are these vessels to be marked?

Mr. WHITE of Maine. The law requires only once.

Mr. GARBER. That is what I inferred. The bill itself fixes no time?

Mr. WHITE of Maine. The bill fixes no time, but provides that rules and regulations shall be worked out under the authority of the Secretary of Commerce.

Mr. GARBER. And the certificate of the Secretary of Commerce, when issued, shall be evidence of compliance.

Mr. WHITE of Maine. Shall be evidence of compliance with the law, and the mark on the vessel itself is to some extent an indication of compliance with the law.

Mr. GARBER. Now, efficient administration would require a fixation of responsibility, would it not?

Mr. WHITE of Maine. Generally; that is true.

Mr. GARBER. That is the purpose of this bill—to directly fix the responsibility for the loading of these vessels in compliance with the rules and regulations of the Secretary of Commerce.

Mr. WHITE of Maine. That is true.

Mr. GARBER. Now, under section 3, you authorize the Secretary of Commerce to appoint the Shipping Board, a corporation or an association or a party selected by the shipowner and the Secretary of Commerce, or vice versa, and half a dozen other different individuals, and I am unable to see the necessity for such a variety of appointments to be authorized. The section is so confusing and so scatters the responsibility that I am afraid it will defeat the very purpose of the law which the gentleman now seeks to enact.

Mr. WHITE of Maine. If the gentlemen wants me to answer his suggestion, I think the gentleman misapprehends what these provisions actually mean. There is but one authority which may work out the rules and regulations under which load lines shall be placed upon the vessel.

Mr. GARBER. I understand that, and they are the agencies selected by the Secretary of Commerce.

Mr. WHITE of Maine. Not at all.

Mr. GARBER. Or under his rules and regulations.

Mr. WHITE of Maine. These agencies simply make the physical application of the rules that are worked out by the Secretary of Commerce.

Mr. GARBER. Yes.

Mr. WHITE of Maine. They do the surveying and they place upon the vessel, or they may see to it that there is placed upon the vessel, in the proper location, a mark in accordance with the rules and regulations worked out by the Secretary of Commerce and by no one else.

Mr. GARBER. That is true; but, under section 3, you delegate power to the Secretary of Commerce to delegate power to half a dozen different agencies.

Mr. WHITE of Maine. Only to do this physical thing.

Mr. GARBER. How will the gentleman reconcile that delegation of power to all these various agencies with the requirement in section 2 that "no load line shall be established or marked on any vessel, which load line in the judgment of the Secretary of Commerce," and so on? There you make the judgment personal.

Mr. WHITE of Maine. We make the Secretary of Commerce, always, the final arbiter in this entire matter, but we do place at his disposal certain agencies through which he may work out the application of the rules and the regulations. I can see no conflict whatever in the provision.

Mr. BLAND. Will the gentleman yield there?

Mr. WHITE of Maine. Yes.

Mr. BLAND. Would it not be well to bring out that the American Bureau of Shipping is a Government agency?

Mr. WHITE of Maine. It is a Government agency.

Mr. GARBER. The responsible agency for that is the bureau and the delegation of power to be confined to the bureau. The hearings do not disclose any reason why there should be half a dozen different agencies.

Mr. WHITE of Maine. Answering the gentleman further, in six or seven years' time we have had three hearings on a bill of this character. Those hearings show that it is essential that there should be some elasticity in this respect, and why we ought not to require that only one agency might do a physical act, because the agency might not be at the spot at the time the vessel was required to clear.

Mr. DEMPSEY. If the gentleman will yield, let me suggest to the Chairman and to the gentleman from New York, that I think the purpose of both would be met by this amendment: Strike out in line 8, after the word "which," the words "the shipowner may select and "——

Mr. LAGUARDIA. That would absolutely satisfy me.

Mr. WHITE of Maine. Would the gentleman from New York modify his amendment in that respect?

Mr. LAGUARDIA. Yes. Mr. Chairman, I ask unanimous consent to withdraw my amendment and offer the following:

Page 3, line 8, after the word "which," strike out "the shipowner may select and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modified amendment by Mr. LAGUARDIA: Page 3, line 8, after the word "which," strike out the words "the shipowner may select and."

The CHAIRMAN. By unanimous consent, the gentleman from New York withdraws his amendment. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. DEAL was recognized.

Mr. BANKHEAD. Mr. Chairman, I think if the attention of the chairman of the committee, the gentleman from Maine, was directed to the amendment just adopted he will see that it requires one other word, and that is the word "may" after the words "Secretary of Commerce."

Mr. WHITE of Maine. I think the gentleman from Alabama is correct.

The CHAIRMAN. The gentleman from Virginia has been recognized to offer an amendment.

Mr. DEAL. Mr. Chairman, I have sent my amendment to the desk.

The Clerk read as follows:

Amendment by Mr. DEAL: Page 2, line 23, strike out line 23 and the succeeding lines on pages 2 and 3, up to and including the word "approved" on line 9, page 3, and in line 10 add the letter "s" to the word "officer," and on page 3, lines 14 and 15, strike out the words "corporation and association" and add the letter "s" to the word "officer."

Mr. DEAL. Mr. Chairman, perhaps the chairman of the Merchant Marine and Fisheries Committee can satisfy me on this

point. I do not understand why you wish to distribute among so many organizations the right to establish a load line. Would it not be better to confine that to some officer or officers of the Government? The reason I have offered this amendment was to limit it to officers of the Government.

Mr. WHITE of Maine. We have set up the American Bureau of Shipping, which is a governmental agency, and which we hope will grow in usefulness. I think it is essential that this American Bureau of Shipping should be designated in here specifically as the authority in respect to this matter. We want to build up if we may through that agency something in the process of time which will at least approximate in usefulness to this country what the British Board of Trade is to Great Britain.

Mr. DEAL. I would like to have the gentleman answer my question directly. He is consuming my time.

You add, after the American Bureau of Shipping—

or such other American corporation or association for the survey or registry of shipping as may be selected by him.

If you are trying to set up the American Bureau of Shipping, why bring in any of these other corporations?

Mr. WHITE of Maine. Because, as I tried to explain a moment ago, this American Bureau of Shipping is a comparatively new organization. It does not have representatives in all of the ports of the United States, and it seems unwise in the extreme that because of a lack of facilities we should delay the effective date when this law shall apply. It is necessary in the judgment of the committee, and in the judgment of every person who ever appeared before the Merchant Marine Committee of the House and testified with respect to this matter, that there should be latitude of this character in order that exigencies and emergencies might be met.

Mr. DEAL. But the Government has officers in all of our seaports.

Mr. WHITE of Maine. But they are assigned duties now, and presumably they are occupied with those duties.

Mr. GARBER. Surely their duties are not so onerous as to incapacitate them for doing this.

Mr. WHITE of Maine. If they are not, then the Secretary of Commerce may designate them for this task.

Mr. GARBER. Why delegate a power of this kind to private parties?

Mr. WHITE of Maine. Because we think it is a wise provision.

Mr. GARBER. Can the gentleman cite any precedent for it?

Mr. WHITE of Maine. And personally the chairman of the committee thinks that this is a wise provision.

Mr. DEAL. Mr. Chairman, I would not object to incorporating the American Bureau of Shipping, which is a governmental agency, as I understand from the chairman of the committee, but we have incorporated a number of other corporations that may fix these load lines in the discretion of the Secretary, and my idea is that we should select some officer in every port under the employ and control of the Government, and the Secretary of Commerce certainly has within his control and jurisdiction a sufficient number of officers to establish these load lines without creating or giving to private corporations the power to exercise these functions.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DAVIS. Mr. Chairman, I rise in opposition to the amendment. There is apparently a confusion about the purpose of this language in the bill. While it is true that the Secretary of Commerce is authorized to establish rules and regulations, and in effect to fix load lines upon vessels, yet the Secretary of Commerce himself is not prepared to determine where those load lines shall be fixed, and neither is anyone else engaged in the Department of Commerce. It is true there are Government officials in the various ports of the United States, but with perhaps a few rare exceptions, and only incidentally so then, those officials are not prepared to make the surveys of these vessels in order to determine where the load lines shall be fixed. That must be done by experts, expert marine engineers, and those who have become familiar with the experience of vessels on the sea.

Mr. LAGUARDIA. Permit me to say that it is a matter of formula, taking into consideration the beam of the ship, the draft of the ship, the length of the ship. The tonnage is simply a matter of formula, determining where the load line is.

Mr. DAVIS. That is true with respect to vessels of the same type, of the same tonnage, engaged in the same trade, but not otherwise. Different rules and regulations will have to be made with respect to different types of ships and in different trades.

Mr. DEAL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. My time is limited. Even then, if the rules and regulations and methods of computation are to be applied to a particular vessel of a certain type and in a certain trade, a survey must be made of that vessel, applying those rules and regulations, in order to determine where the load lines shall be fixed beyond which it is unsafe to load the vessel.

Mr. DEAL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield for a question.

Mr. DEAL. The gentleman says that it is necessary to have experts to determine the load lines?

Mr. DAVIS. Yes.

Mr. DEAL. Are these private corporations supposed to be experts, and are they to be paid, or is the work to be done gratis?

Mr. DAVIS. Take the American Bureau of Shipping. That is one of their chief functions, and they have in their organization men capable of doing that. In other words, the American Bureau of Shipping is the American organization that corresponds to the British Lloyds; and we are undertaking, as suggested by the chairman of the committee, to build up a strong, efficient American bureau, capable of rendering full and efficient and comprehensive service with respect to the survey of our vessels.

Mr. GARBER. Mr. Chairman, will the gentleman yield for information?

Mr. DAVIS. And so it is contemplated that the Secretary of Commerce will use the American Bureau of Shipping when available; but this bill requires that the law shall go into effect within 18 months after passage.

And there are thousands of ships upon which the load line must be fixed before it goes into effect, otherwise they would be violating the law. There may be instances in which for one reason or another the American Bureau of Shipping is not able or has not the time to make the survey and to fix the load lines; and with respect to the provision on page 3, beginning on line 4, and continuing through the rest of the page the purpose of that, as explained to the committee at the hearings, as I remember it, is that American ships may engage in the indirect foreign trade.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes. What is the gentleman's question?

Mr. GARBER. Will the gentleman inform the membership of the committee as to the extent of the organization referred to as the American Bureau of Shipping?

Mr. DAVIS. Yes. The American Bureau of Shipping has been in existence for several years. It has rendered and is rendering a splendid service, and as a matter of fact a majority of our American ships now engaged in the foreign trade, at least, and many of them in the coastwise trade, have voluntarily had their ships surveyed and had loan lines placed upon them, because they themselves had regard for the safety of their crews and of their passengers and of their cargo and their own property.

Mr. GARBER. And it has its representatives in nearly all the ports of the country?

Mr. DAVIS. Most of them.

Mr. GARBER. It is too bad that the responsibility for this work should not have been limited to that organization instead of having half a dozen interventions.

Mr. DAVIS. I will say to the gentleman that I think it will be largely left to the American bureau, but provision is made that if for some reason it is not practicable or possible, then the Secretary of Commerce may, within his discretion, designate somebody else to make the survey.

I started to call attention to the distinction between the authorization on page 3 and that on page 2 of the bill. If you will note, the language on page 3 does not restrict the survey to an American agency. Now, the reason for that, as explained, is this: We may have American ships engaged in indirect trade which do not come to home ports, and in addition to that a vessel may be away from its home port and some accident occurs, the question arises as to whether or not the vessel is in a seaworthy condition, and as to whether or not it can go to sea under that condition with the load line as originally fixed. In order to meet that emergency the Secretary of Commerce may, within his discretion, authorize Lloyds or some other foreign agency to handle the matter in that particular instance. It is expected that this authority will not be exercised except in cases of emergency.

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman with a brief question?

Mr. DAVIS. Yes.

Mr. McDUFFIE. I have not had opportunity to read the hearings. Can the gentleman inform us as to the probable expense to the owner of a small vessel of from 300 to 500 or a thousand tons, possibly—the expense incident to having his vessel surveyed and having this load line put on it?

Mr. DAVIS. The Commissioner of Navigation of the United States stated at one of our hearings on the subject that the expense would be small, and it is stated by different witnesses that whatever expense may result, which generally speaking is only an expense one time, will be many times overcome by the better freight rates that they will receive on their vessels and the cargo thereon, for the reason that it is regarded by the Government as a safe load-line mark.

Mr. McDUFFIE. You mean insurance rates instead of "freight rates"?

Mr. DAVIS. Yes; I mean the insurance rates. I thank the gentleman for the correction. I meant insurance rates. I wish I had the time to read the testimony of the representatives of some of the American marine insurance companies who are strong advocates of this legislation, and who have stated that, if legal load lines are fixed, they will be on a more stable basis and could grant better insurance rates. They also call attention to this situation which exists all the time in this country, that in the absence of load-line marks it is a question of fact to be determined in the courts as to whether the vessel was in a seaworthy condition when it was sent to sea.

For instance, Mr. William D. Winter, the representative of an American marine insurance company, in testifying before our committee on this subject, said in part:

It has been found necessary for the underwriters to protect themselves and to protect the boats that they were insuring, to have warranties put in the insurances that vessels must be loaded under the inspection of those boards. Why was that done? Because there were owners, there were captains, who would willfully overload their vessels and put to sea in an unsafe condition. Now we have no force of law behind those warranties. We can refuse to take insurance; but if we do take the insurance we have merely the reliance on unseaworthiness.

This law would put a mark on the boats that would be a fair mark to the owners, that would be fair to the crews, and would give the underwriters a feeling, at least, that the boats were not overloaded.

Mr. G. C. Morris, representing another American insurance company, testified:

There have been numerous cases where vessels were overloaded. There are American vessels going to sea in that condition now. Whether they are unseaworthy or seaworthy is a question of fact in each particular case.

Mr. Morris gave many specific instances of marine accidents to American ships due to overloading. Among others, he told of the steamer *Benjamin Noble* being lost, together with her master and crew of 20, and in connection therewith he stated:

As regards leaving the question of the load line to a captain's discretion, I think is a great mistake. In the *Benjamin Noble* case the language of Judge Tuttle, of the district court, in that case was: "That the master is to the owner as the cabin boy is to the master." In that very case the owner told the captain to take on additional cargo. The captain telephoned there was a question as to whether he could safely take additional cargo and the owner said: "Yes; go ahead and put it all on," and he did it. And any master who does not load as he is told to by his owner has got to look for another job, and the owner will get some one that will obey him.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. DEAL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BLAND. Mr. Chairman, I think there was a perfecting amendment offered there, on page 3, line 9, before the word "approve." I move to insert the word "may," as was suggested by the gentleman from Alabama.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND: On page 3, line 9, after the word "Commerce," insert the word "may."

Mr. COOPER of Wisconsin. Mr. Chairman, let me ask the gentleman from Virginia a question. Can you not strike out the words "and the Secretary of Commerce approve"? He will not appoint any if he does not approve. It seems to me that language ought to go out.

Mr. BLAND. I have not considered that phase of it. I was not considering that.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Was the amendment of the gentleman from New York [Mr. LAGUARDIA] to strike out the words "which the shipowner may select"?

Mr. LAGUARDIA. No.

Mr. COOPER of Wisconsin. I move to amend by striking out the word "which" in line 8, page 3, and the word "the" at the end of line 8, page 3, and the words "the Secretary of Commerce approve" to the semicolon in line 9.

The CHAIRMAN. The gentleman from Wisconsin offers a substitute for the amendment of the gentleman from Virginia, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. COOPER of Wisconsin to the amendment offered by Mr. BLAND: Page 3, line 8, strike out the word "which" and the word "the" at the end of that line and the words "the Secretary of Commerce approve."

Mr. DAVIS. Mr. Chairman, I rise in opposition to the amendment. I am sure that the purpose of the gentleman from Wisconsin is entirely proper, but I do not believe that his amendment is in accord with what he has in mind. I want to suggest this: That there are two propositions involved in the language beginning in line 4 and ending in line 9. The first is that the Secretary of Commerce may appoint. The second is that he has the right to approve the agency to be so appointed. Now, suppose the gentleman's amendment is adopted and the Supreme Court, or other courts, should hold, as they sometimes do, that the word "may" shall be construed as "shall." Then there would be an obligation resting upon the Secretary of Commerce to appoint somebody other than the American Bureau of Shipping or other American agency. If we leave the language as it is and adopt the amendment offered by the gentleman from Virginia [Mr. BLAND], which I think is entirely proper, then he would not be under any obligation to designate somebody else or appoint somebody else to make a survey unless he approved that other person. I think that to leave the language in strengthens the idea that he would not be compelled to select somebody simply because that person was requested by a shipowner.

Mr. COOPER of Wisconsin. I can not believe that as a matter of statutory construction any court would hold this proviso to be mandatory. There is already a mandatory provision in the first part of the same section, beginning with line 23, page 2, which says:

The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association * * * as may be selected by him—

And so forth. He "shall" appoint.

Then comes the proviso:

Provided, however, That at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association.

If that "may" means "shall," then we have two contradictory provisions in the same section.

I can not conceive that any court would hold that the words "may appoint" in that proviso mean "shall appoint," and thus compel the Secretary to appoint somebody he might not approve.

Mr. DAVIS. Well, I am sure the distinguished gentleman will agree that the courts do sometimes hold that the word "may" shall be construed as "shall."

Mr. COOPER of Wisconsin. Let me ask the gentleman if he has ever known of any court decision—in construing such language as is found beginning in line 17, page 2, and the proviso put in at the end—which held that such language is mandatory and that under such language the Secretary must appoint the man the shipowner selects rather than to exercise his discretion?

Mr. BRIGGS. Will the gentleman from Tennessee yield so that I may ask the gentleman from Wisconsin a question?

Mr. DAVIS. Yes.

Mr. BRIGGS. I just want to ask the gentleman this question: Is it not better not to take any chances whatever on it, but to have the bill carry the specific injunction of Congress that such a man must be approved by the Secretary of Commerce?

Mr. COOPER of Wisconsin. There is not any taking of chances at all, and there can not be.

Mr. BRIGGS. The committee thought it would be better to specifically set it forth.

Mr. DAVIS. In conclusion, I want to state that I think the proviso we are discussing is one that should not be used, except in case of an emergency and when there are very great reasons therefor, and I think we ought to have all necessary restrictions thrown around it in order to protect against any abuse of it.

Mr. COOPER of Wisconsin. Line 23, on page 2, contains this provision:

The Secretary of Commerce shall appoint—

That is mandatory. He—

shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him.

That is a mandatory provision and requires the appointment of an American association or corporation. Then follows the proviso:

Provided, however, That at the request of the shipowner the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee may proceed for three additional minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Tennessee may be extended an additional three minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Now, then, the proviso would permit the appointment of a foreign association. This has been declared on the floor. Therefore it ought not to be, and, in my judgment, is not mandatory but merely permissive. And certainly he would not appoint anybody whom he did not approve.

Mr. DEMPSEY. If the gentleman will permit, I am in sympathy with the gentleman's suggestion, and I think it is a very helpful one, but let me ask the gentleman if this has occurred to him: Suppose we strike out what the gentleman suggests; might we not be in this difficulty, that the Secretary of Commerce might be in a position of appointing solely upon the request of a shipowner, even though he did not approve of him? Is not the purpose of the part that is left in and is not the prominent thought in it that it must be done on the request of the shipowner, while if you leave the amendment in as suggested by the gentleman from Tennessee, do you not qualify that by saying it must be an association or agency of which the Secretary may approve?

Mr. COOPER of Wisconsin. I will say in reply to the gentleman from New York that the original language was "which the shipowner may select and the Secretary of Commerce approve," and the amendment just adopted strikes from that language the words "the shipowner may select and."

Mr. DEMPSEY. And that was stricken out on my suggestion.

Mr. COOPER of Wisconsin. The Secretary would certainly approve of his own action.

Mr. DAVIS. Mr. Chairman, I believe I have the floor, and I yield to the gentleman from New Jersey.

Mr. LEHLBACH. It occurs to me it would serve the purpose manifested in this proviso if the proviso should read as follows:

Provided, however, That at the request of the shipowner the Secretary of Commerce may, in his discretion, appoint for the purpose aforesaid any other corporation or association for the survey or registry of shiping which the shipowner may select.

Mr. DAVIS. That would answer exactly the same purpose as to leave in the language "which the Secretary of Commerce may approve," and I do not see any need of changing the committee bill; and I want to agree with the suggestion of the gentleman from New York [Mr. DEMPSEY] that it is well for the congressional intent to appear even to the Secretary of Commerce: That we want him to resort to this method only when, in the first place, he thinks there is occasion for appointing somebody else, and, in the second place, only when he approves some other person who is to be selected for this purpose. I think it simply strengthens the situation.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Wisconsin for the amendment offered by the gentleman from Virginia [Mr. BLAND].

The amendment offered as a substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

SUBSEC. 4. It shall be unlawful for any vessel subject to this section and to the regulations established thereunder to be so loaded as to submerge, in salt water, the load line or lines marked pursuant to this act and to the regulations established thereunder applicable to her voyage; or so as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this act and of the regulations established thereunder; or so as in any manner to violate the said regulations.

With the following committee amendments:

Page 4, line 1, strike out "Subsec." and insert "Sec."; in line 5, page 4, strike out the word "salt" and insert the word "sea"; in line 4, strike out the word "section" and insert in lieu thereof the word "act."

The committee amendments were agreed to.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last word.

The provisions of this bill should not apply to the vessels operating exclusively on the Great Lakes. I am very much in favor of the House bill over the Senate bill. The House bill, under its provisions, exempts the Great Lakes.

I do not object to the bill applying to tramp steamers that navigate the 14-foot channel of the St. Lawrence Canal now, but we do not want this law or any law to in any way interfere with the present efficient handling of freight on the Great Lakes.

This load line bill for American vessels is probably in imitation of the British practice, which was an invention of Samuel Plimsoll in 1876, known as the Plimsoll mark, put upon all British vessels. It has to do with the loading of ships in the summer and the winter in the North Atlantic and the Indian Seas in the summer and in fresh water.

Mr. LAGUARDIA. Just one mark?

Mr. CHALMERS. No; there is an oval and a mark for the different seasons and the different seas.

Mr. LAGUARDIA. Yes; exactly.

Mr. CHALMERS. This was invented in the year 1876 and was put on all shipping vessels under British registry. I am very glad, indeed, that the House committee has put in a provision exempting the Great Lakes.

The provisions of this bill should not apply to vessels operating exclusively on the Great Lakes. I do not object to applying it to the tramp steamers that come into the Great Lakes from foreign ports, navigating the present St. Lawrence canals with the depth of only 14 feet. We do object to any law which is not necessary for the protection of life or property that will in any way slow up or interfere with the present efficient handling of freight on the Great Lakes.

This load line act for American vessels is probably an imitation of the Plimsoll mark which was originated by Samuel Plimsoll, of England, in 1876, and is designed to prevent the overloading of vessels. It is placed on the side amidships and is usually seen not far above the water line. There is a white circle crossed by a number of horizontal straight lines designated by the letters S., W., W. N. A., I. S., and F. W., marking the level beyond which the vessel must not be loaded under various conditions, as "Summer," "Winter," "Winter North Atlantic," "Indian Seas in Summer," and "Fresh Water."

Every British ship and all others trading in British ports are obliged to carry this marking and sailors can not be compelled to sail on a ship loaded beyond this freeboard marking.

The Clerk read as follows:

SUBSEC. 5. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this section, except as hereinafter provided: *Provided,* That this subsection shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

With the following committee amendments:

Page 4, line 13, strike out "Subsec." and insert "Sec." In line 21, strike out the word "section" and insert in lieu thereof the word "act"; and in line 22, strike out the word "subsection" and insert in lieu thereof the word "section."

The committee amendments were agreed to.

The Clerk read as follows:

SUBSEC. 6. It shall be the duty of the master of every vessel subject to this section and to the regulations established thereunder and of every foreign vessel exempted pursuant to subsection 5 of this section, before departing from her loading port or place for a voyage by sea, to enter in the official log book of such vessel a statement of the position of the load-line mark applicable to the voyage in question with reference to the actual water line at the time of departing from port as nearly as the same can be ascertained.

With the following committee amendments:

On page 5, line 1, strike out "Subsec." and insert "Sec."; in line 2, strike out "section" and insert "act"; in line 4, strike out the words "subsection 5 of this section" and insert "section 5"; in line 8, strike out the words "with reference to the actual water line" and insert "and the actual drafts forward and aft."

The committee amendments were agreed to.

The Clerk read as follows:

SUBSEC. 7. If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to sea from a port in the United States or its possessions within his district when loaded in violation of subsection 4 of this section, or that any vessel exempted pursuant to subsection 5 of this section is about to proceed to sea from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may by written order served on the master or officer in charge of such vessel detain her provisionally for the purpose of being surveyed. The collector shall then serve on the master a written statement of the grounds of her detention and shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him, whereupon the said collector may release or may by written order served on the master or officer in charge of such vessel detain the vessel until she has been reloaded in whole or in part so as to conform to subsection 4 of this section; in case of a vessel exempted pursuant to subsection 5 of this section, so as to conform to the laws and regulations of her own country with respect to load line. If the vessel be ordered detained, the master may, within five days, appeal to the Secretary of Commerce, who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

With the following committee amendments:

On page 5, line 11, strike out "Subsec." and insert "Sec."; page 5, line 13, strike out the word "section" and insert the word "act"; page 5, line 16, strike out "subsection 4 of this section" and insert "section 4"; page 5, line 17, strike out "subsection 5 of this section" and insert "section 5"; page 6, line 4, strike out "subsection 4 of this section" and insert "section 4"; page 6, line 6, strike out "subsection 5 of this section" and insert "section 5."

The committee amendments were agreed to.

Mr. WHITE of Maine. Mr. Chairman, I move to strike out the figure "4" where it appears in line 16, page 5. It should have been stricken through, but was not done in printing.

The CHAIRMAN. The Chair will suggest that it is stricken through in the printing, although it does not show plainly, and it is so reported by the Clerk.

Mr. WHITE of Maine. In line 4, page 6, in the text I have, the number "4" is not stricken out.

The CHAIRMAN. The same situation applies in regard to that.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word, and I do it to direct the chairman's attention to the language of this section, and especially in line 12, page 5, the words "on complaint or otherwise." Whose complaint? Can not you imagine a situation where a disgruntled seaman might cause the delay of a vessel at a cost of many thousands of dollars—which is always incident to the delay of a big vessel—because of some effort on his part to get even with the owner or the master for some alleged wrong? I think you ought to say what kind of a complaint, formal or informal, might or should be acted on—giving to certain officials or other authorities the right to make complaint, and possibly let the complaints be made formally in writing. Then clothe the collector of customs with authority to say whether the complaints have any just foundation. In other words, let the complaints come from responsible sources.

Mr. WHITE of Maine. The gentleman is directing his remarks to me?

Mr. McDUFFIE. Yes.

Mr. WHITE of Maine. I think that the language is proper and should be retained. The collector will act only as he believes the facts alleged are true; so I can not conceive that it makes any difference from what source the facts are brought to his knowledge.

Mr. McDUFFIE. Suppose some competitor had loaded his ship and was ready to sail, in which a delay meant much money, and a complaint is made with no foundation whatever. The very making of complaint might serve to bring about delay of the vessel, and the delay of a vessel, even for the purpose of investigation, might mean considerable additional cost.

Mr. WHITE of Maine. Unless the collector believes there is foundation for the complaint no action would be taken. I can conceive that there might be some annoyance and some delay, but that would be preferable to allowing a vessel to sail in violation of law.

Mr. McDUFFIE. I entirely agree with the gentleman, so far as that is concerned, but I very much fear this section is opening up the way for unnecessary delay and trouble.

Mr. DAVIS. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DAVIS. I want to call the gentleman's attention to the fact that this refers specifically to section 4, and section 4 makes it unlawful for a vessel to be submerged above the load line, and that is a matter that could be seen in a minute. It would not involve a survey, but this violation, this submerging of a vessel above the load line could be seen by the collector of customs, who is right there in the port. If anybody is aggrieved and makes complaint, the collector can in a short time determine whether she is overloaded and about to put to sea with her load line submerged. It could not cause much delay, and whatever delay might be occasioned ought to be submitted to if the collector has reason to believe she is violating the law in that respect.

Mr. LAGUARDIA. It is only a matter of visual observation.

Mr. DAVIS. That is all.

Mr. McDUFFIE. If we make this bill the law, it should be observed, of course, and no ship should go to sea when by so doing life and property is endangered. I was afraid from the language of the section there might be room for fear of unnecessary delay for various reasons growing out of this section. It is the manner in which ships are loaded rather than overloading that brings trouble.

Mr. DAVIS. It can not be assumed that the collector of customs is going to abuse the authority.

Mr. DEMPSEY. If the gentleman will yield, it seems to me that the gentleman has overlooked the real significance of section 7.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DEMPSEY. The criterion there set up at the beginning of section 7 is not the fact that complaint has been made, but the criterion is whether the collector has reason to believe it. It does not make any difference how many complaints are made which are unfounded, which are malicious, which have no foundation in fact—they have no effect under this act—the sole gauge is, Has the collector honest reason to believe them?

Mr. McDUFFIE. I understand that, but I do not concede that answers the criticism I have of this section. However, this committee has doubtless studied these provisions, and I do not set myself up as a past master in passing judgment on what they are doing. I simply rose to call attention to what I thought was the danger of delay to vessels. Of course, it goes to his discretion, after all, but it takes time to make the investigation. If it be a simple question of observation of a line, and that is all, why, that is somewhat different; but I can imagine a situation where it would mean more than the observation of a line on various informal complaints from various kinds of persons. I still think there is danger of delaying vessels by this section.

Mr. DEMPSEY. You can not prevent complaints if you put it in the act, and the act would remain exactly the same if we left out the words "on complaint or otherwise." The result of the act would be precisely the same.

Mr. McDUFFIE. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUBSEC. 8. (a) If the owner or master of any vessel subject to this section and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of subsection 3 of this section, he shall for each offense be liable to the United States in a penalty of $500. If the owner or master of any vessel exempted pursuant to subsection 5 of this section shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of $500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph, or discontinue prosecution therefor on such terms as he may deem proper.

(b) If the master of any vessel subject to this section and to the regulations established thereunder, or of any foreign vessel exempted pursuant to subsection 5 of this section, shall fail, before departing

from her loading port or place, to enter in the official log book of such vessel the statement required by subsection 6 of this section, he shall for each offense be liable to the United States in a penalty of $100. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this section and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loading in violation of subsection 4 of this section, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to subsection 5 of this section to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be guilty of a misdemeanor, unless her going to sea in such condition was, under the circumstances, reasonable and justifiable, and shall be punished by a fine not to exceed $500.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to subsection 7 of this section, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed $500 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this section or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this section, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found.

With the following committee amendments:

Page 6, line 14, strike out "Subsec." and insert "Sec."

Page 6, line 15, strike out "section" and insert "act."

Page 6, line 18, strike out "subsection 3 of this section" and insert "section 3."

Page 6, line 20, strike out "of" and insert "not to exceed."

Mr. LEHLBACH. Mr. Chairman, I desire to discuss the amendment just reported.

The CHAIRMAN. If the gentleman will permit, the Chair will first put the amendments previously reported. The question is on agreeing to the committee amendments down to and including the amendment in line 18, but not including the amendment in line 20.

The amendments referred to were agreed to.

The CHAIRMAN. The question now is on the amendment in line 20, to strike out "of" and insert "not to exceed."

Mr. LEHLBACH. Mr. Chairman, the method of collecting penalties for fixed offenses subject to remittance and mitigation by the head of the department under which the activity which has been violated comes is a fixed policy in all the various departments of the Government where such penalties are applicable. It is the policy, and has been for many years, both in the Department of Commerce and the Department of the Treasury, and possibly in other departments. That means that a fixed penalty is imposed for an offense. As soon as the offense, which is usually one that can be ascertained by inspection, such as to whether a stamp is placed on a certain package, or whether this load-line regulation has been violated, or as to whether other navigation laws have been violated, being matters of visual inspection, is established a penalty adheres, and is reported to the head of the department. Then the person has an opportunity to present any circumstances or facts in mitigation of the offense, and those can be adjudicated by the head of the department. As soon as you fix a movable penalty, it is not technically a penalty, but a fine, and the Government must prosecute in a court of law.

Mr. WHITE of Maine. Mr. Chairman, I think the criticism of the gentleman from New Jersey is correct, and, speaking personally, I am quite content that the committee amendment should not be approved. I have not had opportunity to speak to the other members of the committee and I can not speak for them.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. DAVIS. Do I understand that the gentleman from New Jersey [Mr. LEHLBACH] simply opposes the committee amendment striking out the word "of" and inserting the words "not to exceed"?

Mr. WHITE of Maine. Yes.

Mr. DAVIS. I am in thorough accord with that, and so expressed myself in the committee.

Mr. WHITE of Maine. I, therefore, hope the committee amendment may not prevail in this instance.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the further committee amendments.

The Clerk read as follows:

Page 6, line 21, strike out "subsection 5 of this section" and insert "section 5."

Page 7, line 6, strike out "section" and insert "act."

Page 7, line 8, strike out "subsection 5 of this section" and insert "section 5."

Page 7, line 11, strike out "subsection 6 of this section" and insert "section 6."

Page 7, line 17, strike out "section" and insert "act."

Page 7, line 22, strike out "subsection 4 of this section" and insert "section 4."

Page 7, line 24, strike out "subsection 5 of this section" and insert "section 5."

Page 8, line 13, strike out "subsection 7 of this section" and insert "section 7."

Page 8, line 21, strike out "section" and insert "act."

Page 9, line 5, strike out "section" and insert "act."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The Chair calls attention to the fact that there is an apparent misprint in line 17, page 6, where the word "compiled" should be "complied." Without objection, that will be corrected.

There was no objection.

Mr. BEGG. Mr. Chairman, I move to strike out the last word.

In paragraph (e) of section 8, why is the penalty for defacing all of the lines twice as much, plus a jail term, as for willful violation of the act? I have no particular interest in it, but I can not understand that.

If somebody gets up and defaces the load-line mark, he is subjected to a fine of $1,000; but if the shipmaster willfully sails without obeying the law, he can only be fined $500. I just wondered which is the most serious offense.

Mr. LEHLBACH. The person who defaces or obliterates the load line of another's vessel commits an offense akin to burglary.

Mr. BEGG. It does not have to be that. It can be the captain himself, if he wants to.

Mr. LAGUARDIA. The gentleman knows that if a master willfully disregards the provision as to loading and overloads his ship, there are a great many other penalties that result, such as the cancellation of his insurance.

Mr. BEGG. The captain of the vessel may load within the load-line limit, and yet if he defaces that load line he is subject to twice the penalty.

Mr. LEHLBACH. If the owner of a house breaks a window in it, he is not a culprit as is the sneak thief that comes along and breaks the window.

Mr. BEGG. I do not see anything to it.

Mr. WHITE of Maine. Mr. Chairman, I have nothing to say more than what has been said by the gentleman from New Jersey [Mr. LEHLBACH].

Mr. DEAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DEAL: Page 7, line 16, after the word "any," strike out the word "person" and insert "owner, manager, agent, or master."

On page 7, line 19, after the word "vessel," strike out the word "he."

On line 22, page 7, after the word "any," strike out the word "person" and insert "owner, manager, agent, or master."

On line 25, after the word "if," strike out the word "being."

On page 8, line 1, after the word "vessel," strike out the word "he."

Mr. DEAL. Mr. Chairman, I would like to ask a question of the chairman of the committee. Why do you want this pen-

alty applied to any person? It seems to me there ought to be some limit. You do not want to make anyone who might possibly have knowledge about this matter amenable to punishment.

Mr. WHITE of Maine. It is meant to apply to any person who comes within the purview of this language:

If any person shall knowingly permit or cause or attempt to cause any vessel subject to this section—

And so forth. As I explained, you have designated certain persons and corporations. You are narrowing and limiting the scope of the section, and the word "person" is all-inclusive and all-comprehensive, and I think it ought to be.

Mr. DEAL. I think it ought to be narrowed. You ought not to cover the whole field of individuals. We ought to have some limit to it and not make it apply to every person.

Mr. LEHLBACH. Does the gentleman favor exempting from this penalty the customs collector who knowingly clears a vessel improperly loaded?

Mr. DEAL. No.

Mr. LEHLBACH. You would.

Mr. DEAL. I am in favor of relieving persons who might possibly be responsible, but who are not. I will say to the gentleman from New Jersey that the committee is going about as far to an extreme in one direction as I would be going in the other. I would be in favor of putting the collector of customs in.

Mr. LAGUARDIA. This being a penal provision, the language ought to be broad.

Mr. DEAL. We ought to have it clear. That is why I offer the amendment. I am perfectly willing to put in the collector of customs or any other officer of the Government.

Mr. GIFFORD. When this matter was before the committee somebody suggested that we would not want to stand on a wharf and see a vessel depart improperly loaded. There might be a penal clause enacted to the effect that no person should stand by and see another person murdered, or something of that sort. They say you must have a permit before you are liable. This word "person" is all-inclusive. We did bring up the question whether or not it did not include anybody. We sympathize with the gentleman's attitude.

Mr. DEAL. I am glad the question was raised in committee. I think it ought to be corrected here. You can put in any Government officials you please. I have no objection to putting in every Government officer, but I do object to holding any person liable to a penalty who has no connection with the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. DEAL].

The question was taken, and the amendment was rejected.

Mr. SCHAFER. Mr. Chairman, I offer an amendment in line 16, page 8, to strike out "three months" and insert in lieu thereof the words "two years."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER: Page 8, line 16, strike out "three months" and insert "two years."

Mr. SCHAFER. Mr. Chairman, we have heard a great deal of discussion about this measure. We have been told it was a measure to protect not only property but human life. The majority of the Members of this House are continually talking about law enforcement and respect for law, both in this Chamber and outside. The body at the other end of the Capitol has just recently passed legislation to increase the penalties in case of a violation of the prohibition law. Under the present law a soft-drink parlor keeper in the city of Milwaukee who violates the Volstead Act is sent to jail for six or eight months if he sells beer having an alcoholic content of more than one-half of 1 per cent.

I believe that if the pending load line bill is to mean anything you must have greater penalties than a three months' jail sentence. In view of the fact that this is a bill to protect human life and since a majority of the membership of this House is continually advocating the observance and enforcement of law, I believe this amendment should be adopted by the committee. [Applause.]

Mr. LELHBACH. Mr. Chairman, I simply want to say that in view of the fact that an offender under this law shall be guilty of a misdemeanor and tried before a jury it would be asinine to provide a penalty of two years in jail. If that were done you would not convict anybody, and if the amendment should be adopted it would be in the interest of the law breaker.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. SCHAFER. Mr. Chairman, I offer another amendment. Page 8, line 14, strike out the word "misdemeanor" and substitute in lieu thereof the word "felony," and in line 16 strike out the words "three months" and insert in lieu thereof "two years."

Mr. BANKHEAD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BANKHEAD. The amendment is not in writing and is not submitted in writing at the Clerk's desk.

Mr. SCHAFER. Mr. Chairman, I make the point of order that there is no quorum present in order that I may have an opportunity to reduce the proposed amendment to writing.

The CHAIRMAN. The point of order is made that a quorum is not present. The Chair will count. [After counting.] One hundred and thirty-nine are present, a quorum.

Mr. BANKHEAD. Mr. Chairman, I now demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. The gentleman from Wisconsin offered an amendment, whereupon the gentleman from Alabama made the point of order that the amendment was not in order for the reason that it was not reduced to writing.

Mr. SCHAFER. Mr. Chairman, I offer an amendment.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the parliamentary inquiry.

Mr. SCHAFER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER: Page 8, line 14, strike out "misdemeanor" and insert "felony"; in line 16, page 8, strike out "three months" and insert "two years."

Mr. BEEDY. Mr. Chairman, I rise in opposition to the amendment to observe that I think the gentleman in offering his amendment is laboring under a misapprehension of fact. He has made a comparison between the Volstead Act and the present bill, the so-called "load line bill." I call his attention to the fact that in this bill there is a provision that the load line be marked so that it may be discerned readily, while in the Volstead Act there is no provision either for marking the load line or defining it. [Laughter and applause.]

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BEEDY. I yield to the gentleman, because I recognize him as an authority on this question.

Mr. O'CONNOR of New York. The gentleman has overlooked the fact, however, that this bill refers in several places to schooners.

Mr. BEEDY. Well, in that respect there may be an exact parallel.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the committee amendment, which is the insertion of a new section.

The Clerk read as follows:

Page 9, after line 8, insert a new section, as follows:

"SEC. 9. This act shall not apply to vessels operating exclusively on the Great Lakes or to barges otherwise coming within the provisions of this act or to lumber schooners operating to and from territory contiguous to the United States."

Mr. WHITE of Maine. Mr. Chairman, I desire recognition in support of the committee amendment.

This section, as I conceive it, is the one in real controversy in this proposed legislation; and, as briefly as I can, I want to give the membership of the committee the considerations which influenced the Merchant Marine Committee in reporting this amendment by unanimous vote.

First of all, let me allude to some general considerations which in the opinion of the committee warranted the inclusion of the coastwise trade within the terms of this bill.

Foremost was a consideration of the safety of human life. The coastwise trade of the United States involves voyages greater than many voyages in the foreign trade. As I suggested day before yesterday, a voyage from a port of New England to a port in the Gulf, a voyage from a port on the Atlantic coast down through the canal to the Pacific coast, exceeds in distance many of the voyages in foreign trade to the ports of the world.

There is nowhere on the waters of the earth greater danger to navigation than in this coastwise trade of ours. There is

nowhere more hazard to the ship engaged in trade than to the ship engaged in the coatswise trade—a hazard resulting from a congestion of ships along our seaboard and a hazard following from geographic conditions upon our coast. It is known to everyone who goes down to the sea in ships that there are no more dangerous waters in all the world than those surrounding Cape Cod, up in New England, and those about Hatteras, down off North Carolina. Those waters from time immemorial have been designated as a graveyard of ships, and because of this, because of this hazard to ships, which involves the safety of life, the safety of ships, the safety of cargoes, the Merchant Marine Committee believe that the coastwise shipping should be covered by this amendment.

Then there is another consideration which influenced some of us. For more than 100 years the coastwise trade of the United States has been a monopoly protected from all foreign competition. It seems to me that there is no business in the whole of these United States that has received greater consideration from those in legislative authority than the coastwise trade of the United States. If we are to give it monopoly, if we are to protect it from the assault of the foreign vessel, that coastwise trade of the United States ought willingly to submit itself to reasonable rules and regulations in behalf of ship and of the crew thereon; and it is not in good conscience, in my judgment, for the coastwise trade of the United States to now voice its opposition to humanitarian legislation of this character. [Applause.]

Then there is a further consideration. Here in the United States we talk about our country as being a leader among the nations of the world in behalf of humanity. We have written into this law, in its general provisions, that the coastwise trade of the United States shall come within its terms and that it shall apply to vessels of over 250 tons. And what do we see as we look about and regard the legislation of other nations?

Canada, on the north, has a load line law applying to vessels in its foreign trade and applying to vessels in its coastwise trade in excess of 150 tons, and we have raised that limit by 100 tons over the law of Canada; Germany, with a coastwise load line law requirement; France with a coastwise load line law requirement; and Great Britain with a coastwise load-line requirement.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. WHITE of Maine. What is the law of Great Britain? Why, Great Britain requires the load-line mark upon vessels in her foreign trade and upon vessels in her coastwise trade in excess of 80 tons, and we place the limit at 250 tons.

And, again, I say that there is no justification for complaint by the coastwise trade of the United States at the treatment received by them from the hands of the Merchant Marine Committee.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WHITE of Maine. In just a moment, please.

We have made certain exceptions. I indicated in speaking here the other day that if I could isolate these propositions and deal with them singly, apart from every other consideration, they would not find great favor in my mind.

These exceptions are three in number. First, we have excluded from the operation of this law traffic upon the Great Lakes in its entirety, and I approve of that exception if for no other reason than that the Dominion of Canada does not require a load line upon her vessels upon the Great Lakes, and I want the vessels of the United States in operation upon the Great Lakes to be on terms of equality there with the vessels of Canada.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. WHITE of Maine. In just a moment.

Mr. WELSH of Pennsylvania. We gave the gentleman additional time, and I think the gentleman might yield for one question.

Mr. WHITE of Maine. I yield.

Mr. WELSH of Pennsylvania. Does the gentleman now put commercial interest above humanity?

Mr. WHITE of Maine. No; I do not. I will stand on what I have said with respect to that.

Then we have exempted from the operation of this proposed law the barges. If I had my individual way I would not have excluded barges from the operation of this law, but it was a compromise required if we were to bring out legislation with the general approval of the entire committee, and as an integral part of the compromise I stand for that proposition. It is not so important after all. We have in the whole United States barges affected by this provision amounting to not over 800,000 or 900,000 tons; that is, 800,000 to 900,000 tons out of a coastwise and foreign tonnage of all of 15,000,000 tons, which means about 6 per cent of the total tonnage of the United States; and in the interests of this legislation I was willing, in the committee, as I am willing now, to yield to that exception, and I stand for it. We have also extended this exemption to lumber schooners operating to and from territory contiguous to the United States. Now, I venture the assertion that if these lumber schooners do not accept the terms of this law they will have to take the load line of Canada and they better be under the terms of this bill.

In the judgment of the committee that was essential if we worked out an agreement. I stand for it because the number of these schooners is not great and the tonnage affected is not great in comparison with the entire coastwise trade of the United States. They get the benefit of the exemption only when engaged in foreign trade. If these same vessels enter into coastwise trade with the United States the provisions of this bill will apply to them, and the load line will have to be marked thereon.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. ABERNETHY. The gentleman means to say that there was no possibility of getting a report of the committee without this?

Mr. WHITE of Maine. I do.

Mr. BLAND. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BRIGGS. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE of Maine. A vessel in the coastwise trade is not prejudiced by this exception. Any schooner operating to contiguous territory, if it returns to the coastwise trade, must apply the load line law. It thereby comes within the terms of the bill.

My friends, I want to ask you men of the House whether we should have less consideration for American sailors than other nations have for their nationals. I want the United States to be the leader and not the laggard in humanitarian legislation. I hope this compromise by the committee will be approved by this House in its entirety. [Applause.]

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. JOHNSON of Washington. The gentleman said that lumber schooners operating between the United States and contiguous territory might find that they would be subject to the Canadian load line law?

Mr. WHITE of Maine. I do.

Mr. JOHNSON of Washington. How so?

Mr. WHITE of Maine. Canada has a load line law, and if it were not for the grace and consideration of Canada heretofore everyone of these vessels would have a load line marked upon their hulls now. We have received many warnings that unless we legislate and put on the statute books a load line law the grace heretofore extended to us will be withdrawn. This exemption applies only to vessels engaged in a traffic between a port in the United States and territory contiguous to the United States. For a practical illustration, a vessel plying between Seattle and some Canadian port. The exception does not apply to a vessel between Seattle and Portland, Oreg., or San Francisco.

Mr. EATON. Does it apply to the whole South American Continent?

Mr. WHITE of Maine. No; that would be foreign trade. Mexico would be contiguous.

Mr. JOHNSON of Washington. Then the gentleman uses Canada for the application when he means Mexico?

Mr. WHITE of Maine. I mean both.

Mr. WOLVERTON. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. WOLVERTON. Why was greater consideration shown for seamen operating lumber schooners between the States and those operating between the States and foreign ports?

Mr. WHITE of Maine. I have covered that; that was a compromise insisted on by some of those who assumed to speak in behalf of this particular character of trade. I am not withholding anything from the House. It was put in as a compromise, which was necessary to secure for this bill the unanimous sup-

port from the Merchant Marine Committee, and because it is of negligible importance as compared with the whole thing involved here. I accept it and I stand for it and ask the House to support it. [Applause.]

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. SCHAFER. Does the gentleman think it is necessary to obtain a unanimous report from his committee before bringing legislation before the House for consideration?

Mr. WHITE of Maine. I do not, but I think it is very desirable at this stage of the session of Congress.

Mr. DAVIS. And I shall ask if this is not also true: That our committee would not be reached again during the session, and it was necessary to obtain a rule from the Committee on Rules?

Mr. WHITE of Maine. That is correct.

Mr. DAVIS. Before we could get the bill up at all; and if we came in with a highly controversial bill there would not be any chance of passing it.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington to the committee amendment: Page 9, line 12, after the word "operating," insert "in the coastwise trade of the United States or."

Mr. JOHNSON of Washington. So that it will read:

or to lumber schooners operating in the coastwise trade of the United States or to and from territory contiguous to the United States.

The amendment offered by the committee, which appears in italics, provides that lumber schooners may operate to and from territory contiguous to the United States.

Mr. McDUFFIE. Without the load line.

Mr. JOHNSON of Washington. Without the load line. Lumber schooners of the type that I have in mind are not easily marked with a load line. They may make some kind of a mark under the earlier provisions of the bill, but it seems to me that it would be peculiar legislation to require a load-line mark on a vessel making trips of anywhere up to 1,800 miles in the coastwise trade, stopping at United States ports, and not require the load line along the same trip to farther and contiguous territory. I do not care to discuss the amendment further, but with all that has been said as to the safety of life and property at sea, I am in accord. The reports read by the gentleman from New York [Mr. LAGUARDIA] showed lives lost last year in the coastwise trade to number 14 and vessels to number 51. These lumber schooners are not sinkable. Some of them practically have no deck at all. Sometimes they get water-logged. The great danger to life and property comes from the lack of aids to navigation in the way of lighthouses. If we would put our attention there, and lighted our coast up as the British nation has lighted the west of Canada, we would have fewer ships missing harbors that are two or three hundred miles apart. I ask that you adopt this perfecting amendment.

Mr. WELSH of Pennsylvania. Mr. Chairman, I offer the following amendment as a substitute for the Johnson amendment:

The Clerk read as follows:

Amendment offered by Mr. WELSH of Pennsylvania as a substitute to the amendment offered by Mr. JOHNSON of Washington: Page 9, strike out lines 12 and 13 and insert in lieu thereof "or to vessels exclusively engaged in the coastwise trade of the United States."

The CHAIRMAN. The amendment offered by the gentleman is an amendment in the third degree, and the proper course would be to wait until action is taken on the Johnson amendment.

Mr. BLAND. I make the point of order on that.

Mr. LAGUARDIA. Mr. Chairman, I desire recognition on the Johnson amendment.

The CHAIRMAN. The Chair will recognize the gentleman from New York unless the gentleman from Pennsylvania desires to debate the Johnson amendment.

Mr. WELSH of Pennsylvania. I am for the Johnson amendment, if my amendment is not in order at this time.

The CHAIRMAN. The motion is not in order at this time, as it is an amendment in the third degree. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, section 9 is objectionable to all who are sincere advocates of legislation looking toward the safety of life at sea. The amendment offered by the gentleman from Washington [Mr. JOHNSON] and the proposed amendment suggested by the gentleman from Pennsylvania [Mr. WELSH] do not correct the defects but simply enlarge and bring into the exemption other classes of vessels. This proposition is very simple. If it is necessary, and it is—we have the experience of a hundred years—to establish load lines, then I respectfully submit that it is childish and ridiculous to exempt any class of ships. I say that old Father Neptune, just when he is about to turn loose the elements, is not going to inquire whether a ship is engaged in the coastwise service or in the foreign trade. The ships navigate the same waters. They are subjected to the same elements, and we should not make any exemptions at this time. If we are going to exempt any class of ships, we should be perfectly frank about it. Even a consideration of this section reveals that any contemplated exemption is not based on any justifiable reason, but simply to favor some particular class of shipowners. That is wrong—bad legislation, and should not be approved.

Mr. JOHNSON of Washington. Does the gentleman think that Father Neptune, when he is about to loose the winds and waves, will pay particular attention as to whether a lumber schooner is operating to contiguous territory?

Mr. LAGUARDIA. No; and therefore I am against the whole section. I would make no exemptions or exceptions.

Mr. JOHNSON of Washington. But it is well to perfect it.

Mr. LAGUARDIA. I appeal to the House to vote section 9 out of the bill. We are doing a good day's work to-day. When we pass this bill, this House to-day is establishing a record in this kind of legislation. I repeat what I said in my main remarks, that it took 20 years for the British Parliament to pass the first load line bill. Let us profit by their experience and make a real job of it. With the exception of section 9, you have here a good bill. I know that the chairman of the committee down in the bottom of his heart is in sympathy with the bill without section 9. I understand fully the parliamentary situation and the necessity at times to compromise. But we can not, and must not, compromise when human lives are involved.

I understand the legislative desirability of eliminating opposition at times, but in this instance, and in the light of past experience, we should stand firm and resist all attempts for special privileges. I can understand the situation in the committee, in putting in this section, in order to remove, if possible, opposition coming from groups that are particularly interested. I can see here a situation where the whole Great Lakes delegation and the Pacific coast delegation and the North Atlantic group, by joining together, might defeat this bill.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McDUFFIE. But the gentleman from New York agrees that the amendment offered by the gentleman from Washington [Mr. JOHNSON] should be made a part of this section if it becomes a law. It is perfectly illogical to say that a schooner going from one State to another should have a load line while a schooner going to a foreign port should not.

Mr. LAGUARDIA. I am in favor of eliminating all of section 9. That takes care entirely of the illogical situation suggested by the gentleman.

Mr. BACON. If the gentleman offers that as an amendment, I shall be glad to vote with him.

Mr. LAGUARDIA. I thank the gentleman. I urge all Members to join in voting down the committee amendment. If section 9 remains in the bill, I predict that it will haunt this House some day in the near future. Let us not be so short of vision as to await a terrible calamity, another tragedy of the sea, before we act. We owe as much to the men engaged in coastwise service as we do the others. No fair-minded, honest shipowner in this day and age can object to a load line law. This is a good bill without section 9. So let us keep that section out.

Mr. WELSH of Pennsylvania. Mr. Chairman and gentlemen of the committee, I am going to support the Johnson amendment and not press the one that I have just sent up to the desk. And in doing so I am fully at ease with my conscience. I think the Members of the House and the members of the committee who have this bill under consideration are, one and all, first concerned in conserving human life. I do not believe there is a Member of this House who would for one minute consider the question of placing property before human life.

Now then, does this requirement of a load line applying to lumber schooners conserve human life? That is the question at issue now. Does it make for the safety of human life, or does it not? I have taken the trouble—and I hope other members of the committee have done so—to read the hearings given before the committee having the bill in charge.

There you have the most expert civilian witnesses called before that committee and testimony also coming from a high naval authority to the effect that a load line on a coastwise schooner or coastwise ship does not add to human safety. The first wit-

ness called was Capt. Walter J. Peterson, representing the American Ship Owners' Association and the Ship Owners' Association of the Pacific coast. He went into the history of this load-line legislation, and he gave to that committee statistics from 1907 to 1928, inclusive, in which he showed that there were 444 coastwise marine accidents during that time, and there was not one scintilla of evidence in his testimony to show that one of them was caused by overloading. Yet there is no load line governing the loading of ships on the Pacific coast to-day.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. WELSH of Pennsylvania. I regret I can not yield now.

Mr. BACON. Is the gentleman in favor of overloading?

Mr. WELSH of Pennsylvania. No; I am not in favor of overloading.

Mr. BACON. Then, why not have a load line?

Mr. WELSH of Pennsylvania. When it comes to the owners of ships sending out valuable vessels loaded with valuable cargoes, not to mention the men on these ships and the captains and the crews—in many instances it was testified that the captains had their families with them—I can say that we can safely leave our coastwise shipping to the people engaged in our coastwise industry, and we do not need to put such a burden or requirement on coastwise shipping as is shown by experience to be needed on deep-sea shipping.

Mr. BACON. What is the burden now?

Mr. WELSH of Pennsylvania. For one thing, the captain of a coastwise ship does not need to have the standard qualifications of the captain of an ocean-going ship.

Mr. BACON. What burden are we putting on?

Mr. WELSH of Pennsylvania. The burden of governmental regulation on our coastwise shipping trade. Governmental regulation should never be imposed without a proven necessity. I have been acquainted with shipping ever since my sixteenth year, and notwithstanding the statements that have been made I know that the men who go down to the sea in ships are not clamoring for this legislation. They are not demanding these restrictions.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. HOCH. I can not understand the reason why, if it is dangerous to overload in the foreign service, it is not equally dangerous to overload in coastwise vessels.

Mr. WELSH of Pennsylvania. Take the Atlantic coast, from Norfolk to Philadelphia, and from Newport News down to Fernandina, and all along the Gulf coast. They never get out of sight of land. They keep within sounding distance. Many of the captains could not take directions 3,000 yards beyond shore. They have their radio signals and their charts and their soundings. They can get their bearings from the shore any time of the day or night.

Mr. HOCH. How about the line from San Francisco to Hawaii? I understand that is considered to be in the coastwise trade.

Mr. WELSH of Pennsylvania. You may say that is in the coastwise trade, the Hawaiian Islands being possessions of the United States. I do not think the committee has so considered it.

Mr. HOCH. It is quite a journey.

Mr. WELSH of Pennsylvania. That is off the question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, may I have three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WELSH of Pennsylvania. I will say to the gentleman from Kansas that so far as Hawaii is concerned, that is deep-sea sailing, and it should have every protection; every protection that should be thrown around the men who go down to sea in ships. But this is a different question from where a man leaves with his lumber schooner, with wife and family on board, to go to Cuba or Porto Rico or South or Central America to bring back lumber. The regular cargo vessels are different from lumber schooners, whether they go to South America or not.

Can anyone with intelligence, and knowing anything about the matter, say that a lumber schooner going from Philadelphia to a port in South America and coming back loaded with lumber ought to be required to load only to the Plimsoll mark? As I said the other day, the more lumber you put on a schooner the greater raft you have. You could not sink it if you wanted to, and when they become derelicts they float around the ocean and become a menace to navigation for years and have to be destroyed by the Coast and Geodetic Survey. They are reported from time to time by vessels of all nations.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. LAGUARDIA. Does the gentleman contend that it requires less navigation skill and that there is less danger in taking a ship from the port of Philadelphia to Galveston than it requires to take the same ship from Philadelphia to Bordeaux?

Mr. WELSH of Pennsylvania. I think so.

Mr. LAGUARDIA. The gentleman is wrong.

Mr. WELSH of Pennsylvania. Any sea captain will tell you it does.

Mr. LAGUARDIA. Will the gentleman say this, that no matter how high you load a schooner with lumber that the center of gravity of that ship does not change?

Mr. WELSH of Pennsylvania. It is not a question of submergence, but it is a question of balancing the cargo.

Mr. LAGUARDIA. What about its center of gravity? What happens to that?

Mr. WELSH of Pennsylvania. That will depend on the manner in which the ship is loaded and that is done by stevedores under the captain's supervision.

Mr. WHITE of Maine. Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Maine moves that all debate on the committee amendment and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. DAVIS. Mr. Chairman, I wish to say a word in opposition to the amendment offered by the gentleman from Washington to the committee amendment. I am in accord with the position stated by the chairman of the committee. Personally I do not think there should be any exceptions made but it was a question of give and take. We compromised upon certain exceptions and we are standing by those exceptions, because we consider it a matter of good faith. However, I am very much opposed to the broadening of those exceptions. The amendment offered by the gentleman from Washington proposes to broaden this committee amendment so as to exclude from the provisions of the bill all lumber schooners engaged in the coastwise trade. That matter was discussed at length before our committee.

The representative of the Ship Owners' Association of the Pacific Coast and also of the Pacific-American Steamship Association appeared before our committee and expressed apprehension as to whether or not, under the provisions of the bill, the Secretary of Commerce had wide enough latitude and discretion to make a distinction between ordinary cargo vessels and these lumber schooners. So we adopted an amendment to the bill which gives him the broadest sort of discretion, as you will see by reading section 2 of the bill. After his attention was called to the fact that the Secretary would be given the discretion of determining where the load line should be fixed in accordance with the type and character of the vessel, the trade in which it was engaged, and so forth, this representative of the Pacific steamship companies, and especially the lumber schooners—with respect to the bill in all other particulars he gave his approval—said this:

> If we can have the necessary discretion given to the Department of Commerce to meet that condition we have no objection to the bill at all.

This bill is not going to hurt a single, solitary shipowner who does not want to submerge his vessel beyond the line of safety and at the expense of life and property. The gentleman who has just spoken, in response to a question from the gentleman from Kansas, said that he would understand the distinction if he were an experienced seaman. Mr. H. B. Walker, the president of the American Steamship Owners' Association, which has within its membership nearly all of the steamship lines in the Atlantic, including 52 steamship companies with 655 vessels, those engaged in foreign trade and those engaged in the coastwise and intercoastal trade—in fact, it embraces all of those large lines and a large majority of them are engaged in the coastwise trade—appeared before the committee, representing said association, and advocated the bill with certain amendments and advocated its application to all vessels engaged in the coastwise trade. He stated the reasons why it should apply to coastwise vessels the same as the others. I will read the following from his statement.

Mr. WELSH of Pennsylvania. What page, please?

Mr. DAVIS. On page 28 he says this—

> Mr. WALKER. As I say, it is recommended that the word "foreign" be deleted and thus make the requirements of the bill applicable to all American flag vessels of 250 gross tons and over.
>
> Inasmuch as the junction of load-line regulations is to insure, as far as humanly can, safety to life and property at sea, there is no logical reason why the determination of a maximum safe load line should not apply to vessels in the coastal and intercoastal trades with the same force as to those vessels making a foreign voyage by sea. This does not mean that a vessel engaged in the coastwise trade shall

be restricted to the same loaded draft as a similar vessel running in a foreign voyage—but if a body of practical men assisted by experts can determine what is the safe loaded draft for a vessel engaged in a foreign voyage, those same practical men and experts can also determine the safe loaded drafts for vessels engaged in coastwise and intercoastal trades.

The determination of maximum load lines for vessels engaged in the coastal and intercoastal trades will tend to the lowering of marine insurance rates for the reason it will put a curb upon the overloading by certain unscrupulous shipowners, which forces, by reason of keen competition, other owners engaged in the same trades to overload their vessels against their better judgment. This overloading results in excessive voyage damages, to cover which the insurance companies must keep up premium rates and, at the same time, it places the lives of the crew in greater jeopardy.

The majority of the shipowners in this country are members of the American Steamship Owners' Association. The majority vote of those members were strongly in favor of applying load-line regulations to coastwise and intercoastal vessels as well as to vessels in the overseas trades.

The CHAIRMAN. The time of the gentleman from Tennessee has expired, all time on this amendment and all amendments thereto has expired, and the question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. FREE) there were—ayes 20, noes 87.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. I am somewhat confused, and so that the committee may be advised I understand that section 9 now appears as a committee amendment.

The CHAIRMAN. Section 9 is a committee amendment.

Mr. LAGUARDIA. So those of us who are against any exemption by voting in the negative section 9 would not be agreed to.

The CHAIRMAN. The Chair can only say that those who are in favor of section 9 should on this question vote "aye," and those who are opposed to section 9 should vote "no."

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 109, noes 21.

So the committee amendment was agreed to.

The Clerk read as follows:

SUBSEC. 9. This section shall take effect one year after the date of the approval of this act or at such earlier time as the Secretary of Commerce may fix.

With the following committee amendment:

Strike out all of subsection 9 and insert a new section, as follows:

"SEC. 10. This act shall take effect 18 months from and after the date of the approval thereof."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, if no further amendments are to be offered, the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1781) to establish load lines for American vessels, and for other purposes, had reported the same back to the House with sundry amendments.

The SPEAKER. Under the rule, the previous question is ordered on the amendments. The question is on agreeing to the amendments. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be read a third time, and was read the third time.

Mr. SCHAFER. Mr. Speaker, I have a motion to recommit, which I send to the desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHAFER. I am opposed to the bill in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHAFER moves to recommit the bill to the Committee on the Merchant Marine and Fisheries, with instructions to report the bill back forthwith, with the following amendment: "Strike out all of section 9."

Mr. BLAND. Mr. Speaker, I submit a point of order on that. That amendment has been adopted in the House.

Mr. LEHLBACH. Section 9 is a committee amendment and has been agreed to.

Mr. BLAND. And the gentleman could have asked for a separate vote on the amendment in the House.

The SPEAKER. The Chair sustains the point of order. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. WHITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERRING OF DEGREE UPON SPEAKER OF THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, the House has been kind enough to grant me leave to speak for one minute, and I wish to take this minute to let you in on a secret. Our Speaker is to leave the chair within a few minutes to go to one of our famous universities, in a city not far away, the University of Pennsylvania, to receive there to-morrow the degree of doctor of laws. [Applause, the Members rising.]

LOAD-LINE LEGISLATION

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that all Members of the House may have three legislative days within which to extend their remarks on the load line bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the basic principle underlying all load-line legislation is to establish a fair mean in the loading of vessels, having on one hand a due regard for the safety of lives and property at sea, and on the other the very natural and proper desire of shipowners to secure a maximum of service and earnings from his craft.

Senate bill 1781 attempts to enact load-line legislation for the regulation of all merchant vessels of 250 gross tons or over, but as the bill is now presented to us, with the amendments of the House Committee on Merchant Marine and Fisheries, it is indeed a strange creation, straying far from the purpose that inspired Samuel Plimsoll to make his long and valiant fight in the British Parliament for the enactment of freeboard regulations.

The bill, with the committee amendments, is incoherent, inconsistent, and ridiculous. Under it lumber schooners of the United States, carrying cargo that is in itself buoyant, will be subjected to Government load-line regulation. And the most remarkable feature of the bill is that it exempts from load-line restrictions lumber schooners that ply to ports in territory "contiguous to the United States." In other words, American lumber schooners plying to Canada and Mexico are, under the provisions of section 9, exempted from freeboard restrictions. The members of the committee thus stray from that underlying principle of load-line legislation which insists that the first consideration be given to the safety of human life and of property. They thus write into this bill their conviction that load-line legislation is not necessary to save the lives of crews of vessels going from a port in the United States to one in Canada or Mexico, but they insist that such legislation is necessary for the protection of those who would sail from New York, for instance, to Baltimore, or from Philadelphia to the West Indies.

Legislation to establish load lines for American vessels has been considered for years; now the committee, in its haste to bring about its enactment, has shown a willingness to make concessions to certain groups engaged in coastwise shipping and to discriminate against others.

There is not alone a discrimination between lumber schooners engaged in trade to and from territory contiguous to the United States and those engaged in port-to-port trade within the United States; there is a distinction made in favor of Pacific coast shipping.

Much of the shipping by lumber schooners on the west coast is to and from Canadian and Mexican ports. Lumber schooners engaged in this trade are exempted from load-line legislation, but what of the Atlantic coast shipping, where a bulk of the trade is to the West Indies, Panama, northern coast of South America, and Central America? Lumber schooners engaged in this trade will be subjected to the restrictions of the bill before us.

That there is an admitted distinction is shown in a letter from the chairman, the distinguished gentleman from Maine [Mr. WHITE], who, on February 14, 1929, in response to an inquiry from John Dowd, president of the Maritime Exchange, 78 Broad Street, New York City, wrote:

I note particularly your reference to that part of section 9 regarding lumber schooners. This amendment was adopted in the identical language proposed by a west coast representative.

Since this concession was made, why should not the committee be willing, and in fact anxious, to give the Atlantic coast schooner interest the same degree of consideration as that shown to similar interests on the Pacific coast.

The State of Maine, in particular, has a most important schooner industry identified with the United States coastwise trade and to the West Indies, Central America, and Panama. Sailing vessels to-day are not even paying their expenses, I am informed, and many of the best schooners are tied up awaiting an improvement in rates. Rogers & Webb advise me in a letter under date of yesterday that two of their 2,200-ton schooners have been tied up in Maine for over a year. I hesitate to see further burdens of governmental regulation placed upon our shipping interests, and I sincerely hope that this bill, in which is incorporated every conceivable inconsistency, will not be enacted into law, much as I favor the underlying principle of freeboard regulation.

Yesterday the gentleman from Tennessee [Mr. DAVIS] said he regretted the plane of the speeches against the bill; that they were inspired solely by selfish motives. Yet he asks us, on behalf of the committee, to vote for a bill that includes in one provision (section 9) bold and incontrovertible proof that the committee succumbed to the entreaties of three of his so-called selfish groups.

In the committee report we find the real reason for the immediate enactment of this legislation. It is stated—

> It is especially urgent that a law of this nature be enacted by Congress for this country because of the discrimination which is already practiced against our vessels in foreign ports through their being compelled to comply with foreign requirements in the absence of a law in this country under which reciprocal treatment should be insisted upon.

There you have it! The urgency is really the international situation. It can not be, from the standpoint of the committee, the necessity of saving lives and property at sea. If this were so, there would have been no exemptions for certain favored groups engaged in traffic just as hazardous as coastwise trade and trade to the West Indies, Panama, and so forth.

And since the real urgency arises from the international situation, why should not the committee in its wisdom make ready to accept an amendment that will exempt all barges and lumber schooners as well as all vessels engaged in trade on the Great Lakes? The situation would be amply met by the passage of the original Senate bill.

VIOLATION OF IMMIGRATION LAWS

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to extend in the RECORD at this point a letter received by me from the Commissioner General of Immigration, Mr. Hull, in reply to one I had written. It deals with the question of illegal admissions, smuggling, and so on.

Mr. LAGUARDIA. And the exaggerations in some of the notices that have appeared in the press.

Mr. COLE of Iowa. It corrects certain exaggerations that have appeared in print and that have alarmed the public mind unnecessarily.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 20, 1929.

Hon. HARRY E. HULL,
Commissioner General of Immigration,
Department of Labor, Washington, D. C.

MY DEAR MR. HULL: I am in receipt of some inquiries as to violations of the laws restricting immigration. I think they are based on newspaper articles in which it is made to appear that there are wholesale violations of the laws and that almost unlimited numbers of undesirable aliens are finding their way into the country.

I believe the public mind is being alarmed about these reports. I can not believe that there are such unlimited admissions or, rather, violations of the laws. Can you give me any official estimates as to such violations?

I would also be glad to have you suggest anything further that the Congress could do to curb such violations. Personally I have always believed that we have not appropriated enough money to patrol the borders and to stop smugglers of aliens along the seacoasts.

May I also call your attention to the fact that these widely published reports may result in a more widespread belief that it is easy to pass the national barriers and thus result in renewed and increasing efforts on the part of aliens and smugglers to enter the country.

Sincerely,

CYRENUS COLE.

FEBRUARY 21, 1929.

Hon. CYRENUS COLE, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN COLE: You ask in your letter of the 20th instant for an expression of my views generally as to the effectiveness of the Immigration Service in its efforts to prevent the illegal entry of aliens and in effecting the subsequent deportation of those who upon surreptitiously entering elude the vigilance of immigration officers, as well as those who having entered lawfully later become subject to expulsion from the country.

During the fiscal year ended June 30 last there was an average of 811 immigrant inspectors on the field rolls of the Immigration Service and 673 border patrolmen. The great majority of immigrant inspectors was stationed at ports of entry along our border and coasts, the balance being at the principal cities in the interior. The patrolmen were distributed along the 3,000 miles of Canadian and 2,000 miles of Mexican border and parts of the Gulf of Mexico and the Florida coasts.

During the period mentioned the patrol apprehended 25,534 persons of all kinds found engaged in unlawful activities, 23,896 of whom were turned over to immigrant inspectors for further examination and investigation; 18,000 of the 23,896 mentioned were smuggled aliens and 330 were smugglers of aliens. The balance of the persons apprehended was turned over to the various Federal, State, county, and municipal officers interested. Nearly five and one-quarter million miles were patroled by the organization, or an average of over 14,000 miles per day. The transportation consisted of 267 automobiles, 13 trucks, 15 saddle horses, and 7 pack horses.

Though the number of inspectors stationed at interior points in the United States was small as compared with the number at ports of entry, they accounted for a large number of deportations. The total number of aliens apprehended in the interior on warrants and deported was 11,625. This number added to the 18,000 apprehended by the border patrol, the great majority of whom elected voluntarily to depart, makes a grand total of over 29,000 aliens whose removal from the country was effected.

It is true that we have not as many men on our borders nor in the interior of the United States as are desirable, but the Immigration Service is not as impotent to cope with the bootlegging industry as the uninitiated might be led to believe from a reading of the lurid and sensational stories appearing in public print from time to time. Such articles are frequently dressed up with just enough of truth, concrete examples of lawlessness coupled with names, dates, places, etc. (much of it ancient history) as to create an illusion of complete verity.

A large percentage of aliens apprehended confess that sensational stories appearing in the press and magazines of this country are repeated and accepted abroad as true, and in their own cases played no small part in their decision to sever home ties, sell their possessions, and even go into debt to pay their own traveling expenses and the exorbitant charges of unscrupulous agents only to meet disaster at the journey's end and return penniless to the homeland.

We of the service are often truly appalled at the variety and number of false statements concerning immigration matters accepted by the public generally at face value. The most damaging statement and the one that will cause the most hardships in the future is the one that "an alien who succeeds in effecting surreptitious entry into the United States is safe if he can escape detection for five years." This is not true at all. It is not possible for any alien entering surreptitiously on and after July 1, 1924, and without visa, to remain here without sooner or later being detected and deported.

I believe I may fairly say that while articles of the character to which you refer generally contain some truth, they more frequently than not contain more that is false, or misleading, or grossly exaggerated. Such articles are not only unfair to the Immigration Service, but what is infinitely worse encourage many ignorant, misguided aliens to embark upon a venture fated ultimately to end in tragedy.

Let me assure you that the Immigration Service from top to bottom is honest, courteous, and efficient. It is doing a wonderful work and doing it marvelously well. It might do this work better if there were a larger organization.

Very truly yours,

HARRY E. HULL, *Commissioner General.*

THE CRUISER BILL

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the cruiser bill, and include therein certain comparative tables.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD I include tables showing comparative cruiser strength—built, building, and authorized—of the United States, Great Britain, and Japan. These tables were prepared from official sources.

The following tables show chronologically all American, British, and Japanese cruisers that are in existence, that are build-

ing, and for the building of which appropriations have been definitely made. As at the Geneva naval conference of 1927, "standard tonnage" as defined at the Washington conference has been used throughout. This differs from former American practice in that vessels are rated without any fuel or excess feed water on board. Thus American cruisers of the *Omaha* class, formerly rated by us as of 7,500 tons each, drop to 6,600 tons according to this international standard ton. Attention is invited particularly to the summary following the main tabulation. All data are as of October 1, 1928.

CRUISERS 20 OR MORE YEARS OLD AND OBSOLETE FOR MILITARY PURPOSES

United States of America						British Empire						Japanese Empire					
Date of completion	Present name	Date obsolete	Standard tonnage	Speed	Main guns: Number	Main guns: Caliber	Date of completion	Present name	Date obsolete	Standard tonnage	Speed	Main guns: Number	Main guns: Caliber	Date of completion	Present name	Date obsolete	Standard tonnage	Speed	Main guns: Number	Main guns: Caliber
				Knots		*Inches*					*Knots*		*Inches*					*Knots*		*Inches*
1893	Rochester	1913	7,400	21	4	8														
1894	Olympia	1914	5,465	21	10	5														
1898	New Orleans	1918	2,983	20	8	5														
														1899	Asama	1919	9,240	21	4	8
1900	Albany	1920	2,983	20	8	5								1900	Adzuma	1920	8,640	20	4	8
														1900	Yakumo	1920	9,010	20	4	8
							All British cruisers completed before 1911 have been scrapped or lost							1900	Idzumo	1920	9,180	21	4	8
														1901	Iwate	1921	9,180	21	4	8
1903	Cleveland	1923	2,693	16	8	5														
1904	Des Moines	1924	2,693	16	8	5								1904	Tsushima	1924	3,120	20	6	6
1904	Denver	1924	2,693	16	8	5								1904	Kasuga	1924	7,080	20	2	8
														1904	Nisshin	1924	7,080	20	4	8
														1904	Manshu	1924	3,510	12	2	3
1905	Chattanooga	1925	2,693	16	8	5														
1905	Pueblo	1925	12,715	22	4	8														
1905	Galveston	1925	2,693	16	8	5														
1905	Huntington	1925	12,715	22	4	8														
1905	Pittsburgh	1925	12,715	22	4	8														
1905	Frederick	1925	12,715	22	4	8														
1905	Charleston	1925	9,000	22	12	6														
1906	Seattle	1926	13,534	22	4	10														
1906	St. Louis	1926	9,000	22	12	6														
1907	Huron	1927	12,715	22	4	8														
1908	Birmingham	1928	3,209	24	4	5														
1908	Chester	1928	3,209	26	4	5														
1908	Salem	1928	3,209	26	4	5														
1908	Charlotte	1928	13,534	22	4	10														
1908	Missoula	1928	13,534	22	4	10														
Total obsolete cruisers, 22; average age, 25 years; tonnage, 164,100.														Total obsolete cruisers, 9; average age, 26 years; tonnage, 66,040.						

MODERN CRUISERS BUILT

														1910	Tone	1920	3,760	23	2	6
							1911[1]	Weymouth [2]	1931	4,860	25	8	6							
							1911[1]	Dartmouth	1931	4,860	25	8	6							
							1912[1]	Yarmouth [2]	1932	4,860	25	8	6	1912	Chikuma	1932	4,000	26	8	6
														1912	Hirato	1932	4,400	26	8	6
														1912	Yahagi	1932	4,400	26	8	6
							1913[1]	Melbourne [2 3]	1933	5,120	25	8	6							
							1913[1]	Sydney [2 3]	1933	5,120	25	8	6							
							1914[1]	Birmingham	1934	5,120	25	9	6							
							1914[1]	Lowestoft	1934	5,120	25	9	6							
							1915[1]	Calliope	1935	3,920	29	4	6							
							1915[1]	Castor	1935	3,920	29	4	6							
							1915[1]	Champion	1935	3,920	29	4	6							
							1915[1]	Carysfort	1935	3,895	29	4	6							
							1915[1]	Cleopatria	1935	3,895	29	4	6							
							1915[1]	Comus	1935	3,895	29	4	6							
							1915[1]	Conquest	1935	3,895	29	3	6							
							1916[1]	Brisbane [2]	1936	5,120	25	8	6							
							1916[1]	Cambrian	1936	3,920	29	4	6							
							1916[1]	Canterbury	1936	3,920	29	4	6							
							1916[1]	Constance	1936	3,920	29	4	6							
							1916[1]	Centour	1936	4,120	29	4	6							
							1916[1]	Concord	1936	4,120	29	5	6							
							1917	Caledon	1937	4,180	29	5	6							
							1917	Calypso	1937	4,180	29	5	6							
							1917	Caradoc	1937	4,180	29	5	6							
							1917	Cardiff	1937	4,290	29	5	6							
							1917	Ceres	1937	4,290	29	5	6							
							1917	Curlew	1937	4,290	29	5	6							
							1918	Coventry	1938	4,290	29	5	6							
							1918	Curaçao	1938	4,290	29	5	6							
							1918	Carlisle	1938	4,200	29	5	6							
							1918	Dauntless	1938	4,850	29	6	6							
							1918	Danae	1938	4,850	29	6	6							
							1918	Dragon	1938	4,850	29	6	6							
							1918	Vindictive *	1938	9,996	30	6	7.5							
							1919	Cairo	1939	4,200	29	5	6	1919	Tatsuta	1939	3,230	31	4	5.5
							1919	Calcutta	1939	4,200	29	5	6	1919	Tenryu	1939	3,230	31	4	5.5
							1919	Colombo	1939	4,200	29	5	6							
							1919	Dunedin [4]	1939	4,850	29	6	6							
							1919	Delhi	1939	4,850	29	6	6							
							1919	Hawkins*	1939	9,800	30	7	7.5							
														1920	Kuma	1940	5,100	33	6	5.5
							1921	Durban	1941	4,850	29	6	6	1921	Tama	1941	5,100	33	7	5.5
														1921	Kitakami	1941	5,100	33	7	5.5
														1921	Kiso	1941	5,100	33	7	5.5
														1921	O-i	1941	5,100	33	7	5.5
							1922	Capetown	1942	4,200	29	5	6	1922	Nagara	1942	5,170	33	7	5.5
							1922	Despatch	1942	4,850	29	6	6	1922	Natori	1942	5,170	33	7	5.5
							1922	Diomede [4]	1942	4,850	29	6	6	1922	Kinu	1942	5,170	33	7	5.5
							1922	Adelaide [3]	1942	5,100	25	9	6							

* Carry guns larger than 6 inches.
[1] Will become obsolete before 1937.
[2] Australian Navy.
[3] Advices recently reaching this country indicate that the Weymouth (17 years old) has been sold and that the Yarmouth and the Melbourne and Sydney, although only 16 and 15 years old, respectively, have been placed on the sale list.
[4] New Zealand Navy.

MODERN CRUISERS BUILT—continued

United States of America							British Empire							Japanese Empire						
Date of completion	Present name	Date obsolete	Standard tonnage	Speed	Main guns		Date of completion	Present name	Date obsolete	Standard tonnage	Speed	Main guns		Date of completion	Present name	Date obsolete	Standard tonnage	Speed	Main guns	
					Number	Caliber						Number	Caliber						Number	Caliber
				Knots		Inches					Knots		Inches					Knots		Inches
1923	Omaha	1943	6,600	34	12	6								1923	Yura	1943	5,170	33	7	5.5
1923	Milwaukee	1943	6,600	34	12	6								1923	Yubari	1943	2,890	33	6	5.5
1923	Richmond	1943	6,600	34	12	6								1923	Isudzu	1943	5,170	33	7	5.5
1923	Detroit	1943	6,600	34	12	6														
1923	Concord	1943	6,600	34	12	6														
1923	Cincinnati	1943	6,600	34	12	6														
1924	Raleigh	1944	6,600	34	12	6	1924	Frobisher*	1944	9,860	30.5	7	7.5	1924	Sendai	1944	5,195	33	7	5.5
1924	Trenton	1944	6,600	34	12	6														
1924	Marblehead	1944	6,600	34	12	6														
1925	Memphis	1945	6,600	34	12	6	1925	Effingham*	1945	9,770	30.5	7	7.5	1925	Abukuma	1945	5,170	33	7	5.5
														1925	Jintsu	1945	5,195	33	7	5.5
														1925	Naka	1945	5,195	33	7	5.5
							1926	Emerald	1946	7,100	33	7	6	1926	Furutaka*	1946	7,100	33	6	8
							1926	Enterprise	1946	7,100	33	7	6	1926	Kako*	1946	7,100	33	6	8
							1927	Adventure [5]	1947	6,740	28	4	4.7	1927	Aoba*	1947	7,100	33	6	8
							1927	Cornwall*	1947	10,000	31.5	8	8	1927	Kinugasa*	1947	7,100	33	6	8
							1927	Cumberland*	1947	10,000	31.5	8	8							
							1927	Berwick*	1947	10,000	31.5	8	8							
							1928	Kent*	1948	10,000	31.5	8	8	1928	Nachi*	1948	10,000	33	10	8
							1928	Suffolk*	1948	10,000	31.5	8	8							
							1928	Australia* [2]	1948	10,000	31.5	8	8							
							1928	Canberra* [2]	1948	10,000	31.5	8	8							
Total modern cruisers built, 10; aggregate tonnage, 66,000.							Total modern cruisers built, 56; aggregate tonnage, 316,776.							Total modern cruisers built, 26 aggregate tonnage, 136,415.						

CRUISERS BUILDING OR AUTHORIZED AND APPROPRIATED FOR

														1924 [6]	Myoko*		10,000	33	10	8
														1925 [6]	Ashigara*		10,000	33	10	8
														1925 [6]	Haguro*		10,000	33	10	8
1926 [6]	Pensacola*		10,000	32.5	10	8	1926 [6]	Devonshire*		10,000	33	8	8							
							1926 [6]	London*		10,000	33	8	8							
1927 [6]	Salt Lake City*		10,000	32.5	10	8	1927 [6]	Shropshire*		10,000	33	8	8	1927 [6]	Takao*		10,000	33	10	8
							1927 [6]	York*		8,300	33	6	8	1927 [6]	Atago*		10,000	33	10	8
							1927 [6]	Sussex*		10,000	33	8	8							
							1927 [6]	Dorsetshire*		10,000	33	8	8							
							1927 [6]	Norfolk*		10,000	33	8	8							
1928 [6]	Augusta*		10,000	32.7	9	8	1928 [6]	Exeter*		8,300	33	6	8	1928 [6]	Chokai*		10,000	33	10	8
1928 [6]	Houston*		10,000	32.7	9	8														
1928 [6]	Chicago*		10,000	32.7	9	8														
1928 [6]	Chester*		10,000	32.7	9	8														
1928 [6]	No. 26*		10,000	32.7	9	8														
1928 [6]	No. 28*		10,000	32.7	9	8								(7)	Maya*		10,000	33	10	8
Total cruisers building, 8; aggregate tonnage, 80,000.							Total cruisers building, 8; aggregate tonnage, 76,000. Authorized and appropriated for 1928 program, two 8,300-ton cruisers.							Total cruisers building, aggregate tonnage, 60,000. Authorized and appropriated for 1928 program, one 10,000-ton cruiser.						

* Carry guns larger than 6 inches. [2] Australian Navy. [5] Mine-laying cruiser. [6] Laid down. [7] Not yet laid down.

The first thing that strikes the eye in the above tabulation is that the United States has retained 22 obsolete cruisers, of comparatively low speed and short gun range, that aggregate over 164,000 tons, and the Japanese have kept 9 equally obsolete cruisers, totaling 66,040 standard tons. For it was generally agreed at the Geneva 3-power conference that cruisers 20 or more years old might be considered obsolete. But the British have no such deadwood, having scrapped all cruisers built before 1911.

Coming down the tables, it appears that in the 15 years between 1908 and 1923 the United States completed no cruisers, but between 1923 and 1925 commissioned 10 modern 6-inch gun cruisers, of 6,600 standard tons each, that were a part of our 1916 naval program, and were all laid down before the Washington conference. These ten 6-inch gunners are the only modern cruisers the United States has afloat. But in this same period the British naturally built many cruisers for urgent war use. Thus they now have 44 mounting 6-inch guns, 1 mine-laying cruiser, 4 of almost 10,000 tons, each mounting 7.5-inch guns, and 7 postconference cruisers of 10,000 tons, each mounting 8-inch guns, all of which modern completed cruisers aggregate 316,776 standard tons. And in practically the same period the Japanese have completed 26 modern cruisers aggregating 136,415 standard tons.

It may be noted that four of the completed Japanese cruisers mount 8-inch guns, although their individual tonnage is only 7,100, but they are of comparatively short steaming radius. On the other hand, first the British and then the Japanese began in 1924 the building of 10,000-ton cruisers mounting 8-inch guns. It was not until October of 1926, however, that the United States laid down our first such cruiser, following with another single one in 1927 and six more in 1928.

In contrast to these eight cruisers, the construction of which averaged only 32 per cent toward completion on October 1, 1928, the British were building two 8-inch gun cruisers of 8,300 tons and six 8-inch gun cruisers of 10,000 tons, while they have seven 10,000-ton 8-inch gun ships already in commission. They are also about to lay the keel of two 8-inch gun cruisers of 8,300 tons. Likewise the Japanese have completed one, are building six 8-inch gun cruisers of 10,000 tons each, and are about to lay down one more.

The following table therefore summarizes the present cruiser situation:

	United States		British Empire		Japanese Empire	
	Number	Tonnage	Number	Tonnage	Number	Tonnage
Obsolete	22	164,100	None.	None.	9	66,040
Modern cruisers completed with guns less than 8-inch caliber	10	66,000	49	246,776	21	98,015
Modern cruisers completed with 8-inch guns	None.	None.	7	70,000	5	38,400
Modern 8-inch gun cruisers building	8	80,000	8	76,600	6	60,000
Modern 8-inch cruisers about to be laid down	None.	None.	2	16,600	1	10,000
Total modern 8-inch cruisers	8	80,000	17	163,200	12	108,400
Total modern cruisers of all calibers built and building	18	146,000	66	409,976	33	206,415

Attention is invited to the fact that the ratio in tonnage of modern cruisers built, building, and about to be built is not the Washington conference ratio of 5–5–3 but 1.8 for the United States, 5 for the British Empire, and 2.5 for the Japanese Empire.

American, British, and Japanese cruisers less than 20 years old and mounting guns of over 6-inch caliber that have been completed, that are being built, or that have been appropriated for or authorized

MODERN CRUISERS BUILT THAT MOUNT GUNS OVER 6 INCHES IN CALIBER

United States				British Empire				Japanese Empire			
Date of completion	Present name	Standard tonnage	Caliber of guns	Date of completion	Present name	Standard tonnage	Caliber of guns	Date of completion	Present name	Standard tonnage	Caliber of guns
				1918	Vindictive	9,996	7.5				
				1919	Hawkins	9,800	7.5				
				1924	Frobisher	9,860	7.5				
				1925	Effingham	9,770	7.5	1926	Furutaka	7,100	8.0
				1927	Cornwall	10,000	8.0	1926	Kako	7,100	8.0
				1927	Cumberland	10,000	8.0	1927	Aoba	7,100	8.0
				1927	Berwick	10,000	8.0	1927	Kinugasa	7,100	8.0
				1928	Kent	10,000	8.0				
				1928	Suffolk	10,000	8.0	1928	Nachi	10,000	8.0
				1928	Australia	10,000	8.0				
				1928	Canberra	10,000	8.0				
				Total:	11 ships	109,426		Total:	5 ships	38,400	

MODERN CRUISERS BUILDING THAT MOUNT GUNS OVER 6 INCHES IN CALIBER

1926	Pensacola	10,000	8.0	1926	Devonshire	10,000	8.0	1924	Myoko	10,000	8.0
1927	Salt Lake City	10,000	8.0	1926	London	10,000	8.0	1925	Ashigara	10,000	8.0
1928	Augusta	10,000	8.0	1927	Shropshire	10,000	8.0	1925	Haguro	10,000	8.0
1928	Houston	10,000	8.0	1927	York	8,300	8.0	1927	Takao	10,000	8.0
1928	Chicago	10,000	8.0	1927	Sussex	10,000	8.0	1927	Atago	10,000	8.0
1928	Chester	10,000	8.0	1927	Dorsetshire	10,000	8.0				
1928	Northampton	10,000	8.0	1927	Norfolk	10,000	8.0				
1928	No. 28	10,000	8.0	1928	Exeter	8,300	8.0	1928	Chokai	10,000	8.0
Total built and building, 8 ships.		80,000		Total built and building, 19 ships.		186,026		Total built and building, 11 ships.		98,400	

MODERN CRUISERS AUTHORIZED THAT MOUNT GUNS OVER 6 INCHES IN CALIBER

				1931	No. 47 (postponed)	8,300	8.0		Maya (appropriated)	10,000	8.0
				1931	No. 48 (postponed)	10,000	8.0				
				1931	No. 49 (appropriated)	8,300	8.0				
				1931	No. 50 (appropriated)	8,300	8.0				
				1932	No. 51 (postponed)	10,000	8.0				
				1932	No. 52	8,300	8.0				
				1932	No. 53	8,300	8.0				
				1932	No. 54	10,000	8.0				
				1932	No. 55	10,000	8.0				
Total built, building, and authorized, 8 ships.		80,000		Total built, building, and authorized, 28 ships.		267,526		Total built, building, and authorized, 12 ships.		108,400	

Before drawing conclusions from the above tabulations, it should be realized that the British cruisers Nos. 47 to 55, therein shown as authorized but not yet building, constitute the remainder of the cruisers authorized under the Birkenhead program of 1925—but only in so far as the latter has been announced. Initial appropriations have been made to start building cruisers No. 49 and No. 50 in the immediate future. On the other hand, it was announced in November, 1927, that the construction of cruisers No. 47, No. 48, and No. 51 would be "postponed"—but not, as some misstate, abandoned. Just when their construction will be undertaken has not been announced.

With this in mind it should be noted particularly that if the British carry out the Birkenhead program, as originally announced, they, with their cruisers now built or building, may be expected to have four 7.5-inch gun cruisers and twenty-four 8-inch gun cruisers completed by about 1932. That is, a total of 28 large modern cruisers with big guns aggregating 267,526 tons.

In contrast to these 28 ships, if the United States Senate does not authorize the fifteen 8-inch gun cruisers now under consideration by it, the United States will have, in 1932, only the 8 such cruisers now under construction, leaving the British with a preponderance of 20. And if the British do not undertake the building of the 3 they have "postponed," but carry out the rest of their program, they will have 25 large, big gun cruisers to 8 for the United States, or a British preponderance of 17.

In other words, if the United States builds 15 more cruisers, and the British carry out their full program, but merely in so far as it has been announced, the British will have a preponderance of 5 large, big gun cruisers in addition to their present preponderance in modern 6-inch gun cruisers. And even if the British never build the 3 cruisers they have "postponed" and the United States builds the 15 cruisers now under consideration in the Senate, the British would still have a preponderance of 2 large, big gun cruisers.

The authorization and prompt construction of these 15 American cruisers would, therefore, leave the United States still below parity in cruisers mounting guns of over 6-inch caliber.

AGRICULTURE

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, I have a resolution adopted by the House of Representatives in the State of Nebraska on a very important subject, and I will ask the Clerk to read the resolution in my time.

The SPEAKER. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

Resolution

Whereas it is the general belief that any successful attempt to secure general improvement in the condition of agriculture in the United States must have as a basic principle the establishment of tariffs which will guarantee to agriculture and stock raising a fair and remunerative home market; and

Whereas the growing importance of livestock in connection with the production of crops and the conversion of crops into meat and its by-products is recognized as essential to successful farming; and

Whereas there is nothing of greater importance than saving our home markets for our own people: Therefore be it

Resolved, That the Legislature of the State of Nebraska request the Senators and Congressmen from Nebraska to use all honorable means to secure prompt enactment by Congress of legislation which will increase tariff protection on meat and its by-products.

W. M. BARBOUR.

STATE OF NEBRASKA, FORTY-FIFTH SESSION,
HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., February 19, 1929.

I hereby certify that the foregoing resolution was adopted by unanimous vote of the house of representatives on this date.

FRANK P. CARRICK,
Chief Clerk of the House.

Mr. HOWARD of Nebraska. That is all, Doctor. [Laughter and applause.]

AN ANALYSIS OF THE ANGLO-AMERICAN SITUATION

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, some Members of the House have approached me with a request to make a few parting remarks connected with my philosophy before leaving. And I have consented. [Applause.]

I am not going to expound the socialist theory at this time, of course. Anybody who is interested can easily get a book on the subject or read some of my speeches.

MADE ME A SILENT MAN

As to my experience in the House—while it was a great school for me, it made me a rather silent man. I was up against a stone wall, behind which worked the political machine, and I did not have support enough, being all alone, to either tear down the wall or make an opening in it.

I could have objected, of course, innumerable times to unanimous-consent requests for the building of this bridge or the other or for the granting of a pension to this widow or the other veteran, although reported by the committee. I could have also interrupted almost every one of the speakers with this or the other question, relevant or irrelevant. I could, furthermore, on many occasions have truthfully stated that there was no quorum present and caused the ringing of three bells, which would bring the Members from their offices. And I could have probably made a few more speeches or have some of them printed in the RECORD. All of that I could have done. [Laughter.]

IDEAS BOUND TO GERMINATE AND GROW

Nevertheless, as long as I was alone in this House I thought the best for me to do was to introduce bills pertaining to social legislation, just to show what the socialists would do if they had the power. And while I could not get the bills reported out of the committee, they created a great deal of discussion all over the country, and thus I sowed seed that is bound to germinate and spread ideas which I hope will grow.

Of course, if I had a group of socialists in the House I would undoubtedly have pursued a different policy.

THERE IS ONLY ONE PARTY IN THIS CONGRESS

Under our form of very limited representative parliamentarism—much more limited than in any European country where there is no dictatorship—I exercised reasonably about all the privileges that an individual Member has. In this great country of ours all the legislating is really left to the few leaders of the great party—I mean to the leaders of the Republican-Democratic Party, since there is only one party in this Congress, and especially so in the House.

And this accounts for the backwardness of our country in social-welfare legislation. Members of Congress fritter away their time on petty matters and pay little or no attention to important questions of policy, including the question of war and peace.

EVEN THE MAJORITY CAN NOT ACT

Under the rules, even a majority can be prevented from functioning. A majority of the Members had to petition to have the Dale-Lehlbach bill, for instance, brought up for consideration. But if a majority is prevented from functioning under the rules, it may be less the fault of the rules than it is of the majority.

The prohibition farce is a good example of the hypocrisy in which a nation indulges and tolerates. It is supposed to have made us a better Nation. We are, supposedly, much superior than Prussia—we have prohibition and Prussia has not; but while all our jails are filled to overflowing, and many more are needed, Prussia has just closed down one-fourth of all her jails, because she has not enough criminals to fill them.

CONGRESSMEN ARE ABOVE AVERAGE OF ELECTORATE

As to the membership of the House—well, it has become the custom of late to deprecate Congress, and especially the House of Representatives. Our Members are not, as a matter of fact, equally wise or evenly good—but let me say that they are as wise and as good as the people who elect them. I believe most all of them are above the average of the electorate which they represent. [Applause.] Even the Congressmen from Chicago and New York rank above the people who send them here. [Applause and laughter.]

Undoubtedly we have too many lawyers in this House; more than we can really use for any good purpose. However, all of them are ready talkers and good fellows, even if most of them are as innocent of political economy as they are of the Sanskrit language.

But I like all of them personally, from the illustrious and genial Speaker down to the youngest fledgling, and I wish them all well.

LONGWORTH-TILSON MIGHT HAVE SWEPT THE COUNTRY

The very able gentleman from Tennessee [Mr. GARRETT] has now "gone to his reward." He is going to be a judge, which means he is out of politics. But I am sorry to say that the Republican Party did not have the good sense to nominate the distinguished gentleman from Connecticut [Mr. TILSON] for Vice President. A ticket LONGWORTH-TILSON would have swept the country just as surely as Hoover-CURTIS. [Applause.] And it would have had the advantage of being partly wet, or, at least, of being perceptibly moist. Well, fate has decreed otherwise, at least for the time being. [Laughter.]

Now, gentlemen, I do not know whether I shall come back to this House. I am not in the fortunate position of a Democratic Member from Alabama or of a Republican Member from Kansas, where the party nomination in the district also means the election as a foregone conclusion. I have to fight, and most of the time I have to fight a combination of the two old parties. Nevertheless, the plurality of my opponent was so small that I have no doubt that I can return to this House if I should decide to try again. [Applause.]

And now to the subject I want to discuss.

EVEN MANY EDITORS DO NOT UNDERSTAND THE MEANING OF THE WORD

Mr. Speaker, just now we hear and read a great deal about the Kellogg pact, renunciation of war, disarmament, arbitration, imperialism, Anglo-French agreement, and so forth. I think it would be of interest to this House and to the country at large to have these questions discussed from the socialist point of view.

To begin with, let us have a few words about the meaning of the word "imperialism." Many people, and even editors—and some of them editors of leading papers—seem to have an idea that the word "imperialism" was in some mysterious way connected with the Kaiser.

And that since America has no Kaiser, how could America have imperialism?

These people do not understand the meaning of the term.

DIFFERENT NATIONS HAVE HELD THE "IMPERIUM" AT DIFFERENT TIMES

The word "imperium" in Latin signified the world rule of the Roman Republic. After the downfall of the Roman Empire, in the early Middle Ages, the Arabs ruled a considerable part of the world and held the "imperium."

Later, during the sixteenth and seventeenth centuries, it seemed that Spain would rule the world. Even little Holland and Sweden held the "imperium" for a short period. Nevertheless, only Great Britain could lay claim to be a world power during the last 150 years, especially after the downfall of Napoleon I.

But the term "imperialism"—as it has been used in an economic sense during the last 100 years—is only very loosely connected with imperialism in a political sense.

The basis for economic imperialism is as follows:

WHY EVERY NATION MUST COMPETE FOR THE WORLD MARKET

Under the capitalist system—which is also called the profit system, or the competitive system, or the wage system—no workman employed for wages in a factory or in a shop or in a mine gets the full value of his product. He can not get the full value if the employer is to stay in business. The employer must make a profit, or the employer would have to go out of business. And the more profit the employer can make, the more successful is he as a business man.

Thus it comes about that the producers of the Nation as a whole under the present profit system can not possibly get enough pay for their work and for their products to be able to buy back with their wages what they have produced.

And yet these producers form the bulk of the buyers of the Nation, since they are in the great majority.

There is always a surplus of products in every civilized country where the wage system prevails that must look for a market elsewhere outside of the country—look for a market any place where the people will buy that surplus production. This means that it must compete in the world market.

Now, that is practically the case with every western European country and with the United States. Of late, also Japan, since Japan has accepted our capitalist system, is competing in the world market.

COMPETITION IS GROWING WORSE

And, remember, this surplus production is growing very rapidly with the improved machinery and as machinery improves. It is getting increasingly harder to get a market anywhere. Markets we must have, however, because under the present economic system we are not producing for use but for sale—producing only for those who can buy.

In other words, while there can be no doubt that workmen and farmers could use all the surplus—or at least most of it—if they had the means with which to buy, our workmen and our farmers can not do so.

Thus the surplus production must look for markets elsewhere. But where?

Every civilized country, or at least every country that is highly developed industrially, is in exactly the same fix.

The English capitalist class and the French capitalist class and the German capitalist class and the Belgian capitalist class, and so forth, all produce more with their improved machinery than they can sell in their own country. They all look for foreign markets.

NO WESTERN NATION WANTS FOREIGN IMPORTS

To a certain extent they could exchange their products, of course. But there is the rub. Most of these countries put up high tariffs. They want no foreign imports to come into their own country, because then they would produce still less, and their own people might be unemployed.

Thus it comes that except for certain products of which this or the other country may have a monopoly for one reason or another, the surplus production must be thrown into the world market, where all compete with each other.

EXPORTS OF LEADING NATIONS VERY LARGE

And every civilized country is continuously on the lookout for new markets; they look for them in Asia, Africa, South America, and wherever there are backward peoples who can not produce these things themselves.

According to official figures, the United States exported in 1927 products to the amount of $4,864,806,000; in 1927 Great Britain exported about $4,160,840,645 worth of products; Germany exported that year about $2,560,144,000; France about $2,197,943,000; and Belgium about one-third of that of France.

MISSIONARIES AS ADVANCE AGENTS

In order to stimulate a demand for their products the business men assist in sending out missionaries to make Christians out of African savages—so as to make them ashamed of going without trousers, or shoes, or hats, or other things of which civilized nations have a surplus.

Not so long ago England even had two wars with China—one from 1839–1842 and another in 1863—because the Chinese Government refused to permit the importation of opium from India to the Chinese Empire. The English won the wars, and the drug that was considered poison in England was poured into China at the rate of 1 ton per hour, 12 hours every day, for some 60 years, until the Chinese revolution brought the traffic to a close.

This is only one aspect of economic imperialism.

MINERALS, TIMBER, RUBBER, AND ESPECIALLY OIL

The other and probably more important side of economic imperialism is the search for raw materials—for oil, metals, rubber, lumber, cotton, wool, and so forth.

Savage and barbaric peoples are in possession of very valuable lands—excellent for agriculture, or covered with wonderful forests, or containing valuable minerals, and, above all, containing oil—oil which has become one of the greatest assets of the present day. Capitalist nations will stop at nothing to get hold of such lands.

"CONCESSIONS," CONTRACTS, AND PLANTATIONS

And there is also still another reason:

In every civilized country the capitalist class is looking for fields to profitably invest the surplus capital of which I have spoken before. And for the simple reason that capital, which is not profitably invested, very soon ceases to be capital.

Thus these capitalists—especially English, French, German, and American capitalists—have been looking around with vigilant eyes for chances to invest their capital as profitably as possible, watch these undeveloped areas, and are eager to make use of them. That is usually done at first by "concessions." These investors get the right or the privilege to build railroads, operate mines or oil wells, to start big ranges, to plant fruit trees, banana trees, start sugar-cane or pineapple plantations, according to the nature of the country.

Our President elect, Herbert Hoover, could tell us quite a little about that.

INVESTMENTS IN BACKWARD COUNTRIES ARE VERY ATTRACTIVE

Thus we have three sources of imperialism. One is the continued profitable disposal of the huge output of surplus commodities of all industrially developed nations. The other is the necessity of commanding the sources of supply of the raw materials for these industries. The third is to invest money profitably in undertakings outside of one's own country.

To say more about this last:

When capital has accumulated in large fortunes, when the rate of interest is beginning to fall at home, then the capitalists discover that there are many uncivilized races—or even races that have a very ancient civilization—that are weak and can not defend themselves, all of whom can be more easily exploited than their fellow citizens at home, who are apt to resist, if the screws are put on too hard. Thus the export of capital to such countries becomes much more attractive to the profit-making capitalists than its use for the extension of manufacturing facilities at home.

Now, if the adage is true that trade follows the flag—then the flag must also follow the investor and protect him. It must also follow the financier and the money lender and protect him.

WHY A WARLIKE FRONT IS NECESSARY

Because there is also this:

These backward peoples have a moral code of their own, and they do not enter willingly into lasting business relations with civilized men.

Our business men will tell you that it is therefore necessary for the purposes of trade and culture that these backward nations, or ancient nations, be compelled to live up to such rules of conduct as will make trade possible and lucrative for the civilized white men who have invested their money.

To this end, cruisers, marines—and an army and navy—are indispensable.

A warlike front becomes absolutely necessary all the time. Armaments and warlike demonstrations have become part of the regular apparatus of business, so far as business is concerned with the world market.

THE CHANGE IN THE BRITISH VIEW

At first only peaceable, economic penetration is the rule.

The classic land to study all this is Great Britain.

We find, for instance, that as long as Great Britain had a natural monopoly of the raw materials and of the markets of the world, British manufacturers and merchants were rather indifferent as to the growth of the British Empire. There were some British economists and politicians who regarded most of their colonies as rather useless encumbrances, involving an expense upon the British taxpayers.

With the increasing competition, however, and with the entry of the manufacturers and merchants of the United States, and of Germany, and even of Japan, into the world market, the British point of view changed.

JOHN BRIGHT AND JOSEPH CHAMBERLAIN

Thus, for instance, John Bright, cotton manufacturer in Manchester, in the middle of the nineteenth century—a period when British cotton goods had the undisputed control of the markets both in England and abroad—was a pronounced pacifist. John Bright was also a convinced free trader and an antimilitarist and a radical leader.

But Joseph Chamberlain, of Birmingham (the father of Sir Austen Chamberlain, the present Foreign Secretary of England), Bright's successor in the leadership of the radicals, 50 years later was just as convinced that pacifism was a fallacy and he was willing to consider a high tariff.

He said:

> The empire is commerce. It was created by commerce, it is founded upon commerce, and it could not exist a day without commerce. For these reasons, among others, I would never lose the hold which we now have over our great Indian dependency—by far the greatest and most valuable of all the customers we have or shall ever have for England. For the same reasons I approve of the continued occupation of Egypt; and for the same reasons I have urged upon the British Government the necessity of using every legitimate opportunity to extend our influence in that great African continent which is now being opened up to civilization and commerce; and lastly, it is for the same reasons that I hold that our navy should be strengthened until its supremacy is so assured that we can not be shaken in any of the possessions which we hold or may ever hold hereafter.

That speech was made in 1897.

LORD MILNER ASCRIBED PROSPERITY TO MILITARY AND NAVAL STRENGTH

This powerful but crude imperalism of the leading British statesmen of that time was reinforced by the more polished utterances of others. For instance, by Lord Milner, who, together with Cecil Rhodes, was largely responsible for the Boer War. Lord Milner said in an address to the Manchester Conservative Club in 1906:

> You can not have prosperity without power. We Britons of all people depend for our very life not on the products of these islands alone but

on world enterprise and commerce. This country must remain a great power or she will become a poor country * * *. But greatness is relative; physical limitations alone forbid that these islands by themselves should retain the same relative importance among the vast empires of the modern world which they held in the days of the smaller states—which England held before the growth of Russia and of the United States—which England held before united Germany made those giant strides in prosperity and commerce, which have been the direct result of the development of military and naval strength.

And, as a matter of fact, we all know that when in the first six months of 1914 German world trade became as large as the British the World War did not delay.

WAR BETWEEN GERMANY AND ENGLAND WAS QUITE "UNTHINKABLE"

The World War did not delay, although in July, 1914, when the German ambassador, Prince Lichnowsky, had his last interview with the Prime Minister of England, Mr. Asquith, Mr. Asquith told him that a war with Germany was "quite unthinkable." War was then on the point of just breaking out. It was "unthinkable," but it was just going to take place.

I am saying all this in order to warn this House and the country in general, because the rivalry between Great Britain and America has grown during the last two or three years with a speed that is simply uncanny.

WAR BETWEEN ENGLAND AND AMERICA IS NOW UNTHINKABLE

Now, this is the economic situation. How about the political? We find now that two years ago war between Great Britain and the United States was undreamed of. A year ago we were told it was "unthinkable." Which simply meant that many people had come to think about it. And now any student of history and political economy will tell you that an enduring peace is unthinkable if capitalism is to last.

Let us follow mainly English sources, if for no other reason than that we do not wish to be accused of any anti-British bias.

AMERICA IS NOT WORKING FOR COLONIES

And this is the English view: The English simply claim that American business is developing with speed a new policy of imperialism on a large scale.

This imperialism is developing on somewhat different lines than the old European imperialism, which was usually followed by colonizing and acquiring new territory. America wants no colonies, and desires no actual annexation of new territory, except in cases of absolute necessity, like, for instance, in Panama, for the canal.

American business is simply trying peaceful penetration—seeking investments in great new areas of the world; seeking new markets.

This is called peaceful economic penetration.

Of course, some will say that the United States took Porto Rico and the Philippine Islands, and we have troops in Haiti and Nicaragua. But these are mostly accidents, although if another canal is built, America is apt to make sure of Nicaragua. The fact is, however, that in the rest of the world our business men, financiers, are not seeking any military conquests, but simply concessions, contracts, and markets.

But that is just the trouble.

"BROTHER JONATHAN" IS AT A DISADVANTAGE

To begin with, Uncle Sam, our "Brother Jonathan," as they call him in Europe, comes late. The world is already taken. The greatest and richest of all areas belong to Great Britain.

The Americans who desire to compete there, or to make investments, if they are permitted to compete at all or to invest at all, must do so at an enormous disadvantage.

Throughout the British Empire, for example, Americans are not granted, as a rule, the right to prospect or to bore for oil wells, or to operate them, to mention only one thing.

Nor is this all.

LOOK TO "UNCLE SAM" TO PROTECT THEM

The world over, in Asia, in Africa—from China to Peru—Americans and Englishmen are competing fiercely for the exploitation of great undeveloped national resources in the so-called backward countries. And these prospectors and investors naturally look to their respective governments to support them. They say that a government is not here just for the purpose of receiving taxes and customhouse duties, but the government is also here to protect its citizens when they do business.

Is it surprising, then, that these two governments soon find themselves in strong antagonism?

WHEN GERMANY WAS LOOKING FOR A PLACE IN THE SUN

The situation reminds one very closely of German economic penetration of the world before the World War. The underlying principle is exactly the same.

Germany had grown immensely strong economically and had a population larger than the agriculture of the country could support. Germany then naturally became a manufacturing country and was trying to procure her share in the world's markets. Germany was looking "for a place in the sun," where she could do business not by toleration or the good grace of England, but by her own right.

An aggressive and expansive policy followed, and England started as early as 1903 to "encircle" Germany by her enemies.

SEA POWER WAS ALWAYS THE DECIDING FACTOR

The causes creating American imperialism are the same. The United States to-day is by far the richest and strongest economic power in the world. Our business men, financiers, and trusts want to conquer the world market, or at least get a big share of it, and, as the figures prove, they are making rapid headway.

And there you are. What can be done about it?

So far in history sea power was the deciding factor in these matters.

WHO IS TO BE NEXT?

Great Britain has so far been very successful in destroying its competitors for the world market. Great Britain has annihilated the sea power of Spain, France, Holland, and Germany.

Whose sea power will Great Britain try to annihilate next?

MR. COOLIDGE THINKS WE ARE ENTITLED TO A LARGER NUMBER OF SHIPS

And President Coolidge expressed the American point of view very clearly in his last Armistice Day speech when he said:

We have not only a long coast line, distant outlying possessions, but also a foreign commerce unsurpassed in importance, and foreign investments unsurpassed in amount. Not only must our people and our treasure be protected but we are also bound by international treaties to defend the Panama Canal. Having few fueling stations, we require ships of large tonnage; and having scarcely any merchant vessels capable of mounting 5 or 6 inch guns, it is obvious that, based upon positions, we are entitled to a larger number of warships than a nation having all of these advantages.

And he added:

If we could secure a more complete reciprocity in good will toward the final liquidation of the balance of our foreign debts, and such further limitations of armament as would be commensurate with the treaty renouncing war, our confidence in the effectiveness of any additional efforts on our part to assist in the further progress of Europe would be greatly increased.

BIRKENHEAD TELLING COOLIDGE "WHAT'S WHAT"

But this speech of Mr. Coolidge drew its counterpart a few days later from Lord Birkenhead, probably the ablest and most astute member of the British Tory cabinet. The noble lord said, in substance:

They had a few days ago a speech by the President of the United States in the direction of advice to the European countries. So far as England is concerned, Birkenhead was sure that England did not especially require any advice. England had not asked the United States, so far as he was aware, to do anything for her. When America went into the war it was because American nationals were being murdered by German submarines. That was the only reason. And while the Allies appreciated the immense contribution that the United States made and the moral effect it had on Germany and her allies, they also remember that a million Englishmen were killed and 1,500,000 Frenchmen, and that the American soldiers were carried in English ships.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BERGER. I yield.

Mr. WOODRUFF. Did they not get a very handsome remuneration for every soldier that they carried for this Government?

AND BOTTOMLEY TELLING THINGS "HERE AND NOW"

Mr. BERGER. They did. And the well-known English jingo, Mr. Bottomley, developed this English version further by writing:

The truth is, America has no genuine sympathy with Europe and is jealous of and antagonistic to Britain.

America does not care a damn either for an American-Anglo union or for the prosperity of the Anglo-Saxon race, or, for that matter, for the peace of the world. War is the breath of her nostrils. It means filling her coffers with European gold, and the creation of an ever-increasing army of bloated millionaires—increasing, by the way, at the rate of 50 a year.

I have a nasty knack of saying things which others only think. And in American jargon I declare "here and now" that America has her eye on Canada, whom she is gradually getting into her power by the peaceful penetration of loans and financial control. * * * It is

time to speak plainly, and I think self-preservation and common sense dictate not only an Anglo-French naval understanding but a European pact of peace—yes; with Germany included—against that iced-water drinking continent whose hypocritical prohibition farce our own fanatical teetotalers are threatening to make a cry at the general election.

Thus Mr. Bottomley.

BOTTOMLEY EVEN WANTS THE "GERMHUNS" IN THE ALLIANCE

English Socialists call attention to the striking similarity of these expressions with those made public for a few years before the outbreak of the World War—then pertaining to Great Britain and Germany. These Socialists declare that the condition is alarming.

And not less striking nor less alarming is the fact that Mr. Bottomley—who but a year or two ago was clamoring for the destruction of all "Germhuns, like so much vermin"—now urges an alliance with those vermin against English-speaking America.

So much from these quarters.

SHYLOCK? THAT IS "UNCLE SAM" IN ENGLISH

Nevertheless, the far-famed dean of St. Paul's Cathedral in London—Mr. Inge, called the gloomy dean—recently also said that in a certain contingency:

It is more than possible that the nations of Europe, enraged by the bloated prosperity and airs of superiority of "the man who won the war" would combine to draw Shylock's teeth.

You know, Mr. Speaker and gentlemen, that Shylock is the pet name by which Uncle Sam is affectionately known in France and England.

"FREEDOM OF THE SEAS" IS THE ONLY VALUE WE CAN GET

Even more alarming as a feature of foreign relations to-day is the British tendency to treat the American challenge to English sea power and commercial supremacy as England treated that of Germany.

The English Government ignores the fact that Americans are only aiming at freedom of the sea—at least at present. After all, freedom of the sea is the only valuable achievement America could get out of the World War in return for her entry. And having failed to do so, it is not surprising for anybody familiar with the necessity of foreign trade under our system that America now intends to get freedom of the sea if necessary by building a fleet that will take command of the sea.

There is also this: If America should make up her mind to do so, it will be done. England can not stop us. England can not outbuild us. And England can not outbluff us.

TORY CABINET SHOWED BAD FAITH

By the Washington treaty of 1922, England accepted—as everybody supposed—the principle of parity with America in building warships. This would in time establish a new international sea law on the basis of one of Wilson's 14 points, "Freedom of navigation on the seas, alike in peace and in war, except as they may be closed by international action."

The failure of the Geneva conference—1927—to extend parity for battleships and cruisers was really due to the British Tory government trying to get around this by retaining the command of the sea through cruisers—since the battleships are obsolete, anyhow.

Now, I believe that cruisers are also of doubtful value, with airplanes and submarines coming into play. Nevertheless, the action of the British Government trying to sneak such an advantage in naval armaments showed bad faith and also proved that Great Britain can not be trusted. All fair-minded Englishmen admit this.

Nor is this all.

THE FRANCO-BRITISH PACT AGAINST AMERICA

With all this, and on top of it, last fall came the so-called Franco-British pact. M. Aristide Briand and Sir Austen Chamberlain were supposed to have removed the deadlock between England and France as to naval disarmament—the English having always opposed the unlimited building of submarines by France.

But how did they remove this deadlock?

This was at first a secret. But the Hearst press in America got a copy of the circular of the French Government sent to its representatives everywhere—that contained the terms of the agreement.

It was thereby established that the naval compromise was not a compromise at all but was, in fact, a combination of British and French requirements as to naval armament—surely not of disarmament.

The large cruisers required by America—partly for strategic reasons and partly as a "club" to force disarmament upon the others—were to be limited. So much for America.

But the smaller cruisers wanted by the British for their far-flung domains and the submarines wanted by the French for commerce destruction were to remain unlimited. And this, although the policy of America and the antiwar sentiment of the whole world demanded the limitation of all warships. And Coolidge and Kellogg deserve credit for expressing this sentiment.

THE FRANCO-BRITISH PACT AGAINST GERMANY

And if the Anglo-French pact was, therefore, bad enough in respect to its naval provisions—the rest was much worse.

The French let it be known jubilantly that one of their conditions, and one of the British concessions, was the British acceptance of the French demand that the trained reserves of their army, numbering many hundred thousands, must not be taken into account in military disarmament. But to allow France to have all the military reserves she wants, without counting them at all—and yet to forbid conscription to Germany—simply meant to make permanent the French overlordship of Europe.

FRENCH PRESS BOASTED OF ALLIANCE AGAINST AMERICA AND GERMANY

No wonder that the French press openly boasted of an armed alliance with Great Britain against Germany on land and America at sea.

The publication of that pact aroused public opinion everywhere, however.

The American press almost unanimously denounced an Anglo-French naval alliance that destroyed the principle of parity, and made "a scrap of paper" of the treaty of Washington of 1922.

The Berlin press declared that Locarno was dead.

The Italian press announced that the British had arranged for the transfer of the French submarines and airplanes to the Mediterranean.

ENGLISH PUBLIC OPINION CONDEMNED THE PACT

Fortunately, the British public also got alarmed. Englishmen remembered how the liaisons had, as an "obligation of honor," carried England to war in 1914—although the very existence of these agreements had been denied in Parliament by the premier and foreign secretary at that time.

Even the Tory press was emphatic in its condemnation of the English Government's policy.

The government tried to explain and deny.

ENGLISH REASONS AGAINST THE PACT

But there were the facts. Was not the principles of the new entente—the exclusion of trained reserves from disarmament, and the coupling of Rhineland evacuation with reparations and revision—a departure from the approved principles of British policy?

Was not the French air power twice as large as the English? Was not the French submarine fleet a menace to British commerce compared with which the German submarines in the World War were insignificant?

Was not the naval compromise a challenge to America—and the trained concession a menace to Germany—which only an armed alliance could risk?

Had not "conversations" taken place between British admirals and air marshals and their French opposite numbers, and were not their names and the nature of their arrangements known?

This crushing criticism put the British Government into a serious situation, especially since all of this happened shortly before the opening of Parliament.

KELLOGG SAVED THE BRITISH GOVERNMENT

From this predicament the British Government was saved by Washington.

Our Government, without waiting for the publication of the original note, issued its own reply to the press. The general tone was rather stiff, and the conclusion was a short rejection of the Franco-British pact. To this rejection, however, was tendered the suggestion that an agreement might be sought along the line of making the categories flexible, so that a power might increase construction on the one by reducing on the other.

This example was followed by the Italians, whose reply was also a refusal. The Japanese accepted. But that mattered little. For Great Britain, Japan, and America, if necessity required, could impose disarmament procedure upon France, but Great Britain, Japan, and France can not possibly impose either armament or disarmament on America.

ALL THE WORLD BELIEVES IT IS DEAD

The British Government therefore admitted from the start that an American rejection would be fatal.

And the publication of the pact (on October 23, 1928) finished it—at least the world so believes. It was not even mentioned a few weeks later in the King's speech at the opening of the Parliament.

What now?

BRITISH NOW WILLING TO OPEN NEGOTIATIONS LATER

The American Congress has passed a bill to build 15 cruisers within the next three years, and the President has signed the bill. If America really wants to challenge British supremacy on the sea, 15 cruisers are not enough, of course. And our big-navy men really asked for 71 warships. Nevertheless, it is a gesture, a hint with a club, since Great Britain knows that America could not only build 71 but 150 vessels if she made up her mind to do so.

The British ambassador seemed to understand that, and he hastened to declare in the press that England is ready for another conference; but he was promptly repudiated by his Government. The British Foreign Office at first bluntly and officially denied any immediate intention to communicate with the United States in the matter of naval disarmament. Later, however, the British Foreign Office signified its willingness to open negotiations again after having consulted with the various British dominions.

And this is how the matter stands up to date.

ENGLISH CLAIM OF SEA RULE AS SOUND AGAINST AMERICA AS AGAINST GERMANY

Let us review the situation, then, in a few words.

What is taking place between Great Britain and America is almost exactly what took place as between Britain and Germany in the decade that preceded the war.

Germany set out to build a navy. Britain claimed that her national life depended upon her predominant sea power, and proceeded to meet it with more power—and with alliances and with the so-called entente. Out of that competition and these alliances came the war.

America has made it plain that she intends to possess a navy as big and as able as that of Great Britain, and that if Great Britain does not disarm, or reduce her navy, America would proceed to build. The Anglo-American situation may not duplicate in every detail the Anglo-German—because we have neither France nor Russia as neighbors, and Germany has both—but the underlying fact of competition, although both the Governments of Great Britain and America deny it, is nevertheless identical.

And if the assumption that "Britannia must rule the waves"—that England must predominate on the seven seas—was sound and correct in its quarrel with Germany it must also be considered to hold good against the United States.

ENGLAND WANTS COMPLETE MASTERY OF THE SEA IN WAR TIME

Moreover, America has had serious troubles—and once even a war—with England on that account.

The United States held on to its theory of sea right as a policy of national security and international justice, and it holds to this theory just as definitely and strictly as Great Britain holds to hers. Only the American theory of rights at sea happens to be in irreconcilable conflict with the British theory of sea rights.

To put it in as few words as possible it is this:

America claims the right, whether Britain is at war or not—to trade with neutrals unhampered by any British restrictions.

Great Britain says in effect that such trade with neutrals shall be subject to her command of the sea in war time—to her right to decide whether this or that cargo might not in the end go to Britain's enemy. And England claims the right to be the sole judge in every instance.

BUT AMERICA WILL NOT ABANDON ANY PRIMITIVE RIGHTS

America challenges this English version of sea rights. In fact, has always done so, except in this last war, when we were in the war ourselves as English allies.

America has stood up for the protection of her trade consistently since she has become an independent country. She did so when the country was young and weak, and since she has now become the richest and most powerful Nation on earth she will most assuredly not abandon these primitive rights.

Let us take a concrete example as given in Foreign Affairs, an English monthly:

WHAT WOULD HAPPEN TO THAT SHIPLOAD

Britain is at war with France or Germany, for instance.

An American merchant receives an order for a shipload of cotton, or lard, or foodstuffs from a Dutch merchant. This American cargo is shipped in an American or Dutch or Italian vessel. America is at peace with England, at peace with Holland, at peace with Italy, at peace with England's enemy, at peace with all the world. But that ship is stopped by a British cruiser, taken into a British port, and a British court deciding that the American cargo is ultimately intended for Britain's enemy—or may get there—condemns and seizes the cargo. Neither the American nor the Holland nor the Italian parties are represented on the bench of that court. It is purely an ex parte decision.

TWO OPPOSITE DOCTRINES

Now the Americans say:

Our whole foreign commerce, our right to trade with nations with which we are at peace, can at any moment be forbidden by a foreign government, the British—whenever Britain chooses to go to war. Our right of movement in the world is subject to the will of England.

And Americans say further:

We intend to vindicate our right to the freedom of the sea and if necessary for that purpose, we shall have a navy so powerful that our rights will be respected even by Great Britain.

The case from the American point of view seems to be very strong.

On the other hand, however, the British claim:

To surrender the right to search and capture neutral ships would be to surrender the most powerful weapon which we have. Without a blockade exercised in just such a way, Germany could never have been defeated by us.

This is sound logic from a British point of view. But it is based on brutal force and valid only so long as all the other powers submit—or are not strong enough—to offer resistance.

Otherwise, they might say that it is not God ordained and not even a part of the Ten Commandments that Great Britain must win every war. As far as is known in history she lost one war against her own colonies in the eighteenth century.

EVEN THE NEW YORK WORLD THINKS BRITISH CLAIM IMPOSSIBLE

And even the New York World, which is extremely friendly to England, said recently:

> The British Admiralty and a part of the British Nation still holds fast to the claim that Great Britain shall have the power to say who shall and who shall not sail the sea in ships. It is a claim which would put the interest of all other nations in jeopardy whenever Great Britain is at war. It is an impossible claim, for it amounts to saying that the interest of mankind upon the seas shall in law and in fact be subject to the British Admiralty.

This is the situation up to date, Mr. Speaker. And if we look at it from the well-established historical and economic point of view it holds out little or no promise for a better future.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman from Wisconsin has expired.

Mr. BEEDY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin may proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WHAT MAY HAPPEN

Mr. BERGER. We undoubtedly will have more conferences and more agreements and disagreements about armament and disarmament. And it will be proven again and again in the future, as in the past, that our American diplomacy is no match for the British; that they will get the best of our so-called diplomats often in the future as they did get the best of Wilson in Paris in 1919 and of Hughes in 1922. And then will follow accusations and counteraccusations. They will speak of "perfidious Albion" and of the "shirt-sleeve" diplomacy of the United States—and relations will go from bad to worse.

If the Tory viewpoint is to prevail in England, that country will undoubtedly seek and complete all sorts of alliances to perpetuate the mastery of the English rule at sea and, closely connected with it, the restitution of Great Britain's preponderance in the world's markets.

TO SAFEGUARD BUSINESS?

At the bottom of the question, after all, is the question of the world market, of which the "rule of the sea" is only a part, although undoubtedly an important part.

And what is to be the outcome of it all? A war between England and the United States? Why, and what for? To secure the safety of business? Why should millions of lives be sacrificed, apart from the billions of property that would be destroyed, simply to safeguard business?

WHAT A WAR WOULD MEAN IN THE FUTURE

The World War cost 30,000,000 lives and $400,000,000,000 worth of property. And the next war—which, by its very nature, would be a world war again—would cost infinitely more. It may mean the end of our present civilization, the wind-up of the white race. The next war, if there is to be one, will be fought out along entirely different lines than the last, which was mainly a war of mud, vermin, disease, and nameless agony.

The next war will be mainly a war of airplanes, of submarines, and of chemicals. Cruisers, no matter how many we may build, will be obsolete within the next 10 or 15 years. A cruiser will be no match either for the airplane or the submarine.

As science is developing now, and especially chemical science, airplanes will have it in their power to throw bombs from the air, not only filled with molten metal spray but also with deadly gases that will spread death caused by suffocation from contraction of the throat, from congestion of the lungs, or by absorption of poison into the blood through the lungs. The populations of entire cities may thus be destroyed within a few minutes, and every living being, men, women, and children, destroyed.

Is the world market worth all of this?

THERE ARE SOME THINGS WORSE THAN WAR

Now, Mr. Speaker, I want it to be understood that I am not a pacifist in the sense that I am a nonresistant. There are worse things even than war, and worse things than death. Slavery, for instance, to my mind, is worse than either war or death. I would rather see my children and grandchildren dead than slaves.

And if this country of ours should actually be attacked, actually invaded, I would consider it the duty of every man, and woman for that matter, to defend their homes and their families, and I consider a certain amount of preparedness for that emergency justifiable. So much, but no more.

WE WANT NO WORLD CATASTROPHE TO SAFEGUARD PROFITS

I can not get enthused, however, about going to war for world markets or for the investments of Mr. Morgan, Mr. Rockefeller, or anybody else. These gentlemen go into other countries to make investments and they do so in order to make profits. And they should be willing to take a reasonable amount of business risk or stay away.

As for the seas, they are the world's highway and naturally ought to be as free and as secure as any other highway. And I am quite sure that a great proportion of the British population—all the millions that are with the Labor Party, and a large share of the Liberals—are now accepting this point of view.

The reactionaries and "die-hards" have brought England to the sorry plight in which she finds herself now. And from my personal acquaintance with the leading Socialist statesmen of England—who undoubtedly will take the reins within a short time—I am sure that a "modus vivendi" will be found without any recourse to arms that would mean a catastrophe—a catastrophe to England and to Europe as well. And what would be left of Europe after the catastrophe, would become communist, as a matter of course.

Several suggestions could be made.

SCRAP ALL PACTS DICTATED BY WAR, HATRED, AND HELL

One would be this:

Let the representatives of all the civilized nations of the world be assembled in a great conference for the purpose of undoing, as far as possible, the evils of the World War, and to prevent its repetition, scrap the pact of Versailles, and of all other pacts dictated by war, hatred, and hell.

Wipe out all the economic obstacles, border lines, and tariffs all over Europe. Have absolute free exchange of production in Europe. Take in Russia also, if Russia is willing to come.

America is a continent and a world of its own. And if America troubles Europe by an eccentric high tariff—let a united Europe put up the same kind of a tariff against America. We are bright, and we will soon learn.

Have an international congress with well-understood and closely defined legislative powers over international affairs, and establish a genuine international court to construe these international laws. America ought to join in that.

FREEDOM OF THE SEA AND INTERNATIONAL CONTROL OF WATERWAYS

Appoint special commissions of neutrals to consider international disputes as they may arise, such decisions to be enforced, if necessary, by economic pressure, without resort to arms. Have international control of strategic waterways, such as the Dardanelles, the Strait of Gibraltar, and also of the Suez, Kiel, and Panama Canals.

Have absolute neutrality and freedom of the "seven seas." Divide up the colonies among the great European nations. We do not need any.

DISARMAMENT AND EMBARGO ON FOOD AND WAR MATERIAL

In order to make all of this possible there must be as complete and universal disarmament as necessary. And it ought to be brought about as speedily as possible.

And by all means let us have absolute prohibition of exportation of arms, war equipment, and food supplies for war purposes from one country to another.

SCIENCE WILL PROBABLY SOLVE MOST OF THESE QUESTIONS

Mr. Speaker, some of these propositions may look Utopian, but they are not. All of them are practicable and will eventually have to be put into force. If these steps are taken there can be no doubt that wars will be a thing of the past—at least within the white race—and a war with England would really be unthinkable.

But, above all, I trust that science, which now makes wars more horrible, will eventually make them impossible and unnecessary by solving the question of food and raw materials, while cooperation and progress in social science will solve the question of distribution and all other questions.

And this is part of the mission of the international socialist movement. [Applause.]

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I call up the conference report on the bill H. R. 15712, the War Department appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what did the conferees do about the Sackett amendment?

Mr. BARBOUR. Mr. Speaker, the conferees have arranged that, I think, in a manner that will be entirely satisfactory, limiting it to $50,000.

Mr. SCHAFER. Is there a lawyer's limitation in that, so far as the fee is concerned?

Mr. BARBOUR. Yes; $5,000.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 20, 22, 33, 34, 35, 36, 46, 49, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 17, 18, 25, 27, 30, 40, 42, 43, 44, 51, and 61, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,480"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: " : *Provided*, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on June 30, 1930"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Restore the language stricken out by said amendment amended to read as follows: ": *Provided*, That no appropriation contained in this act shall be available for any expense incident to the employment of an average number of officers, enlisted men, or civilian employees greater than the largest number employed during the fiscal year ending June 30, 1929, in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That not more than $16,000 of the appropriations contained in this act shall be available for rent of offices outside the District of Columbia in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,690,785"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of

the sum proposed insert "$3,598,376"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,439,280"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,250,800"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,428,553"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,701,800"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,710,436"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,307"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,925,221"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "$133,750, and, in addition, not to exceed $75,250 of funds received during the fiscal year 1930 from the purchase by enlisted men of their discharge"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "; for additional repairs to roads, $5,000; in all, $40,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Any unexpended balances under the appropriations 'Paving Lafayette extension road, 1928 and 1929,' 'Paving Ringgold Road, 1928 and 1929,' and 'Survey of battle fields, 1928 and 1929,' which last-named appropriation shall be available for surveys of battle fields around Atlanta, Ga., including the Battle of Kenesaw Mountain, to determine the cost of adequately marking the battle lines and of a suitable memorial park at Kenesaw Mountain, are continued and made available during the fiscal year 1930 for the same respective purposes, except as may be hereby modified"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$800,000"; and the Senate agree to the same.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
T. W. HARRISON,
ROSS A. COLLINS,
Managers on the part of the House.

DAVID A. REED,
W. L. JONES,
F. E. WARREN,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

On No. 1: Appropriates $12,000 for "Contingencies of the Army," as proposed by the House, instead of $10,000, as proposed by the Senate, and makes the appropriation available for examination of estimates of appropriations in the field, as proposed by the House.

On No. 2: Appropriates $57,480 for "Contingencies, Military Intelligence Division," instead of $55,000, as proposed by the House, and $62,480, as proposed by the Senate.

On No. 3: Appropriates $100,000 for expenses incident to the settlement of war claims under the act of March 10, 1928 (45 Stat. 254), and reappropriates the unexpended balance of the appropriation previously made for such expenses, as proposed by the Senate.

On Nos. 4 to 9, both inclusive, relating to "Pay, and so forth, of the Army": Appropriates $100 for pay of officers, National Guard, and $100 for pay of enlisted men of National Guard, as proposed by the Senate; appropriates $6,636,033, as proposed by the Senate, instead of $6,611,033, as proposed by the House, on account of rental allowances; appropriates $250,000, as proposed by the Senate, instead of $210,000, as proposed by the House, for extra compensation for officers furnishing their own mounts; restores the House provision requiring a reduction in the number of privately owned mounts occasioning any public expense to one, extending the effective date, however, from July 1, 1929, to June 30, 1930; strikes out the House provision denying the use of appropriations for any expense on account of a Government-owned horse used by any officer owning his own mount occasioning public expense; and strikes out the House provision designed to limit the number of persons initially appointed or commissioned in any of the promotion list branches of the Regular Army after June 30, 1929.

On No. 10: Makes the appropriation for expenses for courts-martial available for expenses of retiring boards, as proposed by the Senate.

On Nos. 11 and 12, relating to the apprehension of deserters: Increases the amount of the reward to be paid to a person apprehending a deserter to $50, as proposed by the Senate, instead of $25, as proposed by the House, and appropriates in consequence of such action $170,000, as proposed by the Senate, instead of $110,000, as proposed by the House.

On No. 13: Appropriates $10,069,129 for "Regular supplies of the Army," as proposed by the Senate, instead of $9,945,194, as proposed by the House, the sum proposed by the Senate being required by reason of the postponement of the effective date of the provision requiring a reduction in the number of privately owned mounts occasioning public expense and of the action agreed upon and recommended with respect to amendment No. 17.

On No. 14: Restores the limitation proposed by the House on the number of persons to be employed in connection with procurement planning work, amended to restrict the maximum number to an average number not in excess of the largest number so employed during the fiscal year 1929, instead of to the total number so employed during such fiscal year, as proposed by the House.

On No. 15: Appropriates $16,843,882 for "Army transportation," as proposed by the Senate, instead of $16,802,731, as proposed by the House, $16,151 of the additional amount proposed by the Senate being required for the reasons above stated with respect to amendment No. 13, and the remainder of such additional amount ($25,000) representing the estimated cost of the expense of transporting children of Army personnel to and from school.

On No. 17: Appropriates $480,000 for "Horses for Cavalry, Artillery, Engineers, etc.," as proposed by the Senate, instead of $397,500, as proposed by the House, thereby making provision for the purchase of 2,000 horses, instead of 1,500, as proposed by the House.

On Nos. 18, 19, and 20, relating to "Barracks and quarters and other buildings and utilities": Appropriates $11,650,784, as proposed by the Senate, instead of $11,648,041, as proposed by the House; in consequence of the action agreed upon to postpone the effective date of the provision requiring a reduction in the number of privately owned mounts occasioning public expense; restores the limitation proposed by the House on the number of procurement planning offices which might be maintained, amended by substituting for a limitation on the number a limitation on the amount which might be expended for rent of such offices outside the District of Columbia; and makes a

textual change resulting from the action indicated with respect to procurement planning offices.

On Nos. 21 to 25, both inclusive, relating to the Air Corps: Appropriates $34,690,785 instead of $33,359,409, as proposed by the House, and $36,239,643, as proposed by the Senate; restores the language permitting the transfer of funds in advance to the Bureau of Mines on account of the procurement of helium; fixes the amount which may be expended for improvement of air stations, etc., at $3,598,376, instead of $3,267,000, as proposed by the House, and $3,848,376, as proposed by the Senate, $180,000 of the increase being on account of Duncan Field, Tex., and $145,500 on account of Maxwell Field, Ala., and $5,876 for additional transportation expenses incident to both; fixes the minimum amount which may be expended for new planes, equipment, spare parts, and accessories at $18,439,280, instead of $17,439,280, as proposed by the House, and $19,738,138, as proposed by the Senate, the increase to be applied to the purchase of types of planes, other than cargo planes, as determined by the War Department; and amends the House restriction on using funds for planes equipped with Liberty motors or motors purchased or constructed prior to July 1, 1920, by confining the limitation to the purchase of planes ordered after the approval of the act equipped with motors of the types mentioned.

On Nos. 26 and 27, relating to "Medical and Hospital Department": Appropriates $1,250,800, instead of $1,246,571, as proposed by the House, and $1,265,000, as proposed by the Senate, the increase being attributable to the action agreed upon to postpone the effective date of the provision requiring a reduction in the number of privately owned mounts occasioning public expense; and strikes out, as proposed by the Senate, the House provision relating to the price to be paid by civilian employees of the Army for Army medical supplies.

On No. 30: Corrects the date of an act cited in the appropriation for public works, United States Military Academy, as proposed by the Senate.

On Nos. 31 to 36, both inclusive, relating to the National Guard: Appropriates $2,428,553 for pay of caretakers, instead of $2,328,553, as proposed by the House, and $2,543,375, as proposed by the Senate; appropriates $9,701,800 for expenses, camps of instruction, etc., instead of $9,501,800, as proposed by the House, and $9,871,780, as proposed by the Senate, $150,000 of the increase being intended for camp construction and $50,000 for camp maintenance; appropriates $317,500, as proposed by the House, instead of $375,000, as proposed by the Senate, for expenses incident to attendance upon military service schools; appropriates $79,500, as proposed by the House, instead of $122,200, as proposed by the Senate, for pay of property and disbursing officers; appropriates $320,000, as proposed by the House, instead of $351,000, as proposed by the Senate, for travel of Regular Army personnel; and strikes out the proposal of the Senate to extend the appropriation interchangeability clause to include the appropriation "Arms, uniforms, equipment, etc., for field service, National Guard."

On Nos. 37 to 40, both inclusive, and No. 42, relating to the Organized Reserves: Provides for giving training to 20,000 members of the Officers' Reserve Corps, instead of 19,448, as proposed by the House, and 21,000, as proposed by the Senate, and, pursuantly, appropriates $2,710,436 for pay and allowances, instead of $2,635,623, as proposed by the House, and $2,845,966, as proposed by the Senate, and appropriates on account of travel, $485,307, instead of $473,577, as proposed by the House, and $506,557, as proposed by the Senate; fixes the amount that may be expended for the production and purchase of new airplanes at $752,757, as proposed by the Senate, instead of $519,662, as proposed by the House, and restores the proposal of the House to use $224,750 of purchase of discharged funds.

On No. 43: Expresses more fully, as proposed by the Senate, the object of the provision inserted by the House with respect to members of the Reserve Officers' Training Corps injured in line of duty.

On No. 44: Expresses more fully, as proposed by the Senate, the object of the provision inserted by the House with respect to members of the citizens' military training camps injured in line of duty.

On No. 45: Appropriates for ordnance equipment for rifle ranges for civilian instruction $133,750, plus $75,250 of purchase of discharge funds, instead of $123,750, plus $75,250 of purchase of discharge funds, as proposed by the House, and a direct appropriation of $209,000, as proposed by the Senate.

On No. 46: Strikes out the provision inserted by the Senate with respect to the performance of work at Government arsenals or navy yards, when time and facilities permit, and when there would be no appreciable increase in cost to the Government.

On No. 47: Makes available an additional sum of $5,000 for repairing roads in Shiloh National Military Park, instead of an additional sum of $23,750 for such work, as proposed by the Senate.

On Nos. 48, 49, and 50: Strikes out the matter proposed by the Senate and inserts in lieu thereof one paragraph continuing the availability during the fiscal year 1930 of the unexpended balances under the appropriations "Paving Lafayette extension road, 1928 and 1929," "Paving Ringgold Road, 1928 and 1929," and "Survey of battle fields, 1928 and 1929," making the last-named available for surveys of battle fields around Atlanta, Ga.

On No. 51: Makes an appropriation of $47,500 for completing the Tomb of the Unknown Soldier, as proposed by the Senate, instead of an appropriation of $3,500 for payment of cost of the accepted design, including all working drawings for completing such tomb, as proposed by the House.

On No. 53: Appropriates $800,000 for construction and maintenance of roads, bridges, and trails in Alaska, instead of $500,000, as proposed by the House, and $1,000,000, as proposed by the Senate.

On No. 61: Appropriates $9,506,420 for the National Home for Disabled Volunteer Soldiers, as proposed by the Senate, instead of $8,091,600, as proposed by the House, the increase of $1,414,820 being entirely occasioned by the so-called Welch Act.

The committee of conference has not agreed to the following Senate amendments:

On No. 16, relating to the transportation of children of Army personnel to and from school.

On Nos. 28 and 29, relating to additional compensation for the constructing quartermaster at the United States Military Academy.

On No. 41, relating to the appropriation for headquarters and camps, Organized Reserves.

On No. 52, relating to the repair, restoration, and rehabilitation of buildings at Old Fort Niagara, N. Y.

On No. 54, relating to additional compensation for the president of the Board of Road Commissioners for Alaska.

On No. 55, relating to flood-control work on the Missouri River at and near the town of Niobrara, Nebr.

On No. 56, relating to flood-control work on the Missouri River at and near the town of Yankton, S. Dak.

On No. 57, relating to levee reconstruction in Conway levee district No. 1, Conway County, Ark.

On No. 58, relating to a survey of the Conduit Road from the District of Columbia line to Great Falls, Md.

On No. 59, relating to payment to John W. Stockett.

On No. 60, relating to relief to be given to the States of Missouri, Mississippi, Louisiana, and Arkansas on account of flood damage.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
T. W. HARRISON,
ROSS A. COLLINS,
Managers on the part of the House.

Mr. BARBOUR. Mr. Speaker, unless there are some questions to be asked, I move the previous question on the adoption of the conference report.

Mr. LAGUARDIA. Mr. Speaker, I have one or two questions I desire to ask. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. LAGUARDIA. I notice that the amendment No. 11 knocked out my amendment reducing the reward for the delivery of deserters from $50 to $25.

Mr. BARBOUR. That is correct.

Mr. LAGUARDIA. I have been looking at that situation for a long time and have studied it very carefully. My amendment was the result of the facts as I learned them, the abuse that has grown up, constituting a regular system of private detectives enticing these young men to desert, and then, after these men have deserted, catching them and delivering them in order to get the reward. I realize that I am helpless in the matter. The conferees have agreed to restore the $50 reward. All I can do is to do as I have been doing for the last 12 years, and that is to carry on the fight and renew it next year. Perhaps in 10 years from now the committee will be convinced.

Mr. BARBOUR. Mr. Speaker, I do not think the situation which the gentleman describes exists generally. It may exist in certain places, but this provides for the return of deserters and paying the same amount that has always been paid. It is true the gentleman's amendment was adopted in the House, reducing the amount to $25. The Senate restored it to $50, and the conferees agreed to accept that Senate amendment.

Mr. LAGUARDIA. What did the conferees do with my Liberty motor amendment?

Mr. BARBOUR. I think that we improved that.

Mr. LAGUARDIA. That is something at least. It does not destroy the intent that planes ordered after July 1, 1929, with the money appropriated in this bill can not be equipped with Liberty motors or motors constructed on a design used prior to 1920.

Mr. BARBOUR. That is correct. No planes ordered with the money appropriated in this bill may be equipped with Liberty motors or with motors built before July 1, 1920.

Mr. LAGUARDIA. That carries out the purpose of my amendment.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ZIHLMAN. What was done with the amendment relating to the survey of the Conduit Road by the Engineer Corps of the Army?

Mr. BARBOUR. That is an amendment that had to be brought back to the House. We have brought it back in technical disagreement. The conferees have agreed among themselves on the survey but have reduced the amount from $4,800 to $3,000, and we are going to ask the House to approve that action.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. What is done with reference to the National Guard?

Mr. BARBOUR. There were some increases for the National Guard.

Mr. ABERNETHY. To what extent?

Mr. BARBOUR. Three hundred thousand dollars, $100,000 for caretakers, $150,000 for new camp construction at training camps, and $50,000 additional for maintenance at training camps. These amounts are all in addition to the amounts carried in the House bill.

Mr. O'CONNOR of Louisiana. In other words, the conferees conceded in conference what was denied in the House.

Mr. BARBOUR. No; the gentleman is wrong on that.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 16: Page 23, line 17, strike out the words "the transportation of" and insert "transporting children of Army personnel to and from school, and."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 28: Page 47, line 20, insert "Constructing quartermaster in addition to his regular pay, $1,000;".

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BLACK of Texas. What reason is there to pay this officer more than the law fixes as his pay? Why should one officer of the Army be taken up and favored in this manner?

Mr. BARBOUR. This has been done for a good many years. This particular officer has drawn the $1,000 additional. It is intended to be in compensation for exceptional services that he renders as superintendent of construction at West Point, upon the ground that he has been able to save the Government considerable money. That is the reason for this additional compensation.

Mr. BLACK of Texas. I realize, of course, that the amendment will be adopted, but while the amount of money is not large, it seems to me to be a bad precedent, and the subcommittee on the Army appropriation bill in the next appropriation bill ought to see to it that it is discontinued.

Mr. BARBOUR. I will say to the gentleman from Texas that this item was not in the House bill. The precedent is not established by this bill. It was established some years ago.

Mr. BLACK of Texas. I realize that it has been in the bill heretofore, but it is time that that discrimination was removed.

Mr. LAGUARDIA. I could speak very feelingly on this amendment. I do not believe that the gentleman in question is going to stay up at West Point very much longer, so that there may be no necessity for this item next year. This man has saved money in the construction at West Point. A mason receives $14 in New York City, and at West Point he receives $8. A laborer or helper in New York City receives $8, and at West Point $4. That is the kind of saving that has been made. I have reasonable assurance that a squib will be put under this man. The men have had their wages kept down so low that they can not support their families.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 29: Page 47 of the bill, line 23, strike out "$49,830" and insert in lieu thereof "$50,830."

Mr. BARBOUR. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 41: Page 56, line 16, strike out "$1,656,351" and insert in lieu thereof "$2,396,561."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment. The amendment is at the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "$2,147,281, and in addition thereto there is hereby made available for this purpose the sum of $224,750 of funds received during the fiscal year 1930 from the purchase by enlisted men of the Army of theier discharges, and the total sum made available in this act for the Organized Reserves shall remain available until December 31, 1930, and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps who shall be found by such agency as the Secretary of War may designate not qualified to perform combat service as an aviation pilot.

The SPEAKER pro tempore. The gentleman from California moves to recede and concur with an amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 52: Page 78, at the top of the page, insert: "Old Fort Niagara, N. Y.: For repair, restoration, and rehabilitation of the two blockhouses, the bakehouse, the magazine, and the French barracks, at Old Fort Niagara, N. Y., including construction of a rest room adjacent to the 'castle,' and the restoration and construction of the old French drawbridge, $25,000, to be expended only when matched by an equal amount by donation from local interests for the same purpose, which amount the Secretary of War is authorized to expend."

Mr. BARBOUR. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from California moves to recede and concur with an amendment. The Clerk will report the amendment.

The Clerk read as follows:

In line 6 of the matter inserted by said amendment strike out "$25,000" and insert in lieu thereof "$15,000."

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from California.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 54: Page 80 of the bill, in line 7, insert "and to include $1,000 compensation to the president of the Board of Road Commissioners of Alaska, in addition to his regular pay and allowances."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman.

Mr. BLACK of Texas. The gentleman will probably recall that a few days ago the House passed a bill prohibiting a Federal officer from accepting any additional pay from the Legislature of Alaska. In view of the fact that we have, very

properly, I think, legislated to that effect. I am wondering why the Committee on Appropriations should agree to any amendment that gives this officer an additional amount to that which he receives under the general law.

Mr. BARBOUR. This officer draws all of his pay from the Federal Government, none of it being paid by the Territory of Alaska.

Mr. BLACK of Texas. That is true, but this officer draws compensation as president of the road commission, as I understand.

Mr. BARBOUR. This officer is a United States Army engineer, and, as I understand, always has been. This is another precedent established a number of years ago, due to the fact that this particular officer has a very difficult task to perform. He is in charge of all the roads, trails, and bridges in the Territory of Alaska and has to travel under most unfavorable circumstances to all parts of that sparsely settled Territory, and Congress a few years ago thought it would be no more than just to give him $1,000 more.

Mr. BLACK of Texas. Has this been carried heretofore?

Mr. BARBOUR. It has; yes. I will say to the gentleman from Texas that this is the first time this particular officer will receive additional compensation. It was carried for former officers, but Major Elliott, who is now the president of this board, assumed that office a year ago and it was not allowed him for last year, but this is his second year in that position and we are allowing it for him this year. His predecessors in office have all received this extra $1,000.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 55: Page 81, after line 8, insert: "For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska, there is hereby appropriated the sum of $250,000, or so much thereof as may be necessary; said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of the said work."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. The amount named in the Senate amendment is the same as named in a Senate bill passed a year ago, is it not?

Mr. BARBOUR. I am not familiar with that Senate bill.

Mr. HOWARD of Nebraska. I think it was. The bill came over here late in May of last year and we had no time to get it before the Flood Control Committee. The Speaker regarded it as a matter so emergent that he granted me permission to call it up but it was objected to on the ground of establishing a bad precedent. I very much regret that the chairman has seen fit to reduce the amount so alarmingly, but I know I stand in an attitude where I must take this or take nothing, and I take what I can get.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following:

"For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska, $85,000, said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute two-thirds of the cost of said work."

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 56: Page 81, after line 16, insert: "That there is appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton in the State of South Dakota; said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of the said work."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following:

"For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton in the State of South Dakota, $85,000, said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute two-thirds of the cost of said work."

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 57: Page 82, beginning in line 1, insert:

"That in the reconstruction of the levee along the left bank of the Arkansas River in Conway levee district No. 1, Conway County, Ark., as provided under the terms of section 7 of the flood control act (Public, No. 391), approved May 15, 1928, authority is hereby granted to the Secretary of War, upon the recommendation and approval of the Chief of Engineers, to relocate all or any part of said levee when in the opinion of the Chief of Engineers such relocation shall be deemed practical and feasible."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"That as a contribution in aid from the United States, in view of the unprecedented conditions obtaining in Conway levee district No. 1, Conway County, Ark., in the reconstruction of the levee along the left bank of the Arkansas River in the said Conway levee district No. 1, as provided under the terms of section 7 of the flood control act, approved May 15, 1928 (45 Stat. 537), authority is hereby granted to the Secretary of War, upon the recommendation and approval of the Chief of Engineers, to relocate all or any part of said levee when in the opinion of the Chief of Engineers such relocation shall be deemed practical and feasible: *Provided*, That the total expense occasioned to the United States by reason of the provisions of this paragraph shall not exceed $20,000."

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 58, on page 83, beginning in line 1, insert:

"That the Chief of Engineers of the United States Army, under the direction of the Secretary of War, is authorized and directed to make an examination and survey of the Conduit Road from the District of Columbia line to Great Falls, Md., of Cabin John Bridge, and of land contiguous to that part of such road and to such bridge, for the purpose of making recommendations for improving and widening that part of such road and such bridge, and, upon the completion of such examination and survey, to report to Congress the results thereof, together with estimates of the probable cost of carrying out such recommendations. There is hereby appropriated the sum of $4,800, or so much thereof as may be necessary, to carry out the provisions of this paragraph."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the Chief of Engineers of the United States Army, under the direction of the Secretary of War, is authorized and directed to make an examination and survey of the Conduit Road from the District of Columbia line to Great Falls, Md., of Cabin John Bridge, and of land contiguous to that part of such road and to such bridge, for the purpose of making recommendations for improving and widening that part of

such road and such bridge, and, upon the completion of such examination and survey, to report to Congress the results thereof, together with estimates of the probable cost of carrying out such recommendations, and together also with recommendations as to the amount, if any, which justly should be advanced therefor by the Government of the United States. There is hereby appropriated the sum of $3,000 to carry out the provisions of this paragraph."

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 59, page 84, after line 20, insert:

"ORDNANCE DEPARTMENT

"For the payment to John W. Stockett the sum of $142,500 on account of the use by the United States of the patent device of the said John W. Stockett for breech firing mechanism."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"Upon the filing with the Comptroller General of the United States of evidence establishing to his satisfaction that John W. Stockett has been released by the other party thereto of all claims and demands whatsoever under a certain agreement dated April 11, 1927, and expressly released of the obligation as therein stipulated for the payment of 40 per cent of the amount involved for assistance and expenses in securing compensation from the United States, the sum of $50,000 is hereby appropriated for the payment as hereinafter specified in full settlement of all claims and demands whatsoever arising out of the use by the United States of the Stockett priming device and/or the Stockett breech mechanism on guns, and thereupon there shall be paid under this appropriation the sum of $45,000 to the said John W. Stockett, and the sum of $5,000 shall be paid to and retained by the other party to said agreement as compensation for his services: *Provided*, That if the evidence of release aforesaid is not filed with the Comptroller General of the United States upon his request within the time specified by him this appropriation shall lapse and revert back to the Treasury and be as if no appropriation had been made."

Mr. LAGUARDIA. Mr. Speaker, this is a matter in which the House is very much interested. To make it perfectly clear, this amendment provides for the payment of $50,000, of which $45,000 goes to the said John W. Stockett and $5,000 is to be paid to his attorney?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. And that will settle it?

Mr. BARBOUR. That will settle it. The attorney has a contract with Mr. Stockett to receive 40 per cent of any amount paid to Stockett. This requires that before any money shall be available under this appropriation the attorney shall file a release of Mr. Stockett under that contract.

Mr. LAGUARDIA. In other words, Congress has gone out of its way to protect Mr. Stockett.

Mr. BARBOUR. Absolutely.

Mr. SCHAFER. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SCHAFER. I am not quite sure that Mr. Stockett is going to be entirely protected. In case this attorney does not cancel the 40 per cent contract, then Mr. Stockett would not receive a penny.

Mr. BARBOUR. That is true.

Mr. SCHAFER. We may reach the situation where Mr. Stockett will find that he is not going to get any money because the attorney may insist on not breaking the contract, and therefore Stockett may be forced, in order to receive some funds, to pay the attorney some of the funds which he receives under this amendment.

Mr. LAGUARDIA. He would be very foolish to do such a needless thing. We can not prevent Mr. Stockett from taking the money and throwing it into the Potomac River. We have protected him here.

Mr. SCHAFER. If this attorney does not release Mr. Stockett from the contract, then——

Mr. BARBOUR (interposing). Then nobody gets any money.

Mr. SCHAFER (continuing). In that case I think the chairman of the Appropriations Subcommittee, who is one of the conferees, should introduce a bill, upon the convening of the next Congress, for the relief of Mr. Stockett, and leave out all attorneys' fees, and the House should pass it immediately.

Mr. BARBOUR. I think somebody would probably introduce a bill to that effect.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 60: Page 85, line 1, insert:

"The sum of $3,654,000, or so much thereof as may be required, is hereby appropriated for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas in the matter of roads and bridges damaged or destroyed by the floods of 1927, said sum of $3,654,000 to be apportioned as follows: To the State of Missouri, $258,418; to the State of Mississippi, $628,000; to the State of Louisiana, $967,582; to the State of Arkansas, $1,804,000: *Provided*, That any sums hereby appropriated shall be used to reimburse the States of Missouri, Mississippi, Louisiana, and Arkansas for money (1) actually expended in repairing and replacing damages to roads and bridges on the State highway systems of the respective States in amounts certified to the United States Bureau of Public Roads and verified by the bureau from records of such department as being so expended, and (2) to be expended on such road and bridge repairs not yet made, in accordance with the provisions of the Federal highway act, except that the provision limiting Federal payments to not exceed $15,000 per mile shall not apply and the provision restricting the expenditure of Federal funds upon roads on the system of Federal-aid highways shall not apply to the extent that such expenditure is hereby authorized on roads and bridges not on but which are extensions of said system within municipalities having a population of 2,500 or more, as shown by the last available census: *Provided further*, That any sum hereby appropriated for any State shall become available when the State shall have actually expended or shall have made available for expenditure a like sum from State funds for the purposes contained herein."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"For the relief of the following States as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements—namely, Missouri, $258,418; Mississippi, $628,000; Louisiana, $967,582; Arkansas, $1,800,000; in all, $3,654,000, to be available immediately and to remain available until expended: *Provided*, That such portion of the sums hereby appropriated as will be available for future construction shall be expended by the State highway departments of the respective States, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That any sum hereby appropriated for any State shall become available when the State shall have actually expended or shall have made available for expenditure a like sum from State funds for the purposes contained herein: *Provided further*, That where any roads or bridges shall be or shall have been constructed of a more expensive type than those which were damaged or destroyed, the appropriation contained herein shall not be used to defray any part of the increase in cost occasioned thereby."

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to recede and concur with an amendment.

The motion was agreed to.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT

Mr. CRAMTON. Mr. Speaker, I call up the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, with a Senate amendment, and move to disagree to the Senate amendment.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. EVANS of Montana. The motion now made by the chairman of the subcommittee is that the House insist upon its disagreement. May I ask would a motion to recede and concur have the status of a privileged motion at this time?

Mr. CRAMTON. Mr. Speaker, may I explain the matter to the Chair? The Chair perhaps has not followed it very closely.

The SPEAKER pro tempore. The Chair would be pleased to hear the gentleman on the parliamentary status.

Mr. CRAMTON. The situation is that the only amendment in dispute in the Interior Department appropriation bill is amendment No. 39. This amendment has been disagreed to by the House. The Senate has adopted an amendment to that amendment and has sent it back, and that amended amendment No. 39 is before us, and I am moving that we disagree to that amended amendment.

The SPEAKER pro tempore. Now, what is the gentleman's parliamentary inquiry?

Mr. EVANS of Montana. My inquiry is, Would a motion to recede and concur in the amendment made by the Senate have a privileged status?

The SPEAKER pro tempore. It appears, at first blush, that it would have a privileged status.

Mr. EVANS of Montana. Then I move, Mr. Speaker, that the House recede and concur in the amendment.

Mr. CRAMTON. Mr. Speaker, I have not lost the floor. I will yield to the gentleman from Montana for him to make that motion, but I do not wish to lose the floor.

The SPEAKER pro tempore. The gentleman from Michigan, of course, retains control of the floor.

Mr. BANKHEAD. Mr. Speaker, has not the gentleman from Montana, being recognized, the right, in his own right, to make a preferential motion? He does not do it by the grace of the gentleman from Michigan.

The SPEAKER pro tempore. Yes; but the Chair does not understand that the gentleman from Montana can take control of the floor away from the gentleman from Michigan by making a privileged motion.

Mr. GARRETT of Tennessee. Mr. Speaker, of course, he could not take the floor away from the gentleman, but at the proper time it would be a matter of privilege for the gentleman from Montana to make the motion to recede and concur.

The SPEAKER pro tempore. The Chair so stated.

Mr. CRAMTON. Mr. Speaker, I have no disposition to interfere with the gentleman making any motion he desires, but naturally I do want to retain control of the floor. Now, Mr. Speaker, as I understand, my motion is before the House to disagree to the Senate amendment. The gentleman from Montana has offered or desires to offer a motion. If he desires to offer that now, I will yield to him for that purpose.

Mr. EVANS of Montana. Mr. Speaker, I move the House recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Montana moves that the House recede and concur in the Senate amendment.

Mr. CRAMTON. If the gentleman desires, I will yield him five minutes to discuss his amendment.

Mr. JONES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JONES. Is it contemplated to take up the Consent Calendar this afternoon?

Mr. SNELL. It is not expected to go on with the Consent Calendar; it will be late enough when we get through with this.

Mr. CRAMTON. Mr. Speaker, I will yield for a short matter the gentleman from Pennsylvania wishes to present.

THE JONES BILL

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill (S. 2901) known as the Jones bill be printed as if it had been referred to the committee, for use of Members of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. O'CONNOR of New York. Reserving the right to object, printed in the form it passed the Senate or showing the amendments that the Senate put on?

Mr. GRAHAM. It is to be printed in the form in which it passed the Senate.

Mr. O'CONNOR of New York. That would not show the amendments that the Senate put on. I have no objection to printing it, but I think it ought to show the amendments adopted in the Senate.

Mr. GRAHAM. It is a Senate bill.

Mr. O'CONNOR of New York. Yes; but there is a question going to be raised comparing it with the House bill and the amendments which the Senate put on should appear in the print as a matter of convenience. You will not be able to compare the original bill with the bill as it was amended and passed the Senate with the House bill unless the amendments put on by the Senate appear.

Mr. CRAMTON. Mr. Speaker, I am unable to yield further if there is going to be any lengthy discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylania.

Mr. GARRETT of Tennessee. This simply is a request to print and in no way affects the parliamentary situation?

Mr. GRAHAM. Not at all.

The SPEAKER pro tempore. Is there objection?

There was no objection.

GENERAL DEFICIENCY BILL

Mr. WOOD, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, which was read a first and second time, and referred to the Union Calendar and ordered printed.

Mr. TAYLOR of Colorado reserved all points of order on said bill.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. I yield five minutes to the gentleman from Montana [Mr. EVANS].

Mr. EVANS of Montana. Mr. Speaker, in the Interior Department bill there was carried when it left the House a provision permitting the United States to condemn property in national parks. It was argued that it was necessary because they wanted to preserve the sequoia trees in Yosemite Park. That was the principal argument for taking private property in parks.

When the matter got over to the Senate an amendment was put on which provided that you could take privately owned property except that occupied for religious or hotel purposes. In other words, our bill as it left the House gave the right of general condemnation, and the Senate amendment provides that you can exercise the right in a limited degree. Certain property you can not condemn. You can negotiate between the people to buy the property, and if you can not buy it we do not accord the Government the right to go in and take it away. The situation if this amendment is agreed to will allow the Government to acquire any property, denude it of timber—any property that the Government needs.

But it does not give them the right to take my dwelling house; it does not give them the right to take a certain hotel in Glacier National Park, which people are anxious to get, and it does not give them the right to take one tract of land in Glacier Park that was acquired, before the park was established, by a religious organization that has had its meetings there for 25 years or more. As a general proposition I believe in the right of the Government to condemn property if it needs it, but I do not believe that we ought to lodge in the hands of the Secretary of the Interior the right, because of any grievance, real or fancied, to say to this man, "You get out of this park; I am going to take your property, the law gives me the right to say that it shall be condemned, and I am, therefore, going to condemn it and take it away from you." There are about two dozen homesteaders in Glacier National Park in Montana and one hotel, owned by a man named Lewis, which is sought, I am told, by the concessionaires of the park. Under this bill, as it passed the House, the Government would have the right to take that property. This exception or exemption denies that right. If the Government wanted the property, actually needed it for any purposes, I should be willing that it should take it, but it does not need it and I do not think we ought to lodge that authority in the Secretary of the Interior. I hope my motion to recede and concur in the Senate amendment will be accepted.

Mr. CRAMTON. Mr. Speaker, at this time of day I shall be extremely brief. What we are trying to do and what the Park Service wants to do is to eliminate privately owned lands in national parks, because private ownership is in conflict with the general public use that is consistent with the national-park idea. The Park Service is distinguished for its consideration and courtesy. It is not to be anticipated that it would be arbitrary or unfair in any case, and in those cases where condemnation proceedings are resorted to, of course, they will be under the local courts and the local juries, and no injustice is to be anticipated. The amendment as first agreed to in the Senate prevented any resort to condemnation although the general law for the acquisition of property for Government uses permits such action. This amendment as it now comes to us from the Senate forbids resort to condemnation where the property is used for residence, church, or hotel purposes in any of the 20 national parks. In other words, it would forbid resort to con-

demnation in connection with a great part of the lands that are to be secured.

The House took up the other day the Leavitt bill, which proposed to exempt from condemnation 10 acres, belonging to one religious organization in one park, and the House decisively, on a roll call, defeated that bill. This amendment that is now proposed by the Senate is much more far-reaching than that Leavitt bill, in that it proposes to exempt from condemnation not 10 acres for religious purposes in one park but all lands owned by religious organiaztions in all parks and, in addition, lands used for residences or hotel purposes in all parks. This House has been decisive in its votes on this matter before, having voted on January 17, on a standing vote, 72 to 16 against the Senate amendment, and again last Tuesday, on a roll call, 304 to 28. The Senate has not yet had a division upon this question at any stage of the proceedings—no roll call, no division, not even a show of hands. I think that is all, unless some one desires to ask a question. I ask for a vote.

The SPEAKER pro tempore. The Clerk informs the Chair that the amendment itself has not yet been reported. The Clerk will report the amendment.

The Clerk read as follows:

Resolved, That the Senate recede from its amendment No. 39 to the bill H. R. 15089, entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes," with an amendment as follows:

"In lieu of the matter proposed to be stricken out by the Senate insert the following: 'or as to any privately owned lands as are not now occupied exclusively for residence, hotel, or religious purposes, by condemnation under the provisions of the act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.'"

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. I do not understand this amendment. Does this exempt hotel property from the provisions of the law as we passed it?

Mr. CRAMTON. It exempts from resort to condemnation all hotel, residential, and religious organization property.

Mr. LAGUARDIA. Forever?

Mr. CRAMTON. As far as this appropriation is concerned; and this appropriation is available until expended.

Mr. LAGUARDIA. Does the gentleman accept that?

Mr. CRAMTON. No; I have asked the House to reject it.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HARE. As I understand, this provides to condemn hotel property in this particular park—in this Glacier National Park?

Mr. YON. It exempts it from condemnation.

Mr. CRAMTON. The proposal of the bill as it passed the House is to authorize the Park Service to acquire all privately owned property in all the national parks. The Senate proposition is to permit them to purchase it but not to permit them to resort to condemnation as to residential, religious, or hotel property.

Mr. HARE. Suppose we gave them the right to condemn this property under this bill—to condemn this hotel. Then will the Park Commission or the officials representing the commission have the right to lease the property to some one else, who, in turn, may lease the property?

Mr. CRAMTON. The hotel property spoken of will, no doubt, change hands before this bill becomes a law. Negotiations are now under way and no doubt will be completed within a short time. The land will be fully controlled by the Government.

I yield to the gentleman from Colorado [Mr. TAYLOR] two minutes.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for two minutes.

Mr. TAYLOR of Colorado. Mr. Speaker and gentlemen of the House, this Interior Department appropriation bill has been held up in the Senate for two months practically on one item. I feel that we ought to settle this matter once and for all; do it now. The House has already voted on it twice.

It is the position of the House committee that the Congress of the United States should never waive or suspend its rights of eminent domain within the national parks. It is tremendously important to the orderly development and proper administration of our 20 national parks that the private property therein should be, as far as reasonably possible, purchased and controlled by the Federal Government. No National park or State park or city park can be conducted in an orderly manner and made a proper and orderly outing pleasure resort if there are a lot of private property owners scattered all over it capitalizing the opportunities of profiteering on the crowds and conducting any kind of business or game to fleece the public, and without any control over them. These private property owners cause an immense amount of annoyance in these national parks. They clamor to have the Government spend millions of dollars developing the parks for them to get the benefit of it, not only by enormously enhancing the value of their property but enabling them to conduct filling stations, soft-drink joints, and hot-dog stands, and any kind of a scheme to get the money, and with practically no restraint on them. If the people of these States containing so-called national parks do not want them, they should memorialize Congress to repeal the law creating them; and if they do want a real national park, instead of a private graft, they ought to help Congress and the National Park Bureau to put private enterprises out of them and make them real pleasure resorts and free from private exploitation. What these Montana gentlement want is to have the large number of private property owners in their national park exempt.

They say in effect that they are exceedingly anxious for the Government to spend vast sums on building roads to enhance the value of their properties in the park and that if Uncle Sam wants any of it he will pay them whatever they see fit to ask for it, or let it alone. They are not even willing to let the Federal Government have the right of condemnation in their own courts and before their own juries. This House has twice emphatically disapproved of Montana's position. Then the gentleman [Mr. LEAVITT] tried to pass a special bill to exempt 73 acres belonging to a religious organization from ever being taken by the Government. After a very full debate the House overwhelmingly voted against that bill. The basic principle involved and what this House has twice decided is that no property in a park or anywhere else under our flag should ever be declared by Congress to be superior to the right of the Federal Government to take it for Government purposes, by an orderly proceeding in condemnation. This affects not only the Glacier National Park, but all of the national parks. If Congress directly, or tacitly, or impliedly waives that Federal right of eminent domain in one park all of them will at once demand the same exemption. I have insisted, and our committee has insisted, that we should not waive the right of Uncle Sam to take any private property if necessary in any of the parks and should treat them all alike. Aside from the Yosemite, where it may become necessary, I do not know of any park where there is any present intention of resorting to any condemnation proceedings, but I am not willing by an act of Congress or otherwise to surrender the Government's right to do so if it should become necessary.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. GARRETT of Tennessee. The gentleman speaks of waiving the right. We have never had the right before, have we?

Mr. TAYLOR of Colorado. Yes; I think so. In fact, I understand the senior Senator from Montana, who is one of the best lawyers in that body, expressly states that the Government now has the right of eminent domain in the national parks, but he wants a provision in this bill that would prevent or limit the use of the money herein appropriated to the purchase only of private property in these parks.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. CRAMTON. Mr. Speaker, I yield to the gentleman three additional minutes.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for three minutes more.

Mr. GARRETT of Tennessee. I do not like the expression of "waiving." We do not waive anything. What is proposed here is for the first time to assert a power, and it is proposed to do it in an appropriation bill to legislate on an appropriation bill, and some of us who are opposed to that would not wish to assent.

Mr. TAYLOR of Colorado. You understand that this proposition in this bill authorizing the acquisition of private property in these parks by purchase or by condemnation was put in the bill in this House without objection and to meet an urgent necessity, more especially in the Yosemite Park and with the understanding that every dollar Congress appropriates would be matched by private contributions for that purpose. There are a number of wealthy public-spirited people who are anxious to help the Government of the United States toward the elimination of private property from the parks, because they know from observation and experience in other public parks all over the world that sooner or later these private holdings must be cleaned out if a national park is to be a success.

This provision in controversy provides that the Government may take certain property by purchase, but it at least by inference, if not directly, prohibits us from taking it otherwise.

Mr. CRAMTON. The Senate provision is more than an inference when it limits us to purchase. It excludes the idea of condemnation.

Mr. TAYLOR of Colorado. Yes; the Government could not use any of the money herein provided for that purpose. It is that limitation, that principle, that precedent that this House objects to. The question is whether or not Congress is going to hamper and hamstring the National Park Service and the Department of the Interior in their efforts at orderly and public-spirited development of our parks and making them attractive by preventing them from acquiring property that is needed by the Government for the systematic and proper management of the national parks in this country. We are spending hundreds of millions of dollars in trying to encourage the public sentiment and desire of "seeing America first" and inducing the people to visit all of the national parks. We have been trying to make our national parks the most attractive parks in the world; and when we spend millions of dollars, as we are doing with wonderful success, and the visitors to our parks are increasing by millions; and yet there are some people in nearly every park that are holding out and doing their utmost to capitalize any efforts and profiteer upon the public to the serious detriment of its parks and to the traveling public.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. DOUGLAS of Arizona. The gentleman has stated that there is supposed to be general authority for the use of condemnation in the acquisition of such private lands.

Mr. TAYLOR of Colorado. Yes; we assume that the Government has that authority.

Mr. DOUGLAS of Arizona. I take issue with the gentleman on that particular point. I believe the general authority is vested, as the gentleman says, in the act of August 1, 1888.

Mr. CRAMTON. Absolutely.

Mr. DOUGLAS of Arizona. I think that act refers only to the acquisition by purchase or condemnation of property, the acquisition of which has been previously authorized.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. CRAMTON. Mr. Speaker, I will take a half minute to answer the gentleman's question.

Mr. DOUGLAS of Arizona. May I just finish?

Mr. CRAMTON. I know what the gentleman is coming to. The act says that whenever the acquisition of land is authorized then condemnation proceedings may be resorted to, when advantageous to the Government.

Mr. DOUGLAS of Arizona. Exactly. Can the gentleman tell me when the acquisition of private property within national parks has been authorized?

Mr. CRAMTON. This particular item authorizes the acquisition of property by purchase or condemnation, in accordance with the law.

Mr. DOUGLAS of Arizona. In other words, this is general law on an appropriation act?

Mr. CRAMTON. No.

Mr. DOUGLAS of Arizona. Because the act of August 1, 1888, refers only to the acquisition by purchase or condemnation of property, the acquisition of which has already been authorized.

Mr. CRAMTON. The acquisition of lands in the national parks is authorized in the general national park legislation; if not, it is authorized as a continuation of a work in progress and if not the pending bill authorized it as it passed the House, and the Senate proposition before us is to take it out from under the general law as to condemnation.

Mr. Speaker, I yield three minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I had not intended to discuss this matter at any length, except that the bill which I introduced has been referred to several times. The situation is that there is a great deal of disagreement as to whether the power to condemn now exists as it has to do with lands in the national parks. Now, the difficulty is simply this, that instead of this matter having come in the regular course through the legislative committee and the situation having been placed before the legislative committee, there has been an effort to meet a condition that has suddenly arisen by something written into an appropriation bill. The claim has been made that this right exists but it is denied that it does exist. I am not going to raise any question here as to the general policy of the Government in acquiring private lands in national parks as rapidly as that can be done. That is not what I have in mind. The bill I introduced the other day was intended to meet a situation that is not taken care of in this bill. It had to do with land belonging to a religious organization and which organization has held the land for some time. The proposal here is that if a private individual owns land and it is condemned or purchased a lease can be given to him for its use for the rest of his life, but you can not do that with the particular organization that has this land. What I have been pleading for is legislation that will meet all of the conditions that exist in the national parks, but our whole difficulty here to-day is that the Appropriations Committee has tried to meet an emergency that should have gone to the legislative committee and everything in connection with it should have been from that committee. It should not have been written into an appropriation bill and placed before the House in such a way that the vote on the principle or as to what ought to be done comes on an item in an appropriation bill.

I have no delusion with regard to the result of this vote, and I do not want to be put on record as saying that we should not in many cases have the power to acquire lands in national parks; in fact, our senior Senator, if I can refer to him without violating the rules, has stated that under most conditions there should be the right to acquire these lands. There is no difference of opinion with regard to that. But let this stand as a warning to the House, that matters of this kind which have to do with the property rights of individuals ought to be put before this House through the legislative committee, after hearings, and not brought here as emergency items in bills that are in the form of appropriation bills.

Mr. O'CONNOR of Louisiana. What is the emergency which requires such haste and expeditious action?

The SPEAKER pro tempore. The time of the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Speaker——

Mr. O'CONNOR of Louisiana. Will the gentleman from Michigan answer that question?

Mr. CRAMTON. I think I will answer it. I will only take two minutes because it is so far past the adjournment time.

I will say that the provision put in the House bill, except as to some minor details that we could have eliminated if necessary, was not subject to a point of order. The purchase of land is authorized. The emergency is that in many of these parks undesirable use is being made of privately owned lands, with bootlegging joints and dilapidated shacks lining expensive, scenic highways.

I have no private interest in this, no personal interest to be served; my only interest is that the national parks shall be opened from one end to the other to the people of the Nation and that there shall not be fences put up with signs on them, "Private—Keep Out." I can show you a number of pictures where that kind of sign confronts the public when they visit national parks. I hope this program will go through unmutilated.

Mr. O'CONNOR of Louisiana. I hope the gentleman from Michigan will concede that those who are opposing his views have no personal or private interest in the matter.

Mr. CRAMTON. I can not say that and be entirely truthful.

Mr. O'CONNOR of Louisiana. With reference to all of us?

Mr. CRAMTON. As to the gentlemen here present, I can cheerfully say that.

I move the previous question——

Mr. BANKHEAD. Before the gentleman moves the previous question, will he answer one question?

Mr. CRAMTON. Yes. I want to meet the wishes of the House.

Mr. BANKHEAD. Has it ever been definitely determined that under existing law the Government has not the authority to condemn private property in public parks for Government uses?

Mr. CRAMTON. The Solicitor for the Interior Department holds that that right exists, and it has never been determined by a court to the contrary.

Mr. BANKHEAD. If that is true, why the necessity for this legislation?

Mr. CRAMTON. It is not legislation, I will say to the gentleman; but the solicitor holds that that power exists now.

Mr. DOUGLAS of Arizona. Will the gentleman yield for one question? It seems to me that a sort of impassé has been reached——

Mr. CRAMTON. And the Interior Department appropriation bill is in danger.

Mr. DOUGLAS of Arizona. Might it not be a good thing to specify the specific parks and the specific class of property to be purchased, because I know, as the gentleman knows, that certain property should be acquired.

Mr. CRAMTON. Certainly. It is very essential that this privately owned property be acquired and it is dangerous to fool with the situation. I will say to the gentleman that we

have not the parliamentary power here to propose any amendment to the Senate amendment. I do not know how they succeeded in doing it, but we certainly can not offer another amendment which would be an amendment in the third degree.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The Chair is confronted with a somewhat puzzling problem in this connection, owing to the very peculiar parliamentary situation. It seems that the Senate has taken a most unusual course to say the least in receding from its own amendment and amending the same. In view of this situation the motion of the gentleman from Montana [Mr. EVANS] now is that the House agree to the Senate amendment as amended, and the question is on this motion.

The question was taken; and on a division (demanded by Mr. EVANS of Montana) there were—ayes 12, noes 42.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the vote would indicate there is not a quorum present, and I make the point of order there is not a quorum present. I withdraw the point, Mr. Speaker.

So the motion was rejected.

The SPEAKER pro tempore. The Clerk will message to the Senate that the House has disagreed to the amendment.

Mr. CRAMTON. Does the Chair think it necessary to have a vote on my motion?

The SPEAKER pro tempore. The exact opposite of the gentleman's motion having been disagreed to, the Chair thinks it equivalent to an affirmative vote on the gentleman's motion, and therefore will not put the question.

Mr. GARRETT of Tennessee. Did the gentleman from Michigan ask for a further conference?

Mr. CRAMTON. No.

MUSCLE SHOALS

Mr. HUGHES. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from West Virginia rise?

Mr. HUGHES. Mr. Speaker, I ask that the gentleman from Pennsylvania [Mr. MORIN] may have the time extended for filing minority views on the Muscle Shoals bill until next Monday. The gentleman has been very busy in his committee and has not had an opportunity to file them, and I ask unanimous consent that his time be extended until next Monday to bring in minority views.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that the gentleman from Pennsylvania [Mr. MORIN] may be allowed until Monday next to file minority views on the bill referred to. Is there objection?

There was no objection.

THE CONGRESSIONAL DIRECTORY

Mr. BEERS. Mr. Speaker, I offer the following privileged concurrent resolution from the Committee on Printing.

The Clerk read as follows:

House Concurrent Resolution 57

Resolved by the House of Representatives (the Senate concurring), That an edition of the Congressional Directory for the first session of the Seventy-first Congress be compiled, prepared, indexed, and published under the direction of the Joint Committee on Printing, as provided for in section 73 of the printing act approved January 12, 1895.

The resolution was agreed to.

PROCEEDINGS ON THE UNVEILING OF THE STATUES OF HENRY CLAY AND DOCTOR M'DOWELL

Mr. BEERS. Mr. Speaker, I offer another privileged concurrent resolution from the Committee on Printing.

The Clerk read as follows:

House Concurrent Resolution 56

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statutes of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives, and the remaining 1,500 copies shall be for use and distribution of the Senators and Representatives in Congress from the State of Kentucky.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable illustrations to be bound with these proceedings.

The resolution was agreed to.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre;

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.;

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Carondelet, Mo.; and

H. J. Res. 418. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1530. An act for the relief of Gilpin Construction Co.;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; and

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

OPINIONS OF THE ATTORNEY GENERAL AND THE COMPTROLLER GENERAL

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that there be published as a House document the opinions of the Attorney General and the Comptroller General, including the last opinion of February 11 on the officers' retirement bill. There are thousands of people throughout the United States who are interested and Members of Congress are being besieged for them. I understand this is the end of the opinions.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to print as a House document the opinions of the Attorney General and the Comptroller General on the officers' retirement bill. Is there objection?

Mr RANKIN. Mr. Speaker, I shall be compelled to object to that request.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PEERY, for three days, on account of death in family.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Friday, February 22, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 22, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:
Free list, February 22.
Administrative and miscellaneous, February 25.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

864. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Justice for the fiscal year 1929, to remain available until June 30, 1930, amounting to $150,400 (H. Doc. No. 604); to the Committee on Appropriations and ordered to be printed.

865. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Civil Service Commission for the fiscal year 1929, to remain available until June 30, 1930, amounting to $150,000 (H. Doc. No. 605); to the Committee on Appropriations and ordered to be printed.

866. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1930, $2,427,514 (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

867. A letter from the Secretary of the Navy, transmitting proposed draft of bill to extend the admiralty law of the United States of America to the Virgin Islands; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 333. A resolution providing for the consideration of H. R. 10958, a bill to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; without amendment (Rept. No. 2625). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 334. A resolution providing for the consideration of H. R. 450, a bill to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes; without amendment (Rept. No. 2626). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 335. A resolution providing for the consideration of H. R. 10287, a bill to prohibit the sending and receipt of stolen property through interstate and foreign commerce; without amendment (Rept. No. 2627). Referred to the House Calendar.

Mr. COLTON: Joint Congressional Committee to Investigate Northern Pacific Railroad Land Grants. H. R. 17212. A bill to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgages, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co. or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes; without amendment (Rept. No. 2628). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 16167. A bill to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.); with amendment (Rept. No. 2636). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILBERT. Committee on the District of Columbia. H. R. 16310. A bill to license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any such loans, and for other purposes; without amendment (Rept. No. 2637). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 16214. A bill authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress; with amendment (Rept. No. 2638). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 16701. A bill to provide for the payment of rental to the board of commissioners of the port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.; with amendment (Rept. No. 2639). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 16845. A bill to amend the World War veterans act, 1924; without amendment (Rept. No. 2651). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 16449. A bill authorizing an appropriation with which to pay part of the cost of paving and curbing an approach to the Mountain Branch, National Soldiers' Home for Disabled Volunteer Soldiers, where the approach abuts on the grounds of the home; without amendment (Rept. No. 2652). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 16036. A bill to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; without amendment (Rept. No. 2653). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15517. A bill to provide for the making of an examination and survey of the Conduit Road, and for other purposes; without amendment (Rept. No. 2654). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOOD: Committee on Appropriations. H. R. 17223. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes; without amendment (Rept. No. 2657). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTWRIGHT: Committee on Indian Affairs. H. R. 16822. A bill to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School reservation in Comanche County, Okla.; without amendment (Rept. No. 2658). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868; with amendment (Rept. No. 2659). Referred to the Committee of the Whole House on the state of the Union.

Mr. PEAVEY: Committee on Indian Affairs. H. R. 16569. A bill authorizing a per capita payment of $100 each to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States; with amendment (Rept. No. 2660). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 4824. A bill for the relief of Arthur W. Taylor; without amendment (Rept. No. 2631). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. R. 15703. A bill for the relief of Louis Vauthier and Francis Dohs; without amendment (Rept. No. 2632). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 16867. A bill for the relief of H. E. Jones; without amendment (Rept. No. 2633). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 17017. A bill to authorize the President to present the distinguished flying cross to Capt. Benjamin Mendez; without amendment

(Rept. No. 2634). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 17095. A bill to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army; without amendment (Rept. No. 2635). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 3280. A bill for the relief of James Earl Briggman; with amendment (Rept. No. 2640). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 12333. A bill for the relief of Charles Davis; with an amendment (Rept. No. 2641). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 12960. A bill for the relief of Thomas Barrett; with an amendment (Rept. No. 2642). Referred to the Committee of the Whole House.

Mr. ENGLEBRIGHT: Committee on Patents. H. R. 14663. A bill directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate; with an amendment (Rept. No. 2643). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 15293. A bill for the relief of Lieut. John J. Powers, Quartermaster Corps; without amendment (Rept. No. 2644). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 16089. A bill for the relief of Elizabeth Quinerly Cummings; with an amendment (Rept. No. 2645). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 16090. A bill for the relief of Hugh Dortch; without amendment (Rept. No. 2646). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 16685. A bill for the relief of Robert J. Smith; without amendment (Rept. No. 2647). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 10516. A bill for the relief of the estate of Martin Preston, deceased; without amendment (Rept. No. 2648). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 11001. A bill for the relief of Maj. O. S. McCleary, United States Army, retired; without amendment (Rept. No. 2649). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 12057. A bill to confer jurisdiction on the Court of Claims to ascertain the damage by the United States to real property of the Mack Copper Co., a corporation, and to render judgment therefor as herein provided; with amendment (Rept. No. 2650). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 15562. A bill for the relief of Anna E. Stratton; with amendment (Rept. No. 2655). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 16258. A bill for the relief of Homer D. Neimeister; without amendment (Rept. No. 2656). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLTON: A bill (H. R. 17212) to alter and amend an act entitled "An act granting land to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route, approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes, approved May 31, 1870, to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes"; committed to the Committee of the Whole House on the state of the Union.

By Mr. SPROUL of Illinois: A bill (H. R. 17213) granting the consent of Congress to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: A bill (H. R. 17214) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. HALL of Illinois: A bill (H. R. 17215) to amend the United States Code, title 28, section 152 (Judicial Code, sec. 79), by providing two terms of court annually at Bloomington in the southern division of the southern district of Illinois; to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 17216) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 17217) to provide for the construction or purchase of three heavy seagoing Air Corps retrievers for the War Department; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 17218) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 17219) granting the consent of the United States for the taxation under the authority of the laws of the State of Wyoming of all structures and other property in private ownership on the Yellowstone National Park; to the Committee on the Public Lands.

By Mr. BRITTEN: A bill (H. R. 17220) to extend the admiralty laws of the United States of America to the Virgin Islands; to the Committee on the Judiciary.

By Mr. ENGLEBRIGHT: A bill (H. R. 17221) to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 17222) to authorize the expenditure of $25,000 to convert old dormitory into a gymnasium, and for other repairs and equipment, at Riverside Indian School, Anadarko, Okla.; to the Committee on Indian Affairs.

By Mr. WOOD: A bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. GARBER: A bill (H. R. 17224) to amend the act establishing the western judicial district of Oklahoma; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: Resolution (H. Res. 336) requesting information from the Federal Reserve Board; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. WINTER: Enrolled joint memorial 1, State of Wyoming, house of representatives, memorializing Congress to purchase, restore, and preserve old Fort Laramie and set it aside as a national monument; to the Committee on the Library.

Also, enrolled joint memorial 2, State of Wyoming, house of representatives, memorializing Congress to expressly authorize the assessment, taxation, and collection of taxes upon property in private ownership situated within the boundaries of the Yellowstone National Park; to the Committee on the Public Lands.

By Mr. NEWTON: Concurrent resolution adopted by the Legislature of the State of Minnesota favoring the retention of the principle of the flexible provision of the tariff law; to the Committee on Ways and Means.

By Mr. SELVIG: Memorial of the State Legislature of Minnesota, memorializing Congress to retain the principle of the flexible tariff law; to the Committee on Ways and Means.

By Mr. BOHN: Memorial of the State Senate of Michigan, in regular session assembled, appealing to Congress for additional beds for United States veterans' hospital; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGGS: A bill (H. R. 17225) to confer the medal of honor for service in the Philippine insurrection on William O. Trafton; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 17226) granting a pension to Carrie D. Ince; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17227) granting an increase of pension to Eunice G. Trombly; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 17228) for the relief of the city of Perth Amboy, N. J.; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 17229) granting an increase of pension to Luella Belle Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17230) granting an increase of pension to Sarah E. Wilson; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 17231) granting a pension to Annie E. Carson; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 17232) granting a pension to Elizabeth McComas; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 17233) granting a pension to Martha E. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17234) granting a pension to Rosa Brownmiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17235) granting a pension to Dema Castner; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 17236) granting an increase of pension to Tamsen Yorgey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12338. By Mr. BACHMANN: Petition of Clara G. Allen and other citizens of Paden City, W. Va., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

12339. Also, petition of the Basnett Co. and other citizens of Mannington, W. Va., protesting against any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12340. By Mr. BRIGHAM: Petition of H. S. Howard, recorder of the Commandery of the State of Vermont of the Military Order of the Loyal Legion of the United States, protesting against a provision in the second deficiency bill to construct a memorial to General Lee; to the Committee on Appropriations.

12341. By Mr. BURDICK: Petition of Nathan Schwartz and 34 other ex-service men, members of Local 387, of Providence, R. I., National Federation of Post Office Clerks, urging the passage of the McKellar bill (S. 860); to the Committee on the Civil Service.

12342. By Mr. CANNON: Petition of Sam G. Pollard, suggesting methods for better enforcement of the eighteenth amendment to the Federal Constitution; to the Committee on the Judiciary.

12343. By Mr. CARTER: Petition of Californians interested in tariff on sodium sulphate; to the Committee on Ways and Means.

12344. Also, petition of the California Vineyardists' Association, protesting against the passage of any bill having for its purpose the repeal of the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

12345. By Mr. CRAIL: Petition of parties from Los Angeles, Calif., opposing an increase of tariff on stained glass; to the Committee on Ways and Means.

12346. By Mr. DYER: Petition of residents of St. Louis, Mo., assuming an attitude of dissatisfaction toward the Chemical Foundation, whose organization resulted from the transfer by the United States during the war of property worth nearly $1,000,000,000; to the Committee on the Judiciary.

12347. By Mr. EATON: Petition of 47 retail shoe dealers and their customers, protesting against any change in the tariff on hides and leathers used in the manufacture of shoes; to the Committee on Ways and Means.

12348. By Mr. FITZPATRICK: Petition of the United States Casualty Co., urging the passage of House bill 15769, authorizing an appropriation to reimburse various insurance companies for losses sustained in the explosions of October 4 and 5, 1918, of the T. A. Gillespie Loading Co., Morgan, N. J.; to the Committee on War Claims.

12349. By Mr. GARBER: Petition of American Medical Association in opposition to the enactment of House bill 14070, a bill to provide a child welfare extension service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

12350. Also, petition of J. W. Jenkins, Kansas City, Mo., in argument against House bill 13452; to the Committee on Patents.

12351. Also, petition of Oklahoma Cottonseed Crushers Association, Oklahoma City, Okla., in support of a tariff on all edible oils; to the Committee on Ways and Means.

12352. By Mr. JOHNSON of Texas: Petition of J. W. Smith, of Denton, Tex., favoring the Curtis-Reed bill; to the Committee on Education.

12353. By Mr. LAMPERT: Petition signed by residents in Fond du Lac, Wis., requesting duty on manufactured leathers imported into the United States to combat the cheap labor of Europe in competition with American labor; to the Committee on Ways and Means.

12354. By Mr. LANKFORD: Petition of 1,072 members of the Fourth Presbyterian Church, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12355. Also, petition of 1,998 citizens of the city of Philadelphia and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12356. By Mr. LINDSAY: Petition of Dimon Steamship Corporation, New York, strenuously opposing passage of Senate bill 1781, load-line regulation; to the Committee on the Merchant Marine and Fisheries.

12357. Also, petition of David W. Sowers, chairman of stockholders committee of Kansas City Joint-Stock Land Bank, urging that objection to passage of House bill 14000 be raised; to the Committee on Banking and Currency.

12358. By Mr. McCORMACK: Petition of Mattapan Post, American Legion, Mattapan, Mass., unanimously urging repeal of national-origins clause, now a part of the immigration laws; to the Committee on Immigration and Naturalization.

12359. By Mr. McSWEENEY: Papers to accompany House bill 17210, for the relief of Emma Pepper; to the Committee on Claims.

12360. By Mr. MAAS: Petition of citizens of St. Paul, Minn., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12361. By Mr. MOORE of Virginia: Petition of William J. DeFriest, Victor B. Wheeler, and others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

12362. Also, petition of Mrs. Paul H. Herrell, Mrs. E. F. Curtis, and others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

12363. By Mr. O'CONNELL: Petition of the National Fertilizer Association, Washington, D. C., with reference to the Madden bill (H. R. 8305); to the Committee on Military Affairs.

12364. Also, petition of David W. Sowers, Buffalo, N. Y., opposing the passage of House bill 14000, amending section 29 of the farm loan act; to the Committee on Banking and Currency.

12365. Also, petition of the Holland Laundry, of Brooklyn, N. Y., and Augustus C. Froeb, of Brooklyn, N. Y., opposing the 45 per cent ad valorem duty on imported soap oils; to the Committee on Ways and Means.

12366. By Mr. SELVIG: Petition of citizens of Wilkin, Mahnomen, and Norman Counties, Minn., urging the passage of House bill 10958; to the Committee on Agriculture.

12367. By Mr. STOBBS: Petition of residents of Worcester, Mass., opposing passage of House bill 78 or any compulsory Sunday observance bills; to the Committee on the District of Columbia.

SENATE

FRIDAY, *February 22, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Lord God of hosts, whose mind embraces all mankind, whose heart is wide to harbor all our race, we thank Thee that though the ages stretch beyond our grasp, though life puts on her myriad forms and wastes herself in vain designs, Thou holdest all within the hollow of Thy hand, and though the march of man reaches from dusk to dawn, from the abyss to the throne, and generations rise and pass away, Thou leadest everyone.

Make us, therefore, ever mindful of Thy loving care, and, as we reverently pause in the midst of thronging duties to pay grateful tribute to the Father of our Country, bring into captivity every thought, that we may commune with what is high and holy in Thy sight and rejoice only in the fair and fragrant things of virtue and honor.

Kindle within us a flame in this aspiring hour that shall consume every grosser passion, that from our life henceforth, as from a lamp of Thine, a light may shine upon the ways of men. Through Jesus Christ, our Lord. Amen.

ROBERT B. HOWELL, a Senator from the State of Nebraska, appeared in his seat to-day.

THE JOURNAL

The legislative clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shortridge
Barkley	Frazier	McNary	Simmons
Bayard	Gerry	Mayfield	Smith
Bingham	Gillett	Moses	Smoot
Black	Glass	Neely	Steck
Blaine	Glenn	Norbeck	Steiwer
Blease	Goff	Norris	Stephens
Borah	Gould	Nye	Swanson
Bratton	Greene	Oddie	Thomas, Idaho
Brookhart	Hale	Overman	Thomas, Okla.
Broussard	Harris	Phipps	Trammell
Bruce	Harrison	Pine	Tydings
Burton	Hawes	Pittman	Tyson
Capper	Hayden	Ransdell	Vandenberg
Caraway	Heflin	Reed, Mo.	Wagner
Couzens	Howell	Reed, Pa.	Walsh, Mass.
Curtis	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Sackett	Warren
Deneen	Kendrick	Schall	Waterman
Dill	King	Sheppard	Watson
Edge	McKellar	Shipstead	Wheeler

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Connecticut [Mr. MCLEAN], the Senator from New Hampshire [Mr. KEYES], the Senator from Rhode Island [Mr. METCALF], and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

Mr. MOSES. I wish to announce that my colleague [Mr. KEYES] is absent owing to illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. Washington's Farewell Address will be read by the Hon. JAMES A. REED, of Missouri.

WASHINGTON'S FAREWELL ADDRESS

Mr. REED of Missouri read the address, as follows:

To the people of the United States:

Friends and fellow citizens, the period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office of which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experiences, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficience—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to

enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry.—The south, in the same intercourse, benefiting by the same agency of the north, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the north, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The east, in a like intercourse with the west, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The west derives from the east supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the west can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations,—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secured to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to

maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affections, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposses each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigating by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in

the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith;—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error. I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

UNITED STATES, GEO. WASHINGTON.
17th September, 1796.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 1781) to establish load lines for American vessels, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate No. 39, as amended, to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 56. Concurrent resolution to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; and

H. Con. Res. 57. Concurrent resolution to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress.

ENFORCEMENT OF PROHIBITION LAW—CORRECTION

Mr. BORAH. Mr. President, I desire to insert in the RECORD a brief item from the New York Herald Tribune of to-day. It refers to an error made by that newspaper in ascribing a certain statement to me.

The VICE PRESIDENT. Without objection, the item will be printed in the RECORD.

The item referred to is as follows:

QUOTATIONS FROM REED ATTRIBUTED TO BORAH—ERROR IN TRANSMISSION CAUSED THE HERALD TRIBUNE ERROR

The New York Herald Tribune has received the following telegram from Senator WILLIAM E. BORAH:

"WASHINGTON, *February 21, 1929.*

"To the EDITOR OF THE HERALD TRIBUNE:

"The quotation attributed to me in your leading editorial to-day is taken literally from Senator REED'S speech. I made no such utterance. I am sure you will do me the justice to make the correction in your paper.

"WM. E. BORAH."

The quotation which Senator BORAH refers to was as follows:

"Men and women who in the old days would never have served a drink in their homes, or, if they did, would serve a little glass of wine, now dish it out, and mothers hand their daughters the liquor—girls of the same type who a few years ago would never have received anything but warning from their mothers. Girls guzzle it with boys."

The Herald Tribune deeply regrets that an error in transmission wrongly attributed this statement by Senator REED to Mr. BORAH.

ANNUAL REPORT OF PUBLIC BUILDINGS COMMISSION

Mr. SMOOT presented the annual report of the Public Buildings Commission for the year ended December 31, 1928; which, with the accompanying illustrations, was ordered to be printed as a Senate document.

REGULATION OF INTERSTATE TRANSPORTATION

Mr. BLAINE presented resolutions adopted by the Chicago & North Western Railway Employees' Club, of Green Bay, Wis., favoring the passage of legislation to regulate all interstate transportation, whether by bus, motor truck, or coastwise water carrier, etc., which were referred to the Committee on Interstate Commerce.

DAMAGES BY CANADIAN SMELTER

Mr. DILL. Mr. President, I have a joint resolution adopted by the State Legislature of the State of Washington on the subject of damages being done to citizens of that State by a smelter located across the Canadian line. The resolution is somewhat lengthy and I will not ask that it be read, but I ask that it may be printed in the RECORD following my remarks and referred to the Foreign Relations Committee.

I merely wish to add that the smelter mentioned is causing destruction on the American side of the line that is positively taking away the livelihood of the people who live there. The joint high commission which is investigating it with a view to settlement is proceeding rather slowly. I had hoped the commission might have made a report before this time in order that some action could be taken to protect the people on this side of the Canadian line.

The joint resolution was referred to the Committee on Foreign Relations, as follows:

Resolution

Be it resolved by the House of Representatives of the State of Washington in legislative session assembled, That—

Whereas there is situated near Trail, British Columbia, Canada, a certain smelting and refining plant for the treating and smelting of mineral ores, which said plant is owned and operated by the Consolidated Smelting & Refining Co. (Ltd.), and is one of the largest operated on the American continent, and located about 8 miles north of the international boundary line, and due north of Stevens County, State of Washington; and

Whereas it is conceded by responsible officials of said Consolidated Smelting & Refining Co. (Ltd.) that in excess of 1,000 tons of sulphur dioxide (SO_2) is emitted from the stacks of such smelter during every 24 hours; and

Whereas about the year 1925 the stacks of such smelter plant were raised from a height of about 230 feet to a height of about 409 feet, and since the time of such raising of such stacks injury and damage from gases and fumes emitted therefrom has become very destructive to lands and homes in northern Stevens County, Wash.; and

Whereas property owners of northern Stevens County, Wash., have complained of damages from such fumes and gases over an area of approximately 25 miles by 40 miles, and such damage is continuous and gradually spreading and increasing in degree of destruction; and

Whereas responsible officials of said Consolidated Smelting & Refining Co. (Ltd.), at a hearing before the International Joint Commission at Northport, Wash., on October 10, 1928, stated that in their judgment such fumes and gases could not be controlled at such smelter plant unless at great and unreasonable expense and hardship, and thereupon requested of such commission that the Consolidated Smelting & Refining Co. (Ltd.) be permitted to come into the State of Washington and make private settlements for such damages, and that such settlements be approved by the said commission as though testimony had been taken under Article X of the existing treaty, and, if this permission should be refused, that said Consolidated Smelting & Refining Co. (Ltd.) be permitted to purchase smoke easements in the State of Washington; and

Whereas in the area now affected by such gases and fumes there is a large acreage of property owned by the State of Washington, the county of Stevens, the Government of the United States, and by private property owners, and if such gases and fumes are permitted to continue to lodge thereon the total market value of these lands so affected will be virtually destroyed, homes and farms will be abandoned, tax values destroyed, and tax burdens shifted to others who are property owners in the State of Washington; and

Whereas the flow of these destructive gases and fumes in and upon the territory of the State of Washington from the above-mentioned smelter plant can be avoided by the action of the said Consolidated Smelting & Refining Co. (Ltd.) either by reducing the height of the smelter smokestacks or by the use of modern machinery and chemical processes now in use in other smelter plants: Therefore be it

Resolved, That the house of representatives of the twenty-first legislative assembly, representing the people of the State of Washington, respectfully protest against the invasion of the territory of the State of Washington and the rights of the people therein by gases and fumes drifting through currents of the air from the plant of the Consolidated Smelting & Refining Co. (Ltd.) situated near Trail, British Columbia, Canada, and do hereby call upon the Congress of the United States to assist in proper steps—

1. To bring about the prompt cessation of the invasion of American territory and the rights of the people therein by gases and fumes drifting from the aforesaid smelter plant.

2. That upon the permanent cessation of such invasion of gases and fumes from such smelter plant that the State of Washington, Stevens County, and persons owning property therein be promptly paid and reimbursed for damages suffered by reason of such gases and fumes aforesaid; be it further

Resolved, That a copy of this resolution be forwarded to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives from Washington in Congress, and to the Secretary of State for the United States, and to the members of the International Joint Commission at Ottawa, Canada, and at Washington, D. C.

I, the undersigned, hereby certify that the above is a true copy of a resolution unanimously adopted by the house of representatives February 15, 1929.

A. W. CALDER,
Chief Clerk.

CLAIMS OF MONTANA INDIAN TRIBES AGAINST THE GOVERNMENT

Mr. WALSH of Montana. I send to the desk a memorial of the Legislative Assembly of the State of Montana embodying a resolution in the nature of a memorial relating to a suit brought in the Court of Claims by certain Indian tribes of the State of Montana, in which complaint was filed on the 10th of July, 1925, and to which no answer has yet been filed by the Government, awaiting action by the Comptroller General. The delay seems to be altogether indefensible. I ask that the memorial may be published in the RECORD and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs, as follows:

House Joint Memorial 4 (introduced by Nelson and Jones) to the Congress of the United States requesting that speedy consideration be given claims of the Indian tribes herein mentioned and that the Comptroller General be directed to submit his data on the compilation of the counterclaims of the United States against said Indian tribes

To the Honorable Senate and House of Representatives of the United States of America:

Whereas the various tribes of Indians of the State of Montana have instituted an action by the filing of a petition in the Court of Claims of the United States No. E–427, under date of July 10, 1925, to hear, determine, and adjudicate the rights of the said various tribes of Indians arising under certain treaty stipulations, covenants, and agreements; and

Whereas the said petition has been pending and unnecessarily delayed too long in the said Court of Claims; and

Whereas the Comptroller General has been dilatory in filing the counterclaims of the United States and has thereby unnecessarily prolonged the consideration of this action; and

Whereas the said various tribes of Indians who are now citizens of the United States, by virtue of the act of Congress of June 2, 1924, and have therefore become an integral part of the Nation and are entitled to some consideration in respect to their vested property rights: Now, therefore,

Your memorialists request that said petition now pending in the Court of Claims be given speedy consideration and urge that you request or command the Comptroller General to submit his data on the compilation of the counterclaims of the United States against said various tribes of Indians; namely, Piegan, Blood, Blackfeet, Gros Ventre, and Nez Perce Tribes of Indians who have instituted the said action by the act of Congress approved March 13, 1924, entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington (43 Stat. L. 21); and be it further

Resolved, That the said Comptroller General be compelled to submit the said data or an estimate of the said counterclaims at as early a date as possible in order to expedite the speedy adjudication of the said claims of the said various tribes of Indians; be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

THE DECENNIAL CENSUS AND CIVIL SERVICE

Mr. BRUCE. Mr. President, I ask unanimous consent to have printed in the RECORD a considerable amount of material bearing upon the amendment which I have offered to the census bill, providing that all the supervisors, supervisor clerks, special agents, interpreters, and enumerators who are to be employed in connection with the taking of the next decennial census shall be selected under civil-service rules and regulations.

I wish to say just a word in this connection. I was induced to offer the amendment by a consideration which was very well expressed in a paper put forth by the National Civil Service Reform Association, which stated that—

Past experience shows that the grossest abuses, frauds, inaccuracies, corruption, and extravagance have followed every exemption of census employees from the provisions of the civil service law.

The material I desire to have inserted in the RECORD consists, first, of a statement of our different censuses, beginning with the census of 1890, prepared by a civic group in the city of Washington, followed by a letter from Mr. John T. Doyle, secretary of the United States Civil Service Commission, written to me on January 8, 1929; a letter from the same writer to Mr. J. W. Carson, secretary to the Senator from Michigan [Mr. COUZENS], dated January 14, 1929; a letter from the secretary of the National Civil Service Reform League to my colleague [Mr. TYDINGS], dated December 11, 1928; a protest by the National Civil Service Reform League, urging the adoption of the amendment offered by me to the census bill; a letter from the Southern California Civil Service League, dated February 5, 1929, to me, urging the adoption of my amendment; a similar letter from a member of the Women's Department of Civil Service of the City of Baltimore, the writer being Mrs. J. A. Wilson, a prominent lady of Baltimore, urging the adoption of the amendment; a letter from the State Federation of Pennsylvania Women to me, dated January 8, 1929, urging the adoption of the amendment; a letter from Mrs. Charles E. Ellicott, president, and Mrs. L. Emmett Holt, jr., secretary, of the American League of Women Voters, in the form of a resolution adopted by that league, also urging the adoption of the amendment; a copy of an article from the Woman's Journal of July, 1928, entitled "Mrs. Knapp," reciting the gross abuses and scandals developed in the taking of the census in the State of New York.

The material also includes an editorial from the St. Louis Daily Globe of February 11, 1929, approving the adoption of the amendment; an editorial from the St. Louis Post-Dispatch of February 6, 1929, headed "Census and Civil Service"; a letter from Prof. Albert Bushnell Hart, of Harvard University, dated January 3, 1929, relating to the amendment; another letter from Mr. Godfrey L. Cabot, one of the most prominent citizens of Boston, whom many Senators know, relating to the same subject; and, lastly, a letter from Adelbert Moot, of Buffalo, N. Y., to me, dated February 5, 1929, bearing on the same subject.

There being no objection, the matter submitted by Mr. BRUCE was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

JANUARY 15, 1929.

CIVIL SERVICE AND THE CENSUS

Since December 12, H. R. 393, a bill to provide for the Fifteenth Decennial Census has been on the Senate Calendar, having been favorably reported with amendments from the Committee on Commerce. An additional amendment not considered by the committee, but of great public interest, has been proposed since the bill was reported, and is now on the table ready to be called up whenever the bill is considered by the Senate. By amending section 3 of the bill it would remove the exemption from civil-service regulations which is now given in respect to the appointment of special agents, supervisors, enumerators, and interpreters to be employed in taking the census and would make the merit system apply to those employments.

In introducing that amendment, Senator BRUCE, of Maryland, its sponsor, is carrying on a long fight to extend civil-service rules to the temporary census-taking force.

A BRIEF OUTLINE OF THAT FIGHT

The civil service act was passed in 1883. In the summer of 1889 President Harrison was requested by the Civil Service Commission to adopt competitive examinations for the selection of the census force for the approaching decennial task, the taking of the Eleventh Census. He refused and left with the superintendent of the census the power to make selections for the service. The superintendent recommended the supervisors, each one to be in charge of a district and they designated the enumerator. It was the spoils system all the way through, with the usual charges of waste and scandals which had always accompanied the taking of the census.

In March, 1897, a bill was introduced to provide for taking the Twelfth Census. It had a provision that the employees should be appointed under the classified civil service. The Senate committee struck the provision out, and when the President appointed a new Census Director the force was again appointed under the patronage system.

In 1908, in preparation for the next, the Thirteenth Census, President Roosevelt sent a special message to Congress, urging that the census employees should be selected by civil-service rules. Nevertheless, a bill characterized by the spoils features passed both Houses. It was vetoed by the President and returned to the Congress with a vigorous message upholding civil-service standards. The bill was returned in the last short session, just before a new administration was to come into power. To the chagrin of the friends of the patronage system, the incoming President, Mr. Taft, announced that he would veto any bill which contained the same spoils provisions.

A chastened Congress therefore passed a bill which required civil-service examinations for a considerable portion of the temporary census force—all the clerical staff was included—a force of about 7,000 workers.

The bill provided that the supervisors (a little more than 300 in number) were to be appointed by the President and confirmed by the Senate. About 1,800 special agents and approximately 65,000 enumerators were not specifically placed under the civil service, but the Director of the Census at that time (Mr. E. Dana Durand) was a friend of the merit system, and he prescribed an examination to be conducted by the Civil Service Commission.

The census of 1910 is the high-water mark, so far as civil service is concerned. It has had less serious criticism than any other census within the last 40 years. Both the accuracy of its statistics and its use of public funds were widely commended in contrast to the general attacks on previous enumerations.

The act providing for the census of 1920 (the fourteenth) retained the civil-service provisions of the preceding act, so far as the temporary clerical staff was concerned. However, it directed that the supervisors should be appointed by the Secretary of Commerce upon the recommendation of the Director of the Census. These supervisors in turn were authorized to appoint, with the approval of the Director of the Census, the enumerators and interpreters. Special agents were appointed by the Director of the Census. Civil-service rules were not mentioned at all in this act. The Director of the Census was given complete discretion.

To that extent the provisions of paragraph 3 of section 3 of the pending bill are a backward step, for the director is specially ordered to

appoint this staff without reference to the civil service act. The Bruce amendment would strike out that prohibition and substitute a provision making civil-service rules apply.

THE PRESENT ASPECT OF THE CONFLICT

The group of temporary employees which Senator BRUCE's amendment would reach is large and important.

At the hearings on the pending bill which were held by the House committee in January, 1928, it was stated by a representative of the Census Bureau that during the coming census there will be a temporary clerical force of from 7,000 to 8,000 persons. These will be employed under civil-service rules according to the bill. The group of special agents, supervisors, supervisors' clerks, and interpreters will be larger than that. Ten thousand was the estimate given. And in appointing this group the director is instructed to do so without reference to the civil service act. Likewise the 95,0000 enumerators, which it is estimated will be necessary, are exempt.

The Civil Service Commission, by letter and by representation, urged that the proposed exemption should be removed from all of this group except enumerators. The enumerators are so many in number and their term of employment is so short—normally from 15 to 30 days—that their appointment by competitive examination is neither so easy nor so important to secure as that of the special agents and supervisors appears to be.

There will be approximately 375 supervisors in the field during this census. Each supervisor will select the enumerators under him, direct them, and be responsible for the work in his district. The length of employment for supervisors will vary—from four months to a year probably.

The group of special agents is larger. Under the census law of 1902 special agents are appointed to collect statistics in the field. Their duties are varied. It would appear from the brief statement on the subject made at the hearing before the House committee that many aspects of census taking apart from the simple population enumeration may fall to their jurisdiction. Records of marriage and divorce, of religious bodies, of city and State finance are made by special agents, and for this purpose the representative of the Census Bureau testified that State and city officials and clergymen often receive temporary appointments as special agents of the Census Bureau. It is estimated that about 2,000 special agents will be needed during the coming census period.

A BRIEF SUMMARY OF THE ARGUMENTS

Representatives of the Census Bureau testified at the House hearing that it would be impossible to place this group of special agents, supervisors, enumerators, etc., under civil-service rules because the employment is temporary.

The spokesman for the civil service stated in answer that placing positions under civil-service regulation does not necessarily mean that a competitive examination must be offered. The civil service act provides for special noncompetitive examinations and likewise it permits short-term employment without examination. The practice is regularly followed. Officials of the Civil Service Commission have publicly stated that they would be satisfied to permit such an exemption in the case of all the census enumerators. In this connection the experience of the 1910 census should be recalled. Then, although not required by law, the enumerators were selected through practical examinations conducted by the Civil Service Commission at the request of the Director of the Census.

That leaves special agents and supervisors and supervisors' clerks as the major group to be considered.

No argument is advanced to support the exemption of supervisors' clerks, but opposition to the inclusion of the supervisors themselves is usually based on the assertion that it is difficult to secure suitable candidates under civil-service procedure in addition to the fact that the employment is temporary. Supervisors should be persons enjoying the confidence of the community, with organizing and administrative experience. The integrity of the census figures must be their responsibility. To secure an honest and intelligent staff of enumerators a representative of the Census Bureau stated at the hearing, "We would have to depend on the judgment and honesty of the supervisor who appoints the enumerators." It is an important position and to argue that it should not be subject to civil-service regulation is to assume that under those regulations qualified persons can not be secured. That is an assumption not warranted by an examination of the facts.

A constantly increasing number of positions which demand administrative and organizing ability are being filled by the Civil Service Commission. Every department of the Government depends upon it to fill positions requiring those abilities. The commission's examining boards throughout the country offer a means of securing proper personnel which no single Government bureau has available. The commission itself states that it would have no difficulty in obtaining suitable candidates to certify to the Census Bureau for appointment as supervisors in the coming census.

Likewise in the case of special agents. In the past grave abuses have developed because some special agents have been retained from one census to another, often doing work properly coming under the permanent classified service. The only argument advanced against the inclusion of this force of 2,000 is based on the temporary nature of their employment.

In answer to this objection the Civil Service Commission again points out that it is its privilege and policy to give exemption from examination in the case of employment which is actually temporary—from one to two months for example (p. 51 of the House hearings).

In addition, the flexibility of its rules encourages whatever modification of examining procedure might be necessary to give the Census Bureau the opportunity to secure the best-qualified staff available for the short-time employment.

To quote the representative of the commission who testified at the hearing (p. 56):

"We would consult with the Census Bureau officials, find what the duties are, and what, in their opinion, is the type of man they need, and would reach an agreement as to the kind and scope of the examination, then proceed to establish lists so as to be ready when they are needed."

No argument has been advanced in behalf of these exemptions which is not familiar to those who have protested similar exemptions in the past. Every one can be applied to any extension of the merit system. They were all used to prevent the inclusion of the clerical staff employed in Washington during the census period. However, the civil-service rules were applied and there is no suggestion that it has not been successful.

IN CONCLUSION

No one contends that the Director of the Census could not select competent appointees without civil-service rules if he were permitted to do it without the interference from political sources which we know as the spoils system. It may be assumed that any bureau chief might discover and employ an able staff if his independent judgment as to qualifications were to be his only guide. However, it would be naive to assume that such a condition exists and unnecessary to present the arguments for the merit system. The civil service act is a protection to right-minded Members of Congress from the immense pressure upon them to find jobs for their importuning constituents. It is a protection to the honest bureau chief against the entreaties of those harrassed Members of Congress. Finally it is a protection to the public.

The coming census is unusually important. The 1920 enumeration was taken during the postwar period when there were unusual difficulties in its way. In addition the group of employees to which the Bruce amendment would apply was not selected under civil-service rules. The figures of that census have been severely challenged. The chairman of the Census Committee in the House stated in the hearing on H. R. 393 that one of the principal reasons why no reapportionment bill had been passed was because of the lack of confidence in that enumeration.

A reapportionment bill has just passed the House. Certainly public confidence in the reports of the census about to be taken should be sought. There would seem to be no better safeguard than to apply the merit system to the whole service and remove the stigma of the spoils system from the entire staff.

The particular problems of organizing a large temporary force should be recognized and can be met under civil service law. By cooperation with the Census Bureau Chief, by modification of its examining procedure to provide suitable tests and proper exemptions in the case of strictly temporary work, the difficulties cited in opposition to the application of civil-service regulations can be overcome. The virtues of the civil service need not be defended now, nor the scandals of the old spoils system discussed. It need only be said that there appears to be no valid reason why the employment policies of this Government should be suspended in respect to the temporary census staff. Therefore the amendment offered by Senator BRUCE should be adopted.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 8, 1929.

Senator WILLIAM CABELL BRUCE,
United States Senate.

MY DEAR SENATOR BRUCE: The commission is pleased to observe your amendment to H. R. 393, providing that the census field force shall be subject to the civil service act.

The census act for the Thirteenth Census (1910) required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local examin-

ing boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census.

The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census, and that where necessary exception could be made from competition by action of the commission.

Your amendment is therefore favored.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

JANUARY 14, 1929.

Mr. J. W. CARSON,

Secretary to Senator Couzens, United States Senate.

DEAR MR. CARSON: In response to your letter of January 12, I would state that at two previous censuses the enumerators and special agents were appointed through the machinery of the commission on request of the Director of the Census. In its twenty-seventh report, page 15, the commission said:

"The 71,500 1910 census enumerators and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. Although not required by law, they were ordered by the Director of the Census. The Director of the Census made use of the commission's local examining boards, the candidates being assembled at points convenient to their places of residence. This method was a great improvement over that followed in the census of 1900, when the examination papers were filled out by the competitors at their homes."

The commission has large registers of suitable eligibles for rural carrier, clerks and carriers in post offices, clerks in the Railway Mail Service, and for a large number of various field positions.

The failure to use the eligibles who have been obtained at large expense is inconsistent with good faith on the part of the Government. The appointment of this large census force every 10 years under the patronage system fosters in the public mind a cynical disbelief in the merit system and discourages qualified persons from undertaking the examinations.

Such further examinations as might be necessary could be promptly held by the commission's nearly 5,000 boards of examiners under the direction of the commission's 13 district secretaries. The supervisors, clerks, interpreters, enumerators, and special agents could be selected under appropriate tests of fitness either from existing registers or by competitive or noncompetitive examination or by allowing temporary appointment without examination.

The civil service act and rules are so flexible that no embarrassment would be experienced in making such appointments under them. For instance, the weighers of mail were appointed from the commission's registers by voluntary action of the post office. It is merely a question of the commission being given the comparatively small additional appropriation. It would be found a great economy to use the commission's facilities as was done by the War and Navy Departments during the war period and for the bonus force.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York City, December 11, 1928.

Hon. MILLARD E. TYDINGS,

United States Senate, Washington, D. C.

DEAR SIR: On behalf of the National Civil Service Reform League, we respectfully and earnestly urge that you disapprove in its present form the census bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses. The blanket exemption from the provisions of the civil service act for all special agents, supervisors, supervisors' clerks, enumerators, and interpreters which appears in the bill as passed by the House should be stricken out.

In urging you to eliminate this general exemption we are not unmindful of the possibility that it may prove to be impracticable to select all the enumerators through competitive examination. A specific exemption from the rules of competitive examination in the bill itself is, however, unnecessary in order to take care of any exemptions that may be desirable. The civil service act specifically provides for just such situations as may arise in the administration of the census act. Under the civil service law the President is authorized to provide by Executive order for the exemption from competitive examination of any position or class of positions.

Experience in previous censuses conducted by the Federal Government and also by State governments has shown that the large majority of employees included in such positions as special agents, supervisors, supervisors' clerks, enumerators, and interpreters have been selected solely upon the basis of political affiliation and without regard to fitness for the work to be done where such positions have been filled without competitive examination. Only recently New York State has had an example of the waste and corruption which follows the distribution of such positions as political patronage. The cost of the 1925 census for the State of New York was estimated at $1,200,000, but this was not sufficient to complete the compilation of statistical information which was intended to be produced.

The employees in the New York State census bureau, with but three exceptions, were employed without any tests of fitness by the civil-service commission. A report recently issued by an official investigator on behalf of the governor states that about $200,000 was either illegally or wastefully expended under this type of administration.

We are sure that you will wish to place in the bill every possible safeguard against the waste of public funds in the administration of the decennial census. We believe, therefore, that you should be willing to entrust to the judgment of the President the extent to which it may be practicable to select the census employees after competitive examination.

Respectfully yours,

H. ELIOT KAPLAN, *Secretary.*

A PROTEST AGAINST AN INEFFICIENT CENSUS—NATIONAL CIVIL SERVICE REFORM LEAGUE URGES ADOPTION OF THE BRUCE AMENDMENT TO THE CENSUS BILL

The permanent staff and employees of the United States Census Bureau are appointed in accordance with the provisions of the civil service law. The work of the bureau from year to year has been eminently satisfactory.

In connection with the proposed decennial census to be taken in 1930 it is provided by H. R. 393, now before the Senate, that all other temporary employees—special agents, supervisors, supervisors' clerks, enumerators, and interpreters—who, it is estimated, will number about 100,000, shall be appointed by the Director of the Census without reference to the civil service law. The Director of the Census may delegate to the supervisors authority to appoint enumerators.

Thus in its present form the bill makes possible the appointment of about 100,000 persons with no assurance whatever that their qualifications will be taken into account. Whether the enumerators are selected by the director or by the several hundred supervisors will make no particular difference, for the supervisors, being patronage appointees, will naturally and inevitably appoint enumerators on a political and patronage basis.

Experience in previous Federal censuses taken under similar bills has proved disastrous in the character of the employees selected, the inaccuracy of the work, and the lack of public credit given the census. The result of the work under such a system is discredited even in advance of the enumeration, for if a party in power has a free choice between a nonpolitical and a political agency for taking the census, and chooses the latter, composed of officials of its own political faith, the presumption is against the fairness of a census so taken. The results will reflect the bias of those who take it. And even if it were fair many would not believe it to be fair. And if at the close of the work inaccuracies are shown, resulting in the advantage of the party by which it is taken, the work is sure to be attributed to political manipulation.

In the census of 1890 the employees were selected without competition, principally upon nomination by Republican Members of Congress. In many places the enumerators were instructed by the supervisors and others to do political work. In New York City, where the enumerators were named by the Republican organization, several men with criminal records secured appointment. Yet private houses were opened to such men with the understanding that the Government considered them trustworthy. Many facts indicated that the New York census was inaccurate and incomplete, and the police authorities, by order of the mayor, had a recount made, which showed a population greater by nearly 200,000 than that given by the Federal authorities. The recount showed that in many wards large numbers of residents, often entire houses, had been omitted. As the enumerators were Republicans, and as the city was preponderantly Democratic it was naturally inferred that the underenumeration was intentional and made for the purpose of reducing the city's representation in Congress.

It was afterward estimated by the director himself that $2,000,000 and more than a year's time would have been saved if the Census Bureau had been placed under the civil service law.

The census of 1900 suffered from the same defect. Senators and Representatives were asked to nominate persons for appointment; and it was inevitable that the appointees should use the power given them for the benefit of their party and of the particular Congressmen through whom they had secured their places. In one Maryland county the returns were deliberately padded in order to secure additional representation in the Maryland House of Delegates for the party in power. For this purpose graveyards and summer hotels were canvassed and imagination was largely drawn upon. In many cases the deceptions were unbelievably crude; small children were listed as school teachers, farm laborers, and carpenters. The Federal grand jury which brought in the indictment said in their report: "So long as such appointments are treated as part of the spoils of politics the recurrence of such frauds and scandals as have been revealed by our investigation may be expected."

The 1890 and 1900 censuses were taken under a provision of law excluding competition; that is, necessitating appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization.

In the 1910 census, although the bill provided that enumerators should be appointed by the supervisors, who, in turn, were appointed by the Director of the Census, at the request of the director these employees were selected through the machinery of the United States Civil Service Commission. A generally satisfactory and reliable census was obtained.

Only recently New York State has had an example of the waste and corruption which follows the distribution as political patronage of such positions as special agents, supervisors, enumerators, and interpreters.

The cost of the 1925 census for the State of New York was estimated at $1,200,000, but this was not sufficient to complete the compilation of statistical information which was intended to be produced. The employees in the New York State Census Bureau were employed without any tests of fitness by the Civil Service Commission. A report issued by an official investigator on behalf of the governor states that about $200,000 was either illegally or wastefully expended under this type of administration.

Two objections have been made to the appointment of census employees through civil-service examination. The argument has been made that the enumerators to be appointed are so numerous and their terms of service so short that it would be undesirable and perhaps impossible to require them to go through the formalities of a civil-service examination. This argument has been answered by the Civil Service Commission itself, as follows:

"The census act for the Thirteenth Census required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register, with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local examining boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census.

"The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census and that where necessary exception could be made from competition by action of the commission."

The other objection to civil-service examination of these employees is that the 100,000 persons thus added to the Government pay roll and given civil-service status would endeavor to retain Government employment after completion of the census. Such efforts of temporary employees to create for themselves permanent positions could not be successful if Members of Congress would refuse to yield to political pressure put upon them by these employees or their friends. Exemption from examination, and exclusion from the classified civil service, however, would not deter census employees from using all the influence they could muster to permit their transfer or inclusion in the classified service. In fact, this very thing, which it is feared might occur if employees were appointed under the civil service law, has repeatedly occurred in the past, when they were appointed through political patronage.

Past experience shows that the grossest abuses, frauds, inaccuracies, corruption, and extravagance have followed every exemption of census employees from the provisions of the civil service law.

There is no legitimate reason for appointing the census employees without civil-service examination, for

1. The Civil Service Commission states that it is able and ready to fill the places by examination, and already has available lists of thousands of eligibles.

2. In case of an emergency requiring examination to be waived the President has full authority to suspend the civil service law.

Senator WILLIAM C. BRUCE, of Maryland, has introduced an amendment to the pending census bill providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. No valid reason can be advanced why this amendment should not be adopted. Repeated experience shows that while plausible reasons can always be found for including exemptions in a census act the real motive is always to be found in the opportunity thus given for patronage and spoils. The adoption of the Bruce amendment would insure an accurate and reliable census.

SOUTHERN CALIFORNIA CIVIL SERVICE LEAGUE,
February 5, 1929.

Hon. WILLIAM C. BRUCE,
Senator from Maryland, Washington, D. C.

DEAR SENATOR BRUCE: We write to commend you upon the amendment which you have introduced to the pending census bill providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters, subject to the civil service law, and trust that it will be adopted.

With best wishes, we beg to remain,

Respectfully yours,

SOUTHERN CALIFORNIA CIVIL SERVICE LEAGUE,
By KIMPTON ELLIS, *Secretary.*

1013 ST. PAUL STREET.

To the Hon. Senator BRUCE:

At a meeting of the Woman's Department of Civil Service on last Friday a resolution was passed indorsing your resolution putting the employees of the Census Department under the civil-service rules. We hope that you will continue to urge the passing of this.

Yours truly,

MARY W. WILSON.
(Mrs. J. A.)

STATE FEDERATION OF PENNSYLVANIA WOMEN, 1927–1929
January 8, 1929.

To the Hon. WILLIAM C. BRUCE,
United States Senate:

The State Federation of Pennsylvania Women, through its civil-service committee, thanks you for your bill amending the census bill by providing that all persons employed in taking the census shall be appointed under the provisions of the national civil service law.

The federation regards this amendment as most important, having a vivid memory of the inefficiency, extravagance, and corruption that have prevailed at other takings of the census when so many employees were appointed for partisan and political reasons.

IMOGEN OAKLEY,
Chairman of Committee.

MARYLAND LEAGUE OF WOMEN VOTERS,
Baltimore, Md.

Whereas the extension of the civil service of the United States to include the employees to be engaged for the purpose of taking the census has been proposed; and

Whereas it is our belief that this will operate to increase the efficiency of the service: Therefore be it

Resolved, That the Maryland League of Women Voters indorses the proposed amendment to House bill 393; and be it further

Resolved, That we respectfully petition the Senate of the United States to adopt the proposed amendment.

Mrs. CHARLES E. ELLICOTT,
President.
Mrs. L. EMMETT HOLT, Jr.,
Secretary.

[Editorial from the Woman's Journal, July, 1928, page 20]

MRS. KNAPP

The conviction of Mrs. Florence E. S. Knapp, former secretary of state in New York, who was charged with grand larceny in handling the State census funds, has been generally accepted as just. Apparently the presiding justice was judicial and able, and the trial proceeded to logical conclusions from the evidence—largely evidence given reluctantly by Clara Knapp, Mrs. Knapp's stepdaughter. The offense was serious—appropriation of census funds by Mrs. Knapp's indorsement of a check for $2,875 made out to Clara Knapp, which the young woman, a college teacher, testified that she never earned and never saw. Though Mrs. Knapp denied the charge, her stepdaughter's testimony carried conviction. This charge was but one of several of the same nature. And however sorry for Mrs. Knapp one may be, anyone who is concerned about the future of women in politics and public life must be satisfied with the verdict. Had Mrs. Knapp escaped because she is a woman, should she now escape some punishment, however slight, women would suffer, not gain. Appointment or election of women would be less likely. The tendency to hold all women responsible for what Mrs. Knapp has done would be strengthened.

But there remains something unsatisfactory about the Knapp case, and a feeling has been expressing itself throughout the State that justice was not fully done. The census was a political grab bag. Thousands of jobs were turned over to party bosses for distribution as part of the rewards for the success of the party in the last election. Is it likely that Mrs. Knapp was the only one to secure some graft from the big sum expended? There were notable absences from the witness chair. One gets the impression that, though probably guilty of inexcusable graft, Mrs. Knapp, out of party loyalty, may have allowed men grafters to hide behind her petticoats. The feeling grows that there may have

been others who should have been tried with her and who, under the same persistence, would have been found equally guilty. This explanation of the public sentiment in the State of New York concerning this memorable trial of a woman in public office is due the women of the Nation.

[From the St. Louis Globe-Democrat, Monday, February 11, 1929]

THE 100,000 CENSUS JOBS

The 100,000 appointees required in taking the next Federal census will receive pay ranging from $5 and $8 a day to $3,000. Distributed as election spoils, it must not be supposed that these places are the less esteemed because the work and pay last in most instances not more than four weeks and in a few other instances six weeks.

It is just such jobs as these that are highly appreciated as enabling a myriad of political debts to be paid. Local workers whose ordinary activities would not permit them to take a permanent official appointment are provided with appreciated recognition, and the pay, being fairly good while it lasts, is received with the gladness with which unexpected windfalls, pin money, and modest strokes of good fortune are received.

The amendment to the census bill of Senator BRUCE, of Maryland, requiring the appointments to be made under the Civil Service Commission's regulation, hits Congress with a chill. The points he makes are not answered by pleas that his amendment would only introduce red tape, complicating the work of making the selections, and that these 100,000 temporary jobs are aside from the scope and purpose of the elaborate merit system.

As a matter of fact, the laws under which the Civil Service Commission operates are framed to cover census jobs of this precise kind. They are "emergency" appointments for which full provision is made. The adoption of his amendment would not mean a full compliance with all the conditions as to competitive examination required in the case of permanent appointments. Only qualifications showing a fitness for "emergency" jobs would have to be determined, and the procedure would be correspondingly informal.

A fitness certified to on that basis surely would be preferable to a fitness graded down to the standards of the spoils principle. Mr. BRUCE is correct in saying that the 1910 census was taken under a provision of law identical with his amendment and that the plan worked satisfactorily.

[From the St. Louis Post-Dispatch, Wednesday, February 6, 1929]

CENSUS AND CIVIL SERVICE

Senator BRUCE, of Maryland, has offered an amendment to the census bill, now before Congress, providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. Its purpose is to remove the 1930 census from partisan politics and to insure an accurate count.

In its present form the census bill makes possible an orgy of patronage dispensing. Approximately 100,000 workers are needed in the field force and, unless some safeguard is placed in the law, the Director of the Census and his aids may make appointments for political purposes without any regard for qualifications for the work.

According to the National Civil Service Reform League, a reliable census was obtained in 1910, when, at the request of the Director of the Census, supervisors of the census were selected through the machinery of the United States Civil Service Commission. For the law to give the director such wide discretion might have less happy results next time.

Previous census takings, notably that of 1890, have been scandalously conducted. In 1890 Republican Members of Congress were permitted to choose the field force. A check of its work showed that in New York City large numbers of residents, often entire houses, had been omitted. The inference was that Republican census takers had deliberately underestimated the population of a Democratic city to reduce its membership in Congress. In 1900, in Maryland, graveyards were canvassed to obtain additional representation in the house of delegates for the party in power.

Past experience has abundantly proved the desirability of Senator BRUCE'S amendment, not only to assure an honest and reliable count but to prevent the wasteful use of census funds.

CAMBRIDGE, MASS, *January 3, 1929.*

Senator BRUCE,

United States Senate Building, Washington, D. C.

DEAR SENATOR BRUCE: It appears that you are backing up the common-sense proposition that the employees of the Census Bureau shall be selected in accordance with the civil service law. One of the long-standing abuses of our National Government is the selection of persons not qualified for the tasks of making the decennial enumerations for the United States census. The qualifications are not severe, but it is essential that the enumerators should be accustomed to figures, competent to carry on simple accounts, intelligent, and honest. The breakdown of the census in New York State was principally through the appointment of incompetents, as well as a scandalous waste of public money, which could have been prevented by the appointment of well-qualified persons.

Business men the country over ought to stand for that principle because of the immensely important decisions that must be made upon the basis of the movement of population from decade to decade and from place to place. Though not a Baltimore constituent, I am a United States constituent of yours in the satisfaction I take in your effort for the public welfare.

Cordially yours,

ALBERT BUSHNELL HART.

GODFREY L. CABOT (INC.),
Boston, Mass., February 5, 1929.

Senator W. C. BRUCE,
Washington, D. C.

DEAR SENATOR BRUCE: I beg to express to you my personal appreciation of your action in introducing an amendment to the census bill placing the employees under civil-service rules. I don't know of any bunch of employees where this rule can be applied with more benefit or less inconvenience to the departmental heads. They are obliged to select a great number of men in a hurry, and this will enable them to select the best men under circumstances that will minimize the personal annoyance to them from the unsuccessful applicants.

Secondly, during the comparatively short time of employment these employees are not likely to seriously deteriorate in mind or body, as inevitably happens with the lapse of time in the case of permanent appointments. Therefore the problem in getting rid of an undesirable employee against whom, however, no serious charges can be made is much less likely to present itself in temporary than in permanent appointments, and the difficulty of doing so is not likely to be nearly so great, because such incumbents are much less likely to put up a hard fight for reinstatement in a temporary job than in a permanent one.

Hoping this will find all well with you and your family, and begging to be warmly remembered to Mrs. Bruce, I am,

Yours very sincerely,

GODFREY L. CABOT.

BUFFALO, N. Y., *February 5, 1929.*

Hon. WILLIAM C. BRUCE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I observe that you propose to amend the census bill by providing that those who shall take the next Federal census shall be selected by examinations under the national civil service law, and thus that census will be taken and prepared in a businesslike way, as I understand the last one was, instead of the old political job way, that used to disgrace our Federal census just as it disgraced our last State census in this State. While I do not belong to your political party, I do belong to any political party for the time being that thus proposes to substitute patriotism, common sense, and economy, and the reign of law for plain old fashioned political jobbery. More power to your elbow, and especially to your brain.

Sincerely your friend,

ADELBERT MOOT.

NEW JERSEY SENATORIAL ELECTION (REPT. NO. 1861)

Mr. McNARY. From the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, referred to as the Reed committee, I submit a report on the New Jersey senatorial contest. I ask that the report may be printed and lie on the table.

The VICE PRESIDENT. Without objection, the report (No. 1861) will be printed and lie on the table.

PENNSYLVANIA SENATORIAL ELECTION (REPT. NO. 1858)

Mr. REED of Missouri. On behalf of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, I submit a general report touching the Vare case, and merely make the statement that the report is unanimous by the committee upon the record as it stands. The junior Senator from Utah [Mr. KING] has expressed his views in a separate document, which is appended to and made a part of the report. I ask that the report of the committee may be printed and lie on the table. I will ask the senior Senator from Utah how many extra copies should be printed?

Mr. SMOOT. That would have to be estimated for. I can not tell the Senator how many could be printed under the law.

Mr. REED of Missouri. I think, Mr. President, that a thousand copies will be first and last demanded.

Mr. SMOOT. I think, under the law, a thousand copies may be printed.

The VICE PRESIDENT. Without objection, the report (No. 1858) will lie on the table and a thousand copies will be printed.

Mr. REED of Missouri. I have one word further to say. I wish to give notice that on to-morrow I intend to call this report to the attention of the Senate as a privileged matter.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 5482) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, reported it without amendment and submitted a report (No. 1857) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15723) authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes, reported it without amendment and submitted a report (No. 1859) thereon.

Mr. EDGE (for Mr. EDWARDS), from the Committee on Naval Affairs, to which was referred the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J., reported it without amendment and submitted a report (No. 1860) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported an additional amendment to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and submitted a report (No. 1727, pt. 3) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, reported it without amendment and submitted a report (No. 1862) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1530. An act for the relief of Gilpin Construction Co.;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; and

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 5861) granting a pension to John L. Tenney; and

A bill (S. 5862) granting an increase of pension to R. L. Baca; to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 5863) for the relief of Isabel Alger; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 5864) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; to the Committee on Military Affairs.

By Mr. HOWELL:

A bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; and

A bill (S. 5866) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 5867) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 586[illegible] granting a pension to Virgil H. Effinger; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 5869) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 5870) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. ASHURST:

A bill (S. 5871) granting relief to disabled ex-service men in submitting final proof on homestead entries; to the Committee on Public Lands and Surveys.

By Mr. KING:

A bill (S. 5872) for the relief of Indians, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 80, line —, insert the following:

"Salt Lake City, Utah, post office, courthouse, etc.: The authorization for the acquisition of additional land and the commencement of extension and remodeling of the post office, courthouse, etc., at Salt Lake City, Utah, contained in the act approved May 29, 1928, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and for other purposes, is hereby amended so as to authorize the Secretary of the Treasury, in his discretion, either to carry out the above authorization or to enlarge and extend the present Federal building so as to provide in part for the required additional accommodations, and also to acquire a site with the building thereon and to remodel and extend said building as an annex to the post office, courthouse, etc., to provide the further necessary additional accommodations, and the appropriation contained in said act is hereby made available for providing the required accommodations under such method as the Secretary of the Treasury may select: *Provided*, That the total limit of cost for providing for all the accommodations required shall not exceed the limit of cost fixed in said act."

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 84, line 2, insert the following as a new paragraph:

"NOGALES, ARIZ., INTERNATIONAL STREET

"For grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary fence, retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, $30,000, and in addition the unexpended balance of the appropriation of $40,000 under this heading in the second deficiency act, fiscal year 1928, approved May 29, 1928, is continued and made available until June 30, 1930, for the purposes of this paragraph."

Mr. NORBECK submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"To carry out the purposes of the act approved ———, entitled 'An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers,' toward the one-half cost of the memorial and landscaping to be borne by the United States, $100,000, to be immediately available."

RESTRICTIONS ON EXPORT OF ARMS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the following articles from the New York Times of February 11, 1929, relative to Senate Joint Resolution 215, declaring it unlawful to export arms and other articles for use in war to any country violating the provisions of the multilateral treaty for the renunciation of war.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MOVE TO BACK PEACE PACT WITH TRADE EMBARGO ON VIOLATORS, ASKING LIKE PLEDGE OF OTHER NATIONS

(Special to the New York Times by Richard V. Oulahan)

WASHINGTON, February 10.—A movement to put teeth in the Kellogg multilateral treaty renouncing war as an instrument of national policy, otherwise known as the pact of Paris, recently ratified by the Senate, will be started to-morrow when Senator ARTHUR CAPPER, of Kansas, a member of the Committee on Foreign Relations, will offer a joint resolution designed to authorize the employment of nonforcible sanctions or

disciplinary measures against any adhering government which violates the pact.

The Capper resolution, the text of which was made public to-night, provides, in effect, that this Government shall establish an economic boycott against any such nation and invests the President with authority to issue a proclamation forbidding the export of munitions of war to any offending government. This approximates the economic boycott provisions of the League of Nations covenant. No resort to force by the United States is contemplated in the provisions.

The fundamental principle enunciated and the authority conveyed in these resolutions are contained in the following provision:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

From this it will be seen that the authority to be conveyed to the President may be qualified or withdrawn if Congress enacts a law to that effect or the President himself issues a proclamation declaring that the economic boycott is not to be employed.

Another provision states it to be the policy of the United States that its citizens shall not be protected by the Government if they give "aid and comfort" to a nation which violates the pact. The resolution also requests the President to negotiate treaties with other adherents of the treaty to insure that their nationals will not be protected by their governments if they give assistance to an offending nation.

It is provided, however, that the policy of refusing protection to American citizens in such circumstances shall not apply against a violating nation which has failed to make a declaration that it will not protect its citizens when engaged in similar practices.

Senator CAPPER stated to-night that he had no expectation of obtaining action on his resolution in the present Congress, which will come to an end three weeks from to-morrow, or in the extra session, which is to convene in April. His idea in offering the measure at this time, he explained, was to allow discussion of the proposal and the forming of public opinion, so that its purpose would be thoroughly understood when Congress assembled in regular session in December, at which time he would press for its adoption.

In making public the text of his resolution, Senator CAPPER gave out a statement explanatory of his purpose.

WOULD "UNDERWRITE THE PEACE PACT"

In his statement of explanation Senator CAPPER said:

"The purpose of this resolution is to put the Government of the United States on record, in response to an insistent and well-nigh unanimous public demand, by taking the next step toward safeguarding international peace, following the ratification of the pact of Paris.

"This resolution renews in substance a proposal contained in my resolution of December 9, 1927, that any nation signatory to the pact of Paris which breaks its word shall not be aided directly or indirectly by our nationals in carrying on its war.

"My resolution also contemplates that our Government shall at once negotiate treaties or understandings with other signatory powers for similar action on their part.

"The moment it becomes clear that a nation which has solemnly promised to renounce war as an instrument of national policy, but which nevertheless provokes or invites a war, will not be able to buy munitions or supplies from the American people with which to carry on the war, then that war will come to a sudden end. In fact, I doubt whether it will ever be begun.

WOULD "UNDERWRITE THE PEACE PACT"

"In other words, I believe the adoption and effectuation of this resolution will tend to make the peace pact effective. It will in a measure underwrite the peace pact without compelling us to police the world.

"I hope and believe that public opinion will approve this resolution and that before long it will receive the overwhelming, if not unanimous, approval of both Houses of Congress. It is not expected that action will be taken at this session, but the introduction of the resolution, it is hoped, will bring about discussion and consideration which will result in action at an early date in a succeeding session.

"The full import and implications of the pact of Paris have not yet been recognized by many persons, including not a few of those who write on such subjects for periodicals.

"The peace pact, or multilateral treaty, marks a new era in international relations and international law. In this new era we must learn to think and to speak in terms of realities, not in terms of worn-out and abandoned policies which the pact of Paris openly and emphatically renounces.

"Fortunately, as our own record shows and as Sir Austen Chamberlain recently has stated in the House of Commons, there are no reservations on the part of nations signatory to the pact. It is an absolute renunciation of war as an instrument of national policy.

"Therefore it is not only logical but necessary that a nation like our own, which intends solemnly to keep its word in this respect, shall not aid any other nation that may prove faithless, either directly or indirectly.

"Let that once become known and announced to the world and any government will hesitate a long time before it violates the pact of Paris.

"The enthusiasm which greeted the conclusion of the pact of Paris, in foreign nations as well as in our own; the readiness with which arbitration treaties are being concluded between the United States and other nations; these give testimony to the strong popular support of the movement against war.

"The people and the peoples of the world want peace. They want the assurance of peace, if that is possible.

"In face of the engagements of the pact and in face of the widespread treaties of arbitration and conciliation, it would be anomalous, to say the least, for the people of the States which have bound themselves by the terms of the pact to encourage its breach by permitting the shipment of arms and munitions of war to the treaty breaker. It would be a breach of faith on the part of a signatory to encourage their nationals by contributions of goods or money, to sustain an offending nation and aid that nation in striking down the defenders of the pact.

"It is in defense of the honor of this Nation that it should not give aid and comfort to a treaty-breaking State. It is of vital interest to this Nation that it should seek to prevent the outbreak of war by warning possible treaty-breaking nations of the attitude the United States will take.

SEEKS TO CHECK TRAFFIC IN ARMS

"What is proposed in the new resolution is simply to carry out the spirit of the Briand-Kellogg past, to prevent conscienceless nationals from making a profit out of aiding and abetting nations that violate the pact.

"The spirit of the pact should be borne in upon the mind of the citizens as well as that of the statesman. It should be impressed that war will not be a means of carrying on a profitable trade with the belligerent nations, a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt upon the surviving people of the Nation.

"Rather it should be impressed upon the consciousness of every citizen and every statesman that the effect of the pact will be to diminish or cut off that trade, so that it will no longer be in the interest of armament makers or the private traffickers in blood money to connive with a government which in defiance of its obligations lets loose upon the world the pestilence of war."

That purpose, he said, was to have the United States Government go on record in favor of refusing to aid any nation signatory to the multilateral treaty which broke its word, "directly or indirectly," by violating the covenant. In his opinion, any war undertaken by a signatory would end when that nation found it would be unable to buy war supplies from the United States. "In fact," added Senator CAPPER, "I doubt whether it will ever be begun."

CARRIES OUT SPIRIT OF TREATY

The outstanding feature of Senator CAPPER'S statement is the explanation that his resolution "is simply to carry out the spirit of the Briand-Kellogg pact, to prevent conscienceless nationals from making a profit out of aiding and abetting nations that violate the pact."

To understand that purpose better, it is necessary to have in mind the essential provisions of the treaty renouncing war. These features are stated in the following articles:

"Article 1. The high contracting parties solemnly declare that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"Article 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or whatever origin they may be, which may arise among them shall never be sought except by pacific means."

This treaty was the result of a statement made by Aristide Briand, Foreign Minister of France, on April 6, 1927, the tenth anniversary of the entrance of the United States into the World War, that "France would be willing to subscribe publicly with the United States to any mutual engagement tending to outlaw war," and proposing that the two countries agree to renounce war "as an instrument of national policy."

In the following November Senator CAPPER announced that when Congress assembled in December he would offer a resolution designed to carry out the purposes of the Briand proposal. By that time it had become clear that the Coolidge administration did not favor making with France alone a treaty renouncing war and believed any such agreement should include all nations. Senator CAPPER'S resolution provided that the pact should take the multilateral form. It contained, however, a provision under which this Government would regard as "an aggressor nation" any government which violated the agreement.

TEXT OF THE CAPPER RESOLUTION TO ENFORCE WORLD PEACE

(Special to the New York Times)

WASHINGTON, February 10.—The text of Senator CAPPER'S resolution in support of the Kellogg peace pact and supplementing the international effort to outlaw war is as follows:

"Whereas the Congress of the United States on August 29, 1916, solemnly declared it 'to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration to the end that war may be honorably avoided'; and

"Whereas the United States, in pursuance of this policy, has concluded with a number of countries and is negotiating with many others a treaty of arbitration and conciliation in a new form under which the parties agree to submit to arbitration all differences relating to international matters in which they are concerned by virtue of a claim of right made by one against the other and to submit to a permanent international commission for conciliation any dispute not submitted to arbitration, and has thus shown its intention to carry out on its part the policy of the United States; and

"Whereas the United States has taken a further step in advancing its policy by ratifying the multilateral treaty for the renunciation of war in which it is declared that the contracting powers are:

"Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made, to the end that the peaceful and friendly relations now existing between their people may be perpetuated:

"Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty; and

"Whereas it is a breach of its obligations with the United States for any country which is a party to the multilateral treaty for the renunciation of war to have recourse to war as an instrument of national policy in its relations with any other party to the treaty; and

"Whereas the governments which have associated themselves by the treaty 'to the end that peaceful and friendly relations between their peoples be perpetuated' should not permit their nationals to encourage a breach of the obligations of the treaty by exporting to a government which has committed such breach arms, munitions, or implements of war, or other articles for the support of such government; and

"Whereas the declaration of its policy by the United States to prevent such encouragement by its nationals of a breach of the treaty would have a great effect in accomplishing the object of the treaty, that war may be honorably avoided: Now, therefore, be it

"Resolved, etc., That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty.

"SEC. 3. The President is hereby requested to enter into negotiations with other governments which ratify or adhere to the said treaty to secure agreement that the nationals of the contracting governments should not be protected by their governments in giving aid and comfort to a nation which has committed a breach of the said treaty.

"SEC. 4. The policy of the United States as expressed in section 2 hereof shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

[From the New York Times, February 11, 1929]

EDUCATORS, CHURCH, CIVIC, AND POLITICAL LEADERS SUPPORT STRENGTHENING OF PACT

Senator CAPPER'S proposal of an arms embargo against any nation violating the Kellogg pact received the indorsement yesterday of several civic and political leaders, as well as authorities on international affairs.

Some commentators qualified their opinions, however, regarding the power conferred upon the President and the general effects of the plan.

Among the expressions of opinion were the following:

"Governor Franklin D. Roosevelt: I have only heard the very interesting proposal of Senator CAPPER over the telephone and can, therefore, say nothing more on the spur of the movement than to reiterate my previous statements that the Kellogg treaties, while excellent in themselves, need additional agreements both for the elimination of war causes and for giving the treaties themselves more authority than they have now."

Dr. Nicholas Murray Butler, president of Columbia University: "Senator CAPPER'S proposed new joint resolution is of very large importance and points the way to the next step to be taken by our Government, under the guidance of American public opinion, along the path to peace. The action which it proposes is the logical consequence of the pact of Paris itself, which the Senate ratified by a practically unanimous vote on January 15 last.

"Despite the cynics and the legalists, both in Senate and out of it, who do not seem to understand in the least what has happened in the world, the pact of Paris marks the opening of a new era in international relations. It substitutes a declaration as to national policy, made on the highest moral ground, for the usual and conventional treaties and arrangements to advance the peace of the world by constantly preparing for war.

"American public opinion is in dead earnest in this matter and will hail Senator Capper's resolution with great enthusiasm. The resolution, in its impressive preamble, summarizes once more the established policies of the people and Government of the United States, and then simply provides that no nation which breaks its word in respect to its renunciation of war as an instrument of national policy shall be supported or aided in its war-making efforts by citizens of the United States who may be ready to provide such pledge-breaking nation with munitions and supplies for material gain.

"This joint resolution should be adopted as speedily as may be. It should be widely discussed and debated throughout the land until its meaning is clearly understood and appreciated. The President should quickly enter into negotiations with the other signatories of the pact of Paris to induce them to adopt a like policy. In other words, let no nation which has signed the pact of Paris allow its nationals to aid any other nation in breaking the moral promise and pledge of that pact.

"Recent debates in the Senate on the pact of Paris and on the so-called cruiser bill, like much that is written in the periodical press, show no realization whatever of the fact that there is no longer any such thing as neutrality in war and that the words, freedom of the seas, are an empty name of historical significance only.

"Neutrality and freedom of the seas have meaning when war is an established institution. When, however, war is renounced as an instrument of national policy, neither neutrality nor freedom of the seas has any meaning whatever.

"The hand of every pledge-keeping nation must be raised against that nation which breaks its pledges. Just so soon as this fact is understood in all its bearings, there will be no nation left so valiant or so mad as to violate the pledge which it has solemnly given in signing the pact of Paris.

"Senator CAPPER'S joint resolution, introduced to the Senate in December, 1927, and its nation-wide support were then herald of the pact of Paris and led the way to its negotiation and almost unanimous ratification. Let us hope that this second Capper joint resolution will have an equally happy result.

"Prof. James T. Shotwell, of Columbia University: Senator CAPPER'S resolution is a notable effort to solve the question of naval armaments along the only line which promises real hope, namely, a limitation upon the use of navies, which would automatically call for a limitation in their size.

"If in time of war the United States does not insist to the full upon the historic privilege of neutrals but recognizes that neutrality has acquired a moral character, now that war is no longer the free prerogative of sovereignty, then those nations which under the covenant or treaty of Locarno are obliged to maintain peace by pulling down the aggressor nation will be relieved of their greatest anxiety, which is the maintenance of America's rights to trade with the aggressor State.

"Senator CAPPER'S resolution deals with one of the most real elements in the problem of national security, and it allies the United States with the forces of international law and order without involving us automatically in police measures against the violating state. It is a well-conceived and necessary policy. It has history behind it.

"The first to point out the need of the restatement of the rights of American neutrality was Mr. David Mitrany in his short but compact volume, 'The Problem of International Sanctions,' published in 1925. In that same year, at the one hundred and twenty-second annual meeting of the Massachusetts Congregational Conference a resolution was passed and forwarded to the fellow member, President Coolidge, along substantially the lines of the second clause of Senator CAPPER'S resolution, although at that time there was no Kellogg-Briand treaty to which to attach it.

"For the last three years this idea has been advanced from time to time in meetings throughout the country and has never met with any serious opposition. It was left, however, for Senator CAPPER to crystallize this sentiment into a definite proposal for action by the Senate. The seriousness of the armament question may now secure for it the attention which it deserves."

FORT DOUGLAS MILITARY RESERVATION

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report favorably without amendment the bill (H. R. 14924) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes. I understand the senior Senator from Utah desires the present consideration of the bill.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill. I do not think it will lead to a moment's debate. The bill has a favorable report accompanying it from the War Department.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the city of Salt Lake, a municipal corporation of the State of Utah, for street purposes, the land within the extension of Fifth South Street on the Fort Douglas Military Reservation, Utah, more particularly described as follows, to wit: Beginning at the intersection of the north line of Fifth South Street produced and the west line of Fort Douglas United States Military Reservation, said point being 391.48 feet east and 63.37 feet north of the city monument at the intersection of Thirteenth East and Fifth South Streets, thence east 1,320 feet, thence south 131.01 feet, thence west 1,320 feet, thence north 131.01 feet to place of beginning: *Provided,* That the city of Salt Lake shall construct and maintain a street thereon without expense to the United States: *And provided further,* That when said land shall cease to be used and maintained as a street it shall revert back to the United States and the instrument of conveyance shall recite such reversionary condition.

Mr. BLEASE. Mr. President, I wish to say now that I shall not object to the request of the Senator from Utah [Mr. SMOOT], but for the remainder of this session I shall object to the immediate consideration of any bill or any joint resolution that may be brought before the Senate unless preceding that a quorum call of the Senate shall be had. There are Senators here who object to certain measures. This maner of legislating may give some one who wishes to do so the opportunity of catching a certain Senator out of the Chamber and asking unanimous consent to have a measure passed.

I do not wish to be discourteous. Therefore, I give public notice that for the remainder of this session, if I shall be in the Chamber, I shall object to the consideration of any bill or any joint resolution unless first a roll call of the Senate be had.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WAGNER obtained the floor.

Mr. BINGHAM. Will the Senator from New York yield to me to submit another report?

Mr. WAGNER. I yield to the Senator from Connecticut.

PILGRIMAGE OF GOLD STAR MOTHERS

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report favorably and with amendments the bill (S. 5332) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries. It is the so-called Gold Star Mothers' bill. I had intended to ask unanimous consent for its immediate consideration, but in view of the statement just made by the Senator from South Carolina [Mr. BLEASE], and of the fact that I do not desire to take the Senator from New York [Mr. WAGNER] off his feet for a roll call, I shall not do so. I, however, give notice that I shall call the bill up at the first available opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. FESS. Mr. President, I submit a conference report, to which I call the attention of the Senator from South Dakota [Mr. NORBECK].

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 2, line 3, insert in lieu of the matter stricken out by the House amendment the following: "*Provided,* That the secretary may be paid such salary for his services as may be determined by the commission. The commission is also authorized to pay such actual and necessary expenses as the secretary may incur in the performance of his duties. Such salary and expenses shall be paid by the treasurer of the commission upon the order of the secretary thereof and then only when approved and countersigned by the chairman of the executive committee"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Page 3, line 5, strike out all of the last sentence of the said House amendment; and the House agree to the same.

SIMEON D. FESS,
F. H. GILLETT,
KENNETH MCKELLAR,
Managers on the part of the Senate.
ROBERT LUCE,
JOSEPH L. HOOPER,
A. L. BULWINKLE,
Managers on the part of the House.

Mr. NORBECK. Mr. President, I rise to move that the Senate agree to the conference report on Senate bill 3848, an act creating the Rushmore National Memorial Commission, and defining its powers and duties.

Again we have listened to the reading of Washington's Farewell Address, which gives new inspiration to meet every national problem and combat every difficulty. I believe it especially fitting in connection with this anniversary to state, Mr. President, that to-day there is being carved on the sides of Mount Rushmore, in the Black Hills of South Dakota, the loftiest elevation of solid granite between the Rocky Mountains and the Atlantic seaboard, a colossal memorial statue of the first President of the Republic. The completed plan comprises a heroic group of our Nation's builders, to commemorate the founding, expansion, preservation, and unification of the United States, in the form of statues of Washington, Jefferson, Lincoln, and Roosevelt, carved on a scale several times greater than that wonder of the ancient world, the Great Sphinx of Egypt, together with a vast entablature 80 feet wide and 120 feet high, bearing deeply incised in imperishable stone the story of our country written by Calvin Coolidge.

The design is by the well-known artist, Gutzon Borglum. It is believed this will be one of the great works of art of this continent.

Rushmore Mountain, a prominent peak of the Harney Range, is a huge granite upthrust of excellent texture, having a sheer precipice of more than 300 feet, below which the mountain gradually slopes. Each figure of the memorial group scales to the proportion of men 465 feet high, fading into the ledge at the waist line, the tops of the heads being upon the sky line. All are in the round.

This mountain is in the heart of a rugged, strikingly scenic, and beautiful mountain range rising to a height of over 7,000 feet. The work was begun and the mountain dedicated to the memorial by President Coolidge, with suitable ceremonies, on August 10, 1927. Considerable progress has since been made on the Washington statue, which it is expected can be completed this summer.

The bill provides that one-half the cost of the entire work shall be borne by the United States. It carries an authorization for the appropriation of not exceeding $250,000 for this purpose. No part of the appropriation shall be expended, except to match funds received from other sources by the commission, or already expended by its predecessor. The entire undertaking will be under the control of a commission of 12 members to be appointed by the President of the United States. Proper safeguards to the Government are provided. The commission is to make annual report to Congress. The memorial will be open to the public at all times without admission charge.

The association has already secured from popular subscription in cash $53,000 and donations of machinery and equipment to the value of $17,500, or a total of $70,500.

The friends and promoters of the undertaking, I am pleased to say, have met a splendid response on the part of the public and they believe that the raising of the balance required by subscription will not be long delayed.

South Dakota has undertaken the construction of a highway to the memorial wholly for tourists and pleasure traffic, without any commercial implication whatever. This road is in process of construction and will cost approximately $200,000; $65,000 has already been expended upon said highway.

The following is the dedicatory address of President Coolidge delivered at Mount Rushmore on August 10, 1927:

PRESIDENT COOLIDGE'S ADDRESS

We have come here to dedicate a corner stone that was laid by the hand of the Almighty. On this towering wall of Rushmore, in the heart of the Black Hills, is to be inscribed a memorial which will represent some of the outstanding events of American history by portraying with suitable inscription the features of four of our Presidents, laid on by the hand of a great artist in sculpture. This memorial will crown the height of land between the Rocky Mountains and the Atlantic seaboard, where coming generations may view it for all time.

It is but natural that such a design should begin with George Washington, for with him begins that which is truly characteristic of America. He represents our independence, our Constitution, our liberty. He formed the highest aspirations that were entertained by any people into the permanent institutions of our Government. He stands as the foremost disciple of ordered liberty, a statesman with an inspired vision who is not outranked by any mortal greatness.

Next to him will come Thomas Jefferson, whose wisdom insured that the government which Washington had formed should be intrusted to the administration of the people. He emphasized the element of self-government which had been enshrined in American institutions in such a way as to demonstrate that it was practical and would be permanent. In him, likewise, was embodied the spirit of expansion. Recognizing the destiny of his country, he added to its territory. By removing the possibility of any powerful opposition from another neighboring State, he gave new guaranties to the rule of the people.

After our country had been established, enlarged from sea to sea and dedicated to popular government, the next great task was to demonstrate the permanency of our Union and to extend the principles of freedom to all the inhabitants of our land. The master of this supreme accomplishment was Abraham Lincoln. Above all other national figures, he holds the love of his fellow countrymen. The work which Washington and Jefferson began, he extended to its logical conclusion.

That the principles for which these three men stood might be still more firmly established, destiny raised up Theodore Roosevelt. To political freedom he strove to add economic freedom. By building the Panama Canal he brought into closer relationship the east and west and realized the vision that inspired Columbus in his search for a new passage to the Orient.

The union of these four Presidents carved on the face of the everlasting hills of South Dakota will constitute a distinctly national monument. It will be decidedly American in its conception, in its magnitude, in its meaning, and altogether worthy of our country. No one can look upon it understandingly without realizing it is a picture of hope fulfilled.

Its location will be significant. Here in the heart of the continent, on the side of a mountain which probably no white man had ever beheld in the days of Washington, in territory which was acquired by the action of Jefferson, which remained an almost unbroken wilderness beyond the days of Lincoln, which was especially beloved by Roosevelt, the people of the future will see history and art combined to portray the spirit of patriotism. They will know that the figure of these Presidents has been placed here because by following the truth they built for territory. The fundamental principles which they represented have been wrought into the very being of our country. They are steadfast as these ancient hills.

Other people have marveled at the growth and strength of America. They have wondered how a few weak and discordant colonies were able to win their independence from one of the greatest powers of the world. They have been amazed at our genius for self-government. They have been unable to comprehend how the shock of a great civil war did not destroy our Union. They do not understand the economic progress of our people. It is true that we have had the advantage of great natural resources, but these have not been exclusively ours. Others have been equally fortunate in that direction.

The progress of America has been due to the spirit of its people. It is in no small degree due to that spirit that we have been able to produce such great leaders. If coming generations are to maintain a like spirit, it will be because they continue to study the lives and times of the great men who have been the leaders in our history, and continue to support the principles which those men represented. It is for that purpose that we erect memorials. We can not hold our admiration for the historic figures which we shall see here without growing stronger in our determination to perpetuate the institutions which their lives revealed and established.

The fact that this enterprise is being begun in one of our new States not yet great in population, not largely developed in its resources, discloses that the old American spirit still goes where our people go, still dominates their lives, still inspires them to deeds of devotion and sacrifice. It is but another illustration of the determination of our people to use their material resources to minister to their spiritual life. This memorial will be another national shrine to which future generations will repair to declare their continuing allegiance to independence, to self-government, to freedom, and to economic justice.

It is an inspiring phase of American life that men are willing to devote their energies to the erection of a memorial of this nature. Money spent for such a purpose is certain of adequate returns in the nature of increased public welfare.

The people of South Dakota are taking the lead in the preparation of this memorial out of their meager resources because the American spirit is strong among them. Their effort and courage entitles them to the sympathy and support of private beneficence and the National Government. They realize fully that they have no means of succeeding in the development of their State except a reliance upon American institutions. They do not fail to appreciate their value. There is no power that can stay the progress of such a people. They are predestined to success. Our country is fortunate in having the advantage of their citizenship. They have been pioneers in the development of their State. They will continue to be pioneers in the defense and development of American institutions.

In conclusion, Mr. President, permit me to say that this anniversary of the birthday of George Washington is very significant to the people of South Dakota. It was just 40 years ago to-day that the so-called enabling act was approved admitting South Dakota to the Union.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SINKING OF STEAMER "VESTRIS"

Mr. WAGNER. Mr. President, 100 precious days have passed since the whole American Nation was shocked to its very depths by the tragic loss of life which accompanied the foundering of the *Vestris*. One hundred and ten lives were lost. The lives of all of the children on board were snuffed out like so many candles in a blizzard. What cause did these unfortunate ones serve by their death? To what ideal were they sacrificed? Can we or their families derive the meager consolation that those who died laid down their lives to increase the portion of human happiness?

Two investigations have already been had. Both loudly testify to the shameful fact that innocent men, women and children have been sacrificed to greed and incompetence. Reading that sorry tale of downright stupidity, incompetence, and reckless disregard of the most elementary rules of seamanship and safety, I can not avoid expressing the fear that if that condition prevails even to a limited degree, then the sea is not safe.

We know that the science of shipbuilding and the art of seamanship can make the ship lanes of the ocean safer than our city streets. The question naturally occurs to me just as it has occurred to millions of others in the United States: Has the Congress done all that it could and all that it should to make the sea safe? We have no right to assume that what happened on the *Vestris* is not the result of causes permeating the whole ship business. The Congress has no right to rely on the guess that the *Vestris* is the exception. Let us hope that investigation will prove that to be the case; but an investigation there must be, for there is an abundance of evidence that all is not well on board ship.

Immediately upon convening of Congress in December I submitted Senate Resolution 272. It was the first resolution offered in Congress for an investigation not only of the *Vestris* but of all the conditions that make for safety on the seas.

I ask unanimous consent that the resolution introduced by me and to which I have referred may be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

The resolution (S. Res. 272) submitted by Mr. WAGNER on December 5, 1928, is as follows:

Whereas on November 12, 1928, the steamship *Vestris*, outbound from the port of New York, foundered at sea with the loss of many lives; and

Whereas it is imperative that life and property be accorded the utmost attainable degree of safety from the perils of the sea: Therefore be it

Resolved, That a special select committee of five Senators, to be appointed by the President of the Senate, is authorized and directed (1) to collect, collate, coordinate, and make available to the Senate the results of the inquiry into the loss of the steamship *Vestris* conducted before Commissioner Francis A. O'Neill, of the United States District Court for the Southern District of New York, and the inquiry conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce, (2) to make such further investigations of the sinking of the steamship *Vestris* and the rescue operations carried on in connection therewith as the committee shall deem advisable and necessary for the purposes of this resolution, (3) to investigate the adequacy of the present legal standards of safety of ship construction and operation, (4) to investigate the adequacy and efficiency of the Steamboat Inspection Service, (5) to investigate whether the laws governing liability for loss of life and property at sea, the laws and usages of salvage, and the laws, usages, and practices of the business of marine insurance tend to encourage the installation and utilization of devices and practices conducive to safety, and (6) to make a preliminary report of the results of its investigations as soon as practicable, to make fur-

ther reports from time to time but at least once during each regular session of the Senate until it has completed its investigations, and to submit a final report to the Senate together with its recommendations for necessary legislation. The President of the Senate shall appoint members to fill any vacancies that may occur in the committee.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted, to employ such counsel, experts, and clerical, stenographic, and other assistants, to require by subpœna, or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. WAGNER. Mr. President, when that resolution was submitted the Senator from Florida [Mr. FLETCHER], who was very much interested in the matter, did me the honor to withhold a resolution he had prepared because he felt the subject was adequately covered in my resolution. He expressed himself on that occasion very emphatically in favor of an investigation. In the House of Representatives, too, one or more resolutions calling for investigations were submitted. What heartened me particularly was to see the Senator from Washington [Mr. JONES] introduce a similar resolution. I read in his act an implied promise that these resolutions would receive the consideration of the committee in whose charge they are to-day so peacefully slumbering.

What has happened to chill the enthusiasm of the chairman of the Commerce Committee? Have the events of the last 100 days demonstrated that such an investigation is no longer necessary? Have the reports of the two official bodies that have looked into the *Vestris* disaster made superfluous any further investigation of the problem of safety at sea?

Mr. President, the reports of these two inquiries expressly recommend a congressional investigation along the lines outlined in my resolution. The Seventieth Congress is about to expire. It will not have done its duty by the American people if it permits these resolutions to go unconsidered. The valuable interval between the Seventieth Congress and the Seventy-first Congress should be put to use. The investigation which is proposed can not be completed in a day or a month. No time should be lost in getting started.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WALSH of Massachusetts. Before what committee is the resolution pending?

Mr. WAGNER. Before the Committee on Commerce, where it has been referred to a subcommittee.

Mr. WALSH of Massachusetts. Is it not possible under the rules of the Senate for a committee such as the Committee on Commerce to make an investigation of such a subject without action by the whole Senate?

Mr. WAGNER. I do not know, but absolutely no action at all has been taken, and that is my complaint.

Mr. WALSH of Massachusetts. It is my impression that the rules of the Senate permit a committee which is dealing with a subject such as commerce, and which may have to recommend legislation upon it, has authority to make an investigation into a matter of this kind independent of action by the Senate as a whole. I appreciate that there is much more latitude given to the committee if they have the specific authority of the Senate for a particular investigation, and I assume that the resolution asks for a wider investigation than any committee could make, even if so disposed.

Mr. WAGNER. My complaint, I repeat, is that nothing has been done.

Mr. President, I shall try as briefly as I can to establish a prima facie case in favor of the investigation which I propose.

On the 10th day of November, 1928, the steamship *Vestris* sailed from the port of New York bound for South America. It was a vessel of about 17,000 tons displacement, built in Belfast, Ireland, in 1912, operated by the Lamport & Holt Line, and flew the British flag.

On this particular voyage, according to the report of Commissioner O'Neill, it carried 129 passengers and 209 members of the crew. According to Mr. D. N. Hoover, it carried 127 passengers and 198 members of the crew. Precisely what happened between the time that the boat left its berth in New York Harbor and the moment of the final tragedy is still largely a mystery. On Monday, November 15, at 9.58 in the morning, when the ship was in a hopelessly sinking condition, lying on its beam's end, an S O S signal was sent. At 2.15 p. m. on that day, about 300 miles east of Cape Henry, the vessel sank. In the ensuing rescue operations 77 per cent of the crew were saved, but only 46 per cent of the passengers survived. There were 21 children on board. Not one came through the ordeal alive. Twenty of the 27 women on board perished.

Two inquiries were at once instituted. One was conducted before United States Commissioner Francis A. O'Neill by the United States attorney for the southern district of New York, with the assistance of two experts representing the British and American Governments: Capt. Henry McConkey, marine superintendent of the Cunard Line, representing the British Government; and Capt. E. P. Jessop, formerly a captain in the United States Navy, and marine superintendent of the Panama Canal, representing the American Government.

The other investigation was conducted by Mr. Dickerson N. Hoover, supervising inspector general of the Steamboat Inspection Service, a division of the Department of Commerce.

Commissioner O'Neill's report is marked by judicial restraint. Mr. Hoover's report is too obviously an apologetic coat of whitewash. Both compel the conclusion that the *Vestris* was ill prepared to serve as a human carrier upon the high seas.

After reading these reports I am convinced that if the truth were known not a single passenger would have embarked upon that disastrous voyage. Imagine each passenger before embarking receiving a notice in the following language:

TAKE NOTICE

1. We know nothing about the stability of this ship.
2. We have lifeboats on board, but we do not know whether they leak or not; they have not been tested.
3. The boats have not been lowered in a loaded condition; hence we do not know whether they will hold up in an emergency.
4. We have life preservers on board, but they comply with neither the British nor the American rules. You use them at your own risk.
5. We know very little about the officers of the ship, and we warn you that the crew is unfamiliar with the handling of lifeboats.
6. The ship is a negative ship. A little wind and free surface water in its tanks will cause it to list.
7. Should an accident occur, we pay you nothing; we collect insurance only for ourselves.

Underneath that is a special notice from the Steamboat Inspection Service of the Department of Commerce reading:

A better inspection could not be had because it would conflict with the President's program of economy.

DICKERSON N. HOOVER.

How many would have sailed if we had told them this unvarnished truth? Why did we not tell them the truth?

The glaring incompetence of those in charge of this ill-fated ship is reflected in almost every act of the tragedy. Think of the incomprehensible delay in sending an S O S until the vessel was about to be abandoned. Consider the stupidity of the attempt to lower boats from the high side of a vessel lying almost on its beam's end. Mr. Hoover concludes that hereafter we must insist on competent officers. Why hereafter? Why not heretofore?

Mr. Hoover's report is, and apparently was, intended to be a whitewash of the Steamboat Inspection Service. He excuses the failure to lower the boats loaded to capacity and minimizes the offense of the untruthful entry. He talks a great deal about life preservers, but he fails to state why the *Vestris* was permitted to leave port without complying with either the British or the American rules governing life preservers. He describes the ship as a negative ship which, with the aid of a little wind and some free surface water within its tanks, would acquire a permanent list. He does not explain why, if that condition is a dangerous one, American citizens were permitted to sail.

I am reminded of Captain Jessop's remark in a letter addressed to the senior Senator from Florida [Mr. FLETCHER]:

You will excuse, I am sure, my writing to you on this subject, but having just been through the terrible experience of finding out that ships could be sent to sea so ill-prepared as this vessel was I feel rather strongly on the subject.

Captain Jessop, you will recall, was the American expert adviser in the *Vestris* inquiry.

I ask to have printed in the RECORD a log of the vessel as constructed by a newspaper writer on the basis of the evidence offered in these two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. WAGNER. I come now to the recommendations made by both Commissioner O'Neill and Mr. Hoover as a result of their investigations. I shall ask to have them set out in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibits B and C.)

Mr. WAGNER. More specifically I desire to call attention to several of these recommendations.

Mr. Hoover calls particular attention to the need for greater competence on the part of officers and crew. He recommends that ship hulls should be inspected in blue print before their construction in the same manner that building plans must be approved in advance of construction, and the installation of wireless on all ships.

Commissioner O'Neill emphasizes the amazing gap in our law, or at least in the regulations of the Department of Commerce, which grants an immunity from inspection of safety devices to foreign-flag vessels which ply between American ports and foreign ports other than their home ports.

Commissioner O'Neill further says:

A full study should be made, either by Congress or the approaching International Conference on Safety of Life at Sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of owners. * * * At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew.

Mr. Hoover likewise recommends a reexamination of the laws respecting salvage and limitation of liability:

In all this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction but one that is vitally wrapped up in the matter of safety of ships. * * *

Another that might well receive attention is that of liability. We speak of limitation of liability, so far as ships are concerned, as something that must necessarily exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have completely changed.

An opinion which I know will have great weight with the Members of the Senate is that expressed by Captain Jessop, who represented the United States Government at the hearing conducted before Commissioner O'Neill.

In a letter addressed to the senior Senator from Florida [Mr. FLETCHER], which appeared in the CONGRESSIONAL RECORD of January 3, Captain Jessop points out a number of weaknesses in the inspection of the *Vestris* before she left on her fatal voyage, and then he says:

I was informed yesterday of what I consider a very great discrepancy in our laws. I was informed that even though our Steamboat Inspection Service were to find a foreign vessel unseaworthy on inspection, it is very questionable whether the customhouse could refuse clearance papers to her. That certainly is a point which should be looked into.

There are many other points with regard to our method of inspecting and clearing vessels which will bear investigation.

I believe I do not go too far when I say that the really important result of the several inquiries which have already been had is the unanimous conclusion that there must be an investigation coextensive in scope with the whole subject matter of safety at sea and all its ramifications of ship design, of inspection, of limited liability, of salvage, and of insurance. That is precisely what my resolution directs. Now, after the tragedy has happened, after lives have been lost beyond recall, we are told of the stupidity of a department of the Government in making provision by regulation which practically exempts ships like the *Vestris* from the rules and regulations of any country covering life-saving devices.

It is a widely held opinion that there was no warrant in law for this discriminatory regulation. There is certainly no provision in the law compelling the exemption of foreign vessels from lifeboat inspection. But even if the law did make such a regulation necessary, the department was inexcusably at fault for failing to call for and insist upon congressional correction. Much is said in the Inspector General's report of the shortage of inspectors adequately to make certain that the ships that leave our ports carrying our citizens were sound and seaworthy and fit to serve as human carriers. What possible circumstance could excuse such misdirected parsimony? Was that another example of the stifling, grudging, unintelligible, and unintelligent Coolidge economy?

The American traveling public is led to believe that the Government inspects the vessels leaving our ports. It intrusts its safety to the thoroughness of those inspections. Now we are told by none other than the Inspector General himself that that trust was misplaced; that he has not enough men to make proper inspections. That is not the kind of economy that the American people want. The economy which the public demands is that which gives them 100 cents of value for every dollar spent by the Public Treasury. It has no use for the Coolidge economy which, for the sake of the political effect of a reduction in the Budget, jeopardizes the lives of American citizens.

The resolution singled out certain specified subjects for special investigation:

Salvage, marine insurance, the law of limited liability, and ship-construction standards. The two official inquiries have expressly confirmed the need for further investigations along these lines.

SALVAGE

A great deal has been said upon the relationship of the law of salvage to the question of safety at sea. It is commented on in the reports of the inquiries into the *Vestris* in attempting to discover why the captain of that ill-starred vessel failed to signal distress when his ship was obviously in trouble. The explanation has been offered that he hesitated to incur the expense of salvage to which any rescuing vessel would be entitled. To the contrary, it has been stated that the cost of salvage is always insured against, so that the matter is rather immaterial to the owners of the vessel.

Attention has not been called to the fact, as far as I know, that even though salvage be covered by insurance, the captain of the vessel would hesitate to call for assistance for fear that he might be frowned upon by the underwriters. Rumor has it that the frown of an underwriter is very oppressive and may interfere very decisively with the employment of a ship's officer. You might, of course, say that rumor is too thin and too uncertain a basis upon which to embark on an investigation. My only answer is that this matter is of such importance that we can leave no stone unturned in an attempt to afford our passengers and shippers the security of the utmost measure of safety.

INSURANCE

The same basis exists for an investigation by Congress of insurance practices to see to what extent they are conducive to safety. If it is true that underwriters blacklist captains who place the welfare of their passengers ahead of the value of the insurance, that is a matter which is very conducive not to safety but to recklessness.

I have also been advised that the shipowner does not secure from the underwriters a reduction in premium to compensate him in a measure for the installation of safety devices. It is well known, of course, that in the business of fire insurance, for instance, attractive reductions in premium are made upon the installation of sprinkler systems or other safety measures.

If no such concessions are made by marine underwriters, that is a condition which is not conducive to the installation of safety devices. The business of marine insurance and the practices of that business are so intimately interwoven with the marine business that to investigate the one and to omit the other would leave the Senate in the dark with respect to a very powerful set of factors making or obstructing safety at sea.

LIMITATION OF LIABILITY

The *Vestris* disaster has flooded with publicity the well-established principle of limited liability. It was condemned as an injustice to the injured passengers and to the families of those who died. Freedom from liability to passengers and shippers was described as destroying the strongest possible motive for safety on the seas. In response to the popular demand that something be done, a bill has been introduced in the House of Representatives which aims to destroy the whole system of limited liability. This course has received the commendation of the Steamboat Inspection Service of the Department of Commerce. I do not know whether there is merit in the suggestion or not; but I submit, Mr. President, that we have not the information upon which to form a sound judgment. Not only for the sake of the general public but for the good of the shipping industry in particular, we need the investigation as a protection against hasty and poorly considered legislation.

The law of limited liability as applied in the Federal courts permits the owner of a vessel to reduce his obligation to claimants for damage sustained without his privity and knowledge to an amount not exceeding the value of his interest in the vessel at the end of the voyage and her then pending freight.

Apply this principle to a case like the *Vestris*, and it follows that the owners need pay to all claimants a sum not in excess of the value of the vessel, which is nothing, and such freight money as she has earned on the voyage. It is obvious that if the rule applies to this case there will be very little, if anything, to distribute.

We find this principle of admiralty first enforced by the maritime states on the Mediterranean. It is reasserted in the Hanseatic ordinance of 1644. In 1681 it was adopted in France, and thereby it became a principle of the civil law. The English

first adopted it in modified form in 1734. Its first appearance in the United States was as an act of the State of Massachusetts in 1818, followed by similar legislation in Maine in 1821. It did not become part of the Federal law until 1851. Three years prior thereto the United States Supreme Court decided the famous case commonly referred to as *The Lexington.*

The steamship *Lexington* ran regularly between New York and Providence. In the course of a voyage it burned and nearly all on board were lost. An action was brought for the recovery of some $18,000 worth of specie carried by the vessel and lost in this disaster. The United States Supreme Court held that the liability of the owners of the ship was that of common carriers and further held that an agreement whereby the owners of the ship were exempted from liability was inoperative in view of the negligence of the crew and those in charge of the vessel. That decision created a widespread demand amongst shipping interests for Federal legislation limiting liability of shipowners, and in 1851 such legislation was finally enacted, constituting Revised Statutes 4281–4289.

These statutes have since their enactment been construed by the United States Supreme Court dozens of times and by the district courts and circuit courts hundreds of times.

The Supreme Court has steadily expressed the conviction that the law should be liberally interpreted in order to give the shipowners the fullest benefit of its provisions. In a series of important decisions, each of which is also a memorial of a great marine tragedy, the Supreme Court has rejected every effort to restrict the meaning of the poorly drawn limited liability statutes.

The first of these cases was decided in 1871. (Norwich Co. *v.* Wright, 80 U. S. 104.) It held the law applicable to collisions.

In 1881 (*The Scotland*, 105 U. S. 24) the benefit of the law was extended to foreign shipowners.

In 1883 (Providence & New York Steamship Co. *v.* Hill Manufacturing Co., 109 U. S. 578) the law of limitation was made applicable to a fire started through the negligence of the owners.

In 1886 (the *City of Norwich*, 118 U. S. 468) the court held that the claimants could have no recourse to the insurance moneys collected by the owners of the ship that was lost. The court also refused to give the claimants the benefit of the value of the vessel after it was raised from the bottom of the sea.

In 1889 (Butler *v.* Boston & Savannah Steamship Co., 130 U. S. 527) the court held this statute applied to personal injury and death as well as loss of personal property.

In 1914 (the *Titanic*, 233 U. S. 718) the rule that foreign shipowners could take advantage of the statute was confirmed and extended.

The purpose of this law was to encourage investment in merchant marine and to place American shipowners on a parity with foreign competitors. I forbear to discuss the question as to whether the first purpose of the law has been achieved. We know the dismal figures too well. We are all familiar with the gradual disappearance of the American flag from the merchant vessels of the sea. But let us see if at least the second purpose has been accomplished.

The *Titanic* was a British vessel. It applied for limitation of liability in the Federal court. Under the American rule barely $90,000 was made available for distribution among all the claimants. Had the *Titanic* been an American vessel, which had applied for limitation in the British court, its owners would have had to pay not $90,000 but 750,000 pounds sterling, or three and one-half million dollars—forty times as much. Is that parity?

The *Vestris* is a British vessel. It has applied for limitation in a Federal court. I am advised that the amount available to the claimants will not exceed $40,000. Had it gone to a British court for relief, the owners of the vessel would have been compelled to pay 180,000 pounds sterling—twenty-two times as much. Is that equality?

The law has apparently failed in its two major purposes. Obviously it has not encouraged safety. If we look upon any law of this sort as an experiment designed to accomplish a stated object, it is very plain that the law needs revision. But I submit, Mr. President, that sound revision can only be accomplished through investigation.

The simple suggestion that because the law has not worked well it should be entirely scrapped is mischievous, for the reason that it takes no account of the fact that we do want to encourage our merchant marine, that we do want reasonable equality with our competitors, and that the whole trend of modern enterprise is to limit liability. Every corporation is a device to limit liability. A change must be had; but the alternative is not the total elimination of all limitation, if for no other reason than that it could not be accomplished. The organization of single ship companies would give the owners practically the identical protection.

Shall we increase the amount of liability along the lines of the British statute?

Shall we change the rule of privity and knowledge so as to make limitation available in fewer instances?

Shall we expand the concept of "owner" for the same purpose?

Shall we grant total exemption from liability in exchange for insurance for the benefit of passengers?

These are a few of the possible alternatives that an investigating committee would weigh and measure. We can not pass upon these questions upon the basis of information presently available. We ought not to take the responsibility to act without the fullest study, for what we do or leave undone concerns not only the lives and property of millions of persons but affects a business that has grown tremendously in value.

In 1926 there were carried by water in the United States 478,000,000 passengers. There has been a steady increase since 1924 of the number of passengers who have arrived at American ports. In 1925 there were 797,000; in 1926, 866,000; in 1927, 916,000. There has likewise been a steady increase of the number of persons departing from American ports:

1924	494,000
1925	549,000
1926	600,000
1927	623,000

Of the figures given for 1927, 59,000 were children and 261,000 were females. The same steady increase in travel by Americans is shown by the reports of the Department of State in applications for passports.

In 1922–23 the number of passports issued was 124,844. In—

1923–24	139,106
1924–25	168,395
1925–26	174,537
1926–27	181,261
1927–28	188,236

For 1928 one steamship company alone, the Cunard Line, reported that 273,174 persons traveled on its ships. How long will this steadily rising stream of traffic continue if the American traveling public for one moment loses confidence in the safety of the vessels or the adequacy of our inspection? That travel, both commercial and tourist, on the part of Americans I regard as most important, and I believe that Congress should exert every effort to see that that habit now formed by the American people should not be discouraged.

The question of safety at sea concerns not only our passenger traffic but also the carriage of our goods. That business, too, has been steadily increasing. The water-borne commerce of the United States grew from $14,000,000,000 in 1921 to $26,000,000,000 in 1926 and throughout that period showed a steady annual increase.

I ask that several tables be printed in the RECORD, showing, among other things, the number of lives lost and the tonnage destroyed both on American and foreign vessels.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection? The Chair hears none, and it is so ordered.

(See Exhibits D, E, F, G, and H.)

INSPECTION SERVICE

Mr. WAGNER. Mr. President, that the Steamboat Inspection Service should be investigated is plain enough. The report of the Inspector General is the most convincing proof of that. If it is true, as he says, that we have not enough men to make effective inspection; that the law with respect to foreign vessels is uncertain; that inspection in our crowded ports is difficult and often impossible; that there ought to be hull inspection in the blue print before construction as well as after construction; and that there ought to be a radio installed on every seagoing vessel, a Senate committee should be apprised of all of these facts. The whole question of the adequate preparation of men in charge of the vessels is involved. We ought not to treat these matters piecemeal. We ought not to be called upon to act on various proposals without knowing whether they will throw the whole system out of kilter. The marine business is a very delicately adjusted business. It depends for its success upon a great many pychological elements. Any attempt to legislate along the thousand and one individual suggestions that have been made would so disturb the industry and make the traveling public so uneasy that we will have undone much of our work in upbuilding a merchant marine. To my mind, the only effective way at getting at this job is to do it in a large and comprehensive way so that there may be presented to the Senate a complete study and recommendations based upon a knowledge not of some of the facts but of all of the facts, so that the legislation enacted may be productive of good.

The great majority of shipowners are men who know their ships and love them. Their standards of safety, personnel, and operation are beyond reproach. As a rule they do much more than satisfy the minimum requirements of the law. These men are entitled to a ship inspection upon which they can rely. They are entitled to the restoration of public confidence in the shipping industry.

Mr. President, I come from a State and city whose welfare is intimately bound up with marine business. You may be assured that I do not want to injure that business. I desire to do all that I can to conserve and expand it. An investigation, I am convinced, will not harm it. What may destroy it is the growth of a conviction on the part of persons who travel that the Government and ship companies have no regard for their safety. That will desiccate the stream of traffic as surely as the Sahara sun dries up the desert dew. Investigate and legislate to make the sea safe and water-borne traffic will grow to heretofore unknown proportions. That is why I plead, Mr. President, for the consideration of the pending resolution.

EXHIBIT A

[From the New York Telegram, Tuesday, December 4, 1928]

"VESTRIS" INQUIRY LEAVES DISASTER UNEXPLAINED—TESTIMONY INDICATING BUNGLING BY CREW HEARD, BUT ACTUAL CAUSE OF SINKING, CAUSING LOSS OF 111 LIVES, REMAINS A MYSTERY

By Talcott Powell, New York Telegram staff writer

WEDNESDAY, NOVEMBER 7—AT THE PIER

Forenoon: United States Steamboat Inspector Keane formally reported he had lowered lifeboats of *Vestris* into water as a test, although actually he had not done so for fear of delaying the loading of the vessel at the pier.

SATURDAY, NOVEMBER 10—LEAVING NEW YORK

Head Waiter Thomas Connor noticed slight list when *Vestris* sailed. He said the vessel always had it.

SUNDAY, NOVEMBER 11—AT SEA

5.09 a. m.: *Vestris* radioed Lamport & Holt ship *Voltaire*, "I have nothing to communicate."

6 a. m.: Frederick Puppe, John Santone, and Walter Spitz, passengers, noticed list. Puppe could get no oatmeal cooked for his baby. An officer told him the cargo had shifted and would be straightened in an hour.

8 a. m.: Gilbert Ford, chief fireman, discovered water entering through ash ejector. Three feet of water on stokehold plates. His effort to fix the ejector failed because of rusty screws.

9 a. m.: Chief Engineer Adams was informed of leaking ejector. Twenty tons of water were in the boiler room bilge. Chief Officer Johnson heard water running under starboard bunker and noted a slight list.

10 a. m.: Lavatory drain broke, letting 15 tons of water into engine-room bilge.

12 noon: Ship listing so that passengers had to hold dinner plates in their hands. Ejector and drain repaired. Ship hove to. Water began running from starboard bunker after a port working door had sprung, letting in the sea. A mysterious leak, which was never found, started in the starboard bunker.

6 p. m.: No regular supper. Dining room and stateroom portholes leaking around gaskets. Starboard working door shipping water badly. Report among members of the crew that starboard coal port was leaking.

7.30 p. m.: The *Vestris* lurched violently to starboard, flinging baggage and furniture about when several tons of cargo shifted 15 feet, smashing bulkhead in No. 1 hold. The vessel never recovered.

10 p. m.: Starboard working door leaking worse. Six feet of water in the alleyway. Stewards' quarters flooded four feet deep, with more water pouring in around deadlights.

12 midnight: Third Officer Welland investigated leaking starboard half door.

MONDAY, NOVEMBER 12—AT SEA OFF THE VIRGINIA CAPES

2 a. m.: Puppe, awakened by hungry baby, noticed greatly increased list and silent engines.

2.30 a. m.: Steam shut off in the kitchens. List 25 degrees.

3 a. m.: Stewards put to bail in alleyway by starboard working door.

4 a. m.: Starboard boiler flooded. Captain Carey conferred in engine room with Chief Engineer Adams, who assured him pumps were holding water. Carey ordered No. 2 starboard ballast tank emptied. Nos. 4 and 5 had already been blown. Ship failed to right herself. Chief Officer Johnson reported to skipper situation was "pretty serious." Third Officer Welland took command of bucket brigade in alleyway.

4.30 a. m.: More men ordered to bail.

4.56 a. m.: *Vestris* radioed *Voltaire*, "Have nothing to report."

6 a. m.: No breakfast and no fresh water. Four-foot geyser rising in kitchen floor at every roll of ship. Third Officer Welland reported to Captain Carey, "Situation is serious." One passenger saw crew begin jettisoning cargo.

7 a. m.: Bucket brigade began to quit without orders. Pantry flooded and water entering upward through the garbage chute. After galley door burst under weight of water and flooded lazarette.

8 a. m.: More of the bucket brigade straggled away. One noticed bunker hatches had been battened with new canvas during the night. List increasing momentarily.

9 a. m.: Chief officer took charge of cargo jettisoning. Remnant of bucket brigade quit as water gained. Women and children of the third class ordered to first-class deck. List so bad passengers barely able to get to smoking room for shelter.

9.10 a. m.: *Vestris* sent general radio call: "We are heeling over and may need assistance."

9.30 a. m.: Engines entirely shut down to conserve steam for pumps.

9.58 a. m.: S O S, followed by: "We are heeling over to the starboard side and need immediate assistance."

10.02 a. m.: Freighter *Giorgio Ohlsen* gave her position as 35 miles from sinking ship.

10.08 a. m.: *Vestris* informed powerful shore station at Tuckerton, N. J., of her position, later found to have been incorrect by 37 miles.

10.30 a. m.: Engineers reported that the black gang mutinied and went on deck. Officers began to stoke two remaining boilers. Firemen admitted going on deck, but denied mutiny, saying they only abandoned work when situation was hopeless. S O S repeated, followed by: "Urgent help needed." Futile attempts to launch lifeboats Nos. 4 and 6, loaded with women and children, begun. *Vestris* radioed *Voltaire:* "Please rush at full speed to our aid immediately."

10.40 a. m.: *Vestris* radioed Japanese freighter *Ohio Maru*, "Come immediately, all possible speed." *Ohio Maru*, 135 miles away, replied: "On way now."

10.50 a. m.: White Star liner *Cedric*, 180 miles away, offered aid.

10.52 a. m.: *Vestris* radioed Lampert & Holt, her agents: "Last night developed 32-degree list to starboard. Impossible to proceed anywhere. Sea moderately rough."

10.56 a. m.: *Vestris* to *Cedric:* "We do not need your assistance." Then to Tuckerton: "We are getting worse. Decks all under water. Ship lying on beam ends. Impossible to proceed."

11 a. m.: Chief Engineer Adams to Captain Carey: "I can keep her afloat as long as I have steam for the pumps." Another general radio call: "Oh, please come to our assistance." On the boat deck launching tackle broke and jammed. Passengers said they heard no orders given except one, by a steward, telling a passenger to don a life belt. There was no panic. Another passenger saw a negro wrest a pistol from an officer and throw it overboard. The *Vestris* radioed her position to the *Giorgio Ohlsen.*

11.11 a. m.: *Vestris* to Tuckerton: "May have to take to boats any minute."

11.15 a. m.: Waiters ordered to help with boats.

11.30 a. m.: Bunker bulkhead sprang an enormous leak over starboard boiler. Engine-room deck plates buckled and water spewed upward. Tons of sea entered vessel. The *Giorgio Ohlsen* radioed compass bearings to *Vestris.*

11.35 a. m.: *Vestris* gave *Cedric* her last compass bearings.

12 noon: "Still a chance of saving the ship," said Chief Officer Johnson. The destroyer *Davis* reports making 20 knots; *American Shipper* 15 knots.

12.15 p. m.: The *Santa Barbara* informed the *Vestris:* "Expect to reach you at 7 p. m. Speed 17 knots."

12.30 p. m.: *Vestris* radioed: "We will soon have to abandon ship."

12.37 p. m.: *Santa Barbara* to *Vestris:* "Have direction finder on you. Coming along fine. Good luck."

12.42 p. m.: *Vestris* to Tuckerton: "Power cut off. Am going to use coil (emergency set). Please listen for same." Tuckerton: "O. K."

1.07 p. m.: Battleship *Wyoming* to *Vestris:* "Will arrive 9 p. m."

1.17 p. m.: *Vestris:* "Can't wait any longer. Going to abandon."

1.22 p. m.: *Vestris*, very faintly: "Now taking to lifeboats. So long, WSC" (Tuckerton's call letters). "SK" (international signal meaning "I am signing off").

1.30 p. m.: Captain refused life belt. Crew taking to starboard boats. Boats Nos. 4 and 6 still stuck on side of ship.

2.30 p. m.: The *Vestris* foundered.

ADDENDA

7.30 p. m.: *American Shipper* arrived in general vicinity.

10.30 p. m.: Arrived at position given by *Vestris.*

11.02 p. m.: *Ohio Maru* reported arrival and failure to find lifeboats.

TUESDAY, NOVEMBER 13

3.40 a. m.: *American Shipper* sighted red flare from lifeboat.

4.05 a. m.: *American Shipper* picked up first lifeboat.

4.30 a. m.: *American Shipper* lookout heard cries and found lifeboat No. 1 with searchlight.

4.48 a. m.: French tanker *Myriam* picked up lifeboat.

6.30 a. m.: Daybreak on to 11.11 a. m. the *American Shipper*, the *Berlin*, the *Myriam*, and the battleship *Wyoming* made the remaining rescues.

11.11 a. m.: The *Berlin* picked Carl Schmidt out of the water. This was the last rescue.

EXHIBIT B

[From report by Commissioner F. A. O'Neill]

RECOMMENDATIONS

The chief usefulness of this investigation lies in the constructive results which may be drawn from the lessons of the disaster as now disclosed. Accordingly, as such constructive results, I recommend the following:

(1) The present practice whereby foreign steam vessels carrying passengers from our ports to ports other than home ports of the country to which they belong, are treated as immune from the requirements of law as to lifeboats and life preservers, should be abolished. It is plainly contrary to public policy and common sense that the *Vestris* should not have been fully under our regulations because she carried a British flag, and was not examined under the British Board of Trade rules because she did not touch at British ports. Such a practice invites disaster.

(2) All vessels subject to our requirements of law as to life preservers should be required immediately to procure life preservers in accordance with the requirements in force since 1919, the purpose of which requirements is to insure a design which will keep an exhausted person's head above water. The present practice of passing life preservers not in accordance with those requirements on the plea that they were purchased prior to 1919 opens the door to subterfuge and, as shown by the experience of the *Vestris*, endangers life.

(3) The Steamboat Inspection Service should inaugurate a method of testing lifeboats for watertightness in cases, where due to the loading of the vessel or for other reasons, the lifeboats can not be lowered into the water.

(4) All ocean-going steamers and motor ships, both freighters and passenger carriers, should be required to install wireless with competent wireless operators capable of maintaining continuous watch. Had such requirements been in force, the *Montoso* could have been along side of the *Vestris* long before the latter sank.

(5) Regulations should be made requiring that all sea connections and piping thereto be located where they may be capable of inspection at sea, and repaired.

(6) Regulations should be made requiring owners to furnish full and accurate stability data for all vessels using United States ports as bases for passenger traffic; and these data be kept up to date. Without such data clearance papers should not be issued.

(7) The law governing limitation of liability in case of marine disaster should be amended so that owners may not have the benefit of such limitation where they have not taken reasonable means to examine and determine the competency of the principal officers of the vessel.

(8) The agencies both here and abroad under whose authority examinations of officers and the issuing of licenses to such officers come, should study their method of examination for licenses for the purpose of injecting into those examinations larger means of determining the executive ability of the applicant.

(9) Present life-saving apparatus should be supplemented by requirements for rafts of approved construction.

(10) With the aid of competent technical advisers investigation should be conducted into improved designs of lifeboats, improved devices for launching lifeboats, and improved designs for life preservers and other buoyant material.

(11) There should be created in the Steamboat Inspection Service a technical staff empowered to pass upon the design of all commercial vessels, with respect particularly to construction materials, stability, bulkheads, pumps, and other factors making for stability and buoyancy.

(12) The rules and practice should be so changed as to require the thorough inspection of all openings in the shell plating of the ship, such as cargo ports, coal ports, scuppers, and discharge pipes of all kinds.

(13) A full study should be made, either by Congress or the approaching international conference on safety of life at sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of the owners. These rules came into being before the construction of modern rapidly moving ships, and before the wireless enabled vessels at sea to communicate instantly with each other and with the owners on shore. Obviously, the amount of salvage which can be claimed by a rescuing ship may cause the captain of the vessel in distress to delay too long the sending of an appeal for help. So, likewise, the ancient fiction of law whereby the ship itself is treated as solely responsible for any disaster which overtakes it, is, under modern conditions of travel, grossly unjust to passengers and their dependents; and it puts a premium on slackness and penuriousness on the part of owners in keeping vessels in seaworthy condition and equipped with all modern, scientific devices for insuring stability, buoyancy, and safety.

(14) At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew. The principle of compulsory workmen's compensation in hazardous employments has become embodied in the statutes of many States. The members of the crew of a sea-going vessel are certainly engaged in a hazardous employment; and, since because of lack of official position, they have no control over the management of the vessel, they are exposed to the hazards not only of the sea but also of the ability of their officers. In the event of disaster, they and their families have at present no effective redress or compensation whatever.

I request the United States attorney to cause this report, the reports of the two captains, and the testimony taken in the case to be forwarded to the chairman of the respective committees of the Senate and the House of Representatives of the United States having jurisdiction over the framing of applicable legislation.

Dated, New York, December 19, 1928.

FRANCIS A. O'NEILL,
United States Commissioner.

EXHIBIT C

[From report by D. N. Hoover]

LESSONS TO BE LEARNED FROM THE DISASTER

The thing that stands out most prominently in this disaster and the lesson first to be learned is that we must hereafter stress men more than things. In this modern age we are prone to direct our efforts as far as possible toward the invention of mechanical devices that will make things safer, and this is true not only on ships but also on shore. As a result of it, I fear that we have come to unconsciously become the slaves of these things that we have invented to help us, forgetting that no matter how excellent a device there may be, there must be competent men to handle it, and this competency in men must be stressed at sea more than in any other place.

Without desiring to unnecessarily reflect upon the officers of the *Vestris* it must be apparent to anyone with an open mind and approaching this disaster in a detached manner that the officers of this ship do not seem to measure up to the standard that we would expect to be present in a British ship. We must have in mind, therefore, so far as the Steamboat Inspection Service is concerned, that first of all we must insist upon competent officers. We undertake to do this by requiring certain experience of all ships' officers before license may be obtained, and, in addition, we undertake by written examinations to determine whether these officers are properly prepared to have issued to them licenses by the United States Government. In this British ship the Steamboat Inspection Service had no control over these ship's officers, but we are concerned as Americans in being sure that the officers of American ships shall be equal to such an emergency as confronted the officers of the steamer *Vestris*. In this connection I may state that during the last 10 years marked improvement has been made in raising the standard of examination questions used by the local inspectors. This has been done by advice of the office of the Supervising Inspector General, and at present that office is engaged in the preparation of difficult questions of high standard.

It is manifest that the members of the crew of the *Vestris* were not well trained in lifeboat drill. In this country, so far as the issuance of certificates to lifeboat men is concerned, those certificates are issued as a result of an actual practical examination of the applicant. So far as the issuance of able seamen certificates is concerned, those certificates are issued upon statements of experience that are made in affidavit form by the persons desiring to be able seamen. I do not argue that there should be no experience required for able seamen, but I do submit that in addition to the experience that is required there should be an actual practical examination of able seamen conducted by inspectors of this service. It has been alleged that there has been much fraud in the handling of these able-seamen certificates, and beyond doubt that is true, but that is not due to the service. It is due to the law, for where there is a law that requires the issuance of a certificate as important as an able-seaman certificate, the issuance of that certificate based entirely upon a statement of experience, it is easy to see that fraud can easily be practiced by the applicant. The office of the Supervising Inspector General contains correspondence showing the efforts that have been made to apprehend these offenders, but the surest way to prevent this and to improve the standard would be by actual examination by the inspectors.

In connection with the loss of the *Vestris*, where it is evident that it was not possible to get all of the lifeboats clear of the ship, it is easy to see that those persons who believe in the increasing use of rafts would advance the argument that there should be more rafts supplied. In that connection, permit me to say that so far as the use of boats is concerned I would not be in favor of changing the rule of boats for all, but so far as the use of additional buoyant apparatus is concerned I may state that the British have in their suggestions for the international conference that is to be held in London next spring included the use of additional buoyancy to the extent of 25 per cent of the people on board in addition to the lifeboats that are carried.

That suggestion by the British has been favorably met by the American committee that is preparing for the international conference, and it may be that as a result of the loss of the *Vestris* that percentage might be raised. This additional buoyancy would not be in the form of the catamaran rafts usually used in this country, but of an entirely different form of raft buoyancy, the purpose of such buoyancy being to

take care of persons temporarily as best may be under probable conditions similar to those that were present in the case of the loss of the *Vestris*.

Encourage manufacturers in the lifeboat art to develop improved devices for launching lifeboats, particularly from vessels which are listed over.

I have referred in another part of this report to the suggestion of the commanding officer of the battleship *Wyoming* in regard to life preservers, and only take time at this place to again state that this is a matter that will be considered by the Board of Supervising Inspectors at its next annual meeting.

With regard to the inspection of lifeboats, I have pointed out in detail how lifeboats are inspected and the manner in which wooden lifeboats may be expected to act when first put into the water, but the question may well be asked as to whether granting that wooden lifeboats do take up in places where they leak, whether they take up sufficiently rapidly to be a safe boat, and my thought in that respect is that in the inspections that are hereafter made of wooden lifeboats, the test might be made with water in the boats. The water could be used as the weight required, and it could be also required that it remain in the boats for a certain length of time, and if at the end of that time the boats were not tight and they still leaked, then those lifeboats could be rejected.

Also in connection with the inspection of foreign ships and of the life-saving equipment of these ships in particular, and I refer now to those foreign ships that are not examined under reciprocal agreements, it might be well to increase the number of inspections; that is to say, have three reinspections during the year, as well as the annual inspection that is now required. At present in the case of ferry steamers and excursion steamers three reinspections are required in addition to the annual inspection that is required by law. It is of course to be understood that if this be done it will be necessary to have more inspectors.

Again, in connection with the inspection of lifeboats, the inspectors have been up against the condition, especially in the crowded port of New York, of not being able to lower all of the lifeboats. They have lowered to the extent they were able. It would be very desirable to work out a plan by which all of these boats could be lowered and yet not at the same time unnecessarily interfere with the sailings of the ships.

While as a matter merely of the use of words it might be stressed that regardless of what the physical conditions are, time should be taken to lower the boats, yet it soon would be found if this were insisted upon under all conditions without any consideration of the conditions existing in some of the ports, the inspectors would very soon be accused of being reactionary, unprogressive, and undertaking to add burdens to the American merchant marine. Increasingly, however, it is evident that in the matter of the lifeboat drills, the service must insist upon more than a mere entry in the log, and these drills must increasingly be held frequently under the personal direction of the inspectors of this service. To do that requires more inspectors.

I have referred to the criticism made of the releasing hooks in use on the *Vestris*, and in that connection I may state that during the past year there has been a careful study made of releasing hooks, the matter to be considered at the next meeting of the board of supervising inspectors. In that connection a letter under the date of April 10, 1928, reading as follows, was sent to each supervising inspector:

"You will recall the correspondence that was before the board of supervising inspectors at its recent session in connection with allegations made that there were lifeboat-releasing gears that had been approved by the board of supervising inspectors that were inefficient for the purpose intended, and concerning which allegations this office is making an investigation. Although the allegations have been made, and apparently in good faith, up to the present time this office has received nothing to substantiate them, and therefore, in order that we may proceed further, it will be necessary to conduct an investigation with reference to all releasing gears in use.

"In view of the above, you will issue the necessary instructions to the boards of local inspectors in your district making annual inspections of passenger vessels to make a careful test of all lifeboat-releasing gears found on such vessels, with a view to ascertaining whether or not they are efficient and fulfill the requirements of the law. In case they are found defective in their operation, they should ascertain whether or not such defective operation can be corrected by adjustment of their working parts. This procedure should be followed until we have ascertained fully the kind of releasing gears on all passenger vessels coming under the jurisdiction of this service.

"You will also instruct them to, on November 15, 1928, submit to you a detailed report in triplicate, setting forth by trade names all gears found, showing the manufacturer by name and address and year of manufacture of gear, the vessels using such gears to be alphabetically arranged under the different kinds of gears, showing date of inspection and whether gear operated satisfactorily or otherwise, and if not satisfactorily, to what extent it failed in the test. In a word, to give a report that will show exactly the kinds of gears installed, those that functioned satisfactorily and more especially gears that failed, to the end that you may forward that report to the bureau in duplicate by not later than December 1, so that the bureau may consider the information obtained and be in a position to submit it to the board of supervising inspectors, with a view to determining just what policy shall be pursued in the testing of gears that have failed, in the elimination of gears that have been approved but which have not been manufactured, etc., all with a view to purging the list of releasing gears approved for use on vessels coming under the jurisdiction of this service, so that the claim can not be made that we are permitting the use of inefficient and antiquated releasing gears."

Undoubtedly as a result of those letters the board of supervising inspectors will undertake to test out again all the gear that has been approved during the years that have passed.

The question that must be uppermost in the minds of all men who are familiar with ships, so far as concerns the steamer *Vestris*, is that of stability. The whole thing revolves primarily about this question. So far as inclining ships is concerned, it may be pointed out that the United States Steamboat Inspection Service, as an arm of the United States Government, is the first organization of its kind in the world, and for a number of years, to have undertaken the inclining of merchant ships. Only recently has the British Government given attention to this matter, and I know of no other maritime nation that gives attention to it as a governmental function. Stability tests were first required by the general rules and regulations of the board of supervising inspectors after the capsizing of the steamer *Eastland* in the Chicago River. I may also state that while the subject of stability was not included among those subjects to be discussed at the international conference in London next spring, Admiral Rock, chairman of the ship-construction committee of the special American committees that are preparing for this conference, made the motion and I seconded it, to have stability added to the agenda to be discussed at that conference. In this connection the question may be asked as to why this matter of stability has not received governmental attention from other nations the same as ours. It may also be asked as to why a standard has not been adopted in the premises, and in that respect I may say that so far as stability is concerned doctors disagree. There is a school of naval architects that believes in one thing in regard to stability and another school that believes in another, and the difficulty has been to get a point of departure that would be a standard that could be subscribed to by the maritime nations.

So far as the work in this country is concerned, I may point out that only recently and after much research has a special committee of the American Marine Standards Committee arrived at a tentative standard with reference to stability, and that proposed standard is now being prepared to be sent not only to leading interests in this country but to the leading nations of the world. So far as the stability work of the Steamboat Inspection Service as it relates to American vessels is concerned, that is a positive thing that has been going forward for a number of years, but so far as the application of those rules to foreign ships is concerned, there immediately arises international questions that must be given consideration. If it be argued that these reciprocal agreements that our Government has entered into with foreign nations should be denounced and we should undertake to inspect foreign ships in all respects the same as American ships, then I answer that the intolerable conditions that arose as the result of that procedure are the very conditions that brought about the reciprocity that exists between leading nations, and in which reciprocity American ships have as much to gain as foreign ships. It seems to me that so far as foreign ships are concerned, that the way to meet this situation is not necessarily by radical action but by proper discussion in conference between the best minds of the leading maritime nations of the world.

The proper way to approach this whole matter of hull inspection is through the front door and not through the back. In the case of boiler inspection we require that the design of a boiler shall first be passed upon by the service, the material subject to tensile strain which is used in the construction of the boiler is tested by an inspector of the service, and finally annually the completed boiler is given a thorough internal and external examination and submitted to hydrostatic pressure. Is it not reasonable to also hold that in approaching this propostion of hull inspection we should start before the hull is built as well as after the hull is built? But what we really do is to permit a ship to be built, subject her to a stability test, and then calculate as to whether the ship has proper stability.

We would not do this in the case of the construction of a building on land; such procedure would be considered absurd. It would not be considered reasonable to permit a man to build a building worth several millions of dollars, and then calmly tell him that that building was not safe. What is done is that the building inspectors pass upon those buildings before they are constructed, and if that reasonable action is used in regard to the construction of structures on land, why is it not just as reasonable and just as logical to follow the same procedure in regard to the construction of ships? Why should we use logical methods of approaching a situation on land and then, because

we have to deal with ships, undertake to throw aside all logic and follow the methods of past generations? If reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1915, it will be noted that the idea which the bureau then had in mind was to create in the office of the Supervising Inspector General a corps of experts whose business it would be to approve proposed hull construction. Again, if reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1927, it will be noted on pages 1, 2, and 3 a suggestion was made by that officer with reference to a reorganization in such manner as to provide a technical staff.

Another lesson to be learned from the loss of the *Vestris* is that wireless should be required on all ships navigating the ocean or the coasts. Had such a law been in effect, it is probable that everybody on board the *Vestris* might have been saved, because there was a ship within as near as 45 miles of the *Vestris*, but not equipped with wireless, that could have gone to her assistance.

It would seem that all openings through the shell plating of ships, such as cargo ports, coal ports, scuppers, discharge pipes of all kinds, including ash ejectors and sea cocks and their chests, should have special attention at each annual inspection, and as far as practically possible access should be had to them at any time, whether in port, at sea, loaded or light, and scuppers from any deck below a weather deck should lead to the bilges, where the water could be handled by pumps.

In new construction it may be well to require centrifugal pumps of large capacity installed to pump out of the fire and engine room bilges, or have bilge connections installed from the circulating pump or pumps to bilges as above.

In all of this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction, but one that is vitally wrapped up in the matter of safety of ships. Captain Carey is gone. No man is able to say what his mental processes were in his hour of trial, but any man who is familiar with the law of the sea knows that he, Captain Carey, or any other shipmaster, would very carefully consider the sending of an S O S that would result in the salvaging of his ship, should it not be absolutely necessary to send out that call. There is a human thing here that must not be overlooked, and that is the professional pride of the master of the ship. Could he be sure that the ship could be saved by his own efforts, he would make every effort to do so before asking for help, and he did make every effort that he could. If the amount of salvage that could be claimed by vessels responding to such a call was reduced, the master of a ship in distress would not hesitate too long before asking for help.

If it be claimed that if salvage is reduced masters of other ships would not respond as promptly as they should, I answer that in this day of wireless communication, when the positions of ships are so well known, it would be easy to place the responsibility upon a shipmaster who refused to respond, and who, refusing, should have visited upon him the severest penalty. Of course, the matter of what salvage shall be paid is something that very properly could be determined by an international conference, at which would be present representatives of the leading maritime nations.

Another thing that might well receive attention is that of liability. We speak of limitation of liability so far as ships are concerned as something that necessarily must exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have competely changed. In this modern day, when ships can be and are so largely directed from home offices, it might be well to give attention to the proposition of unlimited liability upon this kind of property. The point is that increasingly the effort is made in governmental affairs to take all responsibility, and, so far as the Steamboat Inspection Service is concerned, it must be remembered that it is not a service that operates ships. By giving attention to this matter of unlimited liability there would be a responsibility placed more squarely upon the owners, and they would not be prone to look so much to the responsibility of the Government. If it be contended that to impose such a law upon American shipowners would be to penalize them, and it would, then that also is a question that would have to be adjusted in a proper international conference.

ACKNOWLEDGMENTS

I desire before closing this report to give credit to and thank the Hon. Walter F. Brown, Assistant Secretary of Commerce; the Hon. E. F. Morgan, Solicitor of the Department of Commerce, who by their advice were of inestimable value to me in conducting this investigation; to Rear Admiral J. G. Tawresey; to Mr. Earl B. Hull, traveling inspector of this service, who gave and is giving particular attention to matters of stability of the *Vestris;* to Mr. J. L. Crone, supervising inspector of the second district; to Burlingham, Veeder, Masten & Fearey, counsel for the Lamport & Holt Line, who produced officers and crew without the use of subpœna; to Mr. Harry Wheeler, marine superintendent of the Lamport & Holt Line, who cooperated in every way possible in furnishing me with data; and last, but not least, to the clerks in the New York office who acted as reporters of the testimony.

I submit herewith the testimony taken at this investigation and copies of the books, Forms 991 A and B, F, of the inspectors who inspected the *Vestris.*

I have the honor to be, very respectfully,

DICKERSON N. HOOVER,
Supervising Inspector General.

EXHIBIT D

No. 456.—*Marine wrecks and casualties occurring to vessels of the United States: By regions*

[NOTE.—It appears that prior to 1915 the figures include disasters to foreign vessels on and near the coasts of the United States, reports of which were received in isolated instances. Casualties to vessels of the United States in Panama Canal Zone were as follows: 1927, tonnage, 60,223; property involved, $4,972,833; property lost, $61,800; persons on board, 903; lives lost, 5. 1926, tonnage, 23,271; property involved, $3,815,221; property lost, $81,500; persons on board, 154. These and corresponding figures for previous years are not included in the recapitulation or elsewhere]

Year ended June 30—	Number of vessels	Wrecks involving total loss	Casualties involving partial and unknown damage	Vessels totally lost	Vessels damaged	Losses to vessels	Losses to cargoes	Passengers	Crews	Lives lost
TOTAL										
				Tons	*Tons*	*Dollars*	*Dollars*	*Number*	*Number*	
1910	1,493	365	1,128	135,305	2,000,997	11,058,840	2,565,580	15,464	22,640	403
1911	1,227	294	933	101,365	1,475,688	9,565,995	1,694,630	22,484	21,668	262
1912	1,447	328	1,119	113,920	1,546,391	8,213,375	1,941,010	15,972	24,310	195
1913	1,265	274	991	91,188	1,663,623	8,338,935	1,549,285	21,101	23,077	283
1914	1,210	293	917	173,069	1,518,930	11,437,330	2,509,405	14,533	22,199	421
1915	1,088	289	799	151,968	1,276,125	10,199,560	4,013,083	12,857	20,220	277
1916	1,140	317	823	135,233	1,714,434	12,671,040	3,668,995	14,080	20,653	1,364
1917	1,072	324	748	197,119	1,523,307	33,708,710	12,479,600	8,233	21,418	490
1918	976	380	596	248,520	1,090,956	57,728,110	22,557,940	6,911	16,207	398
1919	738	303	435	163,168	1,016,590	38,139,080	12,698,145	5,722	14,289	452
1920	1,074	285	789	214,531	2,088,534	54,955,480	17,612,455	14,499	26,100	551
1921	777	222	555	122,397	1,434,888	28,662,730	6,269,295	7,081	16,005	206
1922	907	277	630	131,027	1,762,412	18,727,614	3,975,714	8,989	19,065	227
1923	980	273	707	117,099	1,941,349	17,202,806	3,710,959	14,144	21,198	116
1924	945	237	708	96,474	1,917,058	14,201,211	3,802,792	8,861	20,255	202
1925	980	255	725	96,225	1,985,884	15,177,361	4,113,565	11,958	22,771	196
1926	982	254	728	93,539	2,015,068	15,596,857	4,324,475	12,331	21,970	236
1927	1,233	300	933	118,337	2,787,707	18,704,033	5,314,693	10,493	27,635	222
ATLANTIC, GULF, AND PACIFIC COASTS OF THE UNITED STATES										
1921	375	110	265	39,418	476,433	10,505,725	1,553,055	5,418	6,641	77
1922	515	171	344	78,552	732,679	9,200,909	1,500,663	4,289	9,355	148
1923	559	161	398	66,089	815,236	9,527,801	1,976,572	8,722	10,179	77
1924	564	143	421	56,133	982,448	7,010,156	1,662,101	4,259	11,020	94
1925	577	157	420	51,907	1,001,113	8,037,586	2,781,413	7,290	12,343	93
1926	584	163	421	59,143	1,017,968	10,364,020	2,055,263	8,244	12,236	145
1927	685	175	510	62,502	1,303,448	10,239,557	1,626,694	5,629	13,602	125

EXHIBIT D—Continued

No. 456.—*Marine wrecks and casualties occurring to vessels of the United States: By regions*—Continued

Year ended June 30—	Number of vessels	Wrecks involving total loss	Casualties involving partial and unknown damage	Vessels totally lost	Vessels damaged	Losses to vessels	Losses to cargoes	Passengers	Crews	Lives lost
GREAT LAKES										
1921	144	16	128	13,296	525,821	1,694,280	134,025	574	3,798	44
1922	120	19	101	9,529	432,357	1,816,098	95,000	407	2,335	16
1923	154	33	121	17,125	512,081	2,855,072	379,492	3,300	3,733	9
1924	72	15	57	5,425	185,881	902,300	232,444	1,441	1,569	16
1925	67	15	52	11,065	126,822	2,200,255	117,990	1,734	1,496	39
1926	91	18	73	4,177	215,938	1,365,509	119,937	1,513	1,792	17
1927	129	20	109	17,328	409,264	2,823,077	197,216	927	3,286	5
RIVERS OF THE UNITED STATES										
1921	95	35	60	7,749	96,969	2,652,005	91,915	537	1,428	11
1922	114	47	67	5,621	135,670	1,190,650	98,820	1,082	1,524	6
1923	130	45	85	5,542	145,792	1,408,423	154,245	238	1,757	9
1924	147	51	96	8,601	163,907	1,584,210	62,861	1,251	1,993	13
1925	171	49	122	5,635	256,885	2,237,372	235,432	991	2,704	21
1926	157	49	108	3,581	259,822	1,542,037	33,325	1,422	2,873	8
1927	204	68	136	7,285	314,305	1,994,354	158,095	1,152	3,217	24
AT SEA AND ON THE COASTS OF FOREIGN COUNTRIES										
1921	163	61	102	61,934	335,665	13,810,720	4,490,300	552	4,138	74
1922	158	40	118	37,325	461,706	6,519,157	2,291,231	3,211	5,851	57
1923	137	34	103	28,343	468,240	3,411,510	1,200,650	1,884	5,529	21
1924	162	28	134	26,315	584,822	4,704,545	1,845,386	1,910	5,673	79
1925	165	34	131	27,618	601,064	2,702,148	978,730	1,943	6,228	43
1926	150	24	126	26,638	521,340	2,325,291	2,115,950	1,152	5,069	66
1927	215	37	178	31,222	760,690	3,647,045	3,332,688	2,785	7,530	68

Source: Reports of the U. S. Coast Guard, Treasury Department.

EXHIBIT E

No. 12.—*Showing the number and gross tonnage of steamers and motorships of 100 tons gross and upward, totally lost (including war losses), and broken up during the years 1903 to 1926 distinguishing the principal maritime countries, and indicating the percentage lost of the tonnage owned by the various countries*

Year	Lost or broken up [1]	Great Britain and Ireland			British Dominions			America [2] (United States)			Denmark			France			Germany			Greece			Holland		
		Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent
1915	Lost	544	1,092,924	5.68	25	33,727	2.11	19	39,730	1.54	17	32,208	4.01	46	113,011	5.92	32	74,880	1.69	14	27,653	3.10	25	41,393	2.76
	Broken up	9	9,853		4	814					1	544		2	6,992										
	Total	553	1,102,777		29	34,541		19	39,730		18	32,752		48	120,003		32	74,880		14	27,653		25	41,393	
1916	Lost	571	1,411,429	7.50	30	31,396	1.92	27	57,255	2.01	45	60,531	7.59	57	148,051	8.00	25	39,506	1.02	38	91,645	12.78	32	72,347	4.87
	Broken up	1	427		3	1,166								1	523										
	Total	572	1,411,856		33	32,562		27	57,255		45	60,531		58	148,574		25	39,506		38	91,645		32	72,347	
1917 [3]	Lost	1,384	4,093,717		49	71,262		60	166,630		81	109,949		144	355,007		24	19,750		89	241,546		49	84,331	
	Broken up	2	300		2	577					1	546													
	Total	1,386	4,094,017		51	71,839		60	166,630		82	110,495		144	355,007		24	19,750		89	241,546		49	84,331	
1918 [3]	Lost	661	1,974,182		46	97,812		90	308,742		2	131,960		92	186,083		18	13,249		20	54,386		16	9,791	
	Broken up	2	1,558		1	128								1	176										
	Total	663	1,975,740		47	97,940		90	308,742		21	31,960		93	186,259		18	13,249		2	054,386		16	9,791	
1919	Lost	84	140,941	0.86	34	35,168	1.89	54	114,752	0.96	4	2,243	0.36	22	32,250	1.64	47	19,152	0.59	6	7,426	2.55	24	11,936	0.76
	Broken up	1	244		4	1,646								2	7,294								1	274	
	Total	85	141,185		38	36,814		54	114,752		4	2,243		24	39,544		47	19,152		6	7,426		25	12,210	
1920	Lost	86	123,861	.68	26	16,574	.89	45	112,040	.90	6	2,163	.30	25	50,874	1.72	17	9,061	2.16	26	31,915	6.42	12	3,736	.21
	Broken up	6	5,722		5	1,818																			
	Total	92	129,583		31	18,392		45	112,040		6	2,163		25	50,874		17	9,061		26	31,915		12	3,736	
1921	Lost	65	65,718	.34	35	42,332	1.87	22	60,392	.45	8	5,536	.63	21	27,899	.85	12	7,005	1.07	26	52,363	8.92	2	602	.03
	Broken up	13	43,237		9	13,422		4	8,920					3	4,212		1	1,827					1	2,061	
	Total	78	108,955		44	55,754		26	69,312		8	5,536		24	32,111		13	8,832		26	52,363		3	2,663	
1922	Lost	77	119,297	.62	15	11,897	.47	24	54,842	.40	4	6,773	.70	23	23,770	.67	27	24,380	1.37	5	7,136	1.09	6	5,037	.19
	Broken up	41	120,347		20	30,173		14	37,630		4	944		22	53,674		4	6,949		1	1,353		4	5,903	
	Total	118	239,644		35	42,070		38	92,472		8	7,717		45	77,444		31	31,329		6	8,489		10	10,940	
1923	Lost	84	138,744	.73	17	17,836	.69	28	65,939	.49	5	6,966	.74	20	12,936	.37	29	35,710	1.42	4	9,941	1.33	5	10,817	.41
	Broken up	73	184,207		13	30,701		125	346,761		6	7,408		64	167,478		4	5,227					7	10,812	
	Total	157	322,951		30	48,537		153	412,700		11	14,374		84	180,414		33	40,937		4	9,941		12	21,629	

Footnotes at end of table.

EXHIBIT E—Continued

No. 12.—*Showing the number and gross tonnage of steamers and motorships of 100 tons gross and upward, totally lost (including war losses), and broken up during the years 1903 to 1926 distinguishing the principal maritime countries, and indicating the percentage lost of the tonnage owned by the various countries*—Continued

Year	Lost or broken up [1]	Great Britain and Ireland			British Dominions			America [2] (United States)			Denmark			France			Germany			Greece			Holland		
		Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent
1924	Lost	67	108,077	0.57	31	26,518	1.02	26	42,445	0.34	7	12,248	1.24	13	23,908	0.73	20	15,542	0.54	3	9,625	1.27	1	801	0.03
	Broken up	116	254,089		29	55,732		145	488,865		7	10,844		57	111,610		14	27,366		2	3,058		7	15,892	
	Total	183	362,166		60	82,250		171	531,310		14	23,092		70	135,518		34	42,908		5	12,683		8	16,693	
1925	Lost	54	61,778	.32	25	15,574	.60	11	27,416	.23	4	1,842	.18	16	12,949	.39	23	18,370	.61	11	21,477	2.40	5	14,431	.56
	Broken up	79	198,637		28	48,458		22	56,453		1	295		26	84,001		10	37,537		3	18,205		2	6,038	
	Total	133	260,415		53	64,032		33	83,869		5	2,137		42	96,950		33	55,907		14	39,682		7	20,469	
1926	Lost	55	111,780	.58	31	29,680	1.10	20	39,547	.35	3	771	.07	13	26,981	.81	21	24,512	.80	9	16,034	1.74	6	9,991	.39
	Broken up	67	151,894		36	42,994		146	403,944		4	2,698		22	37,024		7	8,667		1	1,476		2	4,477	
	Total	122	263,674		67	72,674		166	443,491		7	3,469		35	64,005		28	33,179		10	17,510		8	14,468	

Year	Lost or broken up [1]	Italy			Japan			Norway			Spain			Sweden			Other countries		World		
		Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Number	Tons	Per cent
1915	Lost	20	53,930	3.56	20	43,041	2.36	81	116,501	5.89	13	26,871	3.03	37	62,359	6.10	75	109,158	968	1,867,386	4.29
	Broken up	1	1,214		1	3,272		1	371					1	322		4	2,950	24	26,332	
	Total	21	55,144		21	46,313		82	116,872		13	26,871		38	62,681		79	112,108	992	1,893,718	
1916	Lost	82	228,290	13.54	28	81,068	4.39	208	288,446	12.74	30	66,456	8.15	43	43,528	4.70	58	95,034	1,274	2,714,982	6.31
	Broken up	5	6,347		3	438		1	158										14	9,059	
	Total	87	234,637		31	81,506		209	288,604		30	66,456		43	43,528		58	95,034	1,288	2,724,041	
1917 [3]	Lost	128	398,790		36	92,113		368	601,209		34	73,565		56	75,132		94	219,477	2,596	6,602,478	
	Broken up	3	3,226											1	134				9	4,783	
	Total	131	402,016		36	92,113		368	601,209		34	73,565		57	75,266		94	219,477	2,605	6,607,261	
1928 [3]	Lost	50	184,173		30	61,829		102	167,034		34	71,745		52	70,016		56	99,352	1,288	3,330,354	
	Broken up	1	429											1	146				6	2,437	
	Total	51	184,602		30	61,829		102	167,034		34	71,745		53	70,162		56	99,352	1,294	3,332,791	
1919	Lost	2	366	.03	42	43,829	1.88	31	33,199	2.07	7	7,376	1.04	27	24,201	2.64	31	41,395	415	514,234	1.12
	Broken up										1	272		1	208				10	9,938	
	Total	2	366		42	43,829		31	33,199		8	7,648		28	24,409		31	41,395	425	524,172	
1920	Lost	9	13,020	.61	29	41,988	1.40	26	25,944	1.31	10	10,050	1.07	13	17,777	1.78	27	51,791	357	510,794	.99
	Broken up													2	261				13	7,801	
	Total	9	13,020		29	41,988		26	25,944		10	10,050		15	18,038		27	51,791	370	518,595	
1921	Lost	15	28,069	1.14	29	51,185	1.53	16	29,210	1.23	30	53,772	4.84	8	9,698	.89	21	25,211	310	458,992	.81
	Broken up										1	2,518					2	1,348	34	77,545	
	Total	15	28,069		29	51,185		16	29,210		31	56,290		8	9,698		23	26,559	344	536,537	
1922	Lost	15	31,059	1.15	64	54,136	1.51	27	23,010	.95	20	27,917	2.30	7	6,138	.59	37	33,334	351	428,756	.72
	Broken up	6	15,735		22	15,580		5	3,088		1	1,039		2	251				160	315,110	
	Total	21	46,794		86	69,716		32	26,098		21	28,956		9	6,389		37	33,334	511	743,866	
1923	Lost	22	49,629	1.72	33	58,548	1.62	27	36,085	1.52	9	10,779	.90	18	12,587	1.11	23	27,847	324	494,364	.82
	Broken up	59	157,080		4	5,498		6	4,622		6	13,760		9	2,160		9	26,792	385	962,506	
	Total	81	206,709		37	64,046		33	40,707		15	24,539		27	14,747		32	54,639	709	1,456,870	
1924	Lost	12	38,125	1.40	42	70,933	1.85	21	22,863	.96	6	9,336	.79	11	14,084	1.18	32	45,899	292	440,404	.71
	Broken up	43	110,633		8	4,616		7	3,456		9	24,283		7	1,265		24	62,549	485	1,174,258	
	Total	55	148,758		50	75,549		28	26,319		15	33,619		18	15,349		56	108,448	777	1,614,662	
1925	Lost	17	37,736	1.29	38	42,788	1.09	21	20,367	.78	14	17,516	1.53	15	14,504	1.16	26	21,000	280	327,748	.55
	Broken up	31	100,869		24	37,759		4	3,579		14	15,189		6	4,186		23	41,840	273	653,046	
	Total	48	138,605		62	80,547		25	23,946		28	32,705		21	18,690		49	62,840	553	980,794	
1926	Lost	19	47,905	1.52	43	44,576	1.12	22	26,410	.94	12	15,954	1.42	9	10,510	.81	35	23,589	298	428,240	.71
	Broken up	17	45,988		12	16,474		6	5,760		10	23,488		8	4,800		20	48,949	358	798,633	
	Total	36	93,893		55	61,050		28	32,170		22	39,442		17	15,310		55	72,538	656	1,226,873	

[1] Cases of breaking up consequent upon casualty are included under "Lost."
[2] Excluding vessels trading on the Great Lakes of North America.
[3] Owing to the war, statistics regarding the vessels owned by the various countries of the world were not compiled by Lloyd's Register for the years 1917 and 1918.

EXHIBIT F

No. 13.—*Passengers carried by water during the calendar year 1926*

[Includes passengers carried by regular vessel lines, ferry, and excursion boats]

Grand divisions	Credited to—		Total
	Ports	Rivers	
Atlantic coast	[1] 309,308,402	5,602,421	314,910,823
Gulf coast	8,145,150	154,048	8,299,198
Pacific coast, including Hawaii	106,710,066	1,206,729	107,916,795
Great Lakes	28,123,747		28,123,747
Mississippi River and tributaries		16,477,009	16,477,009
Canals and connecting channels:			
Federal		2,198,251	2,198,251
State and private		233,724	233,724
Interior rivers and waters not tributary to Atlantic, Gulf, or Pacific coasts		56,317	56,317
Total	452,287,365	25,928,499	478,215,864

[1] Figure for 1925 in error. Correct figure is 203,243,621, making total for ports, 336,050,250; total, Atlantic coast, 208,866,151; and grand total, 355,814,435.

EXHIBIT G

No. 110.—*Arrivals of passengers at the principal ports from foreign countries, years ended June 30*

NOTE.—Figures for immigrants and nonimmigrant aliens cover admissions only. In addition, there are debarred aliens among the arrivals who, after being examined, are found inadmissible and returned to the countries whence they came]

Port and class	1900–1909, average	1910–1914, average	1915–1919, average	1920–1924, average	1924	1925	1926	1927
United States, total	1,060,019	1,488,422	454,192	963,630	1,180,583	797,674	866,863	916,521
United States citizens	166,236	273,262	131,643	246,640	301,281	339,239	370,757	378,520
Immigrants	820,239	1,034,940	234,536	554,920	706,896	294,314	304,488	335,175
Nonimmigrant aliens	73,544	180,220	88,013	162,070	172,406	164,121	191,618	202,826
New York	812,848	1,048,710	193,356	571,942	618,420	458,182	531,700	566,819
United States citizens	128,988	173,578	55,192	161,265	205,362	219,861	263,170	269,026
Immigrants	630,141	759,791	100,970	321,403	315,587	137,492	149,289	165,510
Nonimmigrant aliens	53,719	115,341	37,194	89,274	97,471	100,829	119,241	132,283
Boston	64,942	73,896	13,034	30,329	45,299	17,960	18,942	19,555
United States citizens	12,351	11,498	2,723	4,486	6,507	6,098	7,577	7,251
Immigrants	47,913	52,474	8,801	24,168	36,320	9,023	8,025	8,080
Nonimmigrant aliens	4,678	9,925	1,510	1,675	2,472	2,839	3,340	4,224
Philadelphia	24,183	54,823	2,385	10,627	10,628	1,673	606	643
United States citizens	3,510	3,506	462	1,355	1,073	942	229	370
Immigrants	20,203	48,547	1,667	8,597	8,711	409	66	100
Nonimmigrant aliens	470	2,770	256	675	844	322	311	173
Baltimore	44,707	31,283	914	511	725	153	274	154
United States citizens	1,277	1,126	76	132	141	61	215	69
Immigrants	42,994	29,395	780	317	480	68	36	45
Nonimmigrant aliens	436	762	58	62	104	24	23	40
New Orleans	[1] 8,422	11,674	11,199	11,052	12,477	11,665	13,269	13,202
United States citizens	[1] 3,925	7,837	6,808	6,474	7,276	7,948	9,533	9,278
Immigrants	[1] 3,288	1,791	1,931	1,407	1,180	727	744	903
Nonimmigrant aliens	[1] 1,209	2,046	2,460	3,171	4,021	2,990	2,992	3,021
San Francisco	10,729	14,053	19,587	24,738	22,853	13,477	14,864	18,116
United States citizens	3,609	5,389	5,460	6,976	6,980	5,589	5,825	8,065
Immigrants	5,115	4,776	8,442	7,659	7,659	1,927	2,114	2,512
Nonimmigrant aliens	2,005	3,887	5,665	10,103	8,214	5,961	6,895	7,539
Seattle	[1] 4,537	4,627	6,911	8,733	14,760	5,379	5,548	6,748
United States citizens	[1] 667	794	614	1,739	2,971	1,926	1,996	3,154
Immigrants	[1] 3,136	2,208	3,938	4,046	7,131	1,233	1,444	1,011
Nonimmigrant aliens	[1] 734	1,625	2,359	2,948	4,658	2,220	2,108	2,583

[1] Average, 1906 to 1909.

Source: Annual Reports of the Commissioner General of Immigration, Department of Labor.

No. 111.—*Departures of passengers from the United States for foreign countries, years ended June 30*

	1900–1909, average	1910–1914, average	1915–1919, average	1920–1924, average	1923	1924	1925	1926	1927
Total	487,425	904,423	416,948	588,088	471,187	494,595	549,813	600,235	623,296
Male	324,402	631,827	319,331	384,871	277,973	304,290	338,670	349,956	361,966
Female	163,023	272,595	97,617	203,217	193,214	190,305	211,143	250,279	261,330
Children [1]	52,455	99,348	39,053	75,863	57,610	51,190	51,547	56,470	59,723
Adults [1]	434,970	805,074	377,895	512,225	413,577	443,405	498,266	543,765	563,573
Cabin [2]	193,822	457,514	209,593	323,302	325,068	346,392	364,771	399,033	410,125
Steerage [3]	293,603	446,909	207,355	264,786	146,119	148,203	185,042	201,202	213,171

[1] Prior to 1910 the division point is 12 years; from 1910 to 1917, inclusive, 14 years; thereafter, 16.
[2] Figures include departures by rail via the Canadian and Mexican borders.
[3] Prior to 1910 designated as "Other than cabin passengers."

Source: Prior to July 1, 1907, the Bureau of Statistics; subsequently the Bureau of Immigration, Department of Labor.

EXHIBIT H

No. 1.—*Comparative statement of the water-borne commerce of the United States, eliminating all known duplications, by calendar years* [1]

[Quantities expressed in short tons]

Year	Ports on Atlantic, Gulf, and Pacific coasts				Ports on the Great Lakes			
	Foreign traffic		Domestic traffic		Foreign traffic		Domestic traffic	
	Tons	Value	Tons	Value	Tons	Value	Tons	Value
1920	100,384,206	$9,741,639,067	114,557,241	$7,402,577,058	12,388,707	$255,277,343	98,750,979	$1,150,834,264
1921	80,151,748	5,703,680,536	115,333,669	6,121,728,870	12,512,860	233,640,160	58,947,310	724,130,268
1922	86,874,593	6,662,280,874	128,430,717	7,598,082,159	13,005,132	291,349,913	81,032,958	998,069,323
1923	82,998,505	7,169,442,935	180,660,122	9,608,763,271	14,659,905	253,363,953	110,857,646	1,130,539,355
1924	85,433,050	8,523,020,980	197,624,890	11,241,182,131	16,128,526	364,545,833	93,702,753	1,603,987,681
1925	92,043,288	8,848,235,505	209,916,869	12,519,779,942	16,504,138	403,737,784	113,644,259	1,870,566,656
1926	114,693,239	8,501,645,449	227,391,874	15,161,665,805	16,599,974	440,338,743	120,794,460	1,669,053,512

[1] This table shows the corrected tonnage and values for rivers, canals, and connecting channels, and the grand totals.

EXHIBIT H—Continued

No. 1.—*Comparative statement of the water-borne commerce of the United States, eliminating all known duplications, by calendar years*—Continued

[Quantities expressed in short tons]

Year	Rivers, canals, and connecting channels		Grand adjusted total, foreign and domestic	
	Tons	Value	Tons	Value
1920	125, 400, 000	$2, 814, 600, 000	399, 000, 000	$20, 531, 000, 000
1921	116, 300, 000	2, 443, 500, 000	332, 000, 000	14, 329, 000, 000
1922	111, 800, 000	3, 177, 900, 000	376, 000, 000	17, 504, 000, 000
1923	153, 700, 000	2, 960, 200, 000	478, 000, 000	20, 175, 000, 000
1924	173, 200, 000	3, 446, 035, 000	453, 700, 000	22, 115, 000, 000
1925	204, 569, 000	3, 950, 450, 000	483, 400, 000	23, 946, 000, 000
1926	217, 000, 000	3, 680, 000, 000	540, 500, 000	26, 722, 000, 000

No. 2.—*Commerce of ports during the calendar year 1926*

[Quantities expressed in short tons]

Grand divisions	Foreign				Domestic		Grand total	
	Imports		Exports					
	Tops	Value	Tons	Value	Tons	Value	Tons	Value
Atlantic coast	33, 078, 106	$2, 948, 889, 879	39, 835, 386	$3, 035, 572, 787	251, 804, 101	$22, 055, 257, 204	324, 717, 593	$28, 039, 719, 870
Gulf coast	8, 742, 640	322, 522, 912	15, 527, 936	1, 082, 921, 823	47, 535, 163	1, 590, 066, 619	71, 805, 739	2, 995, 511, 354
Pacific coast	3, 013, 343	598, 973, 628	14, 495, 828	512, 764, 420	93, 513, 769	3, 776, 970, 967	111, 022, 940	4, 888, 709, 015
Great Lakes	6, 424, 329	278, 863, 131	10, 175, 645	161, 475, 612	237, 280, 699	3, 325, 986, 653	253, 880, 673	3, 766, 325, 396
Grand total, unadjusted	51, 258, 418	4, 149, 249, 550	80, 034, 795	4, 792, 734, 642	630, 133, 732	30, 748, 281, 443	761, 426, 945	39, 690, 265, 635
Adjusted total, eliminating all known duplications	51, 258, 418	4, 149, 249, 550	80, 034, 795	4, 792, 734, 642	348, 186, 334	16, 830, 719, 317	479, 479, 547	25, 772, 703, 509

TABLE NO. 3.—*Commerce on the rivers, canals, and connecting channels of the United States during the calendar year 1926*

[Quantities expressed in short tons]

Grand divisions	Bulk freight						Package freight, miscellaneous		Total commerce	
	Miscellaneous		Floated and rafted timber		Total bulk freight					
	Tons	Value	Tons	Value	Tons	Value	Tons	Value	Tons	Value
Atlantic coast	24, 521, 358	$195, 307, 301	824, 727	$4, 170, 356	25, 346, 085	$199, 477, 657	2, 341, 467	$404, 060, 876	27, 687, 552	$603, 538, 533
Gulf coast	3, 283, 119	37, 693, 766	1, 549, 173	7, 145, 289	4, 832, 292	44, 839, 055	427, 352	51, 621, 179	5, 259, 644	96, 460, 234
Mississippi River and tributaries	71, 999, 019	452, 923, 962	618, 259	3, 947, 630	72, 617, 278	456, 871, 592	4, 419, 202	520, 182, 130	77, 036, 480	977, 053, 722
Pacific coast	5, 930, 120	75, 411, 736	8, 910, 897	58, 676, 649	14, 841, 017	134, 088, 385	1, 790, 097	179, 639, 314	16, 631, 114	313, 727, 699
Interior rivers and other waterways	763, 910	2, 303, 499	20, 269	238, 608	784, 179	2, 542, 107	21, 909	1, 302, 129	806, 088	3, 844, 236
Canals and connecting channels:										
Federal	99, 405, 490	1, 022, 234, 975	1, 774, 434	9, 394, 008	101, 179, 924	1, 031, 628, 983	9, 190, 675	569, 345, 961	110, 370, 599	1, 600, 974, 944
State and private	5, 334, 401	421, 117, 352	2, 960	11, 800	5, 337, 361	421, 129, 152	502, 089	37, 958, 338	5, 839, 450	459, 087, 490
Grand total, unadjusted	211, 237, 417	2, 206, 992, 591	13, 700, 719	83, 584, 340	224, 938, 136	2, 290, 576, 931	18, 692, 791	1, 764, 109, 927	243, 630, 927	4, 054, 686, 858
Adjusted total, eliminating all known duplications									217, 000, 000	3, 680, 000, 000

Mr. JONES. Mr. President, I did not hear all of the address of the Senator from New York. I understand—I do not know how correct it is—that there was some criticism of the Commerce Committee for not acting upon the matter. Almost immediately after the Senator introduced his resolution, at which time other resolutions were also introduced, a subcommittee of the Commerce Committee was appointed to consider the subject. As chairman of the full committee I was engaged with appropriation bills and conference matters, so that I felt the subject should be taken up by a subcommittee. The Senator from California [Mr. JOHNSON] was appointed chairman of that subcommittee. The Senator from Wisconsin [Mr. LA FOLLETTE], who has always taken a great interest in matters of this kind, and the Senator from Florida [Mr. FLETCHER], who has likewise taken a great interest in such matters, were made the other members of the subcommittee.

I do not know how far that subcommittee has gone in its work, but I know it, especially the Senator from California [Mr. JOHNSON], has been giving the matter very careful consideration. The Senator from Wisconsin [Mr. LA FOLLETTE], as the Senator from New York knows, has not been well, and the Senator from Florida [Mr. FLETCHER] has been ill, so they have not been able to give the matter the attention it should have had.

I appreciate the force of what the Senator has said with reference to the matter. I think it should be gone into with extreme care. I think I can assure the Senator that if the subcommittee is not able to complete its work at this session, as it may not be on account of the illness of two of its members, then during the special session, while other work, of course, is being done, he can depend upon the Commerce Committee taking the steps that it deems wise and giving this matter the fullest and most careful consideration, with a view to doing just what the Senator suggested at the close of his speech, that we be careful not to do anything which might interfere with our marine developments, and also that everything be done that possibly can be done not only to aid them but to assure the traveling public that everything will be done which can be done to insure their safety.

Mr. WAGNER. I thank the Senator.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. KING. Mr. President, I desire to offer an amendment to the pending bill. I send the amendment to the desk and ask to have it read.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah proposes the following amendment to the naval appropriation bill, which the clerk will read.

The CHIEF CLERK. Insert at the proper place in the bill the following proviso:

Provided, That no part of the appropriations contained in this act shall be used for the maintenance of any officer or enlisted man in the military or naval service in Haiti.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. May I ask the Senator why he does not include Nicaragua as well? The election has been held in Nicaragua, and it would seem that if the marines are to be brought out there would be time for it to be done before the 1st of July.

Mr. KING. I agree entirely with the Senator from Washington. Our conquest of Nicaragua by the military force was wholly unjustifiable. The retention of our marines and military and naval officers in Nicaragua can not now be justified. I did not include in the amendment which I have just submitted the withdrawal of the marines from Nicaragua because I desired to confine my remarks on the amendment wholly to a discussion of the situation in Haiti. I shall be glad if the Senator from Washington will offer an amendment to the bill providing that no part of the appropriation carried in the bill shall be used for maintaining our military forces in Nicaragua.

Mr. KING addressed the Senate in support of his amendment. After having spoken for some time—

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah will suspend while the clerk reads an announcement by the Chair.

The legislative clerk read as follows:

The hour of 3 o'clock having arrived, the unanimous-consent agreement heretofore entered into will be in force and no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment thereto.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. KING. Mr. President, the amendment which I have just offered, if adopted, would compel the withdrawal from Haiti, after July 1 of this year, of our military forces. I admit that I am seeking to engraft upon an appropriation bill legislation which perhaps should be secured in a more direct way. As a matter of fact, however, if the executive department performed its duty no legislation whatever would be required to accomplish the object which I seek.

The military forces of the United States have been in Haiti since 1915. They are held there by Executive authority and could be withdrawn by the President of the United States without notice and without authorization from Congress. But the executive department has been deaf to the appeals of the Haitian people and to the liberal sentiment of the United States and has pursued a reactionary and imperialistic policy which, in my opinion, is incompatible with American ideals and can not be defended upon constitutional grounds. At the cost of millions of dollars we have forced military rule upon the helpless inhabitants of a friendly nation; we have sent our warships to Haitian waters and landed military forces upon Haitian soil. As stated, since 1915 we have governed Haiti and her inhabitants by military force in violation of international law and against the will of the Haitian people.

Following our military occupation and military rule, American capital has sought economic penetration and the control of the material and economic resources of Haiti. For a number of years I have protested against the Haitian policy of the United States and have insisted that the Haitian people have restored to them their own government. I have offered measures in the Senate calling for the withdrawal of American military forces and providing for free elections in order that the Haitian people might be permitted to form and adopt a constitution in harmony with their own views, and select officers to fill the various positions provided for in their own fundamental law. I have appealed to the Senate upon many occasions to free the Haitian people from military rule; to withdraw the American marines, and to leave the Haitian people free to pursue their own course and to work out their own salvation.

I regret to say that my appeals have been in vain. American bayonets still rule Haiti, and the American people are indifferent to the imperialistic course of their own Government and are deaf to the cries of the Haitian people that they may be liberated from the grasp of a powerful foreign Government. I think, however, that the American people are unacquainted with the record of their own Government in dealing with the Haitian people. They do not know that American battleships took possession of Haitian ports and American military forces waged warfare upon Haitian soil, killing more than 3,000 Haitian people. They do not know that since 1915 the Haitian people have been deprived of the right to govern themselves, and have been subjected to the will of the United States; nor do they know that the United States overthrew their government, abolished their constitution, drove their national legislature from their legislative chambers, and have prevented the Haitian people from having any voice in the control of their internal or foreign affairs. It is not generally known by the American people that the United States has imposed upon the Haitian policies obnoxious to them, and which can not prove otherwise than disadvantageous and harmful to Haiti and her people. It is well known that if our battleships and marines were withdrawn from Haiti there would be universal rejoicing among the Haitian people. The few sycophants and parasites who bask in the favor of American military rulers would be thrust aside and the people would set up a government of their own choice, and elect officials who would represent the ideals and carry out the will of the Haitian people.

I repeat when I say that if the amendment which I have offered is adopted the puppet government of Haiti masquerading as a civil power behind American bayonets would pass away as an ugly dream when the morning breaks and the shadows flee. But I am under no illusion. My amendment will be defeated and our military control of Haiti will continue until the liberal forces of the United States are aroused. More American capital will be invested and more lands wrested from the inhabitants of that unhappy land.

The Senate, I regret to say, has been indifferent, as has been the country, to all appeals for Haitian independence and for the rectification of the wrong which, in my opinion, is being committed against a helpless people and a weak State. I have heard eloquent appeals in this Chamber in behalf of people struggling for liberty against oppressive and militaristic governments. I have heard severe criticisms of a friendly and liberal government because of its control in India and Egypt. We have been free to condemn the so-called imperialism of other nations but seem oblivious to imperialistic manifestations of our own country. There was nothing improper in the United States landing marines in Nicaragua and taking over the control of its government. This seizure of Santo Domingo by the United States and its occupation by American military forces for a number of years found but little expressed opposition from American political leaders or the American press. The holding of Haiti as in a vise by the powerful hand of the United States arouses but little interest among the American people and provokes but few feeble protests among the 120,000,000 of this Republic. And the American people exhibit no concern when the Filipinos demand their independence and assert the right, which is the basis of democracy, to govern themselves and set up that form of government which to them seems best.

Returning to Haiti, I repeat, Mr. President, that in 1915 the United States committed a great wrong when it superimposed, by military force, military rule upon a people with whom we were at peace. They were unable to offer successful resistance to this powerful Nation, but, actuated by love of country and fear of the results of foreign invasion, they mobilized military forces and sought to prevent the conquest of their own country. American troops and American guns killed more than 3,000 men who believed they were defending their homes against an invading foe. Since then Haiti has been governed by the United States, not by any law of Congress or under any constitutional authority but by American military forces whose will was law and whose edicts were enforced by American bayonets. American capital followed American military occupation, and the Haitian people fear that they will be robbed of their lands and become the victims of American capitalistic exploitation.

Mr. President, upon various occasions I have offered resolutions in the Senate demanding the withdrawal of our forces from Haitian soil. In some of these resolutions I have recited, by way of preamble, some of the ugly facts attending the conquest and control of Haiti. On February 23, 1928, I offered Senate Resolution 158, which I now ask the clerk to read.

The PRESIDING OFFICER. The clerk will read the resolution, as requested.

The Chief Clerk read the resolution (S. Res. 158), which was referred to the Committee on Foreign Relations, as follows:

Whereas it is claimed that the following statement contains some of the important facts relating to the occupation of Haiti by the military forces of the United States, and also some of the important occurrences following such occupation, together with facts relating to the present conditions in Haiti:

More than a century ago the Haitian people achieved their independence and established a republican form of government, under which they controlled their political affairs, without interference from foreign powers until the United States seized and occupied their country in July, 1915, accomplishing the same by employing war vessels of the Government which entered the ports and harbors of Haiti and landed large military forces upon Haitian shores;

That said military forces of the United States seized the public buildings in Haiti and important military positions; that the Haitian people

were opposed to the invasion of their country by the armed forces of the United States, and some of them attempted to repel such invasion, as a result of which more than 2,500 Haitians were killed in conflicts with the armed forces of the United States;

There was no sufficient reason for sending war vessels to seize Haitian ports or to land American troops upon Haitian soil; whatever disturbances there were in said country being purely of an internal character and in no wise affecting the liberty of Americans or foreigners;

That after the seizure of Haiti, the admiral in charge of the American forces declared martial law, took control of the Government of Haiti, interfered with the election, and exerted military pressure and all influences at his command to secure the election of Dartiguenave as President of Haiti;

The United States then presented to said Dartiguenave, and to the National Assembly of Haiti, which consisted of two legislative bodies, the Chamber of Deputies and the Senate, a proposed convention giving the United States control of the revenues, police, public works, and sanitary administration of Haiti, which the assembly was unwilling to ratify; whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly, and announced that if the tendered treaty was not ratified the United States "has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the National Assembly accepted such convention in September, 1915;

That in 1916 a new National Assembly of Haiti was elected pursuant to the Haitian constitution and upon the convening of the same there was submitted to it by the United States a new constitution, prepared in the Navy Department of the United States, which, it was declared, was to supersede the constitution under which Haiti had been governed for many years. This new constitution materially changed the constitution of Haiti, among the changes being one which authorized foreigners and foreign corporations to hold Haitian lands contrary to the Haitian constitution, which sought to protect the Haitian people from foreign domination and to preserve Haitian territory for the Haitian people;

This new constitution was not acceptable to the National Assembly of Haiti; whereupon the military forces of the United States summarily and forcibly dissolved the assembly, took possession of the legislative chambers, and locked the same against members of the assembly; and when the two branches of the assembly met in other places, they were summarily and forcibly dispersed by American military forces;

That thereupon an election was ordered by those representing the United States for the alleged purpose of having said new constitution submitted to the people for ratification; that it was known that the people of Haiti opposed the so-called "new" constitution, but a few votes were cast under the supervision and control of military forces and under conditions that indicated pressure and intimidation of the Haitian people, as a result of which it is claimed that no election or true expression of the people was had, and that said new constitution was not in fact ratified by the people of Haiti.

Upon the dissolution of said National Assembly, said Dartiguenave, by dictatorial decree, set up a so-called "council of state" (appointing all the members thereof), which was an extraconstitutional and illegal body and which pretended to take over and exercise the legislative powers of the National Assembly; and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will of the Haitian people. In its acts and proceedings it is claimed said council of state has been merely the instrument to register the will of the President of Haiti, who has been and is controlled by the United States.

The term of office of said Dartiguenave expired August 12, 1922, and thereupon, as is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although he was not eligible to the Presidency of the Haitian Republic because he is not the son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the constitution of Haiti, as well as the void and unratified new constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the times designated in said constitutions, respectively, the President of the Haitian Republic;

That said council of state, in the matter stated, and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections, except as hereinafter stated, have been held, or permitted to be held, by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of April, 1926, but said assembly having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of state, with the approval and support of the military forces of the United States, pretended on said day to reelect said Borno as President for a further term of four years; that it was understood for many months prior to said date that Borno aspired to another term as President and was supported for such position by General Russell (who commanded the military forces of the United States in Haiti, and who also bears the title of the American high commissioner), if not the Department of State of the United States. To bring about that result said Borno shortly prior to April, 1926, appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers, in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September, 1915, expired on September 15, 1926; that if the United States had any right, under convention, to occupy Haiti and control its government and the people of Haiti, such right no longer exists, and the further presence of the United States in Haiti means the continued unauthorized control of Haiti and her people by superior military forces;

The said new constitution contained substantially the same provision as the Haitian constitution with respect to freedom of speech and the press and the guaranties of personal liberty and also with respect to the judiciary and the powers and functions of judicial officers;

That those in control of Haiti have been dissatisfied with the independence of members of the judiciary and their interpretation of the constitution and the laws, and the protection which they have accorded to the personal and property rights of the Haitian people. This situation resulted in the demand, upon the part of those controlling the political and governmental affairs of Haiti, for a suppression or repeal of said constitutional provisons, and notwithstanding said officials had declared that the people of Haiti were unfit to vote, an election was called for the 12th of January, 1928, to repeal said provision of the constitution.

That the proposed amendments to the constitution are for the purpose of legalizing the denial of freedom of the press and personal liberties, including the right to trial by jury, and for the purpose of placing the judiciary under the control of those dominating Haiti.

That it is claimed that the de facto Government of Haiti is the United States acting through General Russell, who is supported by the military forces of the United States, and that Borno and said council of state act in accordance with directions given to them, that the liberties of the people are restricted, the freedom of the press destroyed, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign control which attempts to screen its power behind Haitian agencies which have been set up and through which it operates.

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the Chamber of Deputies and the Senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States:

Now, therefore, be it

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth, and to make such investigations as are necessary to ascertain the reason for the seizure and continued occupation of Haiti by the United States, the reasons why the constitution of Haiti was superseded, the elections suppressed, the rights of the Haitian people interfered with, the guaranties of liberty, freedom of speech and of the press under said constitution impaired, and also to inquire into the present conditions in Haiti, and report their findings to the Senate, together with such measures as shall permit the Haitian people to set up and establish a government of their own choice and assume control of the same, and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States, and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. KING. Mr. President, I have carefully examined the record with a view to stating nothing in the foregoing resolution, as well as other resolutions which I have offered in the Senate, which was not accurate and subject to absolute verification; so that the resolution just read by the clerk recites what I believe to be many of the facts concerning the conquest of the Haitian people by the United States and the military government to which they have been subjected.

Since the introduction of the resolution just read the situation in Haiti has not improved. The same military control exists.

American marines are still there. Brigadier General Russell, the American high commissioner, is still the controlling factor in Haiti. Judges have been removed and replaced by persons amenable to the authority which dominates the country. The guaranties found in the Haitian constitution have been abolished. The right of assembly has been interfered with. Liberty of speech is denied. A military dictatorship rules the land, and all this has been under the authority of the United States. Thousands of Haitians have left their native land, and many others have been forced from lands which they and their fathers occupied for many years. American capital has acquired control over large areas of fertile lands. The situation is unsatisfactory and the political conditions provoke unrest and deep-seated resentment. Large loans have been negotiated, and American capitalists have acquired the bonds which have been issued. The situation indicates a purpose to keep Haiti under American control for an indefinite period. Believing, as I do, that the United States is wrong in its policy toward Haiti, and that its continued control of the Haitian Government will result in reactions, and produce repercussions harmful to both countries and inimical to the spirit of good will which should exist between the United States and all Latin America, I have for years demanded the withdrawal of American troops from Haitian territory and the liberation of the Haitian people from foreign military rule. I have urged that the Haitian people be permitted to hold a free and uncontrolled election for the purpose of choosing representatives to a constitutional convention, in order that there might be formed a constitution under which they might enjoy such political rights and such a form of government as to them seemed best. I urge now that our Government announce its purpose to withdraw its military forces and return to the Haitian people the control of their own Government and their own country. Upon the adoption of a constitution by the Haitian people, and the election of officers provided in such constitution, which is contemplated under the amendment which I have offered to the pending bill, there is ample time between now and July 1 for the calling of a constitutional convention and the holding of an election thereunder, so that soon after the date just mentioned the Haitian people would be in control of their own country.

However, Mr. President, in order that the transition from the military rule to a government of their own might not be too abrupt, I would be willing to support a measure that would continue American occupation until January 1, 1930. During this year, if it were understood that in January, 1930, American control would be terminated, all needed measures could be adopted, without haste, and all political and governmental authority transferred in an orderly way to the Haitian Government, so to be set up, pursuant to the organic law determined upon by the Haitian people.

Mr. TYDINGS. Mr. President.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. TYDINGS. I appreciate the fine motive that actuated the Senator from Utah in offering the resolution, but I am wondering what his idea would be in a state of circumstances such as this: Suppose that in the Western Hemisphere an usurper should obtain control of some government; suppose that under that usurper or dictator the liberty and the lives of the people were brought to such a point that the whole world would revolt at the treatment they were receiving at the hands of the man who had power; suppose people were being shot down without the right of trial; suppose that under that dictator murder and graft and corruption were rampant and everything that human liberty values was trodden under foot, what, in the Senator's opinion, would be the duty of the United States? Is there any extreme state of facts at all under which the Senator feels that our Government would be justified in taking possession of that country temporarily in order theoretically to reestablish the liberties of the people, or does he feel that, no matter what the circumstances and conditions might be in any country in the Western Hemisphere, it is the business of that country to deal with them and under no circumstances whatsoever should we take any part therein?

Mr. KING. Mr. President, the Senator from Maryland has submitted an extremely hypothetical situation—indeed, one in which I find no parallel in those countries with which the United States has diplomatic relations. I can scarcely conceive of conditions so extreme as those embraced in the questions of the Senator. I grant that there have been in Haiti revolutions, followed by the rule of dictators, who have been overthrown by military leaders who sought executive authority. There have been in some Latin-American countries revolutionary governments, internal and factional strife, and not infrequently sanguinary conflicts. And in the Eastern Hemisphere there has been domestic strife, out of which military dictators have emerged who have imposed autocratic and oppressive rule upon the people. China has passed through a series of internal convulsions; military chieftains have warred against each other, and ruin and devastation have followed the efforts of ambitious and, too often, unprincipled men who sought to control a part or all of the great Chinese Empire.

I might add that in our own country we have had a sanguinary and fratricidal war which filled the land with sorrow. The Senator will recall that there was resentment at the suggestion of foreign interference in the conflict which threatened to divide this Republic. No country had the right to interfere in our domestic affairs, even though the purpose may have been to terminate a sanguinary struggle which stained the soil, North and South, with the blood of thousands of heroic and valiant men.

Quite recently the Government of Afghanistan was overthrown by a cruel military leader. We have not obtained full information, but sufficient data have been obtained to reveal that atrocities were committed upon innocent people. It is contended by many that the Bolshevik leaders, when they seized the Russian Government, perpetrated unparalleled cruelties, killed hundreds of thousands of inoffensive people, and drove from Russia nearly 2,000,000 of her inhabitants. It was not suggested in the instances alluded to that the United States owed a duty to intervene and to prevent bloodshed and unspeakable cruelties. The United States has not been made the guardian of the world and the protector of people in every country upon the Western Hemisphere. This Republic is not a policeman to guard America or to control the people of Latin America. I can conceive of circumstances under which the United States might be justified in interposing to prevent continued atrocities, the destruction of the lives of innocent men and women, the complete overthrow of law and order, and the plunging of the whole Nation and her people into the abyss of anarchy and ruin. But no conditions exist now upon the Western Hemisphere which would warrant our Government engaging in military operations to subject a people or country to its rule.

I think I should answer that even under the extreme situation mentioned by the Senator our country would not be justified in taking possession of a country exposed to such frightful calamities as those indicated in the Senator's question. There have been dictators and usurpers in Latin-American countries, but in time they have been overthrown and order established. The Latin-American Republics were born in the storm of revolution. Conditions attending their development have not always made for orderly progress and development. Conflicting forces and violent currents and cross currents have been developed as these nations have struggled to reach the uplands where peace and order and true progress are to be found. Progress comes slowly and the path of national development is stained with the blood of martyrs. Nations are not born in a day. They are subject to evolutionary laws and processes, and centuries may be required for them to emerge from darkness and cruel injustices and oppression and to develop a system under which reasonable freedom and happiness may be enjoyed.

If the United States should announce its purpose to interfere in the Western Hemisphere whenever there was disorder or cruelty or corruption or usurpation or tyranny, it would arouse fears and resentments, and, indeed, hatred in every part of this hemisphere. I repeat, God did not make this Nation the policeman and the guardian of the Western Hemisphere. The Monroe doctrine endows this Republic with no such authority and charges it with no such responsibility. This Nation can serve the peoples of this hemisphere and of the world far better by pursuing a just and righteous course, by practicing justice and mercy, by setting an example of toleration and of patience, by exhibiting a spirit of sincere friendship and brotherhood, by convincing the peoples of the world that our Nation is one of peace and universal brotherhood.

I might add to these generalities, however, that it is the duty of the United States to protect its citizens whether in Latin America or elsewhere and in affording such protection, conditions may sometimes arise calling for the exercise of military force.

Mr. TYDINGS. I thank the Senator, and I appreciate the fact that his answers are really conclusive as to what he has in mind, but carrying my thought a step further, suppose that the conditions in Cuba had been what they were before we had war with Spain, I presume the Senator then would not have been in favor of taking the part of the Cuban people, who were admittedly oppressed. Am I correct in that?

Mr. KING. Mr. President, I confess to some reluctance in attempting to answer the question just submitted by the Senator from Maryland. Perhaps I can, in part at least, reply to his question by briefly referring to some inconspicuous part which

I played in that great adventure by the United States. I was a Member of the House of Representatives during the Fifty-fifth and Fifty-sixth Congresses. The situation in Cuba in 1897 was serious and indeed tragic. The revolution was in progress and Spain was exerting every effort to maintain her sovereignty and control over Cuba, and to defeat the revolutionary movement. There was a strong feeling in the United States that we should intervene or at least recognize the belligerency of the insurgents. In the House of Representatives a great majority of the Members were not satisfied with the course of the administration, and the Democrats were urging armed intervention. Many of the Republicans joined with them in opposing the negative policy of President McKinley. In order to learn definitely of the conditions in Cuba, and at the request of the leading Democrats of the House, I went to Cuba early in December, 1897. There I spent several weeks visiting various parts of the island. I met General Blanco and the Spanish authorities, and penetrated various Provinces, where I secretly met the revolutionary leaders and visited many insurgent units who were fighting to throw off the Spanish yoke.

Even if time permitted it would be impossible to describe the awful conditions which I there beheld. Many parts of the island had been devastated and hunger and wretchedness stalked through the land. The Spanish authorities, in continuing their military operations, drove into various cities and towns thousands of poor starving Cubans, burning their rude belongings and destroying their possessions in order to weaken the cause of the revolutionists. The reconcentrados, as these Cubans were called, were exposed to the inclemencies of the weather and were without food or shelter. Tens of thousands of them died from exposure and starvation, and everywhere there was sorrow and tragedy and lamentation.

Guerrilla warfare existed and contributed to the terrible situation which made of Cuba a charnel house. And the conditions of the Spanish troops was such as to excite pity even among those who were opposing them. Disease destroyed them by the thousands; lack of food and clothing and proper care and protection decimated the ranks of the Spanish Army so that their efforts to subjugate the revolting Province were unavailing. American property was destroyed and some American lives were lost. It seemed to me from my investigation that the strife called either for intervention by the United States or the recognition of the insurgent government to be followed by according it all rights belonging to belligerents. Upon my return to Washington I reported to my Democratic associates, and recommended that our Government intervene for the protection of American lives and property and to prevent the destruction, which seemed to me to be inevitable, of most of the inhabitants of that beautiful island.

The Democrats in the House, together with 80 or more Republicans, called Republican reconcentrados, joined in demanding that the administration intervene in Cuba. With the destruction of the *Maine* in the harbor at Habana, there was an irresistible demand throughout the country for armed intervention in Cuba. War with Spain soon followed, the results of which are familiar to the world. In the light of subsequent events there are many who doubt the wisdom of the course pursued by the United States, and there are some who assert that we were not justified in going to war with Spain because of the Cuban situation. It has been declared that we intervened because of humanitarian reasons. Doubtless the atrocities committed by General Weyler in Cuba, the starvation of hundreds of thousands of the Cuban people, the conviction that further strife would almost destroy the entire population, so aroused the American people that many of them believed it to be the duty of this Republic to intervene. It was not so much hostility to Spain as it was sympathy for the sufferings of the Cuban people that influenced the American people.

Mr. President, it is a serious thing for one nation to interfere in the internal affairs of another nation; and it is a responsibility which a nation should never assume (unless no other course is open) to engage in military operations against a friendly state upon the ground that the latter is governed by a dictator or that revolutionary factions are engaged in ruinous warfare. Much as we may deplore civil wars and factional strife, they have in many cases brought important results. Out of the fires of revolution have come nations which have carried forward the banner of progress and freedom. The record of Latin America has some dark pages, but progress has been made, and it is certain that the future will witness increased development, materially, morally, and spiritually, upon the part of all of our neighbors in this hemisphere. The attitude of this Nation should be one not of arrogance and pride but rather of humility. There should be a recognition of the fact that much has been given to this Nation and her people, and where much is given, much is required. America should be the evangelist of peace, the apostle of good-will, the exemplar of those national virtues which will crown it with moral and spiritual primacy.

Mr. President, I return to the consideration of the Haitian question. Powerful nations have not infrequently made war upon a weaker nation pleading in justification of their course factional strife and internal dissentions in those countries which they attacked. Ambitious monarchs have often discovered plausible reasons to conquer adjoining, as well as remote, states, and to impose upon them the will of the conquering nation. And history is replete with examples where, after intervention and conquests, reasons were discovered for the conquering nations to annex the territory invaded and to impose upon its inhabitants a yoke which to them was most hateful.

Because there was war in Nicaragua, or conflicts in Haiti, or internal strife in Santo Domingo, I do not admit that the United States was justified in intervening in either of these countries. The military intervention in Haiti occurred under an administration to which I was giving my support. I believed then, and I believe now, that my party committed a great wrong when it sent military forces to occupy Haiti and when it abrogated the Haitian constitution and set up a military rule.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield for a question.

Mr. ODDIE. As a question, then, I will ask the Senator not to call on the American people to take all that he is saying as fact.

Mr. KING. Whatever I say concerning the Haitian situation is supported by the record, and I stand upon my statements. Mr. President, whenever I have spoken upon the Haitian question the Senator from Nevada has felt constrained to interrupt me and to project himself into the discussion. He seems to be obsessed with the idea that he is the champion of the administration in its policy of retaining control in Haiti. I may add that the Senator's interruptions are irrelevant. I have no objection to him stating in his own time his views concerning Haiti. He may justify imperialism in any form that he pleases. If he seeks to advocate imperialism, either economic or military, it is his privilege and I will not quarrel with him; I will, however, determine my own course and voice my own views with respect to what I conceive to be the proper course to be pursued by the United States in dealing with other countries, and with helpless peoples. I have condemned the conquest of Haiti and criticized the policy of the present administration in Haitian affairs as I have criticized its course in dealing with Nicaragua.

Mr. ODDIE. Mr. President, will the Senator yield for a question.

Mr. KING. For a question, yes.

Mr. ODDIE. I will ask the Senator if the policy of the present administration is not the same as the policy of the previous administration in 1915 in regard to our occupation of Haiti which I advocated as I am advocating the policy of the present administration in this matter?

Mr. KING. If the Senator thinks he is embarrassing me by instituting a comparison between the policies of the Democratic and Republican Parties in Haiti, I can assure him that he is mistaken. As I have stated, I criticized my own party for its military operations in Haiti, and have criticized the Republican Party for the course which it has pursued in that country. I have no partisanship in the consideration of international questions. I would more quickly condemn my own party than I would the Republican Party when I believed that it was pursuing an unjust course toward the peoples of another country. I have said I expect more of the Democratic Party than I do of the Republican Party, as the former would deserve greater condemnation for injustice and wrong to helpless people because Democrats know better. [Laughter in the galleries.] Democracy is founded upon the right of the people to govern themselves. It believes in the right of self-determination and recognizes the right of the people to prescribe their own form of government. When our forefathers revolted and sought their independence, a great Englishman commended their efforts and abjured them to continue the struggle so long as a foreign foe remained upon their shore.

Mr. President, I shall continue to oppose our policy in Haiti until American troops are withdrawn and the Haitian people are free to govern themselves in their own way and under such forms as they shall ordain. I condemned our military occupation of Santo Domingo and demanded that our military forces should be withdrawn from that land. It was a source of

gratification to me when we finally ordered our armed forces to be withdrawn, and the Government of Santo Domingo to be restored to the people.

Mr. BRUCE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield to the Senator.

Mr. BRUCE. Does not the Senator think that the results of our occupation of Santo Domingo were altogether beneficent?

Mr. KING. Mr. President, it is quite likely there will be differences of opinion as to whether our military rule in Santo Domingo resulted in benefits to the people of that country. I confess that it is somewhat difficult to measure the question of advantages and benefits and to predict with any degree of certainty what the results would have been, in any country which had been subjected to foreign control, if there had been no foreign intervention. No one can determine what would have developed in Santo Domingo had there been no American occupation. Too often it is assumed, when there has been foreign intervention, that any progress is the inevitable result of such occupation.

This view rests upon the assumption that the people are incapable of progress or of remedying temporary or chronic evils, and that foreign or extraneous forces must be introduced in order that the stream of life, nationally and otherwise, may be permitted to flow. Undoubtedly there have been military occupations that have resulted in some benefits; but to say that the benefits would not have been realized without such occupation is subject to challenge.

The investigation made by the committee of the Senate known as the McCormick committee of the military occupation of Santo Domingo presents a sordid and tragic picture. There were cruelties perpetrated that can not be defended and a record made which must be condemned. But even if benefits do result from military excursions by our Government into foreign states, I deny that it is the right or the duty of the United States to superimpose its authority upon such states. I believe that imperialism in any form is injurious to our own institutions and to our own Government. If we form a habit of sending our war vessels and marines to foreign countries, and give as a pretext for such course that we seek the welfare and felicity of other peoples, we are, in my opinion, developing a national point of view which will prove a menace to republican institutions and destructive of the democratic ideals which should guide the United States.

It is probable that our Government might give to some backward people a better form of government than that which they now enjoy; but who shall say that in the long run the people of such country were benefited or that the political and democratic spirit of the American people has not been weakened or polluted? I believe that we are undermining the foundations of this Republic and weakening the spirit of democracy—that subtle and, I might say, delicate spirit which must persist if our institutions are to survive—when we become imperialistic; when we hold peoples and countries for exploitation; when we, by military force, subject them to our will. It is a dangerous thing for democracy, resting upon the sublime principles announced in the Declaration of Independence, to seize and hold by force a country and its people, particularly when the latter represent ethnic differences and where they have different habits and customs and their cultural developments have been along other lines. The Filipinos and the Haitians have different traditions and different views and a different culture from that which we possess. Concede that we are superior morally, spiritually, and intellectually; that affords no justification for holding them under American rule and trying to force upon them our culture and traditions and form of government.

Mr. President, as I stated, nations make slow progress; the processes of evolutionary development, social and political, work almost imperceptibly; indeed, there are some who doubt that humanity is other than an inert mass and that it lacks the vitality and genius for progressive development. That view I do not regard as being sound. There are vital forces operating in the social and political organism, and growth and progress are manifest throughout the world. Progress which comes from within as the result of individual efforts—of local, vitalizing influences—will be more certain not to be arrested; its foundations will be more secure, and each successive development will energize the community, the state, and the people and prepare them for further and greater intellectual and moral growth.

The history of Great Britain is a most inspiring one, and demonstrates that social and political institutions under which liberty can be enjoyed are the product of centuries and come only through trials and tribulations and years of struggle and strife.

The Haitian people a little more than a hundred years ago were slaves. They drove their oppressors out and set up a government of their own. They made many mistakes; they stumbled and frequently fell, but they arose and moved forward; they established a government liberal in form; they produced many educated and cultured men and women. Their Government took its place in the great family of nations and entered into treaties with the leading nations of the world. This new and rather backward nation discharged its international obligations; it sought the improvement of its people. Ambitious men, some of whom were unprincipled and corrupt, seized the reins of authority and interrupted the progress of the nation and disturbed the peace of the people. Presidents were driven out of the land. Some of them were killed. Revolutions, though somewhat attenuated, occurred, but there was growth. The Government was republican in form. There were two legislative branches patterned after the House and Senate of this Republic. A judicial system was established that received the commendation of leading jurists in other countries. Haitian lawyers contributed to the work of The Hague and were selected to aid in the codification of international law. Writers and journalists, famed beyond the borders of Haiti, were the product of this new Republic. Without justification we landed thousands of soldiers and marines upon Haitian territory and waged a successful war, until all the strategic military points were in the possession of our forces, and the entire Government was under the control of the United States. For nearly 14 years we have governed Haiti.

I submit that our record during that period not only is not free from criticism but justifies severe condemnation. The abolition of their constitution was an unjustifiable act. To force upon them a fundamental law materially modifying their own constitution was an international offense. To destroy their legislature and set up a form of government which is employed to conceal the iron hand and military power of the United States calls for severe condemnation.

Mr. President, there is now no Haitian Government; there is no real freedom in Haiti under our military rule. The independence of the judiciary has been destroyed. The constitution which we forced upon them has recently been changed so that judges who had been appointed for life have been removed and their places taken by complacent persons who, it is supposed, will be amenable to the puppet government which we have set up. The court of cassation, which existed under the Haitian constitution, was composed of enlightened and eminent jurists, whose decisions were respected not only by people of Haiti but by all who were familiar with them. The judges of this court were independent and courageous; so it was determined to remove this bulwark which sought to protect the liberties of the people. Accordingly changes were made in the constitution, not legally, and pursuant to these changes a pliant judiciary has been established.

The guaranties of the old constitution, and even the one we first forced upon them, have been swept aside. There is no longer freedom of speech and of the press in Haiti. Journalists have been imprisoned; even now some are incarcerated because they do not conform their conduct to the will of General Russell, the head of the American marines, and the so-called high commissioner and the Borno régime. This high commissioner has never been confirmed by the Senate of the United States. He exercises military authority, presumably as brigadier general in charge of our marines. He is the real power behind the so-called Haitian Government, the policies of which are determined and executed by him. I should add, however, this qualification: That he is amenable to the Executive of the United States and doubtless receives instructions from the State Department. What his instructions are we do not know; the limit of his authority we are unable to determine. That Haiti and her 2,000,000 people are under his control and subject to his will, with the qualification just stated, there can be no doubt. No one could be the puppet President of Haiti against the will of General Russell and the United States. No important domestic or foreign policy of Haiti can be determined by the Haitian people. Their revenue laws are prescribed by the American occupation. Disguise it as we may, sugar coat it as we may try, the bald, naked fact stares us in the face that Haiti and her people are governed by the military forces of the United States.

In the New York World there have recently appeared two articles of some significance. I should add that there are a large number of Americans in Haiti occupying profitable positions. Of course, they are subject to the military control of General Russell. They enjoy lucrative positions and draw large

salaries from the Haitian treasury. Doctor Millspaugh, who held the position of financial adviser and general receiver for Haiti, recently resigned because of clashes between him and General Russell, the American high commissioner, growing out of charges of extravagance upon the part of some of the officials in Haiti.

In the issue of the World dated February 8 of this year it states that Doctor Millspaugh resigned because of the actions of Brig. Gen. J. H. Russell and other officials and their alleged extravagance. It further states that "this information was confirmed by State Department officials in Washington." The World states:

Secretary Kellogg to-day refused to comment on whether he had asked Millspaugh to resign. Other State Department officials, while admitting friction between Doctor Millspaugh and authorities in Haiti, both American and native, declined to say whether his resignation was voluntary.

The article further states that—

confirmation of the strained relations existing between Doctor Millspaugh and General Russell was obtained from officers of the Marine Corps.

The same article states that Mr. Marshall, a captain in the American forces during the World War, and for six years a clerk in the United States Consulate at Port au Prince, had resigned and left Haiti. The World quotes Captain Marshall as follows:

The department of public works had spent millions of dollars of Haitian money without an accounting to the people. When the Americans came, in 1915, they immediately abolished the Haitian Chamber of Accounts and promised to give the Haitians a more modern and efficient system of accounting. For 13 years that promise never has been fulfilled. Doctor Millspaugh requested the State Department to send expert accountants to Haiti. * * * On October 22, General Russell "peremptorily" urged the State Department to request Doctor Millspaugh to resign. * * * While this was pending, the unaudited accounts and vouchers of the department of public works were destroyed by a mysterious fire.

The article further quotes Captain Marshall as stating that there were matters on which the financial adviser disagreed with the American military officials governing Haiti, among them being a proposal to build an expensive concrete road between Port au Prince and Petionville—a road which Captain Marshall says "was desired by the American colony to make more accessible its country club at Petionville, and the proposed purchase of a $100,000 Coast Guard vessel." Captain Marshall stated that since the last Coast Guard ship, purchased by Haiti at a cost of $24,000, almost sank in getting to Port au Prince, and has been useless ever since. Doctor Millspaugh opposed the sending of good money after bad.

The article proceeds:

Captain Marshall was a football star and champion quarter-miler at Harvard. During the World War he served in the Fifteenth Infantry under Col. William Hayward, was wounded, and was cited for gallantry in action.

In the issue of the New York World, dated February 10, 1929, appears an article written by Captain Marshall. I ask that excerpts from this article be inserted in the RECORD at this point without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * * In consequence of the annual reports of Gen. John H. Russell, the American high commissioner to Haiti, and a press bureau, the American people have the notion that Haiti is prospering under the American occupation. Nothing could be further from the truth. I have spent six years in the United States Legation at Port au Prince and have been in a position to study minutely the trend of affairs in that unhappy Republic.

When I left there, a few days ago, misery prevailed everywhere. If the purpose of the occupation of Haiti by the armed forces of the United States was to crush the spirit of a free and sovereign people and reduce them to a dependent state, that purpose has been brilliantly achieved.

When I went to Haiti six years ago I found a cheerful, light-hearted people, hopeful of the future. They had confidence in the pledged word of the Americans to remit to them their native soil at the expiration of the treaty. They believed that the Americans had come into their midst with the high and disinterested purpose of helping them to rise to higher levels politically and economically.

To-day that confidence has gone and in its place have come bitter disappointment and despair. It seems that many Americans the Government has sent down to Haiti look with disfavor and contempt upon the cultural side of the Haitians. * * *

In exchange for cultural values requiring centuries to develop one is given certain economic values of a transitory nature, of even doubtful utility. The instances where American-made roads and bridges have been destroyed by the first violent rainstorm after their construction are not few; and such roads as have been constructed are totally inadequate for 13 years of American occupation. * * *

Not so many months ago a very important bridge over the treacherous stream of Limbe on the road from Port au Prince to Cape Haytien was swept away. Immediately the news was cabled to the American press that an unprecedented storm, causing the deaths of three or four hundred natives, had done the mischief. This was not true. The truth was that the American engineers had ignored advice of their collaborating Haitian engineers to construct this bridge at another place. A little later the bridge leading into Jacmel, costing some $45,000, was demolished by an ordinary storm for that locality. The Haitian papers raised a strong protest, and the responsible American engineer was relieved of his duties. These are only a few instances of maladministration on the part of the department of public works under the control of a chief American engineer. * * *

But we were talking about the effects of the occupation upon the social life of the Haitians. Not content with driving the upper classes from their pretty homes by offers of attractive rentals, which their high-salaried positions enabled them to make, the American invaders sought to take away from them for their own use the cornerstone of their religious and esthetic culture, the Church of Sacre Coeur at Targeau, the fashionable quarter of Port au Prince.

Although their hearts were bleeding, the coup de grâce was given when a few days before the arrival of Colonel Lindbergh at Port-au-Prince an American officer with a squad of gendarmes descended upon "le Cercle Belleue," the leading club of that city, and sealed it under orders of the Government. The charge was that its members indulged in political discussions, which was not true, and, if true, they so engaged themselves with as much decorum as the members of the Union Club of New York City. * * *

From that moment down to the present time Haitian society has ceased to exist. The other clubs, a half dozen or more, have ceased to function out of sympathy with the "Cercle Belloue," and the time-honored weekly "at homes" of the Haitian society are a thing of the past. People do not even visit one another.

The Americans at Port au Prince had always looked with an envious eye upon the spacious dance hall and splendid appointments of this club, and a few days after its closing a marine corporal approached the president of this club, Mr. George Leger, with an offer for its rental to the American colony. Of course, the offer was curtly refused, and the club still remains closed after an existence of 30 years.

Haitian society is mourning, and this mourning has descended to the lowest stratum of the population, the peasants; for even here the old African tambourine dances, accompanied by those musically weird, enchanting, crooning spiritual outgivings of a primitive people, are abolished by American-made laws.

When the English wiped out the quaint little French colony of Acadia they did it more mercifully, because they did it more brusquely. In Haiti the dying tortures are slowly and methodically applied. Yet there are statesmen at Washington who insist that the fundamental intent of the American occupation is to secure the confidence of the Haitian people. I know that that was the hope of ex-Secretary of State Hughes and the late Senator McCormick, but the brigadiers in Haiti scoff at civilian counsel.

The economic side of this picture is darker still. Le Temps, a daily at Port-au-Prince, published on December 10, 1928, the seventeenth of a series of articles reviewing the economic condition of the Haitian people. We translate the following comment:

"Misery in the folded arms of the merchant before his empty money chest! Misery of the discouraged bourgeoise, of the helpless small employee! Misery in the glazed eyes of the scantily clad girls of the proletariat in the evenings on the street corners of the squalid outskirts of the city! Misery of the elite and of the masses! Misery of a whole people!"

The editor who wrote this article is now in jail for violation of the law against the press. He is the twenty-seventh newspaper man to be thrown in prison during my residence at Port au Prince. But this is aside from the story. After a carefully studied exposition of the situation, this writer sets forth the following causes for the prevailing economic atrophy (translation):

First. The stationary state of production in relation to the increasing population.

Second. Exorbitant duties.

Third. Investment of the national funds abroad.

Fourth. Our budget is devoured by the fat-salaried American employee, and construction of all kinds is out of proportion to cost.

Fifth. Famine salaries of the public employees.

Sixth. Fixing of the gourde (the national money) at the ratio of 5 to $1.

Seventh. The unskillful application of the tax upon alcohol and tobacco.

Eighth. The systematic boycotting of Haitians from employments of all kinds; whence the large number of unemployed.

Ninth. Too great consumption of luxuries.

Tenth. Drainage of Haitian money by foreign commercial enterprises.

Eleventh. The desertion of the plantations by the peasants.

The exorbitant duties inserted in the last customs law is one of the chief causes of this business stagnation. * * *

In the meantime the political pot was boiling in Haiti. Not that it had ever ceased to boil, but eventful things were coming to pass. Mr. Borno had, in some kind of a fashion, been twice "elected" President of Haiti. He wanted a third term, but the State Department thought that would be "undemocratic," so Mr. Borno, last May, sent a message to the council of State by which it was generally believed he had renounced a third term. He stated that when, in 1920, his Government finished its mandate, its successors, etc.; the use of the pronoun "its" did not escape the observation of some of the lawyers at Port au Prince.

What could Washington do if Borno had himself reelected by a legislature chosen apparently in a legal manner? To make assurance doubly sure the President has had passed two laws uniquely designed to the consummation of his plans. One is the law against meetings, and the other is a law against the press. Opposing candidates can not hire a hall and make a public campaign, and protesting editors are forbidden to criticize candidates of the Government.

This is what is passing in Haiti, supported by martial law and the bayonets of American marines.

Mr. KING. Mr. President, I ask that an editorial appearing in the New York World under date of February 10, 1929, be inserted at this point in my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN INCIDENT OF EMPIRE

Everyone knows that the "Haitian Republic" is really an American protectorate; that President Louis Borno is a pawn in American hands, and that Haitian authority is concentrated in a group of American "treaty officers." They include our high commissioner, Brig. Gen. John H. Russell; our financial adviser and receiver general, Dr. A. C. Millspaugh; and our chief of gendarmerie, Maj. Gen. Frank M. Evans. Doctor Millspaugh has now resigned. He is silent as to the reasons. But the World publishes a statement by N. B. Marshall, former Harvard student, Army captain, and lawyer, and for six years ended January 1 employed in our Port au Prince Consulate, who returned on Doctor Millspaugh's ship. He declares that General Russell urged the State Department to call for Doctor Millspaugh's resignation because the latter attacked our official extravagance:

"The department of public works has spent millions of dollars of Haitian money without an accounting to the people. When the Americans came in 1915 they immediately abolished the Haitian Chamber of Accounts and promised to give the Haitians a more modern and efficient system of accounting. For 13 years that promise never has been fulfilled. Doctor Millspaugh requested the State Department to send expert accountants to Haiti."

These are grave accusations. They include assertions that a mysterious fire recently burned unaudited accounts and vouchers and that Haitian road making has consulted American convenience rather than Haitian needs. There are two special reasons why such accusations should be cleared up as quickly as possible. One is that they are apparently believed by a considerable part of the Haitian public and press. The other is that it has unquestionably been part of American policy in Haiti to provide large public improvements in a minimum of time and with a minimum of Haitian opportunity for discussion or control.

Mr. KING. Mr. President, authentic information which I am receiving from Haiti confirms the statements made by Captain Marshall. Quite recently three journalists—MM. Jacques Roumain, Elie Guerin, and Georges Petit—were incarcerated because they published articles not approved by the military dictatorship in Haiti. May I say that when the Pan American conference was held in Habana two of the leading jurists of the Western Hemisphere embarked from Haiti to participate in the conference. They, at the request of those in control of Haiti, were arrested, prevented from landing, and returned to Haiti. The three journalists just mentioned while imprisoned were treated with harshness, their principal jailer being an American officer. In order to prevent criticism of the autocratic régime governing Haiti, a so-called law was recently promulgated which makes it an offense for any person outside of Haiti to criticize the so-called President of Haiti or officials therein. This measure had the approval of the high commissioner, and it was designed, it is believed, to prevent Americans from visiting Haiti who had criticized the military government of Haiti. Already there are evidences that the military régime is preparing to have Mr. Borno, the puppet President of Haiti, chosen for the third time. A Haitian of high character and ability declares that—

If the occupation succeeds in this scheme this puppet will exercise for six years longer the authority given him. This will mean that Borno will enjoy 14 years of power with the help of American bayonets. This so-called reelection would be a violation of the constitution forced upon Haiti. It is stated in the third paragraph of article 72 of the constitution of 1918 that the reelected President can not be chosen a third time before an interval of four years.

However, any constitution forced upon the people is modified to suit the will of the military authorities. The same Haitian whom I have just quoted states:

With the present electoral law twice modified by Mr. Borno there is no possibility of free election. If there is any election decreed and that law is not abrogated or amended, the voting will be a cynical mockery of universal suffrage.

Mr. President, I have here many letters and communications received from Haitians as well as from Americans, showing the deplorable and unsatisfactory conditions in Haiti. I shall not take the time of the Senate to examine them. I wish, however, to call attention to a book entitled "Occupied Haiti," prepared by a committee of American citizens who recently visited Haiti and made a searching investigation into the political, economic, and social conditions there existing. The committee consisted of Dr. Paul H. Douglass, professor of industrial relations at the University of Chicago; Miss Emily Greene Balch, of Wellesley, Mass.—Miss Balch is a distinguished educator and lecturer—Charlotte Atwood, a graduate of Wellesley and a teacher of English in Washington; Zonia Baber, of Chicago, former professor of geography in the University of Chicago School of Education; Mrs. Addie Hunton, head of the International Council of Women of the Darker Races; and Mrs. J. Harold Watson, representing the Fellowship of Reconciliation.

In the report which they made and which, as stated, is published under the title of "Occupied Haiti," they state that they found—

The problem in Haiti to consist not in individual instances of misused power but in the fundamental fact of the armed occupation of the country.

On page 1 of the volume this appears:

Yet this country (Haiti), the independent sovereignty of which is solemnly recognized by the United States, as well as by all other countries, and which is a full member of the League of Nations, has been occupied by the United States by force of arms, kept down by force of arms, and administered for 11 years at a very considerable cost to ourselves as taxpayers and a much heavier cost, both in the world at large and more especially in Latin America, to our standing as a respecter of the liberties of others. The most disconcerting aspect of the whole affair is that it is possible to do what has been done in Haiti, directly contrary as it is to all our principles and professions, without any popular demand for such action, without its ever being proposed or debated beforehand, and with so little realization in the United States that it has been done.

Mr. President, I desire to call attention briefly to a few additional statements contained in this report. Chapter 2 is devoted to the political history of the occupation, and shows the unjustifiable course pursued by the United States in seizing Haiti. It shows that efforts were made by the United States to force a treaty upon the Haitians under which the sovereignty of the Haitian Government would be destroyed and the Haitian people made subject to the control of the United States.

On page 21 the statement is made that Admiral Caperton, who had been sent there by the United States with war vessels, seized the customhouses and collected the revenues; that to force ratification of an unjust treaty he brought pressure upon the Haitian Government and carried out instructions which he received from Washington to the effect that if the treaty were not ratified "the United States would retain control in Haiti until the desired end was accomplished, and that it would forthwith proceed to the complete pacification of Haiti."

Of course, this was a threat to use military force, and at that time large detachments of marines were in Haiti and American warships were in Haitian ports.

On page 23 the report states that—

* * * As the treaty was forced through under duress, it is difficult to maintain that Haiti is morally bound by its provisions. * * *

On page 24 the statement is made that—

* * * the National Assembly was dissolved by the American officers, and that the American occupation proceeded a second time to dissolve a Haitian Congress, and Maj. Smedley D. Butler, United States Marine Corps, who, as head of the gendarmerie, had also the Haitian rank and pay of a major general, was sent with other officers to accomplish the act. These officers carried out their instructions fully armed. The doors of the National Assembly were then locked in order to prevent the

assembly from entering the chambers again, and since then no Haitian Congress has been allowed to convene.

The report states that—

* * * under the American occupation the Government of Haiti is made into a self-perpetuating oligarchy.

On page 32 this statement appears:

It is obvious that as a matter of fact the real power in Haiti is exercised not by the Haitian officials but by the American occupation. * * * The United States also effectually controls all legislation in this "sovereign and independent" State. Proposed laws must be submitted to the American Legation and to the American high commissioner before they can be enacted by the Council of State, now acting in lieu of an elected national assembly. The occupation is thus essentially supreme. Up until 1922 the ranking officer of the United States marines in Haiti was also the representative of the American Government, and although the lines of authority between the American commander and the American minister to Haiti were not always clear, the military character of the occupation was quite evident.

The report stated (p. 33):

Major General Russell was appointed by the President as high commissioner and since then no minister to the country has been appointed. General Russell is therefore at once the representative of the State Department and of the Navy, and even though he makes the legation his headquarters and appears primarily as a civilian, our occupation is nevertheless a thinly disguised military control. Thus the American powers over Haiti are in reality almost complete. American approval is needed for the enactment of laws, the revenues of the country are collected under the supervision of Americans, and the budget is drawn up by the American financial adviser. The financial adviser scrutinizes all vouchers and withholds payments that he believes to be not in conformity with the principles of the budget or with efficient administration. The control over the gendarmerie is in American hands, as are also the services of health and public works and agriculture.

The report states that American officers are in many cases officers of the Marine Corps and in receipt of their regular salaries from the United States, who receive additional salaries out of the Haitian treasury.

Reference is made in the book from which I am reading to a report of Gen. George Barnett—

For the period ending June 30, 1920, which stated that 2,250 Haitians had been killed by American military forces, but the Haitians believed the real number to be much greater. The report of the Secretary of the Navy for 1920 gives the Haitian killed in 1919 alone as 1,861.

Senators who are interested in the tragic record of occupation should read some of the testimony given before the Senate committee, of which Senator McCormick was chairman.

Reference is made in the report to the imprisonment of a large number of journalists and editors because of their criticism of the American occupation. The committee stated their conclusions and recommendations in chapter 15 of "Occupied Haiti," at page 149, as follows:

Our relations with Latin America are poisoned by the feelings roused by several instances of this imperialistic tendency on the part of the United States and of all these instances our actions in Haiti are perhaps the most flagrant. * * * The authors of this report believe that the occupation should be ended for the sake of Haiti, for the sake of the United States, and especially for the sake of good relations among all American Republics, and finally because it is in itself an unjustified use of power.

Reference is made to a resolution which I offered in April, 1926, the resolving part reading as follows:

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth and report to the Senate measures which shall permit the Haitian people to set up and establish a government of their own choice, and assume control of their own government and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

The committee recommend that—

The treaty officials should be withdrawn and actual self-government restored as soon as affairs can be got into such shape as to make it practicable to evacuate the country. (153.)

It is recommended that "elections be held to choose senators and deputies as well as other officials."

An excuse has been made for our occupation of Haiti, that there were obligations due to American capitalists. I have examined into this question and assert that there is no merit in such contention. Doctor Douglas in the report states:

The probable reasons for such a demand are not very clear, since practically all of the external debt was held in France, while the Haitians had, moreover, met virtually all of the interest payments and were only in default for some of the amortization payments.

France at that time, as Senators know, was at war. Haiti had met her obligations, most of which were due to France, and France was making no demands whatever upon Haiti. Doctor Douglas calls attention to the fact that the National City Bank of New York had insinuated itself into Haiti prior to American occupation and obtained control, in part at least, of the national bank of issue. I quote from Doctor Douglas:

The bank had been apparently anxious for some time to secure American control over the Haitian customs, since a message from the United States minister in Haiti to our State Department in July, 1914, stated that the bank was planning to refuse to renew the budgetary convention in order that the Haitian Government should be rendered financially helpless and be compelled to ask for American assistance.

This observation by Doctor Douglas is worthy of note:

It is just this condition that the bank desires, for it is the belief of the bank that the Government when confronted by such a crisis would be forced to ask the assistance of the United States in adjusting its financial tangle and that American supervision of the customs would result.

Mr. President, there are many who believe that there was a conspiracy by certain American capitalists to gain control of the fiscal affairs of Haiti and to bring about military occupation by the United States. Since we have been in control we have provided for the issuance of $40,000,000 of bonds, though when we took possession of Haiti her bonded indebtedness was less than $16,000,000. Under American control the indebtedness of the Government has greatly increased. It is believed by many that this large bonded indebtedness commits the United States to remain in control of Haiti for an indefinite period and certainly until 1956, the date of the maturity of the bonds.

The Haitians see in these bond issues, and the military control of their country, and the acquisition of Haitian lands by American capitalists, a purpose to continue for an indefinite period the control of their country by a foreign power.

Mr. President, I desire to read from a pamphlet entitled "The Seizure of Haiti by the United States," issued in April, 1922, by the Foreign Policy Association of New York, indorsed and distributed by the National Popular Government League of Washington. It is signed by 24 lawyers of high standing, among them Prof. Zechariah Chafee, jr., of Harvard University; Prof. Felix Frankfurter, of Harvard University; George Kirchwey, of New York; and Moorfield Storey, of Boston. The "conclusions" of these eminent lawyers are as follows:

First. The presence of our military forces in Haiti after the disturbances of July 27–28, 1915, had quieted down, was violative of well-recognized American principles.

Second. The seizure and withholding by our forces in 1915 of Haitian national funds was a violation of international law, and of the repeated professions by responsible American Government officials of our position and attitude toward Latin-American Republics and weaker governments.

Third. The imposition and enforcement of martial law without a declaration of war by our Congress and the conduct of offensive operations in Haiti by Admiral Caperton prior to the acceptance of the treaty by Haiti were equally clear violations of international law and of our own Constitution.

The PRESIDING OFFICER. The Senator from Utah will suspend while the clerk reads an announcement by the Chair.

The legislative clerk read as follows:

The hour of 3 o'clock having arrived the unanimous-consent agreement heretofore entered into will be in force and no Senator shall speak more than once or longer than 10 minutes upon the pending bill or any amendment thereto.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. KING. I continue reading:

Fourth. The methods employed by the United States in Haiti to force acceptance and ratification of the treaty framed by the United States—namely, the direct use of military, financial, and political pressure, violate every canon of fair and equal dealing between independent and sovereign nations and of American professions of international good faith.

Fifth. The maintenance in Haiti of any United States military force or of the control exercised by treaty officials under cover of the treaty of September, 1915, amounts to a conscious and intentional participation in the wrong of the original aggression and coercion.

Sixth. The present native government of Haiti, chosen in 1915, unsupported by any elected representative since 1917, being now at the end of its term of office, no negotiations should take place with such government which involve the future of Haiti or which can in any material respect affect its future.

Seventh. The functions of a department of colonies and dependencies assumed by the Navy Department and conferred on it by mere Executive action are unauthorized by Congress and by other sanction of law, and should be condemned as essentially illegal and as a usurpation of power

Eighth. We declare, without qualification, that the honor and good name of the United States, the preservation of the sovereignty and the cherished liberty of Haiti and her right to fair dealings on the part of the United States, as well as the possibility of assuring the continuance in the future of honorable and amicable relations between our country and Latin America, based on trust and confidence, all require:

(a) The immediate abrogation by the United States of the treaty of 1915, unconditionally and without qualification.

(b) The holding of elections of representatives to the legislative bodies of Haiti and of a President by the free will of the people at an early day.

(c) The negotiation of a new treaty with a new Haitian administration for friendly cooperation between the United States and Haiti upon such terms as shall be mutually satisfactory to both countries and by the methods that obtain between free and independent sovereign states.

Frederick Bausman, Seattle; Alfred Bettman, Cincinnati; William H. Brynes, New Orleans; Charles C. Burlingham, New York; Zechariah Chafee, jr., Cambridge; Michael Francis Doyle, Philadelphia; Walter L. Flory, Cleveland; Raymond B. Fosdick, New York; Felix Frankfurter, Cambridge; Herbert J. Friedman, Chicago; John P. Grace, Charleston, S. C.; Richard W. Hale, Boston; Frederick A. Henry, Cleveland; Jerome S. Hess, New York; William H. Holly, Chicago; Charles F. Howland, New York; Francis Fisher Kane, Philadelphia; George W. Kirchwey, New York; Louis Marshall, New York; Adelbert Moot, Buffalo; Jackson H. Ralston, Washington, D. C.; Nelson S. Spencer, New York; Moorfield Storey, Boston; Tyrrell Williams, St. Louis.

Mr. President, I commend to the Senate and to the American people the solemn declarations of these eminent legal authorities. Their views should have weight in this body as well as with the American people. Let us retrace our steps; let us return to the Haitian people the country which is theirs. Let us withdraw our military forces and leave the Haitian people in undisputed control of their own Government.

Mr. President, when the vote shall be taken later I sincerely hope that my amendment will be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will lie on the table. The next amendment of the committee will be stated.

The next amendment of the Committee on Appropriations was, under the heading "Public works, Bureau of Yards and Docks," on page 33, after line 2, to insert:

Navy yard, Puget Sound, Wash.: Extension of Dry Dock No. 2 (limit of cost, $700,000), $400,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Aeronautics, aviation, Navy," on page 35, line 14, after the word "equipment," to strike out "$12,170,000" and insert "$12,310,000"; in line 16, after the word "exceed," to strike out "$160,000" and insert "$300,000"; and on page 36, line 11, after the words "in all," to strike out "$31,360,000" and insert "$31,500,000," so as to read:

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1929, $1,155,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $12,310,000, including $230,000 for the equipment of vessels with catapults and including not to exceed $300,000 for the procurement of helium, of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,000,000; for drafting, clerical, inspection, and messenger service, $820,000; for new construction and procurement of aircraft and equipment, including not to exceed $774,000 for the Naval Reserve, $14,215,000, of which amount not to exceed $10,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the navy appropriation act for the fiscal year 1929, approved May 21, 1928 (45 Stat. 637); toward the construction of one of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. I, p. 223, sec. 749a), $1,000,000; in all, $31,500,000, of which $248,000 shall be available immediately; and the money herein specifically appropriated for "aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

The amendment was agreed to.

The next amendment was, under "Increase of the Navy," on page 45, line 7, after the word "authorized," to strike out "$22,750,000" and insert "$28,550,000, of which $500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930," so as to make the sentence read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $28,550,000, of which $500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930, and, in addition, the Secretary of the Treasury is authorized and directed to make transfers during the fiscal year 1930 from the naval supply account fund to this appropriation of sums aggregating $2,000,000, and the total sum hereby made available shall remain available until expended.

Mr. BLAINE. Mr. President, I desire to ask the Senator in charge of the bill for some information with respect to the amendment proposed by the committee on page 45, line 7. What is contemplated will be done with the $500,000 for the construction of the second five light cruisers?

Mr. HALE. Mr. President, that $500,000 is simply a small amount that is taken out of the amount that was included in the estimates sent up by the Budget to us and is for the purpose of starting the second lot of cruisers, which under the terms of the cruiser law are to be started before July 1, 1930. It can be used for any purpose to start those cruisers.

Mr. BLAINE. I have not yet the information I am seeking. The Senator speaks of starting the second lot of five light cruisers. What does he mean by starting them? What does he propose to do with the $500,000? On what is it going to be expended? He can not build five cruisers for $500,000.

Mr. HALE. The Senator is quite right about that. I will say to the Senator that if he will turn to page 46 of the bill, line 4, he will find the words "of which $200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929." This $200,000 is to be used for gun forgings of guns that will be used on the first lot of five light cruisers, and that in itself, according to the ruling of the Judge Advocate General of the department, and I think he is correct in his ruling, is sufficient to be considered as starting the first lot of five cruisers. In the same way we have provided a small amount for the beginning of the second lot of cruisers.

Mr. BLAINE. That is $500,000?

Mr. HALE. Yes; during the calendar year 1930.

Mr. BLAINE. What does the Senator propose to spend the $500,000 for? I know it is on the five cruisers, but on what items?

Mr. HALE. I have no information as to just what it will be used for. It will be used either for starting more gun forgings for the second lot of cruisers or for anything that has to do with the ships. It is an appropriation which enables us to start the ships under the terms of the cruiser bill in 1930 as provided by the law.

Mr. BLAINE. As I understand it, of the first five cruisers three will be constructed in our own navy yards.

Mr. HALE. That is true, under the provisions of the cruiser law.

Mr. BLAINE. And of the second five, two will be constructed in our own navy yards and three under contract. That is the way it works out?

Mr. HALE. That is true. That is the way it will work out. In any event we know that every other cruiser will be constructed in a Government yard.

Mr. BLAINE. It is admitted, I assume, that there is no real actual work of any consequence that can be begun upon the first five cruisers before the 1st of July?

Mr. HALE. No great amount will be begun; no, but the plans will be prepared and a certain amount will be expended on gun forgings which are to be used on the ships.

Mr. BLAINE. Then after the expenditure of that certain amount the Government will in effect be obligated to construct those cruisers and Congress will be obligated to make the necessary appropriations in the future. I assume that is also true with respect to the second five cruisers?

Mr. HALE. That is true with respect to the $500,000 for the second lot of cruisers. It simply follows out the provisions of the cruiser law, in the opinion of the committee.

Mr. BLAINE. Is it not an unwise and uneconomic policy to actually appropriate specific funds not only for the first five cruisers but also the second five cruisers in this haphazard piecemeal way?

Mr. HALE. I do not think it is haphazard or piecemeal.

Mr. BLAINE. I assume that the President and the Budget Bureau had that very thing in mind when they recommended that we enter upon this naval program beginning July 1, 1929. It would seem to me that that would be the sensible thing to do in working out the financial policy for the next administration. These ships are not going to be built in a year. It will probably take nearly three years to complete a ship. Those which are constructed under contract by private parties I assume can be constructed much more cheaply if the private parties know exactly the extent of the contracts into which they might enter instead of entering into piecemeal contracts.

Is it not a better plan to take five of the cruisers and enter upon the construction of those five cruisers, spreading out over the three years the amount that the five cruisers may cost, something like $85,000,000, and then in another year begin the program on the second five cruisers and spread that cost over a 3-year period, and likewise with the third set of cruisers. If we shall find that the navy yards are unable to go that fast then withhold the appropriations until the Government is certain that it can pursue a construction program that is continuous, that will not be interrupted, that will not be piecemeal and haphazard.

It seems to me that the President had that in mind when he made the recommendation; it seems to me that the Budget Bureau had that in mind when it made the recommendation. It would seem to me that if the 10 cruisers for which appropriations are proposed by this bill are begun, then it will become necessary to come to Congress for future appropriations. That which may be expended from time to time is going to be a considerable investment, and that investment ought to be safeguarded without any long intermission between the actual work upon the cruisers.

It would seem to me that if that program shall be adopted, then we are going to bring upon the next administration a financial situation which may have a decidedly dangerous effect upon the public finances; in other words, the amount of money that has been appropriated by this Congress and that will be appropriated and the amount for which we are obligating the Government and obligating Congress to make future appropriations for may, in all probability, bring on a financial crisis.

The PRESIDING OFFICER. The time of the Senator from Wisconsin on the amendment has expired. He now has 10 minutes on the bill.

Mr. BLAINE. I will now speak on the bill. I can conceive that there is great difficulty now in maintaining a balanced budget. If we are to accept the President's declarations as correct—and I presume they are correct, as he has obtained his information from the Budget Bureau, which, no doubt, is able to make an approximately accurate estimate—the Government of the United States financially is about to go on the rocks; and it is now proposed to drive that Government by swifter methods against the very dangers that have been pointed out by the President.

Mr. HALE. Mr. President, the Senator from Wisconsin does not really think that the Government of the United States is going on the rocks, does he?

Mr. BLAINE. I am speaking now about balancing the Budget. I want to say in these times, if it becomes necessary for the Government of the United States to issue bonds to pay current expenditures, that it will be very nearly upon the rocks. The Senator from Maine understands that I do not suggest that the Government will become insolvent, but the financial interests of the country will feel the shock the very moment the Federal Government may be required to issue bonds or temporary certificates of indebtedness in order to take care of these increased appropriations.

Looking into the future, I suggest, Mr. President, that we shall meet the full demands of the bill authorizing the 15 cruisers if we go about it in a sensible way and prepare for five cruisers at a time, outline a financial program here of three years for the building of those five cruisers, accept the advice of the President of the United States and of the Budget Bureau, especially with respect to the financial condition of the Public Treasury, and thereby permit other necessary and probable undertakings of the next administration which will be initiated during the approaching special session.

I want to point to the fact, Mr. President, and call the attention of the chairman of the committee to it, that, as I understand, the special session which is about to be called will consider two problems: One, the tariff. That goes to the very basis of the financial affairs of our Government. We can not predict what may be done on the tariff bill. The other proposition is one concerning farm relief and, as I understand the program to be, it involves the appropriation of five hundred or six hundred million dollars for the creation of a revolving fund. I do not know exactly what the plan is, but the financial scheme that is designed by the proponents of farm relief for the special session is such as will place a tremendous drain upon the Treasury of the United States. If we obligate the Government and its finances and its Treasury to these large expenditures for naval construction, then, Mr. President, the excuse will be offered not only upon the floor of this House but as well in both Houses of Congress, that the Treasury will not be able to stand the shock of appropriating the necessary funds that may be required to redeem the pledges made by the majority party as well as by the minority party in this country.

So I think we ought to go slow in this matter. I am willing to carry out the program which has been authorized, but I am willing to carry it out only in a sensible, logical way, so that the greatest economies will flow to the Government as well as the greatest efficiency be insured in the building of the cruisers, bearing in mind the very probable result that if we do carry out the 5-cruiser program beginning July 1 we will be able to construct those cruisers much more cheaply than if we dash into a 10-cruiser program now.

The PRESIDING OFFICER. The question is on the committee amendment on page 45, beginning in line 7.

STANDARD OIL CO. OF INDIANA

Mr. NORRIS. Mr. President, in the contest that is going on between John D. Rockefeller, jr., and Mr. Stewart, of Standard Oil fame, Mr. Stewart recently issued an address to the stockholders of the Standard Oil Co. of Indiana in which he made statements that, according to my recollection of the facts, were not true. Recently, within the last day or two, I had a talk with ex-Senator Pomerene, one of the attorneys representing the Government in the oil scandal cases. He related to me certain facts that absolutely contradicted the statements which Mr. Stewart had sent out to the stockholders for the purpose of securing their votes.

Just a few moments ago there was handed to me a copy of the St. Louis Post-Dispatch of February 19. I notice in that newspaper an interview with ex-Senator Pomerene and Mr. Roberts, the two attorneys who represented the Government, and who still represent the Government, in the oil cases. Since the interview bears out the statement made to me by former Senator Pomerene, I think I ought to read it to the Senate as an interesting chapter in the oil investigation. The interview was written by Paul Y. Anderson, a staff correspondent of the St. Louis Post-Dispatch. It is dated Washington, February 19, and reads as follows:

> Owen J. Roberts and Atlee Pomerene, who conducted the prosecutions for the Government in the famous oil trials, declared here to-day that Robert W. Stewart, head of the Standard Oil Co. of Indiana, deliberately deceived them about his knowledge of the Liberty bonds distributed by the Continental Trading Co., and that he withheld all information that would have assisted the Government in the prosecution of Harry F. Sinclair.
>
> Pomerene added that Stewart's testimony before the grand jury investigating the Sinclair case was such that Government counsel would have sought his indictment on a perjury charge if the statute of limitations had not expired before they learned the truth.
>
> Not only did Stewart deceive them about his knowledge of who got the Continental bonds, Roberts and Pomerene said, but he avoided testifying in the Government's civil suit to recover the Teapot Dome naval oil reserve, subsequently giving the excuse that he "wasn't looking for trouble."
>
> PROFITS FROM DUMMY CONCERN
>
> As has often been told, the Continental was a dummy corporation secretly organized to buy a large quantity of oil from A. E. Humphreys, a Texas operator. It paid Humphreys $1.50 for oil, then sold it at $1.75 a barrel to companies controlled by Stewart, Sinclair, and James E. O'Neil. All the profit of more than $3,000,000 thus realized was invested in Liberty bonds and divided between Stewart, Sinclair, O'Neil, *

and Harry M. Blackmer. Sinclair afterwards used a part of his share in bribing Secretary Fall for the Teapot Dome lease, an act which ultimately led to the exposure of the whole transaction.

Stewart's participation in the profits had not been disclosed when he appeared last year before a Senate investigating committee.

I wish the Senate would remember that statement. Up to the time that Stewart appeared before the Senate investigating committee his activity and his part in this disreputable transaction had not been disclosed.

When asked if he knew who got the bonds, he declined to answer.

This was before the Senate committee.

He based his refusal on the ground that he had been summoned as a witness for the Government in the criminal trial of Sinclair, then pending, had testified before the grand jury, and had been interrogated by Government counsel. He said he considered it his duty "as a citizen" to reserve his information for the court instead of giving it to the committee.

Later on Mr. Anderson quotes from his testimony before the committee.

A similar defense of his refusal to testify—on the ground that he expected to testify in the Sinclair trial—also was contained in a statement recently issued by Stewart to the stockholders of the Standard of Indiana, in the course of his fight with John D. Rockefeller, jr., over control of that company.

SAYS STEWART WITHHELD FACTS

Roberts and Pomerene, who are here to argue a case before the Supreme Court, to-day had their attention called to Stewart's statements. They were asked whether Stewart, prior to the Sinclair trial, had divulged to them his knowledge of the Continental bond transaction.

"He did not," was Roberts's emphatic reply. "On the contrary, he told us he didn't know anything about it. We asked him who was interested in the Continental, and he said he didn't know. We asked him who got the bonds, and he said he didn't know, and didn't want to know. All we got out of him was a refusal to give us any information that would be of any help to us in preparing the case against Sinclair. His pretense before the Senate committee that he had given us the facts about the matter was a rank subterfuge."

"It was worse than that," declared Pomerene. "He deliberately did everything in his power to shield Sinclair. For Stewart to pretend that he was cooperating with the Government in its preparation for that trial is an exhibition of brass which is almost incredible. The information in his possession concerning the distributon of those bonds would have been materially helpful to the Government's case. He did not disclose a word of it. He said he didn't know who got the bonds.

SAID HE SUSPECTED HUMPHREYS

"I asked him if he had any theory about who got them, and he replied that he had always suspected that Humphreys got them, and that the Continental was rigged up by Humphreys to gouge the buyers of the oil out of an extra 25 cents a barrel."

So far as I know, nobody has ever cast any suspicion of reflection upon Mr. Humphreys in this oil transaction. He had oil to sell. He sold it for $1.50 a barrel to Stewart and the others with him, and they had it turned over to the Continental Trading Co., and then bought it on behalf of their stockholders for $1.75 a barrel.

Continuing to quote from Senator Pomerene:

"He completely deceived us about his own connection with the matter. We were astounded when we learned later that he had received $760,000 of the bonds, and I don't mind telling you that if three years had not expired since his testimony before the grand jury, we would have asked for the indictment of the gentleman on a charge of perjury."

The PRESIDING OFFICER. The time of the Senator from Nebraska on the amendment has expired. He has 10 minutes on the bill.

Mr. NORRIS. That is the end of the quotation from Senator Pomerene. Mr. Anderson goes on:

When the Government filed suit in the United States District Court of Wyoming to recover the Teapot Dome reserve from Sinclair, Stewart was summoned as a witness. Later the trial was postponed, and it was necessary to subpœna the witness again. There was some delay about serving Stewart, in consequence of which a United States marshal at Chicago was discharged by President Coolidge. When the difficulty was discovered Stewart had gone to South America. Efforts to learn his address from his Chicago office were unsuccessful, and the case was tried without his presence.

STEWART STAYED OUT OF CASE

Roberts and Pomerene learned afterwards that Stewart had returned to this country a few days before the case was called and was in New York. When they demanded to know why he had not apprised them of the fact, he replied, Pomerene said, that he "wasn't looking for trouble."

It will be recalled that John D. Rockefeller, jr., in his testimony before the Senate committee, related that he, too, had asked Stewart if he knew who got the proceeds of the Continental deal, and that Stewart had refused to tell, again giving as his reason the fact that he had been summoned as a witness in the Sinclair case and was determined to reserve the facts for that occasion.

In giving to the Senate committee his reasons for refusing to testify to his knowledge of who got the Continental bonds, or whether he had ever discussed the transaction with Sinclair, Stewart said:

This is a quotation from Stewart's testimony under oath before the Senate committee:

I am a witness in a case which is now pending between the Government and some defendants (Sinclair and Fall). I have been interrogated on the subjects by counsel appointed to represent the United States in that case, along lines which make me think that the issues in that case are the same ones your are attempting to interrogate me about here.

The Government is entitled, and the defendants are entitled, to ask me such questions as they desire upon the trial of this case, and it is to be left to a judge learned in the law to determine the relevancy, materiality, and competency of the testimony. They have a right to cross-examine and reexamine, and it seems to me, with all due deference to this committee, that there is the place for me to give this testimony.

It seems to me, Mr. President, in view of the statements that Mr. Stewart has made to the stockholders of the Standard Oil Co. of Indiana, and in view also of the startling statement of the Government attorneys, made now for the first time, so far as I know, that Stewart's testimony before the grand jury under oath was absolutely contradictory of his testimony under oath before the Senate committee, the stockholders as well as the country ought to know the truth. After his testimony before the grand jury three years expired before his testimony before the Senate committee, which meant that the statute of limitations had run; and, as these attorneys say, had it not been for that technicality, they would have caused his indictment and trial for perjury committed before the grand jury in his testimony there.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the committee on page 45, beginning in line 7.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	Mayfield	Smoot
Barkley	Gerry	Moses	Steck
Bingham	Glass	Neely	Steiwer
Black	Glenn	Norbeck	Stephens
Blaine	Goff	Norris	Swanson
Blease	Gould	Nye	Thomas, Idaho
Borah	Hale	Oddie	Thomas, Okla.
Bratton	Harris	Overman	Trammell
Brookhart	Harrison	Phipps	Tydings
Broussard	Hastings	Pine	Tyson
Bruce	Hawes	Pittman	Vandenberg
Burton	Hayden	Ransdell	Wagner
Capper	Heflin	Reed, Pa.	Walsh, Mass.
Caraway	Johnson	Robinson, Ind.	Walsh, Mont.
Couzens	Jones	Sackett	Warren
Curtis	Kendrick	Sheppard	Waterman
Deneen	King	Shipstead	Watson
Dill	McKellar	Shortridge	Wheeler
Edge	McMaster	Simmons	
Fess	McNary	Smith	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, there is a quorum present.

The question is on agreeing to the amendment of the committee on page 45.

Mr. DILL. Mr. President, I want to offer an amendment and have it pending. I would like to have it read.

The PRESIDING OFFICER. The amendment will be read, and will lie on the table.

The CHIEF CLERK. On page 44, at the end of line 19, add the following:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua, or to transport marines to and from Nicaragua.

Mr. KING. Mr. President, I was about to inquire, in my own time, of the Senator from Maine, if he will not accept an amendment to the committee amendment found on page 45, which would delay the expenditure of the appropriation of $500,000 until the calendar year 1930. I propound the inquiry with the understanding that the bill, as amended by the committee, would

authorize the commencement not only of 5 cruisers but of 10 cruisers this year. If I am in error, I should be glad to be advised.

Mr. HALE. Mr. President, I do not think the bill would authorize the starting of 10 cruisers this year.

Mr. KING. I am speaking in my own time; but may I ask the Senator if it is not a fact that this $500,000 is expected to be expended commencing on the 1st day of July of this year?

Mr. HALE. I do not think the department will go ahead and spend it on the 1st of July, or within a number of months of that time.

Mr. KING. But they are authorized, and might expend it, or contract for its expenditure, on the 1st day of July.

Mr. HALE. They are authorized to expend it at that time, but I do not think they will. I think this whole matter will go along in a regular, orderly way. They will expend $200,000, starting the first batch of cruisers, at the end of this year, and presumably will spend the $500,000 on the second batch in an orderly way.

Mr. KING. Which is an orderly way? Will the Senator indicate what he regards as an orderly way for the expenditure of this $500,000 for the second five cruisers? And does an "orderly" way have time limitations? Is it subject to any limitations? Does it not rest upon the discretion of the department?

Mr. HALE. Going ahead and starting the cruisers this year——

Mr. KING. The Senator refers to the first five?

Mr. HALE. The first five, with the $200,000 that is authorized, as I have explained already, starting the gun forgings and the ships. I presume they will lay the ships down soon after the 1st of July, possibly not before the 1st of September. Then the appropriations carried in the bill will take them along through the fiscal year 1930. I can not tell the Senator exactly when, but some time before July, 1930, they will go ahead with the next batch of the ships, the second batch, with the $500,000 to start them.

Mr. KING. I think this amendment offered by the committee should be rejected, unless it is amended. I agree with the statement made by the Senator from Wisconsin that the Government, having announced a policy of building 15 cruisers, Congress would be expected to make the necessary appropriations to execute that policy, but that does not require that the construction of 10 cruisers shall be undertaken during the calendar year 1929.

Mr. HALE. Nor will we do so.

Mr. KING. Ah, we do not know. Why does not the Senator consent to an amendment, if he is so sanguine that that will be the case, which will restrict the expenditure of any part of the appropriation for the second five cruisers until the calendar year 1930? Now, the Senator says that in an orderly way we may not approach the construction of the second five until the latter part of 1929.

Mr. HALE. Clearly, under the terms of the cruiser bill, we have not any authority to start the second batch of cruisers in the fiscal year 1929. Clearly, under the provisions of that bill, we can not start them until the fiscal year 1930.

Mr. KING. I do not agree with the Senator; but even if that were true—and I will concede for the sake of the argument that the Senator is correct—this amendment would be a modification of the cruiser bill, and, of course, the last legislative enactment controls, if there is any conflict. If this bill is passed in its present form, the Navy Department could promptly, on the 1st day of July of this year, undertake the construction of the second five cruisers. It is the position of the department and the committee reporting this bill that it will be empowered to begin work upon the first five vessels as soon as this bill becomes law. The Senator is compelled to admit that construction can be commenced on the second list at any time after June 30, 1929.

Mr. HALE. Mr. President, I have no desire or purpose in any way to break away from the terms of the cruiser bill, which I think was an excellent bill, and which was approved by a very large vote.

Mr. KING. I am not discussing the merits or the demerits of the cruiser bill. Let us confine ourselves to the question before us. We are already constructing six 10,000-ton cruisers——

Mr. HALE. Mr. President, will the Senator yield?

Mr. KING. I have only a few minutes.

Mr. HALE. I just want to clarify one thing.

Mr. KING. If the Senator will take it out of his own time, I shall be glad to yield.

Mr. HALE. Very well.

The PRESIDING OFFICER. The Senator from Maine consents to take the time out of his time.

Mr. HALE. I just wanted to say to the Senator that I have already notified the Senate that I expect to perfect the amendment by inserting in line 16, page 45, after the word "Navy," the words "except the amount of $500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929."

Mr. KING. Mr. President, will the Senator——

Mr. NORRIS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NORRIS. Has not the Senator from Maine spoken on this amendment before?

The PRESIDING OFFICER. No; he is speaking in the time of the Senator from Utah.

Mr. NORRIS. I understood the Senator from Utah was not willing that he should do that.

Mr. KING. Mr. President, of course I am always happy to yield to my friend, and I shall occupy but a few moments.

The point I was making when interrupted, was that we are now constructing eight 10,000-ton cruisers, two of them having been recently launched. Six are on the ways. Undoubtedly we will learn lessons in construction in the building of these cruisers which will be of advantage in the construction of the 15 recently authorized. We must not commit the folly which has characterized our naval construction in the past. The Senator will recall that when Lord Fisher projected the dreadnaught, for years we blindly continued the policy of building battleships of an antiquated design, as a result of which they were obsolete or obsolescent before they were completed.

In the technique and types of naval construction we have too often lagged behind Great Britain and Germany. It is certain that if the United States were to construct the 8 cruisers authorized in 1924 and the 15 recently authorized, according to types and designs of the 1924 period, they would be inferior to those built by other countries since that date.

Let us learn the lessons taught by the construction of the six cruisers now on the ways, and which will not be completed for several years, before we rush into the construction of other vessels. It seems to me unwise and indeed absurd for those who are interested in the welfare of the Navy, as I am in a modern, scientific, and up-to-date Navy, not to avail themselves of the lessons to be learned in the construction of the six cruisers, before we undertake the construction of 5 or 10 of the 15 which have been authorized. Naval science is progressive, not stagnant, and it would be inexcusable folly to lay down 10 cruisers during this year, when we have 6 building, and have opportunity to profit from the experiences and lessons which can be derived from their construction, as well as lessons which we may learn from the construction of cruisers and naval craft in other countries. We have been told of a new type of cruiser recently built in Germany.

It must be evident even to reactionary and archaic naval boards that cruisers built five years from now will be different from those now being constructed. If we were wise, we would not follow old or even present types. We would move cautiously and prudently. To rush through the construction of 15 cruisers in three years and complete the 6 now on the ways, would be most unwise and injurious to our Navy. Some of them would be obsolete before they were completed. Fighting navies are not measured by the number of vessels. One giant capital ship of the *Hood* type would put to flight half a dozen dreadnaughts. If there is to be no limitation in naval armament, it is certain that war vessels of various types and categories will be developed that will be greatly superior to those of present-day design. The airplanes and submarines will become of paramount importance and naval warfare, both offensive and defensive, will take on new forms. In the light of these facts and the certainty of new developments it is extravagant folly and national vanity to throw into a 3-year hopper the construction of 21 cruisers, 6 authorized in 1924, and 15 in 1929.

I appeal to the Senator in the interest of a strong, modern, efficient, and adequate Navy, to modify his amendment and postpone till 1930 any work upon the second five cruisers.

Mr. SWANSON. Mr. President, it seems to me the Senate ought to understand this issue very clearly. There is no mystification about it. We fought here for nearly two weeks to determine whether we should have each year the construction of 5 cruisers, to begin 5 in the calendar year 1929, 5 in the calendar year 1930, and 5 in the calendar year 1931. After long and protracted debate, by an overwhelming majority the Senate decided that we should commence five cruisers each one of these years.

I want to explain to the Senate how moderate the committee has been.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. SWANSON. Let the Senator take his own time.

Mr. BLAINE. The Senator said calendar years. Does he not mean fiscal years?

Mr. SWANSON. I mean the fiscal year ending June 30, 1929, the fiscal year ending June 30, 1930, and the fiscal year ending June 30, 1931. That is what the Senate decided after long and prolonged debate.

A motion was made to strike out the provision for 15 and provide for the construction of only 10. But we decided on 15. Next was a motion to have no time limit to authorize 15, but to construct them only when the Budget thought proper and reported that they should be constructed. The Senate decided that it wanted five cruisers commenced each fiscal year. The time was fixed after prolonged debate. Now all this is a renewal of the fight made here when the Senate overwhelmingly decided that they wanted to have five cruisers constructed in each of these years.

To show how moderate the committee was, listen to what was done.

We are bound to undertake five before June 30, 1929. To carry out the spirit of that instruction and direction of the Senate, all we appropriate for the year ending June 30, 1929, is $200,000 and we make it immediately available. That anyone should suggest a sum to undertake that construction might be less almost exceeds the imagination of man.

We then appropriate enough money available after the 1st of next July to continue the work of the construction of the five cruisers begun by the $200,000 available immediately, in accordance with the instructions of the Senate as contained in the cruiser bill, and for that purpose we appropriate about $10,000,000 or $11,000,000. That is all. If it were less the work could not be done economically. We would have the men working 10 days and laying off 10 days. The department said they wanted more money, but that if they were given less it would cost the Government a great deal more, because less money could not be expended economically.

The next proposition of the committee was to undertake to construct five more cruisers before the 29th of June, 1930. We were instructed in the cruiser bill to do that. What did the committee do? All we have given for that undertaking is $500,000, with which to undertake the next five cruisers, to carry out the directions contained in the cruiser law by direction of the Senate and by a large majority. That means that the first five cruisers are under construction and it means that, carrying out the instructions of the Congress, next year we will spend $500,000 on the second five of the cruisers up to the 1st of July, 1930. If we were to do less than that, we would have to abolish the time limit which the Senate fixed here after prolonged debate of two weeks and by an overwhelming vote. We will have five cruisers under way with the least possible amount of money that can be used economically. Then to carry out the instructions of the cruiser bill we appropriate $500,000 to start the second five for the next year. It is really a delay of one year, and I do not see how less money could be appropriated and still carry out the instructions of the Congress.

The amendment which disturbs the Senator from Utah [Mr. KING], as originally reported by the committee, proposed to appropriate $500,000 and make it immediately available. That would have enabled the Government to start 10 cruisers. But that has been changed by an amendment which will be offered, if it has not already been offered, by the Senator from Maine [Mr. HALE]. To prevent any misunderstanding about it, as I understand the amendment to be offered by the Senator from Maine, it limits the $500,000 to the second batch of cruisers. Consequently there will not be 10 in process of construction. During the next fiscal year, the fiscal year 1930, there will be the first five cruisers that will have about $10,000,000 expended upon them, and there will be the second five merely started under the direction of Congress in the cruiser bill which will have expended upon them $500,000.

It seems to me it is so fair, so modest, and so considerate of the Treasury that I can not see how anyone can antagonize, unless he does not want any cruisers constructed at all or wants to limit them to five in number. An effort was made to limit the number to five and it was rejected. Then an effort was made to limit the number to 10 and that was rejected. It seems to me unless it is the desire of Senators to have that fight all over again, exactly the fight we had here for two weeks when the cruiser bill was before the Senate, they would not be forcing the issue now.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SWANSON. Certainly.

Mr. CARAWAY. I am frank to say I was out of the Chamber when the Senator began speaking. Under the appropriation bill the Government may lay down five cruisers between now and the 30th of next June.

Mr. SWANSON. They may undertake five, and $200,000 is made immediately available, to comply with the instructions of the cruiser law.

Mr. CARAWAY. Then there is an appropriation which they may use to lay down or undertake—whichever is the proper term—five more cruisers in the next year.

Mr. SWANSON. Before the 29th of June, 1930; and that is limited to $500,000.

Mr. CARAWAY. Will the Senator tell me this, because I do not think I quite understood him. There will be a session of Congress convening in December next. What was the purpose of putting both provisions in the one bill now? I know there was some good reason; but what was it?

Mr. SWANSON. We have to appropriate now, because the cruiser law provides that we must undertake in each fiscal year five cruisers. The undertaking can be $500,000 or $1,000,000——

Mr. CARAWAY. I understand that.

Mr. SWANSON. And the general appropriation bill has always carried the provisions to enable us to undertake any increase of the Navy.

Mr. CARAWAY. The thing I am trying to get at—because nobody yet has explained it—is that there will be a Congress convening in December next; hence, what was the purpose of including items of appropriation so that this bill will carry the appropriation for laying down 10 cruisers instead of 5? I know there is a good reason for it, but I am asking the reason.

Mr. SWANSON. We will spend $10,000,000 during the next fiscal year for the first five cruisers. Then we have provided that $500,000 may be expended during that fiscal year on the second five cruisers.

Mr. CARAWAY. I understand that.

Mr. SWANSON. We have to have plans. Under the direction of the Congress those cruisers must be undertaken at that time. It is useless for us to come here in December and expect to appropriate for that purpose, because it will be along in January or February or March before the next Navy appropriation bill will come before the Senate, and it would be almost too late to make the money available for that fiscal year which would be 1930. It could not be put in the general appropriation bill because the funds appropriated by that bill are not available until the subsequent July for the ensuing fiscal year. This is the method that has always been followed.

Mr. CARAWAY. Is there anything unusual in this method?

Mr. SWANSON. Nothing in the world.

Mr. CARAWAY. We fought out the question of whether or not the time limit should be abolished. I thought it ought to have been and the Senator and those who agreed with him did not think so and they were in the majority. I recognize the right of the Senate to control.

Mr. SWANSON. We were directed by the Senate to undertake five cruisers during the present fiscal year.

Mr. CARAWAY. I understand that.

Mr. SWANSON. And five additional cruisers in the next fiscal year. We have proposed to appropriate the smallest possible amount, to wit, $200,000, to carry out the instructions of the Congress to undertake the construction of the first five cruisers in this fiscal year. Then we have appropriated the smallest amount that anybody could possibly consider proper for the undertaking of the second five cruisers in the fiscal year 1930. That is carrying out the will of the Congress.

Mr. CARAWAY. I am not complaining about the amount. In fact, I am not complaining about anything in reference to it. But I hear the charge constantly made that it is attempting to lay down 10 cruisers when the Congress only authorized 5. As I understand it from the Senator from Virginia there is no justification for that charge.

Mr. SWANSON. Absolutely none; and nobody can prove it. The instructions of Congress were that five cruisers be laid down prior to June 29 of this year. Then it directs that five more cruisers shall be laid down prior to June 29 of 1930.

The PRESIDING OFFICER. The time of the Senator from Virginia on the amendment has expired.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state the inquiry.

Mr. HARRISON. We having passed a law providing for the beginning of the construction of five cruisers before the 30th of June, 1929, and five more during the next fiscal year ending June 30, 1930, and this proposal coming out of the committee making the money immediately available, would not a point of order to that provision be sustainable?

The PRESIDING OFFICER. Does the Senator from Mississippi make that point of order?

Mr. HARRISON. I am just propounding the parliamentary inquiry so I can get a rise out of the Senator from Maine.

The PRESIDING OFFICER. The Senator will excuse the present occupant of the chair from passing on that question.

Mr. BROOKHART. Mr. President, yesterday I explained some of the matters now brought to the attention of the Senate by the Senator from Virginia [Mr. SWANSON], but his persistent argument makes it necessary again to point out that this appropriation is for starting 10 cruisers and starting them now. In the first place, the $500,000 is provided as an appropriation immediately available. In the second place, just below that paragraph, it is provided that all this money is available immediately. The Senator from Maine [Mr. HALE] is going to offer an amendment to that provision still leaving the $500,000 immediately available.

The Senator from Virginia insists that that is a compliance with the cruiser law. I insist that it is not. I insist it is amending the cruiser law. It is changing the plan that was adopted here by a big majority. Here is $200,000 that will start the five cruisers which are to be laid down before the 1st of July, 1929. That is all right. The cruiser law provided for that to be done. Then it calls for the next five cruisers to be laid down before the 1st of the next July, which will be July, 1930. But the Senator is providing an appropriation to do that right now instead of waiting until near the 1st of July, 1930.

Mr. HALE. When would the Senator have it done?

Mr. BROOKHART. I would do it in the regular session of Congress next December or January.

Mr. HALE. How would the Senator do it?

Mr. BROOKHART. In the same way that we are providing now the $200,000. There is no occasion for this controversy to go on in this way.

Mr. SWANSON. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. BROOKHART. I yield.

Mr. SWANSON. The word "immediately," as I understand it, is not in the provision for the $500,000, consequently it does not become available until the 1st of July, 1929. The word "immediately" has been stricken out.

Mr. HALE. It never was in there.

Mr. SWANSON. The bill speaks of the 1st of July as the time when the second five of the cruisers shall be commenced. How does the Senator understand that there can be 10 undertaken immediately?

Mr. BROOKHART. There is a provision for the appropriation contained in the bill on account of cruisers for increase of the Navy that it shall be immediately available.

Mr. HALE. That is made immediately available for certain purposes, for the pay of clerks and draftsmen, but not for the building of ships. In order to make it doubly sure I am putting in the words "except the amount of $500,000 made available to be used for the construction of the second five cruisers."

Mr. BROOKHART. The Senator just now said it would be postponed until 1930 on the suggestion of the Senator from Utah. If this is not available until 1930——

Mr. SWANSON. It is immediately available after the 1st of July.

Mr. BROOKHART. If this is not going to be used until 1930 and we de not start the first five cruisers until the last of the fiscal year 1929, we ought not to start the second five cruisers until the last of the fiscal year 1930. We will have plenty of time and plenty of opportunity to make appropriation for the second five, the same as we are making now for the first five. Therefore unless it is going to tie us fast into the 10-cruiser policy, there is no need for urging that proposition at this time.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. KING. It seems to me there can be no question as to the interpretation of the amendment offered by the committee as amended by the Senator from Maine. It means that the $500,000 made available can be taken on the 1st day of July of this year and utilized for the undertaking of the construction of the second five.

Mr. HALE. That is quite right.

Mr. KING. So it is true that it is not available under his amendment until after the 1st day of July, but at midnight on the 30th day of June of this year the $500,000 could be expended by the Navy Department for laying down the second five cruisers.

Mr. HALE. Precisely.

Mr. SWANSON. The language is plain and clear if the Senator will read it. It provides $500,000, which shall be available toward the construction of the five light cruisers, the construction of which is authorized by the act approved February 13, 1929. This bill does not become operative itself until the 1st of July, 1929.

Now, let us go back to the $200,000. We made that immediately available, because the other appropriations contained in the bill do not become available until the 1st of July, 1929, and we have to have $200,000 to start the construction of the first five cruisers before the 1st of July, 1929.

Mr. BROOKHART. Mr. President, the money for the construction of the second five cruisers should not be available until a year from the time the money is available for the first five. The Senator has succeeded in having it arranged very nicely, so that 10 cruisers can be run in all together, thus starting a 10-cruiser construction program in one year.

There is a further reason why this construction should be delayed a year, and that is the provision of the cruiser bill that we shall endeavor to enter into an international agreement limiting armament. The Senator from Virginia wants to forget all about that provision. It is just as important as any other provision in the cruiser bill, and, to my mind, it is the most important provision of that bill, because if it is handled properly we can probably avoid building any of these cruisers, perhaps, even the first five, and we can certainly avoid building the second five, if we can arrive at a proper international agreement.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROOKHART. Yes; I yield.

Mr. TYDINGS. Suppose the projected disarmament conference should fail, would the Senator then be in favor of building the cruisers?

Mr. BROOKHART. I am in favor of carrying out the law.

Mr. TYDINGS. I did not ask the Senator that question. I asked if the Senator would vote for the building of the cruisers if the projected disarmament conference should fail.

Mr. BROOKHART. As an academic question I am opposed to all cruisers, as I have said, and I am discussing the question before us and not the imaginary situation suggested by the Senator from Maryland.

Mr. HARRISON. Mr. President, may I ask the Senator from Iowa a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. BROOKHART. I yield.

Mr. HARRISON. I notice that in the amendment reported by the Committee on Naval Affairs a portion of the appropriation is made immediately available. There is to be an amendment proposed to strike out that provision as it applies to five of the cruisers.

Mr. HALE. A portion of the appropriation is made immediately available only for certain minor purposes.

Mr. HARRISON. The Senator from Iowa, I think, is a member of the Naval Affairs Committee, and I am just wondering if the Naval Affairs Committee instructed the chairman of the committee to make that change?

Mr. BROOKHART. If it is changed in the right way, and properly worded, it will probably be true, then, that the $500,000 will not be available until the 1st day of July.

Mr. HARRISON. The Senator, I think, is a member of the Naval Affairs Committee. I am asking him if the committee instructed the chairman to make that change?

Mr. BROOKHART. I am not a member of the committee. The chairman of the committee will have to answer that question.

Mr. HALE. The chairman was not instructed officially at all, but I think the members of the committee would consent to it without any question. As I have said, I do not think it is a necessary change; I am simply proposing it to clarify the matter.

Mr. BROOKHART. Mr. President, that still leaves the possibility of running these 10 cruisers in together. That seems to be the plan. If it were not the plan, the Senator from Virginia knows that at the regular session next December we could provide an appropriation to take care of the matter. We do not need $500,000 for the second five any more than we need $500,000 for the first five; we could provide an appropriation of $200,000 to start the second five.

Mr. SWANSON. The committee have acted in a conservative and moderate way in order, so far as we could, to conform to the ideas of those who wished to build slowly. The cruisers can not be built contemporaneously, because we limit the appropriation for the second batch of cruisers to $500,000, and the other appropriation goes to the first five. What else could be done, unless we nullified the law which the Senate passed so overwhelmingly?

Mr. BROOKHART. The Senator and the other proponents of this bill run the two together around the 1st day of July. That is apparently the idea.

Mr. SWANSON. How could they do it when only $500,000 can be spent on the second batch?

Mr. BROOKHART. Only $200,000 can be spent on the first set of cruisers.

Mr. SWANSON. The remainder of it must be spent on the first set. We appropriate $500,000 for the second batch and $10,000,000 for the first batch.

Mr. HALE. That is during the fiscal year 1930.

Mr. SWANSON. During the fiscal year 1930.

Mr. BROOKHART. But contracts will be let for all of them.

Mr. SWANSON. They can not be let under the law with only $500,000 appropriated.

Mr. BROOKHART. The policy seems to be to provide for 10 cruisers, and then, if we succeed in reaching an international agreement for disarmament, we will have to pay twenty-five or thirty million dollars to cancel the contracts, as we have done heretofore.

The PRESIDING OFFICER. The time of the Senator from Iowa on the amendment has expired. He has 10 minutes on the bill.

Mr. BROOKHART. Mr. President, I wish to ask the Senator from Virginia if it is not possible to have the appropriation made at the next regular session in ample time to comply with the requirements of the cruiser bill as to the second five cruisers?

Mr. SWANSON. I do not think so, in view of the disposition of the Senator and others to oppose the cruiser bill, and the effort to defeat even the regular appropriation. I am not willing to risk it.

Mr. BROOKHART. Let me ask, Does the bill with a present appropriation of $200,000 and a further appropriation, to be available later, comply with the requirements of the cruiser bill for the first five cruisers?

Mr. SWANSON. It does; it undertakes the construction of the cruisers.

Mr. BROOKHART. Very well. This is the 22d day of February, on which we are complying with the requirements as to the first five cruisers that shall be built in 1929. Now, on the 22d day of February, 1930, we can provide an appropriation to comply with the requirements as to the second set of cruisers. Is not that true?

Mr. SWANSON. We can do it; yes. But the question is, Will we be allowed to do that?

Mr. BROOKHART. Very well. Then, why put it in the bill now and why raise this controversy at this time, when it may be the greatest stumbling block to an international agreement?

Mr. SWANSON. Will the Senator give me an opportunity to answer that suggestion?

Mr. BROOKHART. Yes.

Mr. SWANSON. The reason why we only appropriate $200,000 now is because the Senator from Iowa and those who cooperated with him would not allow the cruiser bill to pass last spring. It was delayed in that way for nearly a year. And now we can only appropriate $200,000 for the particular purpose. If no appropriation is made here for the set of cruisers to be constructed next year, for which we only provide $500,000, then next year the situation will be like it was last year, and no provision will be made in time for their construction.

Mr. BROOKHART. But in spite of our delays the Senator concedes that the appropriation made now on the 22d day of February is a compliance with the law.

Mr. SWANSON. No. If it had not been for the Senator and those who cooperated with him we would have had these ships one-third constructed now; but all the Senator is willing should be done toward their construction now is to appropriate $200,000.

Mr. BROOKHART. The Senator would like to have had these ships constructed years ago and then to sink them and construct new ones. That is the Senator's policy.

Mr. SWANSON. This is the first time I have advocated an increase of 15 cruisers in the Navy. It was only when Great Britain had gone far beyond us in the ratio of 13 to 5 that I saw the necessity of it. This is the first time the Congress has provided for the building of 15 cruisers. If the Senator will permit me, I should like to ask him how it violates the law to carry out the instruction of Congress?

Mr. BROOKHART. I am unable to see the Senator's viewpoint at all. I can see no reason why he should resist us upon this proposition unless there is some purpose of tying us fast into this big cruiser program in spite of any international agreement which may be reached. If that is the Senator's purpose, if he wants to defeat an international agreement and to defeat any opportunity of disarmament on the seas, it is perfectly logical and perfectly proper to hurry the construction of the cruisers as fast as possible. In that view of the case, then the faster we go the more surely he will succeed in achieving the result he desires; but he voted for a law which calls for an effort to be made to secure an international agreement for disarmament and, if we can reach a proper agreement, for the sinking of naval vessels so far as possible. I think that is a big policy announced by the cruiser law; the building of 15 cruisers is only a little item compared to an international agreement which will end war construction on the seas. But the Senator from Virginia wants to ignore the big policy which he himself supported, and to force the construction of these cruisers whether or not and to do that at the very earliest possible date, although at the same time he admits we can comply with the law fully and postpone the appropriation for the second five cruisers even as late as the 22d day of next February. That is the exact situation on this question. If we can eliminate crowding the construction of these cruisers this controversy will end and the bill may proceed, so far as I am concerned, to enactment without any further objection.

Mr. SWANSON. If the Senator will permit me, the only difference between himself and me is this: He thinks the spending of $500,000 on five cruisers that are to cost $15,000,000 each is crowding. I think it is hardly beginning them. Crowding, with only $500,000 for five cruisers! That amount will hardly enable their construction to be started.

It was recommended that $22,000,000 should be appropriated to start these five cruisers and proceed with their construction during the next year; but the committee was so conservative, so moderate, that it merely recommended the appropriation of $500,000 in order to comply with the law; yet the Senator calls that crowding.

Furthermore, the President can stop this construction in the event an international agreement for disarmament shall be reached. I believe the best way to bring about disarmament with Great Britain, with Japan, and with other nations is to let them know we are going to build. When they realize that fact they will come to an agreement; but so long as we simply talk about building and do nothing, they are satisfied with conditions at present existing.

Mr. BROOKHART. As I remember, the way the committee stood by the President was to walk roughshod over both the President and the President elect, both of whom wanted no time limit whatever on the construction of the cruisers; but the committee listened to the Steel Trust. It did not listen to the President of the United States or to the President elect; it listened to the shipbuilders; it listened to the fellows who want profits out of war. War profiteering is the evil of the age; war profiteering is the cause of war. I think if profiteering were taken out of this proposition, there would be nobody here advocating cruisers.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. I understand that the amendment offered by the committee is found on line 16.

The PRESIDING OFFICER. The pending amendment is that beginning on line 7 on page 45.

Mr. HALE. The Senator from Utah has in mind an amendment that is not now pending.

Mr. KING. Which amendment is before the Senate?

The PRESIDING OFFICER. The amendment before the Senate at this time is that beginning in line 7 on page 45 and extending to and including part of line 11.

Mr. KING. Then, Mr. President, I desire to offer an amendment to the amendment. On line 8, after the word "available," I move to add the words "after January 1, 1930," so that the amendment as amended would read as follows:

> On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $28,550,000, of which $500,000 shall be available after January 1, 1930, toward the construction of the second five light cruisers—

And so forth.

I should like to say a few words, Mr. President.

The PRESIDING OFFICER. If the Senator will pardon the suggestion, the Chair will remind him that he has exhausted his time on the committee amendment.

Mr. KING. I will speak on my amendment to the amendment.

The PRESIDING OFFICER. The Senator is entitled to speak on the amendment to the amendment.

Mr. KING. If I understood the view of the Senator from Maine, it is that the $200,000 appropriated for the first five cruisers should be available July 1, 1929?

Mr. HALE. No; it is to be available after the bill becomes a law.

Mr. KING. Very well. It is to be available immediately after the bill becomes law; there is not to be a moment's delay.

I presume all arrangements have been made to expend this amount within a few hours after this bill is signed by the President. Haste, and more haste, must be the slogan of the Navy Department. Perhaps even now contracts have been prepared for the building of the cruisers which are to be built by contract. And the Senator demands that the $500,000 for the second five vessels shall be available at midnight, June 30, 1929. It is certain that these cruisers are to be pushed to completion as soon as possible. They are to be undertaken this year, as are the first five authorized in the cruiser bill. The plan is to commence 10 war vessels in 1929; to commit the Government to complete at least 10 cruisers, so that any international agreement may not be able to reach them. This amendment reported by the committee is a piece of camouflage. It will deceive no one. It is intended to compel the Government to let contracts or start plans or construction for 10 cruisers within the next few months. The $500,000 is to be expended soon—within a few weeks, probably after July 1 of this year.

Mr. HALE. At any time during the fiscal year 1930.

Mr. KING. It is made available on the 1st day of July, 1930.

Mr. HALE. There can be no question about that.

Mr. KING. No; that follows, of course.

Which means that it can be expended the same day. The naval authorities are unwilling to wait until December of this year, when the appropriation bills for 1931 are prepared, for the appropriation for the commencement of the second list of five cruisers. And that is what the Senator desires. Just as the Senator from Iowa [Mr. BROOKHART] has stated, there is a determination to force the commencement of 10 cruisers during the calendar year of 1929. That was not the purpose of the cruiser bill, but its terms are being perverted to accomplish that end. It seems manifest that there are influences at work to prevent any limitation of arms conference dealing with the 15 cruisers, or interfering with their construction.

The Senator from Virginia [Mr. SWANSON] scoffs at the suggestion made by the Senator from Iowa that an effort is being made to "crowd" the construction of the cruisers, and treats sarcastically the suggestion that the item of $500,000 to be available July 1 next can be construed as "crowding" construction. I submit the Senator has not met the argument of the Senator from Iowa. If the Navy is not to begin work upon or let contracts for some of these "second-year" cruisers, why not so state? Why not incorporate in the bill that this amount is not to be available until 1930?

Mr. President, contracts may be entered into with $1 consideration which will involve millions, and, for that matter, hundreds of millions and which will commit the Government to the building of 10 or 15 warcraft within a limited period. Who shall say that on the 1st day of July, 1929, with the avidity which has characterized the naval authorities in the Navy Department, contracts will not be let for the construction, not of 5 vessels but of 10 cruisers authorized by the recent cruiser bill? If it is proper and lawful to now appropriate $500,000 to "undertake" the building of the second list of cruisers, it is equally legal and proper to let contracts for their construction as soon as the appropriation is available and which will be, under the amendment offered by the Senate committee, July 1, 1929. The Senator from Maine can give no guaranty that, in what he calls "orderly" development and building, contracts will not be entered into or plans adopted for the building of these five cruisers on the 1st day of July next or a few days thereafter. If the Senator desires that no contracts shall be let and no plans formulated for these cruisers until 1930, why does he not consent that the bill shall so state?

As I said a few moments ago, we are now building six 10,000-ton cruisers authorized in 1924. It will require several years for their completion. Five additional cruisers will be contracted for immediately; and under this bill as it is now amended by the committee five additional cruisers may be authorized and contracts let for their construction on the 1st day of July of this year.

If the Senator from Maine is sincere in the statements which he made a few moments ago, he will accept the amendment which I have offered and restrict the utilization of any part of this $500,000 until the 1st day of January, 1930.

Congress will meet in regular session and will then prepare and pass the necessary appropriation measure to care for all departments of the Government. If it is deemed necessary at that time to appropriate $10,000,000 or $20,000,000 or the entire amount required for the construction and completion of the second five cruisers, that may be done; but at this time to make an appropriation of $500,000 or any amount whatever for the second five cruisers is most unwise and in contravention of the spirit if not the letter of the cruiser act.

Mr. President, we can not defend the enormous appropriations for the Army and Navy which are being made at this session of Congress. Our military budget for the next fiscal year will be approximately $800,000,000. This is more than any nation in the world is expending for armies and navies. The military load is growing heavier, and the demands of various groups and of the War and Navy Departments will become more insistent for still larger appropriations.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. As I understand the Senator's amendment, it would have the effect of postponing the appropriation of any money for the building of the second five cruisers to January 1, 1930.

Mr. KING. That is correct. My purpose is to not make available any sum to be expended during this year upon the second list of five cruisers authorized in the recent naval bill. I confess that I am skeptical of the willingness of the Navy Department to wait until 1930 to begin work upon this second list. There is nothing in the conduct of the department that would lead to the conclusion that it will act prudently in the matter of commencing work upon these cruisers. There has been and is an almost fanatical zeal exhibited by some that brooks not a moment's delay in launching a mighty naval program. The Secretary of the Navy has recently asked for 71 war vessels, and the naval board has exerted its influence to secure the adoption of this plan.

Mr. President, unless there is an international agreement limiting naval armament it is certain that within the next 10 years our naval expenditures will approximate $10,000,000,000. The country has been inflamed by exaggerated statements and foolish and alarming, and, I may add, unfounded propaganda.

The presentation made by Secretary Wilbur and representatives of the Navy to Congress was calculated to produce naval and military hysteria and to lead the country to believe that our country was in danger of attack from some powerful enemy. The demand for 71 vessels, at a cost of nearly $1,000,000,000, was unwise and produced unfavorable reactions not only in the United States but in all the world. And the Secretary made it clear that more than $2,000,000,000 additional would soon be required for new naval construction.

When public opinion revolted against the demand for 71 warships then a "modest" demand—to use the expression of my friend from Virginia—was made for only 15 cruisers and a number of submarines.

Mr. President, we now have 22 cruisers which are nearly obsolete and 10 modern cruisers, each of 7,500 tons displacement. No better cruisers plow the sea. In addition we have recently completed two 10,000-ton cruisers which are superior to any found in any navy. We will soon complete six additional cruisers of the same tonnage. They will, presumably, represent the latest and best that can be found in naval construction. We have authorized the construction of 15 more 10,000-ton cruisers, and are to drive through to speedy completion this entire number.

It is absolutely certain that we will have the most powerful cruiser fleet of any navy in the world. The British cruisers will be in a second class compared to those of our own Battle Fleet.

To-day we have the most powerful battle fleet in the world. Gun for gun and ship for ship, we are superior to Great Britain. Great Britain is superior in cruiser strength, but in battleships, destroyers, submarines, airplane carriers and other auxiliary naval craft the United States outranks any other nation.

Mr. President, there will be unfavorable reactions in other countries because of the belligerent spirit exhibited in the United States. No more warlike spirit, it is said by some, was manifested in Germany during the years immediately preceding the outbreak of the World War than has been in evidence in some circles of our own country.

If we are sincerely interested in peace, we will give evidence of our purpose, not by developing a navalistic spirit, but by pursuing policies that will promote international fellowship.

Mr. HARRISON. Mr. President, I was not in favor of the consideration of the cruiser bill during the present session of Congress, because I did not believe it would create a very good impression among the nations of the world with reference to our desire to promote the peace of the world in the passage of the Kellogg peace pact. I was not in favor of the time-limit clauses in the cruiser bill, and made every effort to eliminate the time provision.

We are now about to vote finally upon this proposition, and I rise to express my congratulations to the Senator from Maine [Mr. HALE] and his colleague on the committee, the Senator from Virginia [Mr. SWANSON], for the magnificent way in which they have steered these pieces of legislation to final enactment. Indeed, it was a wonderful feather in the cap of my friend from Maine and my very good friend from Virginia that they were able to overcome the opposition which lurked in the way of the cruiser bill so far as the time limit was concerned. They went up against not only the present President of the United States, with all the influence of a President going out of office, but the influence of the incoming President, although most of the time he was in far-away waters.

It was, however, a great effort; and success crowned the efforts of my friend from Maine. So, drunk with power—because that is the only way my friend ever gets drunk [laughter]—he now comes in with this naval appropriation bill; and although when other important pieces of legislation and tiny proposals of legislation appear here, it takes days and weeks to pass them, under this strong cooperation between the Senator from Virginia and the Senator from Maine they pass this important bill in less than two days.

I am in favor of carrying out the law embodied in the so-called cruiser bill. I think the Congress should provide ample appropriations to meet every requirement of that law; but I do not want the Senator from Maine to think that some of us here are fooled as to what he is doing in the provisions of this bill, and when we vote on it we should all understand what we are voting for.

The Senator from Maine and the Senator from Virginia are not meeting as loud opposition nor perhaps as well-oiled opposition in putting over this proposal as the Senator met in his cruiser fight; but in this instance he has not the backing of his President, nor has he the indorsement of the Director of the Budget.

I hope the Senator will agree with me with reference to that matter. His keeping his seat and remaining quiet tells me that I am correct in that assertion. [Laughter.]

I say that the President in his estimate has not recommended this, nor has the Director of the Budget, because I have taken the pains to do what I do not very often do, read the estimate of the Director of the Budget. In reading it over I find that he incorporates in it language that was in the naval appropriation bill as it passed the House, and recommends the increases as carried in the bill; but he leaves out of his estimate this $500,000 to begin the construction of the second five cruisers at the beginning of the next fiscal year.

Mr. HALE. And also the $200,000 for the construction of the first five cruisers.

Mr. HARRISON. No; the Director of the Budget recommends the appropriation of money for the first five cruisers.

Mr. HALE. Not to make it immediately available.

Mr. HARRISON. No. The Senator was so drunk with desire to pass this cruiser bill quickly that he was not even willing to wait for the voice of Congress, as embodied in the cruiser bill, and make these appropriations in an orderly way; but he wants to make them immediately available.

Mr. HALE. I was drunk with desire to observe the law, Mr. President.

Mr. HEFLIN. Mr. President, instead of saying that the Senator from Maine was drunk with desire to pass the cruiser bill quickly, I suggest that the Senator use the term that he was swayed or influenced by desire to do it. [Laughter.]

Mr. SWANSON. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. Yes; I yield to the Senator from Virginia.

Mr. SWANSON. The President recommended $11,800,000 for the two purposes indicated in that recommendation. Being opposed to the time limit, he did not make it for any year, as I understand, and he expected his Budget officer to nullify the will of the Congress. All we did was to take his $11,800,000 and carry out the instruction of Congress to undertake the construction of five cruisers this year, which we took from the $11,800,000. Then we took $500,000—we did not increase the total—and made that available for the five cruisers next year. We did not modify the President's amount; but we thought we ought to carry out the will of Congress and not the will of the Budget or the President.

I am sorry to see a man who has always been a valiant fighter for the will of Congress and the will of the people surrender to a Budget officer and the President in their attempt to nullify the expressed will of the Senate and House.

Mr. HARRISON. This is one of the few times when the Director of the Budget and the President and myself agree on a proposition. [Laughter.]

Mr. SWANSON. Both trying to nullify the will of Congress.

Mr. HARRISON. No; it is the Senate Committee on Appropriations that is trying to veto the suggestions of the Director of the Budget and the will of Congress.

Let us not be misled about this proposition. It is too plain. Here is Mr. Lord's estimate. He says:

> Construction and machinery: For an additional amount on account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $5,800,000, to remain available until expended.

Mr. NORRIS. Whose estimate did the Senator say that is?

Mr. HARRISON. This is General Lord's estimate, transmitted by the President. The amount is $5,800,000, increasing the $22,750,000 carried in the House bill to $28,550,000 here. He recommends that increase; but the Committee on Appropriations lops off $500,000 of the increase suggested by the Director of the Budget and the President on account of hulls and outfits of vessels and machinery of vessels and applies it to the construction of the second five vessels carried in the naval bill.

We can make this appropriation. I know what the sentiment of the Senate is; they are going to pass it; but when we vote for it let us know that we are not carrying out the act. If we did, we would make the appropriation as carried here for these first five vessels, and we would wait until the next regular session of the Congress, when we will have before us another appropriation bill which will come on for consideration about the same relative time in 1930 that this has come before us in this naval appropriation bill. We will have as long then to provide the money for the second five, during that particular year, as we have now for providing the money for these first five vessels for 1929, and we will then proceed in an orderly way. I shall vote for the amendment offered by the Senator from Utah [Mr. KING].

Mr. CARAWAY. Mr. President, I am exceedingly fond of my good friend from Virginia [Mr. SWANSON], the ranking Democratic member of the Committee on Naval Affairs, and I am not much concerned about the provisions of the bill. I wish to say, Mr. President, that nobody is being fooled except the Senators who are fooling themselves when they think they are fooling somebody else. That is the only thing I object to.

I say, with much hesitancy, it is a little bit of sharp practice. It is a desire to outwit the administration; and I regret to see my friend, who says he is drunk on both enthusiasm and desire——

Mr. GLASS. And power.

Mr. CARAWAY. And power; and, as my friend from Maryland [Mr. TYDINGS] suggests from his seat, that is a mixed drink, and I should say he was an authority on that and he ought to know.

Seriously speaking, it may be that you can not trust the President or the President elect. I recall going over the country and advising the people that I thought that was the fact, but I had not expected so early to have confirmation of my prediction here in the Senate; to hear the chairman of one of the great committees say, "We can not trust the President now in power to carry out the expressed will of the Congress, although he signed the bill," and "we can not trust the incoming President to carry out the law of the land and can not trust him to protect the interests of this country. Therefore we must indulge in sharp practice to avoid a disaster that is to overtake the country because the President has not either the foresight or the patriotism to carry out the law of the land."

Mr. HALE. Will the Senator tell me what he means by "sharp practice"?

Mr. CARAWAY. When the Senator gets sober from too much indulgence in power he will know what I mean by that without my telling him. That is such a common expression that one coming from New England certainly must know what it means.

I am not falling out with the Senator from Maine now. What I am trying to say is—and I say it seriously—that you say that he who is now President and he who is to succeed him can not be trusted to look after the defenses of this country, and that we must—oh, I will avoid the word the meaning of which the Senator did not know—that we must write into this bill a subterfuge in order to protect the country against the President and the President to be. That is all I object to.

Mr. TRAMMELL. Mr. President, I am a member of the Committee on Naval Affairs, although I did not take an active part in connection with the framing of this appropriation bill. I would not support any legislation that would contemplate a defeat of the cruiser bill. On the other hand, I do not care to support legislation which contemplates a hastening of the action provided in the cruiser bill.

As I see it, the amendment under discussion is absolutely unnecessary in order for us to comply with the provisions of the law in regard to the appropriation. Under the law we are

to undertake the construction of five cruisers prior to the expiration of the fiscal year 1929. We are then to undertake the construction of five additional cruisers by the expiration of the fiscal year 1930.

As has been stated, Congress will convene in December and we will have every opportunity to make appropriations for the second five cruisers in December, January, and February that we would have at the present time, and I am unable to see why we should make an appropriation at this time for the 10 cruisers, when the purpose and object of the law was that we should undertake only 5 cruisers each fiscal year.

Under this appropriation act we provide at least a part of the appropriation for 10 cruisers during a period of one year.

While I supported the bill providing for the 15 cruisers and opposed all amendments that would interfere with such policy, I do not see any particular reason, and there is no reason, why we should make appropriations for the second five cruisers now. In the ordinary conduct of affairs, Congress would take up that item when we met in December, and make the appropriations for the second five at the next session of Congress.

Mr. HALE. Mr. President, does the Senator think——

Mr. TRAMMELL. I think that the whole object and purpose of it is to hasten the matter, and hasten it in a manner which was not contemplated by many of us who supported the cruiser bill providing for the 15 cruisers. A defeat of this amendment, would, as I see it, in no wise interfere with the carrying out of the law that was enacted by Congress, and I hope the amendment will be defeated.

Mr. SMITH. Mr. President, I want to ask the chairman of the Committee on Naval Affairs a question in my time.

The appropriations for the fiscal year 1930 become effective on the 1st day of July, 1929, do they not?

Mr. HALE. That is quite right.

Mr. SMITH. Congress is supposed to make appropriations for the fiscal year beginning the 1st of July, 1929, which will be expended in 1930.

Mr. HALE. That is quite right.

Mr. SMITH. A little more than half of the fiscal year has now passed—this being February—and this is the first time a naval appropriation bill has come up, and that is why we must appropriate now.

Mr. HALE. That is quite right. If the cruiser bill had gone through in time the appropriation would have been in the appropriation bill for the current year.

Mr. SMITH. Therefore, we are apparently making two appropriations in one fiscal year when we are not. We are carrying out the regular order that Congress always observes of appropriating at the 1929 session for the fiscal year that begins the 1st of the following July.

Mr. HALE. That is right; and the appropriation of the $200,000 that we are appropriating for this year is an unusual procedure that we have to follow, because it is the only way to get it in before 1930.

Mr. SMITH. I thought that was the situation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING] to the committee amendment. The clerk will state the amendment.

The CHIEF CLERK. On page 45, line 8, after the word "available," to insert the words "after January 1, 1930," so that it will read, "of which $500,000 shall be available after January 1, 1930, toward the construction," and so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 45, line 16, after the word "expended," to insert a colon and the following proviso:

Provided, That appropriations contained in this act on account of "Increase of the Navy" shall be immediately available, in the discretion of the Secretary of the Navy, for the employment of such clerks, draftsmen, and technical employees as may be required at navy yards, in field-inspection offices, and in the Navy Department in the District of Columbia, for the preparation of plans and the work of inspecting and constructing vessels building, such employees to be in addition to those otherwise provided for.

Mr. HALE. Mr. President, to perfect that amendment, I offer the following.

The CHIEF CLERK. On page 45, line 17, after the word "Navy," insert the following:

Except the amount of $500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, line 3, after the word "expended," strike out "$12,000,000" and insert "$18,000,000, of which $200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929: *Provided*, That of the total amount hereby appropriated a sum not exceeding $200,000 may be expended for additional machinery and equipment at ordnance establishments," so as to read:

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, to remain available until expended, $18,000,000, of which $200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929: *Provided*, That of the total amount hereby appropriated a sum not exceeding $200,000 may be expended for additional machinery and equipment at ordnance establishments.

The amendment was agreed to.

The next amendment was, on page 46, after line 11, to insert:

Improving and equipping navy yards for construction of ships: Toward providing and reconditioning building ways and providing additional equipment and facilities at navy yards and ordnance establishments necessary for the construction and equipment of ships, $570,000, to be immediately available, and in addition the Secretary of the Navy, upon approval by the President, is authorized to enter into obligations for this purpose, amounting in the aggregate not to exceed $1,725,000.

The amendment was agreed to.

Mr. HALE. Mr. President, I have two amendments which I was instructed by the committee to offer from the floor.

The VICE PRESIDENT. The clerk will state the first amendment.

The CHIEF CERK. On page 47, line 25, after the word "plant," to insert a semicolon and the following:

and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engine, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are customarily manufactured in such Government plants.

Mr. HALE. This is simply the ordinary labor amendment that we have had in appropriation bills for the last four years. Added to it is a proviso that nothing in it shall in any way interfere with the provisions of the cruiser law.

Mr. McKELLAR. Is the language the same?

Mr. HALE. The language is the same with one exception which I am going to add, where a few words were left out in the House and which I will ask to have reinserted.

Mr. KING. Mr. President, I would like to ask the Senator from Maine a question. If this measure is not in conflict with the cruiser law, what necessity is there for attempting to declare in the amendment offered that it is not to be in contravention of the provisions of that law?

Mr. HALE. There was some question whether under the terms of the amendment, if it was found to cost more to build ships in the navy yards than to build them by private contract, it might have barred their building in the navy yards, and this simply provides that in any event those which are provided for in the cruiser law the first and each alternate cruiser shall be built in the navy yards.

Mr. BRATTON. Mr. President, will the Senator from Maine yield to enable me to make an additional observation regarding the matter to which he is now addressing himself?

Mr. HALE. I gladly yield.

Mr. BRATTON. In further answer to the inquiry propounded by the Senator from Utah, the cruiser law provides that the first and each alternate ship thereafter shall be built in the navy yards. The provisions of that bill are mandatory in that regard. The amendment now proposed to the appropriation bill provides that as to the other ships preference shall be given to the navy yards, but as to the first and each alternate ship the mandatory provision contained in the cruiser law shall be carried out. It is to obviate a possible repeal by implication that the special language was inserted in the appropriation bill. It was thought by some of us that this being a later act and carrying merely the preference provision ordinarily inserted in appropriation bills, it might repeal by implication the mandatory provision of the authorization act, so we inserted this language in order to obviate any possible conflict.

Mr. HALE. The second part of the amendment was inserted at the request of the Senator from New Mexico, and I think is an excellent provision.

Mr. GLASS. Mr. President, does that make it possible to award them all to navy yards and none of them to private contractors?

Mr. HALE. I think that might be remotely possible, but I believe there is no chance of its being done. In the first place, we have not existing facilities enough to construct them all in the navy yards.

Mr. SWANSON. The eight cruisers are being built now.

Mr. HALE. Yes.

Mr. SWANSON. Consequently there is nothing to apply to those. Five of them are being built in private yards and three in navy yards. The only cruisers to be built, unless we have a submarine under the old authorization, would be those provided for in this bill. This carries out the cruiser law and does not modify or change it in any respect.

Mr. KING. Mr. President, I would like to ask the Senator if the amendment which is just offered, the entire meaning of which I did not catch because of the confusion, deals only with ships which are now in process of construction and the 15 cruisers authorized in the cruiser bill?

Mr. HALE. It deals with the appropriations that come under this bill and it applies to the cruisers now under construction and those started in this bill, and also to the three submarines which are started under the provisions of the bill.

Mr. KING. This bill authorizes the repair of ships. Does the amendment which the Senator offers preclude the Government having repairs made upon war vessels other than in navy yards owned by the Government?

Mr. HALE. The repairs on all war vessels are made in the navy yards of the country. I do not think this affects that question one way or the other. It simply provides that where the work can be done in a navy yard at a price not appreciably more than outside parties would charge, it must be done in the navy yards.

Mr. KING. Does the amendment seek to inaugurate a policy different from that which now prevails in that regard?

Mr. HALE. It does not change what we have had under existing conditions for the last four or five years. The only change is in regard to the 15 cruisers where it is provided that the terms of the cruiser law shall be complied with.

Mr. SWANSON. It does not change the law at all. It does not make the slightest change at all in existing law.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine in behalf of the committee.

The amendment was agreed to.

Mr. HALE. I have a further amendment which I send to the desk and which I have been instructed by the committee to offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 54, after line 12, insert as a new paragraph the following:

To enable the Secretary of the Navy to adjust the rates of pay of the drafting group in the field services of the Naval Establishment so as to be comparable with the increased rates of pay allowed other employees in the field service under the amended wage schedule of August 1, 1928, $154,000: *Provided*, That the Secretary of the Treasury shall transfer from this appropriation to the appropriations under which the members of the drafting group are employed such sums as the Secretary of the Navy may certify as being required to meet the increased cost under each such appropriation.

Mr. DILL. Mr. President, is this the amendment which affects the employees in the navy yards and Naval Establishment outside of the District of Columbia?

Mr. HALE. Yes; the draftsmen.

Mr. DILL. Is the amendment satisfactory to those who proposed it?

Mr. HALE. No; I think they ask for a larger amount. This is what the department recommended that they considered a fair adjustment.

Mr. DILL. How much of an increase will this provide?

Mr. HALE. It provides $154,000.

Mr. DILL. I mean how much of an increase to each man?

Mr. HALE. The increases will run from $66 to $394 a year.

Mr. GLASS. Mr. President, may I say to the Senator from Washington that it is not entirely satisfactory to the field men, but it was the best that could be gotten by those of us who spoke in behalf of the field men.

Mr. DILL. I know the Senator from Virginia spoke for them and I am inclined to go along with his suggestion.

Mr. GLASS. I think it is about time to meet their situation even more than this does, but it is the best we can do at this time.

Mr. SWANSON. Mr. President, it will take two or three years at this rate to get their wages to equal those paid other employees performing like services. I think it is the best we could get and so we accepted it.

Mr. DILL. What does the Senator mean when he says the best he could get?

Mr. SWANSON. There was a dispute down at the department in connection with the question of whether they ought to go under the Welch Act or not, and whether they should be advanced from one grade to another.

Mr. GLASS. It was the best we could get, because they have been so long and so pointedly discriminated against that to put them now on comparable terms with persons doing like work here in the District would involve an appropriation so large as perhaps to interfere with the Executive's financial policy. To avoid any question, those of us who speak for those men accepted this as the best we could get under the circumstances.

Mr. DILL. Mr. President, I appreciate the position of those on the committee who have been working for the employees in question. I want to say in this connection that the action of the wage board in allocating some of the clerks, particularly in the navy yard at Bremerton, in my own State, to an 8-hour day where they had been previously working a 7-hour day, with practically no increase in wages, is a step that certainly should be prevented in future legislation. I shall not offer any amendment or legislation at this time, but I think that the action of the Secretary of the Navy in supporting the allocation of employees as it was made by the last wage board, compelling them to work eight hours a day at the same wage they had been getting for seven hours a day, is indefensible. I think it is a meting out of punishment to those employees against whose records there is no objection whatsoever. While the number affected is small, yet to them individually it is extremely important. I hope that the policy will not be enlarged upon by the Navy Department in the future.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. I have another amendment which I now send to the desk and offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 47, line 21, after the word "thereof," insert the words "or of the movements of any such employee while engaged upon such work," so as to make the sentence read:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

Mr. KING. Mr. President, may I ask the Senator from Maine what is the purpose of the amendment?

Mr. HALE. It simply provides what was in the bill the last time. It was stricken out in the House on a point of order.

Mr. KING. Upon examining the text I understand the purpose of the amendment, and I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, I desire to offer my amendment, which is lying on the table.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 48, line 24, strike out the numerals "$174,380" and in lieu thereof insert "$178,560," so as to make the paragraph read:

Naval Observatory, including $2,500 for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical

Almanac and in improving the tables of the planets, moon, and stars, $178,560.

Mr. BROUSSARD. Mr. President, this is an item affecting the Naval Observatory employees. I brought this matter before the committee and called their attention to the fact that the observatory had made an estimate of $177,320, and that the estimate was approved by the budget officer of the Navy Department. When it reached the Director of the Budget there was stricken from the total the sum of $4,140, which was an item intended to raise the salaries of 26 employees of that bureau whose salaries are very much below the average salaries of people in their grade. In fact, it was stated that this amount would cover only 50 per cent of the actual sum necessary to bring these employees, who number 26, to the average of the grades in their employment. At the time I submitted this matter I got the impression—I do not want to speak for the committee—that the committee favored it. The chairman of the committee made inquiry at the Navy Department, and we were told that an amendment adopted in the House—which, of course, was subsequent to the time that the Director of the Budget had acted—would take care of these employees. That amendment, which is found on page 50, reads as follows:

When specifically approved by the Secretary of the Navy, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, board, or corps, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget.

At the time the chairman read the amendment to the committee I disagreed with him, because it would seem to me that if that amendment took care of those employees the Navy Department would not have approved its application. So yesterday, Mr. President, I wrote to the Chief of the Naval Operations, and, in order that the RECORD may show the whole transaction, I ask that my letter to Rear Admiral Leigh, Chief of the Bureau of Navigation, be printed without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

FEBRUARY 21, 1929.

Rear Admiral RICHARD H. LEIGH,
Chief Bureau of Navigation, Washington, D. C.

MY DEAR ADMIRAL LEIGH: You will recall that when the naval appropriation bill was before the Appropriations Committee I made certain inquiries of Admiral McVay concerning salaries paid the employees of the Naval Observatory, and I was told you had this information, which could be given later when you testified.

When before the committee your testimony was first directed to such changes as had been made in the House and to such amendments as were pending before the committee. Before I had an opportunity of taking this up and bringing out the facts the chairman of the committee was informed by the department that an amendment was added in the House, reading as follows:

"When specifically approved by the Secretary of the Navy, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, board, or corps, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget"—

met this case and would enable these employees to be cared for. I am advised that this amendment, above quoted, adopted in the House does not cover the cases estimated for these employees, because the additional amount requested was not to take care of employees promoted from one grade to another, but had been proposed to raise the average of these employees nearer the average of their grades, and that even the amount asked was only 50 per cent of the amount necessary to bring them up to the average of their grades.

The amount asked in addition to that allowed by the director of the bureau was $4,140. I am informed that the Naval Observatory estimate was $177,320, and that this amount had been allowed by the budget officer of the Navy Department, but disallowed by the Director of the Budget.

The naval appropriation bill comes up for consideration to-day, and inasmuch as my present understanding is that we were misinformed as to this matter, I would like for you to write me immediately as a member of the Appropriations Committee whether the Naval Observatory estimated the amount above stated and whether your department allowed this estimate. And, further, whether the amendment adopted in the House and quoted herein at the beginning of my letter would enable justice to be done in remedying in part the comparatively low salaries paid to the employees of the Naval Observatory.

I would consider it a special favor if you would write me at once, as I may need this information at any time. I may add that it was my impression that a majority of the committee were in sympathy with my efforts to try to increase this item, but desisted when we were told the amendment of the House took care of the situation.

Thanking you for an immediate reply, I am,

Yours very truly,

EDWIN S. BROUSSARD.

Mr. BROUSSARD. I now wish to read the letter in response to the one I wrote to Rear Admiral Leigh.

Mr. HALE. Mr. President, will the Senator from Louisiana yield to me?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Maine?

Mr. BROUSSARD. Certainly.

Mr. HALE. I have taken this matter up with the Navy Department, and I find the department mentioned it in their recommendation to the Budget, but the Budget turned it down. I am perfectly willing to accept the amendment, so far as I am concerned, and take it to conference, but I can tell the Senator that it is doubtful what the result will be.

Mr. BROUSSARD. I should like very much for the Senate to be made acquainted with this letter, and I want it in the RECORD because the House has not adopted this amendment and I should like to have this evidence made available. The letter, amongst other things, states that the provision of the House bill does not apply to these employees. The letter reads as follows:

FEBRUARY 21, 1929.

Hon. EDWIN S. BROUSSARD,
United States Senator.

MY DEAR SENATOR: I have received your letter of February 21, 1929, with reference to the salaries under the Naval Observatory in connection with the naval appropriation bill, which you state will come up for consideration to-day.

The amount originally asked for by the Naval Observatory and approved by the Navy Department was $177,320, and the Director of the Bureau of the Budget sent in the estimate for $173,180, or $4,140 less than the Observatory felt it needed. Subsequent to the submission of the estimate the attention of the Bureau of the Budget was called to the fact that increases had been allowed by the Personnel Classification Board which further increased the Observatory's obligation by $1,200. This item was accepted by the Bureau of the Budget and the Committee on Appropriations of the House, and the bill as it came out of the committee provided for $174,380 for salaries, Naval Observatory. This amount still does not take care of the increases desired which amount to $4,140 and brings the total figure needed to $178,520, which represents the addition of the $4,140 to the figure finally allowed by the House.

It is this bureau's understanding that the amendment referred to in your letter is merely to meet increases in compensation resulting from reallocation of positions by the Personnel Classification Board in 1930 and is not applicable to the cases you have in mind to be covered by the $4,140.

Sincerely yours,

T. R. KURTZ, *Acting.*

In view of the fact that the chairman of the committee has accepted the amendment, I shall not speak longer upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DILL. Mr. President, I have an amendment at the desk which I now offer and desire that it may be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 44, at the end of line 19, it is proposed to add the following proviso:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to and from Nicaragua.

Mr. DILL. Mr. President, I shall speak but briefly on the amendment; but I want to remind the Senate that a year ago while the naval appropriation bill was here under consideration when a similar amendment was offered great emphasis was placed upon the fact that an agreement had been made through Mr. Stimson that the marines would be kept in Nicaragua in order to supervise the election which was to be held there last fall. That election has been held; the new President of Nicaragua is in charge; and yet we see no signs whatever of withdrawing the marines; in fact, we are occasionally treated to an announcement in the newspapers that some American boy in Nicaragua has been killed or wounded. Only this morning I read in a morning newspaper a statement to the effect that the new airport fields in Nicaragua are to be named after dead aviators of the American marines. Think what a beautiful

memory it will be to the Nicaraguan people to be reminded in future years by the names of the landing fields in their country of the marines who have been among them shooting down their comrades from time to time! I quote from a newspaper clipping as follows:

Five landing fields in Nicaragua have been given the surnames of four marine aviators who lost their lives in service there during the last 18 months, and one honoring Capt. R. J. Archibald killed at Langley Field, Va., last November, who selected the 12 landing fields in Nicaragua.

The fields named are Archibald Field, Managua, for Captain Archibald, of Wheeling, W. Va.; Byrd Field, Puerto Cabezas, in honor of Capt. W. C. Byrd, Greenwood, S. C., killed at Esteli when his plane collided with a buzzard; Thomas Field, Ocotal, honoring Lieut. E. A. Thomas, Richmond, Va., killed in action against insurgents in a forced landing at Sepo lla Ridge; Dowdell Field, Apali, for Sergt. F. E. Dowdell, Carbondale, Ill., killed under similar circumstances; and Frankforter Field, Esteli, for Pvt. R. A. Frankforter, Quantico, Va., killed in the crash with Captain Byrd.

The rule of the American marines continues in a foreign land.

More than 20 years ago President Roosevelt induced the Central American Republics to join in a treaty by which it was agreed that none of them would interfere in the civil wars of their neighbors by taking sides either with the government or against the government. Within two or three years after that agreement was entered into the United States itself took advantage, contrary to what it had induced the countries of Central America not to do, of an opportunity to interfere on the side of one of the parties making trouble in Nicaragua. Our record in Nicaragua from that time until now has been a series of untenable and indefensible actions. After the election, which was held under our own auspices, with which certainly we ought to be satisfied, and with which the people of Nicaragua ought to be satisfied, it seems to me the marines could be withdrawn. The amendment does not propose to rush them out in 30 days or 40 days, but allows them to be retained in Nicaragua until the 1st of July, when it will become effective. When at last a government has been established in Nicaragua by the will of the people at an election honestly held and against which no complaint has been made by anybody, it seems to me that it is not an unreasonable proposal that the marines shall be withdrawn, as this amendment would compel them to be withdrawn, by the 1st of July.

Mr. HEFLIN obtained the floor.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield to the Senator from New Mexico.

Mr. BRATTON. I merely desire to ask the Senator from Washington a question. I have previously expressed myself as being entirely out of sympathy with the policy of maintaining indefinitely American marines in Nicaragua. I do not think the occurrences prior to this time justify keeping the marines there hereafter; but the question I desire to direct to the Senator from Washington is this: Suppose during the life of this appropriation bill new circumstances should arise which would obligate our Government to send marines to Nicaragua in order to protect the lives and property of Americans there—that is to say, an emergency enjoining the duty upon the Government to protect our people as to life and property—does the Senator think the amendment is broad enough to take away that power and make it impossible for the Government to discharge that well-recognized duty in an emergency of that kind? If so, does he think it is wise for us to go that far?

Mr. DILL. It may be that my amendment is a little too broad, in that it provides that the marines shall not be maintained there. My purpose, of course, is to compel the withdrawal of the marines and also to prevent their again being sent to Nicaragua and kept there unless American lives shall actually be in danger. The fact of the matter is that the only American lives that were in danger when the marines were sent to Nicaragua the last time were those of the American marines themselves who were sent there. There were not over two Americans who were in danger in the beginning.

Mr. BRATTON. The Senator and I are in accord on the principle involved. Let me suggest to him the wisdom of adding to his amendment language substantially to this effect:

Except in case of an emergency occurring hereafter endangering life or property or both of American citizens.

So that the amendment would apply to the present situation, but would not circumscribe the Executive as to circumstances transpiring after the approval of the act.

Mr. McKELLAR. Mr. President, I have great sympathy for the amendment of the Senator from Washington; I think some such amendment ought to be adopted; but I hope he will accept the language suggested by the Senator from New Mexico.

Mr. DILL. I am willing to accept it, although I think that the Marine Corps officers, and the President, if he so desired, might take advantage of it to keep the marines there; but, in order that there may be no question about the vote of the Senate on the proposal to withdraw the marines, I am willing to accept the amendment.

Mr. HEFLIN. Mr. President, I now wish to submit a few remarks. Senators can discuss the other phases of the subject after I am through.

The resolution referred to by the Senator from Washington is one which was submitted by me months and months ago, but no action has been taken by the Senate upon it. The suggestion has been made from time to time that the marines would be kept in Nicaragua until after the election there. As the Senator from Washington has correctly stated the election is over, and there is no excuse now, so far as I can see, for keeping the marines down there any longer, unless we are going to adopt an imperial policy and send our troops out to police various nations of the earth, to clean up their governments for them, to quell rebellion, and to permit one or the other of the belligerent parties, those on whichever side we may take, to retire, as was done in this instance, from the battle field, where there is danger and death, and put our troops in peril in their stead. That is what we did in Nicaragua. It is a bloody chapter, Senators, in the history of this Government. The soldiers of Diaz retired from the field.

They were no longer out in the mountain fastnesses and in the dangerous places, meeting the enemy in the open, and being shot down. It was our troops that endured that danger and went down to death, many of them, while engaged in that character of warfare.

I think we have done enough for Nicaragua. We have gone down there and kept our marines there at great expense, and many of them have died in the conflict. We have stayed, now, until they have set up a stable government. They have had an election. There is no reason for keeping them there any longer. The Senate owes it to the fathers and mothers of America whose boys are down there now to bring them back home and let them live under the flag in peace, instead of holding them there to carry on somebody's government in a foreign country.

Those people have their Government now. They have elected their President, and apparently they are getting along very well. I am in favor of the amendment of the Senator from Washington [Mr. DILL]. If such an emergency arises as the Senator from New Mexico [Mr. BRATTON] has suggested, his amendment does not keep the President from sending marines back. The President has the power now, if he ever had it in the outset, to send them down there; and the fact that we are withdrawing these marines now would not preclude the President from sending marines there again if a situation should arise that demanded it in the protection of American rights and interests. If any emergency should arise, we will be here in extra session from about the 10th of April until the 1st of July, and we can provide by act of Congress for any emergency.

Mr. BORAH. Mr. President——

Mr. HEFLIN. I yield to the Senator from Idaho.

Mr. BORAH. What is the amendment now, since it has been modified?

Mr. BRATTON. Mr. President——

Mr. HEFLIN. I shall be glad to have the Senator from New Mexico read his amendment.

Mr. BRATTON. The amendment now reads as follows:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to or from Nicaragua except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

Mr. CARAWAY. How are they to come home if we prevent their being transported from Nicaragua?

Mr. HEFLIN. I do not see any necessity of preventing them from being transported from Nicaragua.

Mr. DILL. They must be brought home before the 1st of July.

Mr. HEFLIN. I do not see any necessity for putting in there a statement that they can not be transported from Nicaragua. That is what I should like to do. I should like to have them transported from Nicaragua and then not transported back.

Mr. BORAH. I thought the amendment had been changed so that that could be done.

Mr. HEFLIN. So that we could bring them out?

Mr. BORAH. Yes.

Mr. NORRIS. Mr. President, if the Senator will permit me, this amendment, if agreed to, as I take it, would require the Government to bring the marines back before this appropriation goes into effect.

Mr. McKELLAR. It would.

Mr. NORRIS. So that it would have the effect of bringing them out by the 1st of July?

Mr. HEFLIN. Yes. I think that ought to be done.

Mr. BLEASE. Mr. President——

Mr. HEFLIN. I yield to the Senator from South Carolina.

Mr. BLEASE. Does not the Senator from Alabama think we had better leave them over there until the Senator from New Jersey [Mr. EDGE] gets over there with his committee to look after the Nicaraguan canal?

Mr. HEFLIN. No; I am in favor of the joint resolution of the Senator from New Jersey. The able Senator from my State, who was here for a number of years, Senator Morgan, predicted that the time would come when we would have to build a Nicaraguan canal and that the Panama Canal would be out of commission if we did; and I think he was right about that. I think we ought to have two canals, anyhow, so that if anybody took possession of one we would have the other.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. DILL. In response to the Senator from South Carolina, I want to say that the adoption of this amendment would do more to remove opposition to the joint resolution of the Senator from New Jersey than any other one thing that could be done by the Senate.

Mr. HEFLIN. I think so, too.

Mr. President, I want to repeat that a fine boy from my State was killed in this Nicaraguan row. I asked the Government to send his remains home, and they reached home just a few days ago; and he has been buried down there in the old family burying ground in my State. He was killed a year or more ago. It is time that the Senate was giving serious thought to such acts as this that we have committed, of going down into Nicaragua and retiring from the field Diaz and his troops, removing them from danger, putting our troops out in front, having them bear all the brunt of the battle, getting them killed, spending vast sums of money, setting up a government for the people of Nicaragua, and then continuing to keep the marines there. I think we ought to bring them home.

I shall vote for the Senator's amendment.

Mr. NORRIS. Mr. President, if Senators will remember the debate that took place on this subject at the last session of Congress, last year——

Mr. BRATTON. Mr. President, will the Senator yield to me to make a further suggestion?

Mr. NORRIS. I have only 10 minutes.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator declines to yield.

Mr. NORRIS. If Senators will refer to that debate they must, it seems to me, reach the conclusion that every reason given then for maintaining an army in Nicaragua has now disappeared from the face of the earth.

After that debate had gone on for some time there was practically an agreement one evening, about this time of day, that would have brought about the unanimous adoption of a modified amendment. Next morning, however, when the Senate convened Senators had changed their minds about it, and the agreement was not carried out.

It was claimed then that while perhaps we had no right to send our marines down to Nicaragua in the first place, nevertheless we had them there; that since they had been there an agreement had been made that they should supervise an election; that an election should be held, and that the American Government, through its marines, would see that an honest election was held. It was claimed that that agreement had been made with these people in Nicaragua, and it was even said that most of the insurgent army had surrendered their arms on account of that agreement, and therefore, even though the agreement was contrary to law and made by the President without authority, that it would be a violation of good faith for us to take our army away until that agreement had been fully complied with and the election held.

Mr. McKELLAR. What excuse has he now?

Mr. NORRIS. The election was held last fall. The new officials have been installed in office. We were told by the Government officials that there were only a few bandits left. The other day I read that the Sandino army had been half captured; that one marine had captured a bandit, and the other member of the Sandino army unfortunately had escaped; and still we keep our marines there.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. NORRIS. If it is a question; yes.

Mr. BINGHAM. Does the Senator realize that the President elected was the Liberal, General Moncado, and that he himself, being afraid of the Conservatives, requests the retention of the marines?

Mr. NORRIS. Is that any reason why we should send our Army into a foreign country—because some representative of a political party or a faction asks that they be kept there? If that is a good reason, then we had better bid good-bye to international law, and say to the world, "Whoever wants our Army, ask for it; we will send it over to you and run your government for you."

As a matter of fact, Mr. President, we went to Nicaragua and established a government. We made an agreement with ourselves, in the first place, that we would supervise this election, and we have been there ever since. We went in there, I think, without any authority. We stayed there without any authority. We held an election without any authority in a foreign land at the point of the bayonet. We would not stand for holding that kind of an election here in our own country, under our own flag, and at the expense of the American taxpayer. It is such conduct as this that has brought us into disrepute and made all the nations south of the Rio Grande suspicious of our actions. Having made an agreement to hold an election, having practically a unanimous understanding here that when the election was held we would take away our Army; the election has been held, months have passed, we read in the paper every few days of the bandit army being exterminated, and still our Army is there.

I do not see any excuse for it; and if somebody who is elected President wants the marines to stay, that is not any reason why they should stay. Has the administration been fair with the country? Have we heard of all the accidents and the deaths of our own men that have been brought about on account of this foreign war? Have we ever been told of the hundreds of women and children and men—unarmed men, unarmed women, unarmed children—who have been killed by bombs dropped from the air by our forces? Do we know half of the truth now? And yet our Army still stays in Nicaragua.

Mr. President, it seems to me no reasonable excuse can be given why they should stay there any longer. If the President wants to keep an army in a foreign country it is his duty, as I look at it, to communicate officially with Congress, set forth the facts, give the reasons why in his judgment an army should be maintained permanently in a foreign country, and then let Congress pass on it; let the lawmaking body decide whether the money that is wrung from the American people by taxation shall be used for the purpose of carrying on war in a foreign country under a different name than war.

Why is it that we have not been told why the Army stays in Nicaragua? Why is it that the Army is still there? Why are we not entitled to official notice and information as to the judgment of those who are responsible, giving the reasons why they think the Army ought to remain? Who is it that should decide whether we shall maintain a standing army in a foreign country against the will and the wish and without the consent of the real people of that country, or even with their consent? Who is going to advocate as a proposition of international law that the President, without any act of Congress under our Constitution, can keep a standing army in a foreign country even with the consent of the officials whom as a matter of fact we have elevated to office?

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. BINGHAM. Just what does the Senator mean by "we have elevated to office"?

Mr. NORRIS. I said a minute ago that as a matter of fact we established a government in Nicaragua at the point of the bayonet. Then we made an agreement with the Government. We did that when we agreed to the last treaty with the Government of Nicaragua, and we maintained that Government and kept it in power by our soldiers.

That is what I mean, that we established the Government. This Government which is now in power in Nicaragua is in power, I understand, by virtue of the election that has been held, which we supervised, and it was said then, "Everybody wants us to hold that election; both sides have agreed; only a few bandits oppose it." And it has been reported that there have been killed four or five times the number they were supposed to have. Both sides wanted us to hold the election so that it would be fair. It is said now that we held it and that it was fair. I presume that is true. I have no evidence to the contrary, and we can assume that it was fair. So under the theory of those who wanted to keep our Army there, everything

is peaceful, everything is lovely. We have had an honest election. We have installed the people who were elected to office. Then what is the use of our Army down there?

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. BRUCE. Mr. President, I do not know a clearer case than this for the application of the Turkish saying, "The dog barks; the caravan passes." It was only a few months ago that the very Senators who are now advocating this amendment were decrying in the bitterest language the course of our administration in relation to Nicaragua. What it has done in Nicaragua fully deserves what I said at that time by way of commendation of the action of our Government in all such cases. I said then that there has not been a case on record for generations in which our country has ever intervened in any foreign land except for the purpose of conferring a lasting blessing on it.

When all that invective was indulged in, of course the election had not come off in Nicaragua. Now it has been held. The action of our Government in refusing to withdraw its marines at that time has been completely, triumphantly, incontestably vindicated. For the first time in many, many years there has been a fair election in Nicaragua, an election not tainted by either fraud or violence, an election so fair that both of the national parties in Nicaragua are satisfied with it, and have so expressed themselves.

At this very moment our marines, as I understand it, are remaining in Nicaragua because the present Nicaraguan Government, the one chosen at that election, made a request that they should remain there a little longer.

Mr. EDGE. Mr. President——

Mr. BRUCE. I yield.

Mr. EDGE. It is my understanding, without having the figures at hand, that a large proportion of the marines have already been sent back to this country, and they are being sent back just as fast as it seems to be proper to return them, in view of the changed condition of the country.

Mr. BRUCE. I have no doubt that the Government is exercising the same good sense and the same sound discretion——

Mr. DILL. Will the Senator yield?

Mr. BRUCE. I am sorry, but my time is limited, and I can not yield further.

Mr. DILL. The Senator's suggestion was so misleading that I thought it ought to be replied to. The only marines taken out were the marines needed on the boats.

Mr. EDGE. Mr. President, I think that is absolutely incorrect.

Mr. BORAH. The Government has taken out about 1,200.

Mr. BRUCE. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Maryland declines to yield.

Mr. BRUCE. For the purpose of my argument it is immaterial whether marines have left Nicaragua or not. My own belief is that the executive branch of this Government will not keep any of them there any longer than is really necessary for the accomplishment of what must be done, and when it is a sensible thing to bring such of our marines as are there back to this country the executive branch of the Government will bring them back.

The very success with which our Government has performed its mission in Nicaragua—the splendid success, the undeniable success—is made the basis for an argument by the Senator from Washington [Mr. DILL] that we should bring the marines back now. "No longer," he says, "is there any occasion for keeping them there, because they have had an election—a perfectly fair election—an election satisfactory to both parties in Nicaragua." He is citing the success with which our Government has executed a part of its task as a reason why it should not be allowed to perform the balance of its task. What sort of logic is that?

Mr. DILL. Mr. President——

Mr. BRUCE. I yield.

Mr. DILL. The Senator will recall that I was in favor of withdrawing the marines a year ago.

Mr. BRUCE. I know the Senator was.

Mr. DILL. And then the Senator and others who agreed with him gave as the reason why we should not withdraw them the fact that they were to be there to take charge of an election. Now, when the election has been held—and I never questioned but that they would have an election—now that it has been held, the Senator has not any argument.

Mr. BRUCE. I stated also that they should remain there as long as it was necessary to assure the continuance of the beneficial fruits of that election. Why should the Senator from Washington be so dissatisfied with the situation when it seems there is no dissatisfaction on the part of the Nicaraguan people?

Mr. DILL. I am dissatisfied because American boys are down there.

Mr. BRUCE. The Senator's conception of a soldier is very different from mine. I would just like to know to what better purposes one of these boys of whom the Senator speaks can be put as a soldier than that of risking his limbs or his life in the cause of his country?

Mr. DILL. Any purpose is better than to be kept there to allow Americans to exploit Nicaragua and collect loans by force of arms.

Mr. BRUCE. Now the Senator is leaving his other ground and taking a different ground. The Senator is talking about these boys as if they were ordinary civilians. They are soldiers; and if one of my sons had perished in Nicaragua, I should have been filled with pride at the thought that an airport in Nicaragua was to be named after him. We all know that the idea would never have been considered of naming those airports after any of our marines who perished in Nicaragua, except with the full consent of the Government, Nicaragua and of its people, unless you include among its people this mountain bandit, Sandino, and a small party of lawless ragamuffins who follow in his train.

There is a Senator who can clear up this whole situation without difficulty. If the Senator from Idaho [Mr. BORAH], the chairman of the Committee on Foreign Relations, fully in touch with the present situation, can say that there is any reason why we should withdraw the appropriation for this purpose, I for one am ready to vote for this amendment. If he is not prepared to say that to us, then I most assuredly for one will vote against it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. DILL], which will be reported.

The CHIEF CLERK. On page 44, line 19, after the word "fund," insert a colon and the following proviso:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to and from Nicaragua, except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MCKELLAR (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is away on account of illness. I am told that if present he would vote as I intend to vote, and so I vote "yea."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] has been called from the Chamber. He is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If the Senator from North Dakota were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from New Mexico [Mr. LARRAZOLO] and vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to state that the senior Senator from Kansas [Mr. CURTIS] is paired with the senior Senator from Arkansas [Mr. ROBINSON].

I also desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent.

Mr. GERRY. I wish to announce that the senior Senator from Nevada [Mr. PITTMAN] is necessarily detained on official business.

Mr. OVERMAN. I rise to announce that my colleague [Mr. SIMMONS] is unavoidably absent. He is paired with the junior Senator from Ohio [Mr. BURTON].

Mr. PHIPPS (after having voted in the negative). I transfer my general pair with the Senator from Georgia [Mr. GEORGE] to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. BLAINE. I desire to announce that if my colleague [Mr. LA FOLLETTE] were present and voting, he would vote "yea."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maine [Mr. GOULD] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 38, nays 30, as follows:

YEAS—38

Dill	Ashurst	McMaster	Swanson
Barkley	Frazier	Mayfield	Thomas, Idaho
Black	Gerry	Neely	Thomas, Okla.
Blaine	Glass	Norris	Trammell
Blease	Harris	Overman	Tyson
Borah	Hayden	Pine	Walsh, Mass.
Bratton	Heflin	Sheppard	Walsh, Mont.
Brookhart	Jones	Smith	Wheeler
Capper	King	Steck	
Caraway	McKellar	Stephens	

NAYS—30

Bingham	Hale	Oddie	Steiwer
Broussard	Hastings	Phipps	Vandenberg
Bruce	Hawes	Ransdell	Wagner
Couzens	Johnson	Reed, Pa.	Warren
Deneen	Kendrick	Robinson, Ind.	Waterman
Edge	McNary	Sackett	Watson
Fess	Moses	Schall	
Goff	Norbeck	Shortridge	

NOT VOTING—27

Bayard	George	Keyes	Reed, Mo.
Burton	Gillett	La Follette	Robinson, Ark.
Copeland	Glenn	Larrazolo	Shipstead
Curtis	Gould	McLean	Simmons
Dale	Greene	Metcalf	Smoot
Edwards	Harrison	Nye	Tydings
Fletcher	Howell	Pittman	

So Mr. DILL's amendment was agreed to.

Mr. HALE. Mr. President, I reserve the right to have a separate vote in the Senate on the amendment.

I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 2 minutes p. m.) took a recess until to-morrow, Saturday, February 23, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 22, 1929*

The House met at 12 o'clock noon and was called to order by Mr. TILSON, as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who dwellest in the heavens and earth, unto Thee will we lift up our eyes—Thou who holdest up the soul of the Nation and suffereth not its feet to be moved. Our souls are exceedingly filled with gratitude; let all the people praise Thee. We thank Thee for our country, with its broad lands and fertile vales, consecrated with the patriot's prayer and made billowy with our fathers' graves. Fortunate the people who can bring up their youth in the memory of the heroic deeds of patriots. Our thoughts stay on him who made possible our natal day, which proclaims the ideal Americanism. The heart of every lover of liberty, every dreamer of the finest ideals of free institutions, is going out in praise to Thee for the Father of the Republic, whose dust rests yonder beneath the terraced green of Mount Vernon. With him, intelligence, equal opportunity, and justice were the watchwords. Bless our native land, where life means growth, power, maturity, and Christian service. Allow no discord to mar our national brotherhood, but may all seek to serve all. Remembering Thy bountiful providence, we pray that the Gentle One, whose soft touch fell on the upturned foreheads of little children and opened wide His sheltering arms to all, doth now enfold in the infinite stretches of His mercy and wisdom our civilization and the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, 1917;

H. R. 9168. An act for the relief of Simon A. Richardson;

H. R. 9597. An act for the relief of Fred Elias Horton.

H. R. 9659. An act for the relief of F. R. Barthold.

H. R. 10191. An act for the relief of G. J. Bell;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; and

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R 924. An act for the relief of Joe D. Donisi;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes;

H. R. 11285. An act to establish Federal prison camps; and

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1688. An act for the relief of Gabriel Roth;

S. 2204. An act to amend section 284 of the Judicial Code of the United States;

S. 2213. An act providing against misuse of official badges;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 5349. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes.

S. 5632. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes; and

S. J. Res. 100. Joint resolution to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers."

ADDRESS OF HON. FRANKLIN FORT

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the gentleman from New Jersey [Mr. FORT] before the Lincoln Club of St. Paul on February 12, 1929.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, under leave granted me by the House I desire to insert in the RECORD an address delivered by Representative FRANKLIN FORT, of New Jersey, before the Lincoln Club, of St. Paul, on February 12. Under the title, "National Problems," Mr. FORT outlined some of the problems which now confront our country and which will engage much of the time of the Seventy-first Congress. Mr. FORT's clear grasp of his subject evoked much favorable comment among those who were so fortunate as to hear him, and I have received a number of very commendatory letters from Minnesota leaders who heard him on that occasion.

The speech is as follows:

NATIONAL PROBLEMS

It will hardly startle you when I say that last November we Republicans won an overwhelming victory which will be finally consummated on March 4 by the inauguration of Herbert Hoover and CHARLES CURTIS and the seating of a vastly increased majority in the House and a safe majority in the Senate. If you accept the judgment of the press, the plums are ours as the fruit of the victory.

To me, this is sheer nonsense. A party which wins control of the Government of this Nation wins responsibility, not reward; and the responsibility is greater in proportion to the size of its majority. And the party which, when it has won, approaches March 4 in the mood of exultant victory rather than of sober thoughtfulness will have its sober mood after the next election.

Our exultation to-night is not as we look ahead, but behind. For 52 out of the last 68 years of American history, the Republican Party has been in control of the Government of this country. And as a whole, those 68 years have marked the greatest period of advancement,

both in material progress and in the higher things of life, of any like period in the history of any nation in the world. This could not have been if our policies had been unwise or our administration unworthy.

The three great economic struggles of the period have been for the abolition of slavery, the establishment of sound money, and the preservation of our home market for our own producers. On all we have been right; we have won; and to-day our opponents no longer oppose. The development of our fine transportation systems; the opening of the great western half of the country; and now the vast enlargement of our foreign commerce have all been under Republican guidance. And no one will deny that all of these splendid economic policies and achievements have gone hand in hand with the development of education and recreation, with shorter hours of labor and care of the needy. Upon this record we can exult. And with this behind us we can not but feel doubly charged with responsibility—responsibility to the Nation and responsibility to hand on that fine record of service which has come down to us, unimpaired to the hands that shall carry on when we are through.

So to-night it seems to me that we may well study the problems that confront us and see what kind of a job we have to perform.

Broadly speaking, the problems which concern our Government fall into two classes—those which are economic in character, affecting chiefly the business structure of our country and the material well-being of our people, and those which affect the intangible things of life, the mental, the moral, and the spiritual. The line of demarcation is often not clear, however. It would be difficult, indeed, to say, for example, whether the moral or the economic effect of Lincoln's abolition proclamation outweighed the other.

But, roughly, the motive for the adoption of policies of government falls either in one or the other class. And generally the economic problems which affect the material prosperity of the people or the distribution of shares in that prosperity evenly among the people are the problems of most immediate and vital interest.

In the three-quarters of a century since the Republican Party was formed the whole economic structure of the Nation was changed—at no time with more dazzling rapidity than in the last eight years. In the fifties factories were merely for local supply and were generally close to their raw materials. Transportation was limited to a few railroads with no unity of operation and a few canals. Beyond the territory these served horses were the motive power, with mud for a roadbed. The cities were supplied with their foodstuffs chiefly from near-by farms, refrigeration was practically unknown, and the winter's chief supplies were warehoused in the city itself. Telegraph and telephone were unknown as the nerves of commerce. Publicity and advertising as we know them were unthought of. Goods were sold on the reputation of the merchant, not of the brand. Practically all forms of business were owned by individuals or partnerships and were handed down from father to son.

Then, partly with Government aid, our railroad systems expanded and rapidly increased both the extent and efficiency of their service. Factories, able to get their raw materials in and their finished product out on these improved railroads, grew rapidly in proportion as their product was good. Still, however, they remained near their source of fuel, for that was the bulkiest of their freight in and out. Consequently the great bulk of industry settled east of the Mississippi River. Consequently, also, the cities east of the river began to grow by leaps and bounds, and as they grew they had to reach farther and farther for their supplies of food and clothing. No longer could the neighborhood supply their wants.

The telegraph and telephone came and communication between distant points became a matter of minutes instead of days and weeks. Orders could be transmitted and accepted over thousands of miles of intervening country in less time than an old-time long-hand letter took to write. Advertising as we now know it began, and goods began to be sold on trade names instead of the individual character of the merchant.

Corporations took over practically all forms of business except agriculture, smaller retailing and some of the groups of middlemen. In the majority of cases, however, dominating ownership and management of business remained in the hands of the old owners and operators.

Thus, did our economic structure look at the beginning of the World War. We were still in debt for vast sums to Europe; our exports, other than of agricultural products, were small; our needs for further capital investment were great and growing; and our major industries, our railroads and our utilities were owned in part abroad and for the balance largely by a relatively few rich men.

During the war, two things of vital importance occurred. First, we became a creditor instead of a debtor nation and educated our own people to invest. Second, we developed the mass-production methods exemplified by Henry Ford to an extent previously undreamed.

In the after war period, these two major changes brought a host of new situations. First, our new-found investing ability made it possible for our starved railroads to find the money first for refunding their debt and then for much-needed expansion and improvement. With the stabilization of their rates and a sufficiency of new capital their efficiency improved, until now ordinary freight moves faster than mail moved 50 years ago. As to many commodities this rapid movement of freight is relatively unimportant and the additional expense to the shipper and consumer unjustified, although, of course, from the general viewpoint the perfection of our present railroad service is of infinite value. The further improvement of our communications by wire, air mail, and radio has brought in yet closer touch producing and consuming centers and permits immediate dissemination of vital market news.

Simultaneously there has been an enormous expansion in our generation and distribution of electric power and a corresponding increase in our production of petroleum and its use as fuel. These two newly used sources of power have opened new territory as the possible site of industry, overcoming, as they do, the disadvantage of distance from the fuel market heretofore suffered. Along with this, the mass-production methods, involving in most industries the preparation of parts in vast quantities, have led to the erection of assembling plants in considerable numbers, to which parts are shipped from a central location. All of these developments have coincided to produce both structural and operating changes in industry. The structural change has been a rapidly accelerating movement toward merger of previously competing industries, partially to cut overhead, partially to secure a volume of business justifying mass production, and partially to secure strategic locations for manufacture, assembling, and distribution.

Other economic reasons have entered into the trend toward merger in different cases and, of course, many mergers have been largely for stock-market purposes. The latter class can result in profit to others than their promoters only if they produce genuine savings or new income greater than their promotion cost.

For the accomplishing of these purposes there has been a growing tendency toward an expansion of the functions of the corporation itself. This has taken two forms. In some cases the one-time producer of raw material only, as, for example, the Anaconda Copper Co., has also gone into the manufacture of the finished product and the public advertising of that finished product. In others, such as the General Motors Corporation, an entirely dissociated type of product, such as the electric refrigerator, has been added to the manufactured line as a source of revenue to help carry the enormous structure in the event of slack times in the main business and because it could be economically manufactured in connection with the electric-battery part of the main business. Thus the mergers have tended to produce major operating changes through bringing closer contact in the one case between production and utilization of the commodity, with corresponding vastly improved control of inventory, and in the other a reasonable assurance of continuity of operations in some division, no matter how slack times may become in another.

Inventory reduction with its accompanying reduced need of working capital has run hand in hand in many of our products of high-priced manufacture with the creation practically of a new form of credit in the installment-buying program in such products as motor cars, sewing machines, radios, and countless other articles of high value. The credit upon which these operations are based has been found largely from the decrease in use of credit in retail trade. A few years ago the necessities of life were purchased on credit and the luxuries for cash. To-day the necessities of life are purchased for cash, the luxuries on credit. Time only can tell how this will operate in a period of serious unemployment and business depression, but it would appear probable that at such a time the re-creation of credit systems for the necessities of life will be necessary.

This will certainly be true unless the savings campaign of recent years carries the bulk of the public through unemployment periods with cash or cashable resources. It may be that this will happen for, simultaneously with the creation of these enormous mergers, there has come a diffusion of ownership of our industry and utilities. Campaigns, first for consumer ownership; second, for employee ownership; and third, for the spread of ownership among the public, have resulted in a unique situation where, in some of our largest corporations, those actually operating the business as directors and officers own insignificant amounts of the capital stock. I have been told that in one of the largest and best known of all of our great corporate enterprises not over 1 per cent of the stock is owned by any one interest. In some cases, the ownership is so diffused that the total number of stockholders runs up toward a half million.

Along with all this has come a still further development of publicity in various forms. Nation-wide advertising campaigns without number, carried on at enormous expense, have built up trade names for almost all articles of consumption to the point where the quality and uniformity of the product and the name and personality through whose hands it reaches the public, is relatively of minor significance. In an older time, Emerson said that if a man in a wilderness invented a better mousetrap than anyone else had made, the world would beat a path to his door. To-day, if he failed to advertise the brand of cheese he used, probably not even a mouse would beat its way to the trap.

Running along with these changes has come a vast increase in the services which our people require. The operation of our communication systems, of our recreational devices, and, perhaps more than anything else, our tremendously developed insurance system requires the service of hundreds of thousands of people who, in the old sense, produce nothing. These services, with the concentration of publicity, of selling

supervision as well as of industry in large communities, have caused our cities to grow far more rapidly than of old and the population of our cities to shift from point to point within the city and from city to city with a rapidity unknown a few years ago. All of this in turn has reflected again upon the status of the retail merchant as there ceases to be a steady neighborhood population to whom his name is a guaranty of fair dealing.

To sum up the whole situation, the trend of modern economic development in this Nation has, since the war, been notably adverse to the small producer, whether on the farm or in the factory, and to the small distributor, whether at wholesale or retail. Yet I think it will be disputed by no one that the small independent merchant, farmer, or manufacturer owning and operating his own business is a necessity if American life is still to provide its leaders and its sound second thought from the body of the people.

It will readily be seen that old governmental methods and old trade practices can not be made to apply without change to such a group of changed conditions. For example in transportation, canals and waterways, with their tedious delays, were practically abandoned as arteries of commerce as the railroads improved. To-day we need cheaper transportation, particularly for those bulk commodities in the delivery of which time is not so much of the essence. The railroads can not justly be asked to give cheaper transportation, for to do so would lessen the efficiency and speed of their general service, which in turn is vital to such commodities, for example, as the dairy products of Minnesota. Consequently, we must return, in the interest primarily of our agriculture and secondarily of our fuel and ores, to the slower and cheaper handling of bulk commodities by waterways. I have no fear that this will diminish more than temporarily at the worst the prosperity of our railroads, for it is apparently a fact—illogical as it seems—that more transportation begets more freight. Otherwise, certainly our railroads could not have had the most prosperous period in their history simultaneously with the recent vast development of motor transportation. On this subject the path of the Government seems absolutely clear.

We must forthwith proceed with the development of the Mississippi and Missouri waterways and the building of a waterway from the Great Lakes to the sea. Such work belongs to the Government to perform, and I believe its performance by the Government is as assured as the adoption of any other policy now before the American people.

The indirect benefits of this policy should be quite as great as the direct ones, for industry has shown a natural disposition to settle at points of easy transportation. The increasing of the number of such points can not fail—particularly with the assembling method of manufacture of which I have spoken—to establish new industrial centers throughout the Nation, thus affording employment to many who now are engaged only in seasonal industry. Such relocation of manufacture is of particular interest in the farming communities, since it will afford an additional source of community income, furnish a larger near-at-hand market for the perishable commodities, and cheapen to some extent the cost of what the farmer must purchase. In its latter effect it should also benefit the small retailer, whose first cost of goods in competition with the chain store groups will be diminished the nearer he is to the factory which makes them.

Another vital need is a revision of our distributing system in the handling of many commodities. Already in some industries—copper, for instance—export trade is handled practically entirely cooperatively by all producers. In some domestic trades, goods are sold direct from the manufacturer to the consumer, either through mail orders or manufacturer's branch stores. All of this has resulted in changing the profession of salesmen very materially, and all of it in the domestic trade is the result of our publicity methods. For the expansion of their markets many other trades probably must unite in some form of cooperative selling. To my mind, there is absolutely no question but that this is true of most, if not all, of the products of agriculture.

I do not mean necessarily that the present form of cooperative association is the ultimate form, but it is and has always seemed to me an absurdity for 2,000,000 men growing wheat or cotton to sell competitively, one against the other, to a few buyers.

Nor does such a policy necessarily look toward the elimination of middlemen. Where those middlemen perform a service of economic value, for which they secure a return simply compensatory for the value of their service, there is no reason for their elimination. There are some trades where the elimination of the present middleman structure would be fatal, perhaps for years, to the whole industry. But, nevertheless, the value of cooperative effort in the elimination of competition between sellers and the consequent establishment of bargaining power for the group can not be successfully denied.

At the same time there is possible a like tremendous development of cooperative purchasing, not only as has heretofore been chiefly the case by community groups, but even more by groups of retailers. There are certain commodities of course where the element of taste or fashion applies, as to which the retailer's individual judgment will still prove his best guide and in which his real community service as against the chain store can best be performed, since he knows better what his community wants and will use; but, on the bulk of standardized commodities, the development of cooperative purchasing will give to the small merchant more than one of the great advantages now possessed by the chain-store systems. It will in the long run secure his commodity at lower price and it will reduce his capital investment in inventory through his ability to secure shipments from central distributing points maintained by his purchasing agency. Of course there are developments now going on within trade itself which may demonstrate that the efficiency of our old-time wholesaler-retailer system can be so improved as to render unnecessary these major departures from established trade systems. But only those middlemen can exist in any line of trade who prove their efficiency and who charge no greater toll for their services than the actual economic value of those services.

A place where some form of legislation must be devised, without question, is the further standardization of products and the further regulation of truth in advertising. Trade names established by advertising are capable of misuse without the knowledge of the consumer by minor modification of the quality of the product, without affecting the size of the package or its weight or volume content. Modern purchasers are willing to pay for quality and they are entitled to protection against misrepresentation on this point through the misuse of trade names or advertising assertion.

Advertising having taken the place in the purchaser's mind that formerly was occupied by the reputation of the retailer, must assume the retailer's old-time danger of the loss of his good name through deception.

Similarly, standardization in many commodities is in the interest of the producer. The gravity of oil, the thermal units in coal, the protein content in wheat all affect the price that the original producer receives for his product. He is entitled to a definite fixation of these factors at that place in the distributing system where he will gain the benefit from high quality. Otherwise the Nation loses the incentive to high-quality production.

A completely new problem of the last eight years is due to the wide diffusion of stock ownership in our great corporations. The net result of it has been that the control at elections of directors is exercised by the holder of proxies from perhaps hundreds of thousands of absent stockholders. The effect also is that the operating management has a greater stake in the continuance of their control, and therefore of their salaries, than they have in the ultimate good either of the public or of the owners. This control is being pushed still further away from the real owners of the business by the vast increase in investment trust holdings of stock in other corporations. The real owners, of course, are the stockholders of the investment trust, but the management they have selected to run the investment trust issues the proxies to determine the management which shall run the industry. Out of this has come some benefit to the public and to labor, since the average management in these days of mass production is chiefly interested in the continuity of production and therefore often serves the public with lower prices and labor with higher wages to maintain this production. The management further regards the stockholder as one who must be kept happy by sufficient dividends, but whose money otherwise is for the expansion of the business.

The board of directors thus through proxy control, since they alone possess lists of stockholders and genuine information as to corporation internal affairs, have become of recent years practically self-perpetuating oligarchies. In most but not all cases this power appears to be and to have been honestly and capably exercised in the interest of both the public and the stockholders. For the first time, however, since this development a controversy is on in one of our great corporations in an effort to oust the dominating factors in the company.

I hold no brief either for Mr. Rockefeller or Colonel Stewart, but I regard the controversy between them as more pregnant in possibilities than any like event in American economic history. The issue is whether or not the directors of a corporation shall be retained in control simply upon the basis of the returns paid to the stockholders, or whether in these vast organizations of modern business their duty to the stockholders does not also include the recognition of a real public interest in the conduct of the business and the ways in which the profits are earned. Of course, these great industries can not escape public regulation if they use their power and size adversely to the public interest.

A new form of suffrage has come into existence—the right of a stockholder of a corporation to vote as such stockholder on the duty of his corporation to the Nation. In the particular controversy now waging the facts from the records of the United States Supreme Court disclose that there have reached the treasury of the Standard Oil Co. of Indiana profits unlawfully earned in a transaction against the public interest. The issue being raised by Mr. Rockefeller's demand for the retirement of the management responsible for this proceeding, that management counters by pointing to the vast growth of the company, the substantial dividends paid, of which it says these elusive profits were a part, and then caps the climax by voting a special stock dividend and a special cash dividend on the eve of the election. Of course, these latter proceedings simply give to the stockholders now profits heretofore withheld by the directors, presumably in the interest of the company's development, but

in effect the proceeding is one of an effort to bribe the stockholders with their own money to vote their belief that the only duty of the management is to earn profits, no matter how or from what source.

If the result of the election in the Standard Oil Co. of Indiana shall be to indicate that the stockholders of that company approve of that theory of the duty of corporate managements, a vast increase in the degree of Federal supervision over industries in interstate commerce is inevitable and will be necessary. For the vindication of our managers of big business themselves, for the integrity of American business itself, I sincerely hope that the results of the election are a sweeping condemnation of the conduct of its management. American stockholders are on trial quite as much as is the management.

In this hasty and inadequate sketching of the trends and possible needs of our economic system I do not for a moment mean to assert even my own conviction that many of the changes which have occurred are necessarily bad. Indeed, I fully believe that many of them are of the highest value. For example, the socialization of the control of industry involved in the diffusion of stock ownership both promotes the public well-being and prevents or postpones at worst any thought of state socialism. But I have tried to sketch both problems and possible remedies affecting so many different phases of our life in order to point your thought to our problems as interrelated and not local or divergent. We are in the midst of an almost irresistible wave of economic change. We can not dam up its progress. The best we can hope to do is to guide it into the channels which will diminish its powers of destruction and increase its utility. This can not be done by short-cut legislative proposals nor accomplished in a day. It will need and must have the best thought of the best minds of the Nation.

For, after all, there is a group of problems more serious to our Nation, as a nation, than any of these economic problems. That group comes from the danger of sectionalism—sectionalism of interest, sectionalism of race, of creed, of class, of mental outlook, as well as the sectionalism that comes merely from location. Of course, some of us are producers of one type of commodity and some of another. Each producer, though, is also a consumer of what the other one produces. Each producer, therefore, benefits by the prosperity of the other producer, because through his prosperity he becomes an additional purchaser. Each section geographically in this Nation is directly dependent for its real prosperity upon the prosperity of every other section, and the same is true of every group within the Nation. The Civil War made us truly a United States. The Spanish War made us a united Nation, and the World War apparently made us a united people. We must not allow that great gain to be lost in the consideration of our merely economic problems nor permit our differences of racial ancestry, of the creed we believe, of mental approach to the problems that affect us all, of interest or of geography, to divide us on the consideration of those problems in which all of us are equally and vitally concerned. To me the greatest problem that faces the new administration—a problem emphasized by the nonsectional character of its majority—is the problem of amalgamating the American people's thought and feeling into an approach toward our material problems from the standpoint of the united interest of the Nation as a whole.

Madison, in the Federalist Papers, said that the Government would always be a government of compromise, because the diversity of interest of different sections would prevent any one section from acquiring control. The wisdom of this observation has been proven repeatedly. The danger of abandonment of this principle comes from the assertion of sectional interest by great groups with the modern utility of organized propaganda. To the utmost of our influence as individuals we must resist the approach to public questions from this viewpoint.

In doing so we must recall that our Constitution has functioned with remarkable and unprecedented success and carried us through, under the guidance of Lincoln, a catastrophe that would have wrecked any other nation in the world. Realizing this we should not permit ourselves to be hurried into disregard of its fundamental principles for the solution of a temporary or new trouble. Similarly our institutions—by which I mean, for example, the policy of American individualism, the policy of real fair play, the policy of acquiescence in the will of the majority, which sometimes are threatened by suggested cures for real or fancied troubles—have proven too wise and too beneficial to be hastily abandoned. On all these great economic questions, therefore, our first procedure must be to seek and find a remedy which keeps the Government out of business, which leaves the American owner of property, or the American business man, hampered as little as possible by the interference of Government agents, which preserves to him the right to control and operate his own affairs in his own way, so long as he does no wrong to his neighbor.

Another problem which confronts us now is that of observance and enforcement of law. This in its public acceptation, as a topic of controversial discussion, centers on the eighteenth amendment and the laws passed in pursuance thereof. It is a fact conceded by everyone that the eighteenth amendment is a permanent part of the Constitution of the United States. It is further conceded by all who have studied the question that no substantial change in the enforcing acts which would satisfy any great number of people now dissatisfied with them would carry out the constitutional mandate. We are therefore faced as a Nation with the question as to whether we as individual citizens will help to break down the respect for all law by nonobservance or direct defiance of one law.

To me this is not primarily a problem of enforcement but is a problem as to the best means of convincing the American people that the sporting thing to do is to bow to the authority and dignity of their Government and accord to its laws the same acquiescence that any good sport does give when he loses. Enforcement will become simple when otherwise good citizens cease to think it smart to flout the prohibitory statutes.

To many who, like myself, pride themselves upon a conservative outlook on public affairs, many of the problems I have discussed and many of the remedies I have suggested will seem to fall within the class of the hated word "Socialism," and they will look on substantial changes in our relations of government to business as disastrous to our institutions and particularly to our prized individualism. At times when I find myself in this attitude of mind I think back to the campaign of 1896, when all of us good Republicans went up and down the land shouting that Bryan's program was anarchistic. Well, what was it that we called anarchistic? First, the graduated income tax; second, graduated inheritance taxes; third, woman suffrage; fourth, prohibition; fifth, regulation of railroad rates and of industrial combinations. They have all come to pass, and never in the history of this or any other Nation have individuals prospered more greatly, have larger incomes been enjoyed, have greater fortunes been acquired and passed on at death, nor has the general well-being of the Nation been greater than in the last eight years in the United States, since all of these things were in simultaneous operation. The genuine rights of the individual have suffered not at all, although our construction of the powers of the Government in reference to personal property have changed so immensely. Similarly, we probably face in the future revisions of our notions as to real property. Indeed, almost without recognition, we are passing through such a period of change to-day. When I studied law I learned that the owner of a piece of real estate owned from the center of the earth to the zenith. To-day, as a property owner, I can not control the use of my land for the transmission of radio waves or the air for an airplane; nor, indeed, under modern zoning amendments, can I control the use I make of the surface of my land; and yet I do not see anyone giving away his real estate. It may well be that in the next generation or less the Nation will have to assert in the interests of posterity a measure of control over the use men make of the ores or oils under the surface of their lands. I believe that such changes, if the trend of the times requires them, can be made with as little disturbance to the real interests and welfare of the individual, his real freedom of action in essentials, as have the changes which have come since Bryan's day.

For the solution of these problems as a Government act, where the Government can act, I have only one or two suggestions. The first is popular recognition of what is meant by the representative system of government. To me this system is the absolute negation of direct action. In other words, you here in Minnesota should pick as your Representatives in Congress a group of men fairly representative of the average intelligence and character of their districts. Those men should then go to Washington to debate and listen to debate, to study these vast and complicated interrelated problems, and then to vote as in their judgment you would vote if you had been present, had debated and had studied, not with an eye singly to what at the moment seems the self-interest of their districts, but for that policy or group of policies that promises in the long run the most satisfactory results for the United States of America as a whole. The following out of this theory will, if I am right in the true unity of our interests, inevitably bring to each section more satisfaction and less trouble than will the system which makes the Representative a mere messenger boy for what the people "back home" think they want. If the job of a Member of Congress is to vote the sentiment of the people back home on legislation which changes its form from day to day, and consequently its intent and its possible performance, the Member might far better stay home, to know what the sentiment is, and vote by mail. On this question of public moment, where Members are left alone by their constituents, the judgment of the Congress of the United States is, to my way of thinking, apt to be right ninety-nine times in one hundred. I have sometimes told my people back home that the chief problem of a Member of Congress is his constituents. The development of a recognition of what representative government really is will do more to promote good government than any other one thing. You have from Minnesota to-day a splendid body of men in the House of Representatives, who are doing their work loyally and earnestly. Some are among the outstanding figures in the House. I honestly believe they will do a better job for you if you let them vote their judgment unhampered by instructions than if you insist upon their conceiving of themselves merely as your recording machine.

The second great thing that is needed is an enhanced sense of party responsibility. Nations of Europe, where the term of the executive and the legislative branches automatically ends when the executive ceases

to have the support of the legislative, can possibly operate under a system containing three or more political parties. In the United States, however, where the term of the executive and the legislative officers is fixed by the Constitution, a different condition prevails.

The representatives can not and do not come home for instruction and reelection at every difference of opinion. Consequently, it is essential for the proper functioning of our system that the Executive should have the backing in the legislative branch of a genuine majority, with which he can work in harmony. Only the 2-party system can produce this result. Only the 2-party system can prevent government by blocs, which, in the last analysis, means, in this country, at least, government by some sectional group, who hold the balance of power, but who represent only a minority or a section of the people. This form of government will not operate in America.

Party responsibility can only be justly enforced by the people if the party representatives in official position are a unit in governmental action. This, in turn, can obtain only if party organization is efficient and militant.

There has been a wave in recent years of sentiment for so-called independence of party, and particularly of independence of party organizations. By party organization, of course, I do not mean so-called machines, but I do mean that group of devoted men and women who, believing in the fundamental principles of their party, regard it as their patriotic duty to make every effort to increase and maintain the strength of the party, because of its greater value as an instrument of government. As it seems to me, it is the duty of Americans to join actively one or the other of our great parties and to use their influence to see that that party is on the right side of public questions and picks men and women of the right caliber to administer them. I have little sympathy with the person who insists on drawing himself aside from this part of an American's duty and hides behind the title of independent. America can not be run that way. Of course, you and I and all of us reserve the right to punish our party and to defeat its representatives if they prove unfit and unworthy, or if they get on the wrong side of any major public question, but in the long run we will be better governed, and the Nation more unified, if men and women generally would take an active part in the affairs of a political party.

We Republicans can urge this upon our friends with pride in the record of our party; we can urge it with pride in the present of our party; we can urge it with confidence in the future of our party. We have given the Nation the leadership of Lincoln for our greatest time of internal travail. We have given to it the leadership of McKinley to help heal the wounds of the Civil War. We have given it the leadership of Roosevelt to teach those who grasp for power that the Nation was greater than any man or group of men. We have given it the leadership of Coolidge to reaffirm the confidence of the people in the honesty of their Government and to produce economy and efficiency in the administration of its affairs. And now we have given it, for the period when the most perplexing of economic problems press for solution, the best-trained economic mind that ever came to the chair, in the man who has never failed—Herbert Hoover.

OLIVER C. MACEY AND MARGUERITE MACEY

Mr. UNDERHILL. Mr. Speaker, I call up the conference report upon the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up the conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1648) entitled "An act for the relief of Oliver C. Macey and Marguerite Macey" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said House amendment insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

"SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to Marguerite Macey, out of any money in the Treasury not otherwise appropriated, the sum of $1,250, in full compensation for personal injuries, medical and funeral expenses, and loss of automobile, which resulted by reason of the negligence of the operator of a United States Navy commissary truck."

And the House agree to the same.

CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.
THOMAS F. BAYARD,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 1648 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment $3,750 agreed to provides $2,500 for the death of Eleanor Macey and $1,250 for injuries sustained by Marguerite Macey.

CHAS. L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

BRIDGE ACROSS OHIO RIVER, CARROLLTON, KY.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky., a similar bill being on the House Calendar.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill S. 5630, a similar House bill being on the House Calendar. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Without objection, the reading of the bill will be dispensed with, it being in the usual form, and the bill will be printed in the RECORD.

There was no objection.

The bill is as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near Carrollton, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CHOPTANK RIVER, NEAR CAMBRIDGE, MD.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5465) authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md., a similar bill being on the House Calendar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill S. 5465, a similar House bill being on the House Calendar, and without objection the reading of the bill will be dispensed with, it being in the usual form, but will be printed in the RECORD.

There was no objection.

The bill is as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, V. Calvin Trice, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choptank River at or near Cambridge, Md., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge and its approaches the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Maryland under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. V. Calvin Trice, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Maryland, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Maryland, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said V. Calvin Trice, his heirs, legal representatives, and assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this act is hereby granted to V. Calvin Trice, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MOUTH OF GARNIERS BAYOU, FLA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., a similar bill being on the House Calendar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Illinois calls up S. 5129, a similar House bill being on the House Calendar, and without objection, the reading of the bill will be dispensed with, it being in the usual form, and will be printed in the RECORD.

There was no objection.

The bill is as follows:

Be it enacted, etc., That in order to facilitate intrastate commerce, improve the postal service, and provide for military and other purposes, Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the mouth of Garniers Bayou, in Okaloosa County, Fla., at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, any public agency or political subdivision of said State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of the State of Florida governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rate of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not exceeding 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the

amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said Thomas E. Brooks, and his associates and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Florida a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion costs. The Secretary of War may, upon request of the Highway Department of the State of Florida, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Thomas E. Brooks, his associates and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The finding of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in the court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns; and any corporation or person to which or to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that House bills 15525, 16349, and 16764, corresponding to the Senate bills just passed, be laid on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bills 4793, 5059, and 5165, now on the Speaker's table, be indefinitely postponed, similar bills having passed the House and Senate, and having been approved by the President.

The SPEAKER pro tempore. Without objection, the consideration of the bills referred will be indefinitely postponed.

There was no objection.

THE POLITICAL PHILOSOPHY OF GEORGE WASHINGTON

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Pennsylvania [Mr. BECK] to address the House for one hour on the life of George Washington. [Applause.]

Mr. BECK of Pennsylvania. Mr. Speaker, we do well, my fellow Members of the House of Representatives, to pause in our deliberations to recall the immortal memory of the noble founder of the Republic, and I am greatly honored in being the interpreter on this occasion of the grateful sentiments which this sacred anniversary inspires.

Nothing is further from my purpose than to attempt either an eulogium or an apologia—certainly not the latter, for of recent petty aspersions upon Washington's fair fame one need only say, as Franklin in Poor Richard: "Dirt may cling to a mud wall, but not to polished marble." [Applause.]

Eulogy seems equally superfluous. His great fame has long since outstripped the power of praise. Even Lincoln, master of felicitous phrase, confessed his inability to pay any adequate tribute to Washington, and simply said:

> In solemn awe pronounce his name, and in its naked, deathless splendor leave it shining on.

[Applause.]

Indisputably "first in the hearts of his countrymen," yet a larger and more splendid fame has been Washington's—and he shares it with no character in profane history—he is also first in the affection of the world. If the wise and the good of every civilized nation could be polled as to the three noblest characters in history, Washington alone would be on almost every list. The greatest of the Victorian novelists, Thackeray, has thus voiced the verdict of posterity:

> What a constancy, what a magnanimity, what a surprising persistence against fortune. * * * The chief of a nation in arms, doing battle with distracted parties; calm in the midst of conspiracy; serene against the open foe before him and the darker enemies at his back; Washington, inspiring order and spirit into troops hungry and in rags; stung by ingratitude, but betraying no anger, and ever ready to forgive; in defeat invincible, magnanimous in conquest, and never so sublime as on that day when he laid down his victorious sword and sought his noble retirement—here indeed is a character to admire and revere, a life without a stain, a fame without a flaw.

[Applause.]

It is true that a few hypercritics—not worthy to untie the latchets of his shoe—have questioned his intellectual powers.

A sapient college professor, speaking a few years ago at an English university, patronizingly said that Washington was "a man of few natural gifts, self-educated, and somewhat slow-witted."

Again, in a recent biography of Aaron Burr, the authors refer to Washington's "failure to rise above the mediocrity of a small Virginia planter."

My good friend, Claude G. Bowers, in his otherwise admirable book on Jefferson and Hamilton, gives these two the center of the stage, and relegates the august figure of Washington to the wings.

Such was not the judgment of those who best knew him. Jefferson—not wholly a friendly critic—spoke of his intellect as "great and powerful"—no mean praise—and Patrick Henry said that, of all the members of the First Continental Congress, Washington was foremost for "solid information and sound judgment."

The indisputable fact is that, from the beginning of the struggle for independence until the end of his half century of useful service, George Washington was the master spirit in the political life of America. [Applause.] He was the one man who commanded the confidence of all, and this fact alone would refute the theory of his intellectual inferiority, for the fathers were not fools. Always he was the "tower of strength, that stood foursquare to every wind that blew." Of what act in his whole career is America to-day ashamed? What doctrine of his would it now disavow? What writing of his would it delete? None. Name one of his contemporaries, indeed, name any statesman of any era of the world, of whom this could be said in equal measure.

He was largely "self-educated." Farmer, hunter, frontiersman, pioneer, and pathfinder, realities and not verbal abstractions interested him. The formative years of his life were spent on the plantation and in the forest. Doubtless he often thought, as did Shakespeare's banished duke in the Forest of Arden:

> Are not these woods
> More free from peril than the envious court?
> Here feel we but the penalty of Adam,
> The seasons' difference, as the icy fang
> And churlish chiding of the winter's wind,
> Which, when it bites and blows upon my body,
> Even till I shrink with cold, I smile and say,
> "This is no flattery. These are counsellors
> That feelingly persuade me what I am."

Yes, he was "self-educated" in the arduous school of nature, and his keen mind, again as the banished duke, found—

> Tongues in trees, books in the running brooks,
> Sermons in stones and good in everything.

This lifelong communion with nature gave him little patience with the more artificial institutions of man. He listened with ill-concealed impatience to the lengthy speeches of the lawyers in the Constitutional Convention, in whose deliberations of four months he spoke only once.

The quarrels of two lawyers in his Cabinet, Jefferson and Hamilton, embittered him.

On August 23, 1792, he addressed a letter to Jefferson, Hamilton, and Randolph, in which, after deprecating the fact that internal dissension should "be harrowing and tearing out our vitals," he added:

> That unless there could be more charity for the opinion and acts of one and another in governmental matters * * * it would be difficult to manage the reins of government, or keep the parts of it together, * * * and thus the fairest prospect of happiness and prosperity, that ever was presented to man, will be lost perhaps forever.

He therefore asked that—

> instead of wounding suspicions and irritating charges there may be liberal allowances, mutual forbearance, and a temporary yielding on all sides.

As I read the history of those eventful days, my sympathies are not with Jefferson or Hamilton. They are with Washington, who stood alone, and who could have said in truth: "A plague o' both your houses."

For editors, with their "I am Sir Oracle" snap judgments upon matters, of which they knew little, he had a profound contempt. Charged by one with being a "Nero," he said he "would rather be in the grave than emperor of the world."

There is little evidence that he placed any great dependence upon doctors, and this is not surprising in that age of Sangrados, for two doctors, after torturing him with blisters, finally bled the grand old man to death for a swollen windpipe.

Washington, as all the supremely great men of history, was a realist. For legal abstractions he had little patience. With him "things were in the saddle" and only facts counted. He was not an empiricist. He distrusted phrase making. He doubted panaceas by law. He knew that no constitution could be devised that would be foolproof. Far better than the lawyers and jurists of his time, he knew the futility of leagues or confederations patterned on the Greek models, whose authority was only moral. He summed up all the folly of the old Articles of Confederation in the one terse phrase: "Influence is not government."

No one saw more clearly and advocated more earnestly the necessity of creating a nation and not a mere league of States, but he did not believe that this could be done alone by paper constitutions, but only by an antecedent spiritual union, based upon sympathies and economic solidarity. He saw more clearly than the learned legal theorists that, in the last analysis, no government can be essentially different from the spirit of the people which created it.

Give me your indulgent attention while I seek to show these facts from the text of the Farewell Address, for it contained the statement of his political philosophy.

On an autumn day of the year 1796, President Washington, weary of official life, worn out by his public service of half a century, and desiring to seek the noble retirement which he had so richly earned, sent for the editor of a Philadelphia newspaper, and handed him a manuscript, with a request that he publish it. It was his farewell testament to the people whom he loved so well and whom he had led to high achievement. The political literature of the world contains nothing nobler. [Applause.]

It was not written upon a hasty impulse or with scant preparation. Gray required seven years to write his famous Elegy. Washington had made the first draft of the Farewell Address five years before he sought its publication. A diffident and modest man, he had sought the advice of Madison, Jefferson, and Hamilton, but the final form was his own and he twice corrected it in the proofs before it was published in the Philadelphia National Advertiser.

I am first impressed with the fact that it is dated September 17, 1796. He could have selected any date and it is possible that he chose that date because it was the ninth anniversary of the final formulation of the Constitution. In the nine years that had intervened, he had brought that sickly infant—as it then seemed—to a vigorous youth and, as the message was largely devoted to a vindication of the Union and its organic instrument, the Constitution, it is possible that the date was deliberately selected. There was, in any event, great propriety in the date, for if the Constitution is "the most wonderful work ever struck off at a given time by the brain and purpose of man," then the great fame of Washington could be safely rested upon that achievement alone. [Applause.] He may not have written a line of the text, but it is incontrovertible that, without his great influence, it would never have been formulated by the convention or ratified by the States, and it is probable that the new Government would have had short life had not the practical statesmanship of Washington in its first eight years put it on a firm foundation and gained for it the confidence of the people. [Applause.]

You will note, in the second place, that it was not addressed to the Congress of the United States or to any public official. Speaking of himself as an "old and affectionate friend," he addresses the people as "friends and fellow citizens." Therein lies the first great thought which Washington sought to convey by the Farewell Message. He believed that the only salvation of the people lay in themselves.

Shortly after the close of the Constitutional Convention and when the Constitution was undergoing the perilous process of ratification, Washington wrote, on September 7, 1788, to his friend and comrade in arms, Lafayette, and, after praising the Constitution as a wise instrument of government, he added that the new Government would be in no danger of degenerating into a monarchy, oligarchy, or aristocracy, or any other form of despotism, "so long as there shall remain any virtue in the body of the people." He then continued:

> I would not be understood, my dear Marquis, to speak of consequences which may be produced in the revolution of ages by corruption of morals, profligacy of manners, or listlessness in the preservation of the natural and unalienable rights of mankind, nor of the successful usurpations that may be established at such an unpropitious juncture upon the ruins of liberty, however providently guarded and secured, as these are contingencies against which no human prudence can effectually provide.

Washington regarded any form of government as but a means to an end, and that it could never be better than the people themselves. Like Plato, he believed that a constitution must correspond to the "ethos" of the people, meaning thereby not merely the spirit of the people, but the aggregate of their habits, conventions, and ideas. These obviously change from generation to generation. If there be any conflict between the Constitution and the genius of the people, it is not the will of the people that is broken but the Constitution. Therefore, to insure vitality, there must be a reasonable correspondence between the Constitution, as interpreted, and the spirit of the people.

He reminded them that—

> It is of infinite moment that you [the people] should properly estimate the immense value of your National Union to your collective and individual happiness.

To him the surest foundations of that unity were sentiment and interest, and of the sentimental tie he spoke first, as follows:

> Citizens by birth and choice of a common country, that country has a right to concentrate your affections. The name of America, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

Thus he sought to impress upon successive generations the noble memories of the heroic days of our colonial development, culminating in our struggle for independence. He bade them remember the "rock whence ye are hewn." He knew that no nation can be truly great without an heroic past and a conscious remembrance of it. He realized, as Lincoln did, that, in times of strife and disunion, these "mystic chords of memory" would yet "swell the chorus of the Union, when touched, as they will be, by the better angels of our nature." [Applause.]

You will note his use of the word "America," instead of the "United States." He generally spoke of our Nation as the "Union," and by it he meant the sympathetic and sentimental bond that bound the Colonies together long before the War of Independence. To him the American Commonwealth dated, not from the 4th of July, 1776, but from the first Virginia settlement. In Washington's eyes America was born of those "spacious days" which gave Shakespeare and Bacon, Raleigh and Drake, Jonson and Spenser, to an astonished world.

Having thus emphasized the binding ties of those "mystic chords of memory," struck by the blood-comradeship of arms, Washington next passes to a practical consideration, which he regarded as greatly outweighing even the sentimental tie. He addresses himself to the indissoluble wedlock of economic interests, which, far more than the theories or formulas of lawyers, had welded the inorganic union of the Colonies into the organic Government of the United States. In a passage of great length and equal wisdom, he dwells upon the inevitable interdependence of the North and the South and the West, and to this end advocates "the progressive improvements of interior communication of land and water." These, he predicted, would bring about an "indissoluble community of interest as one nation."

Time has vindicated his prophecy. The Union has been held together for nearly a century and a half, not by the Constitution alone, but by an ever-developing economic unity. I have always believed that the Union was safe when the last spike was driven in the Union Pacific Railroad. [Applause.] Even if the Civil War had terminated differently, and the sections had been divorced by a decree of the sword, they would have been long since reunited in the lasting wedlock by steam and electricity. [Applause.]

That the Union must largely depend upon an economic solidarity was a long-cherished belief of Washington. Even when our country was a feeble congeries of straggling and separated colonies on the Atlantic seaboard and its statesmen regarded the Appalachian Range as their inevitable western boundary, Washington had the sagacity to look beyond the

Alleghenies and to see in the undeveloped wilderness to the west a great future for America, if convenient trade routes could be provided.

Denied the vision of the railroad and the telegraph, he interested himself in the construction of canals. He was the first colonial statesman to advocate the linking of the Atlantic coast with the Mississippi Valley, then seemingly impossible. His correspondence shows that the possibility of water routes to develop and cement the union of the Colonies was constantly in his mind. As early as 1774 he introduced a bill in the Virginia House of Burgesses for the improvement of the navigation of the Potomac for 150 miles beyond tidewater. On his victorious return from the war he again plunged into the subject which had fascinated him from the time when, on horseback, he had penetrated into the unknown wilderness beyond the Alleghenies. He was a great explorer and pathfinder. Writing to Lafayette after the Revolution, Washington tells him that he is planning to leave Mount Vernon and find his way through the trackless forest to Lake Erie, thence by the Great Lakes to a point near the present city of Chicago, thence down the Des Plaines and Illinois and the Mississippi Rivers to New Orleans, and thence back to Mount Vernon. Even in these days such a trip would be an arduous journey, but in those days it would have taxed the strength and skill of the most ardent explorer, and Washington was then an old man. While he never carried out this ambitious plan, he did make extensive journeys to New England and the South.

In a letter to Edmund Randolph, in 1785, he said:

> The great objective for which I wish is for the navigation of the rivers James and Potomac extending to connect the western territory with the Atlantic States. All others to me are secondary.

Always a broad-minded American, his interest was not confined to the transportation route for his native State, for he advocated long before Clinton the practicability of a water connection between Lake Erie and the Hudson River.

Writing on October 10, 1784, to the Governor of Virginia, Washington, having traced out the different routes and distances from the Potomac to Detroit, and having emphasized the economic value to Virginia of some connection with the "fur and peltry trade of the Lakes and for the produce of the country which lies within," then added:

> But in my opinion there is a political consideration for so doing, which is of still greater importance. I need not remark to you, sir, that the flanks and rear of the United States are possessed by other powers, and formidable ones, too; nor how necessary it is to apply the cement of interest to bind all parts of the Union together by indissoluble bonds, especially that part of it which lies immediately west of us, with the Middle States.

In another letter to David Humphreys, dated July 25, 1785, Washington wrote:

> My attention is more immediately engaged in a project which I think big with great political, as well as commercial, consequences to these States, especially the middle ones; it is by removing the obstructions and extending the inland navigation of our rivers, to bring the States on the Atlantic in close connection with those forming to the westward by a short and easy transportation. Without this, I can easily conceive they will have different views, separate interests, and other connections. I may be singular in my ideas, but they are these: That, to open a door to and make easy the way for those settlers to the westward (which ought to progress regularly and compactly) before we make any stir about the navigation of the Mississippi, and before our settlements are far advanced toward that river, would be our true line of policy.

His belief in waterways justifies us in assuming that nothing to-day would interest him more than the proposed waterways from the Great Lakes to the Gulf and to the Atlantic Ocean. [Applause.]

It is of this empire builder, whose foresight was exceeded by none of his contemporaries, unless we except Franklin, that the college professor spoke as "slow witted."

Having thus developed the moral and economic argument for a union, Washington proceeds to discuss the importance of the Constitution. He says:

> Sensible of this momentous truth, you have improved upon your first essay [meaning the Articles of Confederation] by the adoption of a Constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concern. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures are duties enjoined by the fundamental maxims of true liberty. The bases of our political systems is the right of the people to make and alter their constitutions of government; but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established Government.

Has anyone better stated the moral sanction of constitutionalism?

He was not so foolish as to believe that any written document could lastingly hold successive generations within its wise restraints, and he, therefore, proceeded to warn his fellow countrymen against any destruction of this Constitution. He said:

> Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

If only the later generations had remembered that wise counsel, we to-day would not be appalled at the unceasing erosion of the Constitution and the vanishing rights of the States! The Constitution has withstood outward attacks, but it has been, and is still being, slowly undermined.

Washington continues:

> In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing Constitution of the country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion.

I again interrupt to say that time and habit have done more to interpret the Constitution than all the learned decisions of the Supreme Court.

Nor did Washington believe that the chosen officials of the Government, even though they acted under the sanctity of solemn oaths to support and maintain the Constitution, would always respect its wise restraints. To them, by anticipation, he also gives his wise advice:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Washington thus foresaw the menace to our institutions of an undue exaltation either of Congress or of the Executive. There is little danger of the former, for Congress is a many-headed body, and, as such, has little appeal to the imagination of the people. The tendency is to disturb the balance by an undue exaltation of the Executive. The framers of the Constitution wisely intended to create a strong Executive, but they never intended to assimilate him to a king. He is the first servant of the people and his great powers and heavy responsibilities require them to respect him as such.

The tendency, however, is to go further and to incarnate the majesty of the Republic in the individual who is temporarily the Chief Executive and that is the essential idea of kingship. There is a growing tendency to regard the President as the "Little Father" of the people and the Congress as little more than his "faithful Commons." Thus, in almost every controversy between the Executive and Congress, the sympathies of the people

are with the former, for they can visualize him and make a legend of him, but Congress is impersonal.

Washington foresaw this, and in his earnest plea for a due equilibrium between the Executive and the Congress, which I have just quoted, he warned America against the evil of one-man power, for Washington knew that the love of power, like jealousy, "grows by what it feeds on." Fortunately, our Presidents have generally been men of the people—true democrats—but if the day shall ever come when we have an inordinately ambitious and unscrupulous Executive and a subservient Congress, we may then realize the wisdom of Washington's solemn warning that such undue exaltation of the Executive "is the customary weapon by which free governments are destroyed." [Applause.]

O wise old counsellor! How well he foresaw in the last two sentences of the portion of the Farewell Address which I last quoted that spirit of political pragmatism, which is willing to sacrifice an eternal principle to gain some immediate good, an imponderable for a ponderable!

Time would not permit me to pursue further his wise counsel as to the public credit, the diffusion of education to insure an intelligent electorate, and, finally, the necessity of keeping our country free from any foreign entanglements that would impair its liberty of action. He never claimed that ours should be a hermit Nation. Independence, and not isolation, was his ideal of our foreign relations. To quote his own words, he would have us "independent of all and under the influence of none."

It is evident from the Farewell Address that he viewed with alarm the development of political parties, especially when formed on sectional alignments, and greatly feared that, in the heated collision of their passions and interests, the bonds of unity would be severed. The Civil War was a fearful vindication of this prophecy. Washington believed in our dual form of government, and to-day his concern would be to defend the reserved rights of the States against the undermining forces of centralization.

Nothing more strikingly illustrates the profound changes in our constitutional idea, due to the "ethos" of the people, than the question of centralization. When the Constitution was adopted, the States had a very real consciousness of their own sovereignty. The success of the National Government and the immense moral influence of George Washington slowly developed the idea of a powerful Union. But even more potent have been the changes brought about through mechanical inventions. The Union is held together to-day not so much by the Constitution as by the shining pathways of steel, over which our railroads run, and the innumerable wires, which, like antennae, coordinate the mighty energies of the Americn people.

To these must now be added one of the most potent unifying forces of all—namely, the radio. While the press served as a consolidating influence, yet the influence of a newspaper is limited to the zone of its circulation. To-day, however, any responsible leader of thought may, on occasion, speak to 20,000,000 of people. Thus, both time and space have been annihilated, and the people have been irresistibly drawn into the consciousness of a central government which far overshadows the consciousness of the States. This has caused a profound change in the "ethos" of the people in this respect, and our institutions have become so unified that the old struggle against centralization has largely passed away. Each of the old political parties when in power vie with the other in consolidating the Union by multiplying bureaucratic agencies and as a result many matters hitherto within the power of the States are now controlled from Washington. To the extent that this is the result of economic forces it is irresistible, even if not always desirable; but to the extent that it is the result of the greed for bureaucratic power, it is a grave peril.

The problem of the future is to hold this centripetal tendency measurably in check; for it is as true to-day as when the Constitution was adopted that our Government will not always continue if the planetary system of the States be absorbed in the central sun of the Federal Government. [Applause.] Our Nation is too vast in area and our people too numerous to be governed altogether from Washington. The safety of the Union depends upon the preservation of the rights of the States, and the difficulty is to preserve these rights when the elemental forces of steel and electricity continue to weld the country into a powerful unity and to reduce the political consciousness of the States almost to the vanishing point. The problem of the future will be to preserve, so far as now possible, the just equipoise, which the Constitution vainly sought to maintain, between the power of the Central Government and the power of the States. [Applause.]

We are still a young country. In my youth I might well have known a distinguished lawyer of Philadelphia, Horace Binney, then over 90 years of age, who as a young boy had seen Washington and Franklin conversing in front of Independence Hall during the sessions of the Constitutional Convention. This measures the brief span of our existence. Centuries are still before America; and who can safely say, if it becomes too centralized for efficient government, that one day there may not be a powerful movement toward disintegration, especially if there develop between the sections powerful economic conflicts of policy? The history of nations is an unending cycle of integration and disintegration, of consolidating and then redistributing the powers of governments. Human institutions, like the globules of mercury, tend to scatter and unite. For more than a century the tendency of America has been to consolidate; but let us remember that, if the movement proceed too far, the tendency to disintegrate will begin. The ideal of every patriotic American should be "the indestructible Union of indestructible States." [Applause.]

And this suggests a final thought.

The salvation of our form of government, in the last analysis, rests with the people, as Washington so clearly said; and the most discouraging sign of the times is their indifference to constitutional questions. What I have elsewhere called "constitutional morality" was never at a lower ebb. This is largely due to the overshadowing importance and grandeur of the Federal Government. Like the central sun, it blinds our vision, and—at least in popular consciousness—the States are gradually fading in importance, even as the planets can not be seen by day because of the omnipresent rays of the sun.

At the beginning of the Republic there were 13 self-conscious States which had behind them a century or more of traditions. But the Union is now composed of 48 States, many of which are but the creation of yesterday and which have no such background of tradition to stimulate the consciousness of the people. Most of them are the creation of purely artificial boundaries and, while there is local pride, yet they naturally regard themselves as the children of the Federal Government, whereas the historic 13 Colonies had, at least at one time, the proud consciousness that they created the Federal Union and that the Federal Union did not create them. I confess I can not see the way to combat this changed consciousness of the American people, largely due to mechanical forces, which no written constitution can wholly overcome.

The loss of the sense of constitutional morality, without which it is difficult for any constitution to survive, is also due to a subtler cause and one that is too little appreciated. Our very dependence upon a written constitution and our belief in its static nature and its self-executing powers have tended to deaden the political consciousness of the American people. We live in an age of specialization and the people, forgetful that, in the last analysis, they must save themselves, feel that a constitution will execute itself and that the special and exclusive method of determining all constitutional questions is by resort to the courts.

This is especially perceptible in our legislative bodies. Time was when Congress felt that it had the primary duty of determining whether proposed laws were within its constitutional power. Many of the greatest debates upon the meaning of the Constitution took place in the Halls of Congress and not in court rooms. Next January a full century will have elapsed since Daniel Webster, of Massachusetts, and Robert Y. Hayne, of South Carolina, engaged in their momentous discussion as to the true nature of the Government. To-day such a closely reasoned debate would be impossible. In this age of specialism we unwisely believe that these questions are only for the judiciary. A century ago, the controversy over the power to create a United States bank and later the power to make internal improvements were questions which Congress had no disposition to shift to the judiciary, but which they preferred in the first instance to decide for themselves. This is as it should be, for every Member of Congress takes an oath, as a judge, to support and maintain the Constitution of the United States.

In recent years there has been no disposition to argue the constitutional phase of any proposed law in Congress. Such a debate would be regarded as a loss of public time, as the question must ultimately be determined by the Supreme Court. Laws are frequently passed of very doubtful constitutionality and their validity left to the processes of litigation. This might be a satisfactory division of governmental work if the Supreme Court had unrestricted and plenary power to disregard a constitutional statute or Executive act, but such is not the fact. Many laws are politically anticonstitutional without being juridically unconstitutional.

The fact is that the Supreme Court does not have, as so many believe, plenary and unrestricted power to nullify unconstitutional legislation. On the contrary, there is a vast sphere of political activity in which the true construction of the Consti-

tution is involved but on which the judiciary, ex necessitate rei, can not possibly pass judgment, as, for example, censoring appropriations, for appropriations, as we all know, can be made for unconstitutional as well as constitutional objects, and in a constitutional sense no governmental activity is more destructive. The unlimited power to appropriate money is the "wooden horse" which may yet make a future America say of our dual form of government, "Ilium fuit."

The distinction between a law which is politically anticonstitutional and judicially unconstitutional is somewhat subtle and is not one that readily occurs to many who study our form of government. Leaving aside the wide sphere of legislation in which, if a litigated case ever arises, the Supreme Court can correct our errors, the fact remains that there is still a large sphere in which the Supreme Court is powerless to act, either because of the necessity of the case or because the question, to use a lawyer's phrase, is essentially political and not justiciable. The Supreme Court, with a conservatism that certainly can not be called too moderate, has said it will invalidate no law unless it be indisputably repugnant to the Constitution, with the result that we pass many laws, about which you and I are at least doubtful as to their constitutionality. Then when the constitutionality of such a law is argued before the Supreme court, perhaps a quarter of a century after it has been in force, the court does not determine the unconstitutionality of the statute, but when such legislation is supported by the breath of popular opinion and has the pragmatic advantage of some supposed good, the court is human enough to conclude that it is not so indisputably repugnant to the Constitution as to justify the court in annulling it. Through that breach in the dike a great volume of legislation flows for which there is no sanction in the Constitution, and such laws are not nullified by the judiciary because either of their doubtful character or because they are unconstitutional by reason of the motive of Congress or by some powerful political consideration, and thus those laws become precedents for another law and gradually, like the ocean in front of my summer home at Sea Bright, N. J., the high tide sometimes seems to reach a farther mark and sometimes to recede, but in the long run, taking it by years and not by months, there is the steady eating away of the true coast line of our Government. [Applause.]

Thus the Constitution itself is slowly "undermined," even as Washington predicted.

Therefore I plead for an awakened conscience on the part of our legislators and the people themselves in the matter of constitutional morality. They should primarily determine these grave issues of constitutionality for themselves. Unless they do so they are in grave danger of losing the benefits of the wisest instrument of statecraft that the wit of man has yet devised. "Eternal vigilance is the price of liberty."

Washington died shortly before Napoleon won his great victory on the plains of Marengo. We can imagine the old soldier in his retirement at Mount Vernon following with eager vision the extraordinary developments in the Old World and the rising sum of the new Cæsar. I can picture him in that last autumn of his life, seated on the porch of his beloved Mount Vernon in the gathering twilight—emblematic of the dying day of his life—and silently gazing upon the Potomac as it moved to the sea, a symbol of the infinite mystery of time.

It was on such an October evening a few months before he died, with the autumn leaves falling from the trees upon the green lawns of his much loved home, that he retired to his study and wrote his last expression of opinion as to the affairs of the world, and what he thus wrote can be applied to the conditions of the present hour as expressing his opinion if he were alive to-day. He said:

> The affairs of Europe have taken a most important and interesting turn. * * * My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind, without regard to this, that, or any other nation. A more destructive sword never was drawn, at least in modern times, than this war has produced. It is time to sheathe it and give peace to mankind.

[Applause.]

Thus spoke and still speaks the world's noblest citizen, and to that ideal of peace mankind is steadily marching. In the progress of humanity the character of Washington is a great factor, for "the path of the just is as a shining light, that shineth more and more unto the perfect day."

Let us to-day reverently thank the God of our fathers that Washington's influence is still a shining light. It illuminates as none other the soul of America. It is to-day, as it has ever been, a vital force. From his grave in Mount Vernon he still guides the destinies of the American people. When the seas are smooth we little feel his presence, but when the ship of state plunges into a storm and is threatened by angry seas his mighty shade is again our helmsman.

The Arthurian legend tells us that King Arthur sleeps at Avalon, but that he will come again and unsheathe his sword if ever England were in desperate need.

Our Arthur, bravest of the brave and knightliest of the knightly, sleeps at Mount Vernon, but whenever disaster menaces our institutions the American people again become conscious of his potent influence, and while that influence remains the Republic will endure. [Applause.]

VIRGINIA'S CONTRIBUTION TO THE WAR OF THE REVOLUTION

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief discussion by Charles William Hart on Virginia's contribution to the War of the Revolution.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, last December the Sons of the Revolution in the District of Columbia arranged to award a gold medal for the best essay on Virginia's contribution to the War of the Revolution submitted by a pupil of any school in the District. The essay written by Charles William Hart, of the Eastern High School, won the medal, which is being presented to him to-day at the Washington anniversary celebration held in this city by the District of Columbia Federation for Patriotic Observance. At the request of Brig. Gen. George Richards, who is so prominently identified with all patriotic activities, I obtained permission from the House for the publication of the essay in the RECORD, and now avail myself of the privilege of inserting it. The essay follows:

In the War of the Revolution the part played by Virginia was probably second to that of no other colony. Her contribution was made manifest through her military leaders, her statesmen, her soldiers in the ranks, her natural resources and material wealth, and the spirit of her people. While the statesmen of the colony were participating in verbal battles the colonial soldiers were preparing by temperate and frugal living and by elementary but effective military training for the conflict that was to come. Her statesmen, two of whom were later to serve as chief magistrates of the country, were prominent in molding and crystallizing public opinion, and were extending their influence to the others of the United Colonies.

Probably the greatest and most fervent speaker of the period was Patrick Henry, whose matchless oratory aroused the colonists to a fever pitch of enthusiasm at a time when they were most anxious to throw off the yoke of tyranny and oppression. He challenged the right of the King to exercise a controlling influence in colonial affairs, when he argued that a sovereign 3,000 miles away had no right to veto a needed law passed by the colonial legislature. In 1765 he introduced a resolution against the stamp act, denying the right of Parliament to regulate the internal affairs of a colony, and sounded an "alarm bell to the disaffected" among the colonists, who were ready to be led from the wilderness of doubt and oppression to the open land of certainty and liberty. His brilliant speeches were applauded throughout the country, and Jefferson said of him that he "spoke as Homer wrote." Under his able leadership Virginia led in the movement for a stamp-act congress, and her leaders were prominent in the meetings of this body. The Virginia Assembly, although dissolved by the royal governor, met in Raleigh Tavern and voted a nonimportation agreement which won favor in all of the colonies. The Virginia Assembly proposed the organization of a Continental Congress, which met in Philadelphia in September of the same year. On the eve of the war Henry's stirring call to arms before the house of burgesses lent additional fervor to the patriotic feelings of the colonists. The final sentence of his speech, "I know not what course others may take; but as for me, give me liberty or give me death!" was the keynote of the whole Revolution.

When the Continental Congress was ready to select a leader for the Army, George Washington was chosen, not only because of his remarkable ability as a commander but in part because of his being a Virginian—and Virginia's enthusiastic aid was needed if the war were to be carried to a successful conclusion. A convention met in Virginia in the spring of 1776 to consider a new form of government for the Colony, and on May 15 a resolution was adopted, instructing Richard Henry Lee to make a motion for independence. On June 7 Lee moved "that these united Colonies are, and of right ought to be, free and independent States," and Congress was sufficiently impressed to appoint a committee to draw up a formal declaration. Thomas Jefferson, another Virginian, was chairman of this committee, and although only 32 years of age at the time, was selected to draw up the immortal document bearing the title of "The Declaration of Independence." The clarity and simplicity of the declaration, together with its dignity and irrefutable logic, made it an outstanding example of patriotic and forceful statesmanship and

linked Jefferson's name forever with the early history of America's struggle for political and economic freedom.

During the first three years of the war George Washington and Daniel Morgan were outstanding in the military operations of the Continental Army. Washington's Fabian policy, his skillfully executed retreat across New Jersey, and his remarkable successes at Trenton and New Brunswick featured a campaign fraught with hardships for both the soldiers and the commander; and through his genius of leadership the campaign was conducted in a manner unparalleled in military history. In the darkest days of the Revolution the knowledge that Washington was in command gave the colonists an abiding faith in the ultimate success of their struggle. At the two battles of Bemis Heights, Daniel Morgan and his Virginian riflemen helped the gallant Arnold to halt the advance of the British troops, and in the second of these battles they aided immeasurably in the final and crushing defeat of Burgoyne's forces.

Although the greater part of the fighting was in the North, the settlements in Kentucky, then a part of Virginia, were constantly threatened by the Indians, who were being incited to war by the British under Hamilton. George Rogers Clark, one of the most famous of Virginians, asked Gov. Patrick Henry for permission to enlist a force for the protection of Kentucky and for the capture of a number of the British posts in the Northwest. Clark's conquest of the forts, his capture of Hamilton, and his diplomacy in securing the friendship of the French, Spanish, and Indians, who had heretofore been loyal to the British, form one of the most dramatic chapters of American history. As a result of Clark's efforts the Northwest Territory was ceded to the United States at the close of the war.

Early in 1781 Daniel Morgan was sent with a small force to watch the movements of Bannister Tarleton, the famous British Cavalry leader, and in a battle near Cowpens Morgan distinguished himself by routing Tarleton's superior force. Later in the war Virginia found herself the battle ground of the combating armies, and her soldiers were a vital factor in bringing about the final defeat of the British at Yorktown.

Virginia's contribution to the War of the Revolution was easily as great as that of any of the thirteen Colonies. Patrick Henry contributed his fiery eloquence and masterful statesmanship; Thomas Jefferson gave his wisdom, diplomacy, and literary ability; George Washington gave his statesmanship, his strategic ability, his gift of leadership, and his private fortune; Richard Henry Lee and George Mason gave their statesmanship; George Rogers Clark gave his personal magnetism and audacity; Daniel Morgan and William Washington gave their acumen and military genius; and thousands of Virginians gave their lives on the altar of liberty. The value of Virginia's contribution to the War of the Revolution can not be measured, however, in numbers of men, nor in numbers of victories won, nor in the sacrifice of material wealth; but only in terms of the everlasting gratitude which is in men's hearts for her great contribution to the extension of liberty, freedom, and justice throughout all America.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a report made by certain members of the Committee on Military Affairs of the House, who were designated by the chairman to visit the United States Military Academy at West Point pursuant to the act of May 17, 1928, providing for the appointment of the Board of Visitors to the United States Military Academy.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

FEBRUARY 22, 1929.

The honorable the SECRETARY OF WAR,
Washington, D. C.

SIR: Pursuant to an act of Congress approved May 17, 1928, providing for the appointment of the Board of Visitors to the United States Military Academy, the following members of the Committee on Military Affairs of the House of Representatives were designated by the chairman of that committee to visit West Point in December, 1928:

The Hon. JOHN M. MORIN, thirty-fourth Pennsylvania.
The Hon. J. MAYHEW WAINWRIGHT, twenty-fifth New York.
The Hon. HUBERT F. FISHER, tenth Tennessee.
The Hon. VIRGIL CHAPMAN, seventh Kentucky.
The Hon. JAMES A. HUGHES, fourth West Virginia.
The Hon. HAROLD G. HOFFMAN, third New Jersey.

In accordance with the provisions of the above-mentioned act, the board hereby submits the following report: The board spent three days at the academy, during which the following program was carried out:

PROGRAM OF THE BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY, DECEMBER 6, 7, 8, 1928

THURSDAY, DECEMBER 6

Visit administration building.
Visit cadet gymnasium.
Visit Cullum Hall.
Watch corps march to dinner.
Visit cadet mess hall.
Luncheon—cadet mess.
Visit new cadet mess hall.
Visit basement, East Academic Building.
Visit East Academic Building.
Visit West Academic Building.
Visit commandant's office.
Visit cadet barracks.
Visit cadet store.
Review by Corps of Cadets.
Visit cadet gymnasium during athletic period.
Visit Hotel Thayer.

FRIDAY, DECEMBER 7

Enlisted and post activities.
Visit post school No. 1.
Visit Motor Transport and Coast Artillery Corps barracks.
Visit post commissary.
Visit Army service barracks.
Visit quartermaster stables and storehouses.
Visit post exchange.
Visit field music barracks and band practice room.
Visit married bandsmen's quarters.
Visit post school No. 2.
Visit railway station and dock.
Visit cavalry barracks.
Visit artillery stables and gun sheds.
Observe poor roads.
Visit administration building.
Lunch with superintendent.
Meeting with Academic Board.
Review by Corps of Cadets.
Visit riding hall.
Visit cadet chapel.

SATURDAY, DECEMBER 8

Visit station hospital.
Visit new apartment building.
Visit library.
Visit ordnance museum.
Lunch at Hotel Thayer.
Attend Saturday inspection of cadets.

The board upon its arrival called on the Superintendent of the Military Academy, who went over with the members of the board the proposed program for the visit. The superintendent at this time explained the mission of the Military Academy and the necessity of completing the reconstruction of West Point that was begun in 1902 but which has never been completed.

During the three days which the board spent in going over the historic grounds at West Point the members were impressed with the peculiar fitness of the description of the site by Gen. Horace Porter, who said:

"It is in every sense an ideal site on which to have founded an institution to teach the science and the art of war. Here the academy sits, enthroned in the fastness of the legendary Highlands, the cold, gray, rugged rocks which form her battlements are symbolic of the rigor of the discipline exacted of her children; her towering hills seem to lift man nearer to his God; the mist-laden storm clouds may lower above her, but they break upon her crags and peaks as hostile lines of battle have so often broken upon the sword points of her heroic sons. Her abode is incomparably beautiful at all hours and in all seasons. At one time we find her mountains reverberating and her plain trembling with the thunder of her guns as their volleys rend the air in mimic warfare, or as with their crimson breath they utter their notes of greeting to an illustrious soldier President who honors her imposing fête day by his distinguished presence. At another time stillness rules her camp; the snowy whiteness of her tents glistens in the golden light of a midsummer moon, the prevailing silence is broken only by the cadenced footfalls of her trusty sentinels or the rippling of the waters of the noble stream which flows at her base, bearing to the sea those great argosies of commerce which measure a nation's material prosperity."

The mission of the Military Academy is to give to each cadet a fundamental education, both scientific and cultural, upon which he may build in order that the academy may produce leaders for the high command of our armies in time of war as well as material for trained staff and combat officers. West Point is not a school to train young men to become lieutenants in the Army, as is so often and erroneously stated. West Point molds the characters of selected young men from all parts of this great country and gives them a basic education and equips them with a fine physique. West Point then sends them forth well tempered after four years of severe mental and physical training that has been given in an atmosphere pregnant with the tradition and history of our country. From these young men have come the great leaders of our wars—Grant, Lee, Sherman, Jackson, Sheridan, Longstreet, Pershing, March, and many others whose names are known to every schoolboy. This fact was emphasized by the late President Theodore Roosevelt when he said in speaking of West Point:

"This institution has completed its first hundred years of life. During that century no other educational institution in the land has contributed as many names as West Point has contributed to the honor roll of the Nation's greatest citizens."

After spending three days in the atmosphere of West Point and inspecting carefully all of its activities, the board is of the opinion that the superintendent, the academic board, the officers and enlisted men on duty at the academy, and the Corps of Cadets are all responding in a splendid and enthusiastic spirit to the execution of West Point's mission.

ACADEMIC

In visiting the academic side of the institution the board was particularly impressed with the system of instruction, which has been in effect at West Point for nearly 100 years. This system requires in effect "Every cadet in every subject every day." There are no elective courses nor what are known as "cuts" in colleges. Every cadet is subjected to a thorough course of mental as well as military discipline to teach him to reason readily and accurately, to apply right principles to cases of daily occurrence in the life of a soldier. To this end the cadet is required to pursue a strict course of mathematical and scientific study, with applications to the various branches of the military sciences. But the cultural side of the academy is not neglected. In the visits made by the board to the classes in modern languages it was noticed that the cadets in French and Spanish were making decided progress in both languages. The instructors, who are all officers of the Army, with the exception of two civilians in French and one in Spanish, gave evidence of a thorough knowledge of the language. This is the result of the policy of sending the instructors to Europe, in some cases for a year prior to their assignment to duty at the Military Academy, which policy the board highly commends.

In the academic work the courses appear to be well taught, the reasoning faculties of the cadets strongly exercised and disciplined, and a system of habit and thought acquired that is invaluable in the pursuit of any profession. The board is of the opinion that the academic requirements should be maintained as high as possible and that the time allotted to these subjects should not be curtailed by the injection of practical subjects to too great an extent. The latter can usually be learned in a short period after graduation, but it is in youth when the mind is plastic and responsive that the mental discipline should take place. Training the mind is like creating a strong beacon light that will always be available to be turned upon any subject and to elucidate a solution.

The superintendent of the academy, however, is of the opinion that the entrance requirements are too low, and he is interested in bringing about a reform in this matter that will be beneficial to the academy and to the Army of the future. He has caused to be made very complete studies over a period of 37 years, showing the percentages of cadets who have been discharged from the academy through deficiency in studies, with especial attention to those who have been so discharged since the introduction in 1914 of the system of admitting cadets on certificates from accredited schools. The figures are most illuminating and disclose the facts that cadets who have been found deficient in studies and discharged are three times more numerous from the group that entered upon certificate than from the group which entered by examination. The cost to the Government of these discharged cadets has been very great, as they are kept at the academy but a short time without any return. The figures show that the financial loss is five times as much from those who entered on certificate and who were subsequently discharged as the loss from those who entered upon examination and who were later discharged for deficiency in studies. It would appear, therefore, that the privilege of entering upon certificate should apply to individuals who have at least had a high-school education. The superintendent has taken steps to remedy this situation, and while the board is not qualified at the present writing to state definitely what should be done, it is of the opinion that the recommendations of the superintendent in this important matter should receive careful consideration by the War Department.

PHYSICAL TRAINING

The board has been favorably impressed with the system of supervised athletics that was instituted seven years ago. The course in physical training has been developed along sound and progressive lines. The present course is an extension of the excellent system of military gymnastics that was in practice for many years at West Point. During the allotted afternoon period, military drill and intramural athletics alternate for all classes. In this way every cadet must participate in all major sports during his course under the supervision of officer instructors. This change is excellent, for it forces young men to test their mettle in all branches of athletics and enables each cadet to form his taste for an especial sport in which he feels that he excels. The immediate benefits to the cadets are profound and the future benefit to the Army will prove far-reaching. Not the least attractive feature about this system is the competition that it engenders among the companies. The company teams are not restricted to upper classmen, but are composed of cadets of all classes, including the fourth classmen or plebes. The board heartily approves of the development of the course in physical training. Certainly, the appearance of the cadets leaves little to be desired. They are erect, well set up with fine muscular bodies and clear healthy skins. The board saw them engaged in all of their activities—swimming, wrestling, boxing, fencing, gymnastics, and basket ball—all of which sports were being practiced simultaneously in the gymnasium, which has outgrown its capacity and which should be enlarged.

EQUIPMENT OF THE ACADEMY

The board visited all of the buildings that are part of the plant at West Point, both the new buildings that have been constructed under the original plan of the board of officers in 1902, those subsequently constructed, and those which are in great need of rebuilding. The board found the following condition with respect to the construction at West Point. As will be recalled, the plan to rebuild West Point was authorized in 1902 by Congress and a complete and comprehensive architectural scheme was adopted. After a competition in which the leading architects of the country engaged, the award for the reconstruction was made to Cram, Goodhue & Ferguson, of Boston. Congress authorized $5,000,000 for this project based on estimates made at the time. This amount was to cover the reconstruction of the academy both for the cadets and for the enlisted men on duty as well as to provide officers' quarters. As time went on, the amount was increased to $7,500,000 and the reconstruction proceeded until all funds had been exhausted (1913). At this time the plans were made for a Corps of Cadets of a strength of 511. The amounts that were appropriated, however, were not sufficient to carry out all of the plans that had been made originally, and before more money could be obtained from Congress to execute the program, the Corps of Cadets was increased by the act of June, 1916, to 1,332 cadets. Instead, therefore, of completing the original plan, the military authorities were obliged to ask Congress for funds to meet the immediate needs of the expansion, with the result that the original program was suspended while the necessary barracks and other buildings for the Corps of Cadets were under construction. But even the program that was made to cover this expansion was never completed due to lack of funds so that to-day West Point finds itself in the position of having never caught up in reconstruction. It is the opinion of the board that the time has come when the reconstruction of West Point should be completed as originally planned and authorized by Congress and by the War Department, but on a scale that is commensurate with the present strength of the Corps of Cadets (1,384).

The board visited the cadet barracks where it was found that 1,155 cadets were living three in a room, 32 cadets were living four in a room, and only 76 cadets living two in a room. The living conditions are entirely too crowded as the rooms were intended for two cadets only. To remedy this situation, however, Congress has already authorized $825,000 for new cadet barracks, but when this money was authorized, it was with the understanding and upon the representation made by the War Department that it was necessary to provide for only 1,200 cadets. In fact, all of the items of the last board that considered the building project at West Point were based upon a strength of 1,200 cadets.

The board understands that as far as the reconstruction program of West Point is concerned, the War Department is following the recommendations of the Cheatham Board, a board of officers that was convened in August, 1927. The $825,000 referred to was an item on the program of that board. Other items recently authorized by Congress include quarters for officers and noncommissioned officers. The board is in agreement with the recommendation of the Secretary of War that there should be no more apartment buildings for the officers at West Point, but that there should be separate quarters instead, and it is of the opinion that the amount for officers' quarters should be increased sufficiently to house all of the officers who are now living off of the reservation. At the present time, there are 68 officers who are not provided with quarters but who are obliged to live in the neighboring villages of Highland Falls, Cornwall, and Newburgh. Rents are high and apartments difficult to obtain in these places, but in addition the distance of these places from West Point makes it extremely difficult for officers to commute conveniently. The Government is paying out in commutation of quarters yearly $38,000 for the above officers, and the board feels that it is not economical to continue this practice, and what is of even greater moment, that it is a system that should be remedied without delay. The board made an inspection of the quarters and barracks assigned to the enlisted men, of the post school, and of the quartermaster activities. It emphasizes the fact that all of these activities have been on the original program since 1902, but it has not been possible to give any attention to their reconstruction for the reason that all available funds were necessary for catching up in construction to correspond with the increases in the Corps of Cadets. This part of the post of West Point is in need of attention, and the program as heretofore studied, should be carried out in its main lines. The board went over this matter thoroughly with the superintendent, and as a result

of the conferences held, it is of the opinion that new construction should progress as rapidly as possible in the following priority:

1. Schoolhouse (grammar and high).
2. New band barracks and practice room.
3. North wing to gymnasium.
4. New barracks Army service detachment.
5. Quartermaster storehouses and shops.
6. New barracks for quartermaster corps detachment Coast Artillery Corps, Signal Corps, Motor Transport Corps.
7. Quartermaster stables and sheds.
8. Post exchange.
9. Annex to cavalry stables to correspond with that built on the artillery stables.

It is the opinion of the board that the construction of items 1, 2, 3, 4, 5, and 6 should be undertaken immediately. This section of West Point is in great need of appropriate buildings to replace old ramshackle structures that have outlived their usefulness.

Every year some money is expended upon these shabby structures to make them last a while longer, but it is throwing good money after bad, and dreadful waste. In any such system of temporary expediency there must come a time when the various additions become so complex as to demand a general reorganization and so expensive to keep in repair as to make such reorganization economical in the long run. This part of West Point has reached this stage. It is a situation that calls for energetic remedial action.

Plans for the reconstruction of this part of West Point were completed as long ago as 1906, but the funds have never been available.

For many years one of the greatest needs at West Point was a modern hotel. This need has finally been met, and the board were guests during their visit at West Point at the Thayer Hotel, a modern hotel in every sense, beautifully equipped and furnished, and operated under a thoroughly first-class management. This hotel was built by private capital, but it is located on the military reservation. It is indispensable for the accommodation of the relatives and friends of cadets who go to West Point. The board was impressed with the importance of the Government lending every possible assistance to the management of the hotel with a view of keeping the rates within reasonable bounds. Whatever can be done in this matter should be done.

The board recommends that consideration be given to the proposition of furnishing heat and light for the hotel at Government rates and that the Government also cooperate in developing the grounds around the hotel so as to provide means of recreation in the immediate vicinity for the cadets and their friends who are guests at the hotel.

The board feels it should commend the music at West Point. The Academy band is one of the finest military bands in the world. An organ recital rendered for the special benefit of the board in the beautiful cadet chapel was impressive and inspiring.

It is the opinion of the board that West Point represents something more than an Army post or a military academy. It is, in addition, a great institution, peculiarly American, in which the people of the Nation take a personal pride. For this reason the character of the buildings should be of greater beauty and splendor than would be necessary on an Army post and should conform to the harmony of the existing architecture.

Respectfully,

JOHN M. MORIN, *Chairman.*
J. MAYHEW WAINWRIGHT, *Member.*
HUBERT F. FISHER, *Member.*
VIRGIL CHAPMAN, *Member.*
JAMES A. HUGHES, *Member.*
HAROLD G. HOFFMAN, *Member.*

FEDERAL PRISON CAMPS

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 11285) to establish Federal prison camps, with Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

Mr. DYER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

GOVERNMENT PURCHASES

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate amendment.

Mr. MAPES. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. I rise to ask the gentleman from Indiana a question, if I may.

Mr. WOOD. I yield to the gentleman.

Mr. MAPES. In what way does the Senate amendment differ from the original House bill?

Mr. WOOD. I will say that the only way the Senate amendment differs from the House bill is in this. It adds a provision with reference to the construction of a warehouse for the use of the supply committee.

There is a bill pending on this side to the same effect and a similar bill was introduced on the other side by Senator SMOOT at the same time I introduced the bill here, and in order that the general supply committee may function as it ought to function and purchase goods as it ought to purchase them, in quantity, to get the discounts, and so forth, they will of necessity have to have a warehouse.

Mr. MAPES. How large and how expensive a building is contemplated by the Senate amendment?

Mr. WOOD. The amendment states the dimensions of the building. The amount of floor space is 400,000 square feet.

Mr. MAPES. Has any estimate been made of the cost?

Mr. WOOD. There has been a tentative estimate made by the Superintendent of Public Buildings and Public Parks. It is proposed to build it in sections. I think they have a plan and ground in view upon which they think it can best be built, where the railroads come together.

Mr. MAPES. What is the tentative cost?

Mr. WOOD. The completed cost of all the sections will be in the neighborhood of $1,500,000.

Mr. MAPES. I would like to ask the gentleman from Indiana what committee reported the bill originally?

Mr. WOOD. The Committee on the Judiciary.

Mr. MAPES. Has the Committee on the Judiciary considered the Senate amendment?

Mr. WOOD. The Judiciary Committee has considered the bill which I introduced on this side, which is exactly like the Senate amendment, and it has received the approval not only of the Judiciary Committee but also the approval of the President, the Budget, and the Secretary of the Treasury.

Mr. MAPES. Has any committee considered the bill as it comes from the Senate?

Mr. WOOD. No; it has just come from the Senate. It is very important that it pass at this session.

Mr. MAPES. Does the gentleman from Indiana call up this House bill with a Senate amendment without the consultation of any committee having charge of the bill?

Mr. WOOD. I will say to the gentleman the bill has just come over on this side, but it is of vast importance and if it is referred to a committee we can not possibly hope to get it through. If this bill becomes a law, I know from the evidence adduced before the committee and from interviews I have had with the heads of the different bureaus of the Government it will save more than $500,000 a year.

Mr. MAPES. Being of such vast importance, does the gentleman think it ought to come up without any consideration at all by any committee or that it should be considered by the House in this way?

Mr. WOOD. It has been considered, I will say to the gentleman, and it is very well understood by all those who have given it consideration; and if I were not perfectly sure that I am right in my action, I certainly would not take advantage of this time to ask for its consideration.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

PRINTING THE ADDRESS OF MR. BECK

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to ask unanimous consent that the admirable and scholarly address delivered to-day by the gentleman from Pennsylvania [Mr. BECK] may be printed as a public document. I am pleased to say that this request is made not only on an impulse of my own but at the suggestion and with the approval of many gentlemen on both sides of the Chamber.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the address by the gentleman from Pennsylvania [Mr. BECK] may be printed as a public document. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I want to ask the gentleman how many copies will be printed?

Mr. GARRETT of Tennessee. I can not tell the gentleman offhand. I do not know what the usual number is. I am asking for the printing under the general rule.

Mr. SNELL. Up to the amount allowed under the general rule?

Mr. GARRETT of Tennessee. Yes.

Mr. LINTHICUM. I would like to have quite a number of copies, for I know that my people will appreciate them, and I want a number printed sufficiently large to give us all quite a number of copies.

Mr. GARRETT of Tennessee. I am making the only request I can make now. If there be more required than the amount allowed by law, that can be taken care of later.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

POSITION OF THE BUREAU OF PUBLIC ROADS UPON THE CONSTRUCTION OF TOLL BRIDGES

Mr. ROBSION of Kentucky. Mr. Speaker, there is considerable controversy as to the attitude of the Bureau of Roads on the question of building toll bridges. I have requested the director, Mr. McDonald, to submit an article on this question, and he has done so. I ask unanimous consent to extend my remarks in the RECORD by printing this statement of the Director of the Bureau of Roads.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, the cities, counties, States, and the Federal Government are expending each year more than a billion dollars for the construction and maintenance of highways. We are far behind in the construction of highway bridges.

The cities, counties, and States are unable to provide the revenues necessary to construct bridges that are now greatly in demand to facilitate travel along the highways that have been built and are being built, and this has created a lively interest in the building of toll bridges. The present needs of travel and commerce can not be served by the slow processes of the ferryboat.

We must have more bridges, and if the revenues of the cities, counties, and States are not sufficient to construct them, then we must look to other means to meet this need.

The promotors of the construction of toll bridges have been very active. The question arises, In what way can the interest of the public be best served? I desire to call to the attention of the Congress and the country an illuminating statement made in writing to-day by the Hon. Thomas McDonald, Chief of the Federal Bureau of Roads. Mr. McDonald is one of the best-informed men on the road and bridge subject in this country or in any other country. He has no interest to serve except the welfare of the people of the Nation. His statement is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., February 21, 1929.

Hon. JOHN M. ROBSION,
House of Representatives.

MY DEAR MR. ROBSION: In response to your request for a statement as to the position of the Bureau of Public Roads upon the matter of toll bridges, I welcome the opportunity to make very clear both the position and the reasons which substantiate it.

We do not oppose public toll bridges. We support strongly the building of toll bridges by the public where funds are not available for the building of free bridges or the construction would be too long deferred. We favor the building of public toll bridges upon the basis of revenue bonds. It is not necessary for the public to issue bonds to be paid from property taxes or to place one cent of property other than the bridge itself and its earnings behind such bonds in order to finance a public toll bridge. This is a development of only the past few years in this country, although the plan has been long and widely used abroad by the public to finance public improvements. The interest and the bonds are retired from the earnings of the bridge or the public utility itself, and not one cent of property tax is obligated; the bonds are not a debt in the sense of the constitutional meaning of indebtedness against the State or municipality which uses this plan.

Some of the best investment bankers prefer to finance the public rather than private companies, and the public can borrow on the basis of revenue bonds at an equal or less rate than can a private individual or a private company. The public does not have promotion charges, is not in the business to make a profit, and therefore can build and operate at a less cost than can a private company, and as soon as the bridge is paid for out of earnings it becomes a free bridge.

We are strongly opposed to private toll bridges on any part of the public highway system. We have become more strongly opposed since through inquiry we have developed the fact that in every way possible the cost to the public has been increased beyond any reasonable amount—through promotion, organization, discount, noncompetitive contracts, and overcapitalization.

We have instances and can give the figures for capitalization in excess of 100 per cent of the original cost of the bridge, and the public is expected not only to put the money into the securities on the basis of the excess capitalization, but it is also expected to pay tolls in order to pay profits on the basis of the excess capitalization.

The authorizations which have been granted by Congress do not provide adequate protection to the public in financing, in the plans and specifications, in supervision of construction, or in the operation of the structures.

The States are moving rapidly to pass laws which will permit them to build toll bridges on the basis of revenue bonds. This plan will not increase the taxes upon property, and will not increase the bonded indebtedness, the bridge service will be rendered at a less toll rate than private companies would demand, and in a relatively short time the property will be owned by the public and can be operated without tolls or at a very nominal cost. The revenues from the automobile registrations and gas taxes are increasing very rapidly, so that in fact the public is now demanding tolls from every user of the highways.

The highway officials of the Federal Government and of the States are opposed to the granting of further authorizations, either Federal or local, for private toll bridges. All we request is a reasonable time to get the necessary State legislation to build any bridge which ought to be built. Many of the franchises which are being asked for by private concerns can not support the investment from the earnings, and the failures will destroy the confidence of investors in this type of securities to the extent that the public will not be able to finance needed structures which have a potential earning capacity sufficient to make them sound projects.

It must be remembered that after the promoter has taken his commissions he is no longer interested in the structure. It is the public which pays and continues to pay.

Very truly yours,

THOS. H. MACDONALD,
Chief of Bureau.

He makes it clear that the Federal road authorities are opposed to privately owned toll bridges, but Mr. MacDonald does say that where it is necessary the public (the cities, counties, and States) should build these bridges and to issue revenue bonds against the tolls. These tolls will be reasonable and the bridge become free to the public within a reasonable time. Mr. MacDonald has investigated the subject and he advises that investment bankers prefer to finance the public rather than private companies. The public can borrow on the basis of revenue bonds at an equal or less rate than can a private individual or a private company, and he points out that where these bridges are built by the public we can save promotion charges and we can build and operate it at less cost, and when the earnings pay for the bridge it becomes a free bridge.

In view of the fact that the public spends annually a billion or more dollars for the construction and maintenance of highways, it appears in the interest of the public welfare that these bridges be built by the public, controlled by the public, and become free without additional burdens and costs. Kentucky and many other States have passed laws providing that the State shall construct these toll bridges and have charge of them, and when the earnings have paid for the bridges that they then become free to the public.

Any community that permits a private toll bridge to be built may expect to have no end of trouble over the question of what is the fair and reasonable cost of construction, maintenance and upkeep, and the fair and reasonable tolls to be charged.

It seems to us that there can be no argument against the public keeping these important public-service utilities in their own hands, and it ought to need no argument to keep us from turning them over to private individuals and corporations. No one favors our permitting private individuals or corporations to build our highways, fix the matter of cost, tolls, and so forth.

The public issues bonds and levies taxes on gasoline and fixes licenses in order to raise the money to build roads. We may not be able to do this in building a bridge, but the next best thing is to let the State, county, or city build a bridge and issue bonds against the tolls of the bridge, and thereby avoid all unnecessary costs, profits, salaries, and keep the control in the hands of the public.

I strongly favor this policy not only for the people of Kentucky but for the Nation. We are interested in having fair treatment for the traveling public throughout the country.

ADDRESS OF HON. R. WALTON MOORE

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to print in the RECORD an address by the gentleman from Virginia [Mr. MOORE] on the life and character of Washington's physician and friend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, on October 14, 1928, there was unveiled in the churchyard of the old Presby-

terian Meeting House in Alexandria, Va., a monument to the memory of Dr. James Craik, who from the beginning of General Washington's military career in the French and Indian wars to the end of the Revolution was the medical officer most intimately associated with him, and was his family physician until his death. Among those who participated in the ceremonies were Maj. Gen. M. W. Ireland, Surgeon General of the Army. I desire to insert the address delivered by Representative R. WALTON MOORE, of Virginia, in whose district Alexandria and Mount Vernon are located. The address follows:

DR. JAMES CRAIK, A REVOLUTIONARY SURGEON GENERAL

In his biography of General Washington, Henry Cabot Lodge says of the man whose memory we are now honoring that "Doctor Craik was the companion of Washington's youth and his lifelong physician, was always his dear and close friend, and the regard between the two is very pleasant to look at as we see it glancing out here and there in the midst of state papers and official correspondence." Based upon such documents, we have just heard from the distinguished Surgeon General of the Army an interesting narrative of the activities of that officer of the Revolution who, whatever his title, must be thought of as in reality one of General Ireland's predecessors.

To me is assigned the task of trying to gather up into a sort of tapestry, however drab and imperfect, the information respecting the personal qualities and attitude of the physician, and his relation to the soldier and statesman who is now universally acclaimed as the world's greatest citizen. The task is marked by difficulty due to the fact that Doctor Craik did not write his reminiscences and has had no biographer to laboriously and carefully consult the sources from which more of him might be learned. The public records of the places where he resided should be examined. The newspaper files and particularly those of the Alexandria Gazette should be minutely examined. Nothing should be omitted which can be done to portray more adequately the patriot who so richly deserves to be remembered.

We can not forget the two localities with which Doctor Craik's life was mainly connected—Scotland, the land of his birth and this portion of America to which he came in his young manhood, where he lived and wrought, where he died, and in whose soil, within the shadow of this church he now sleeps in the goodly company of several of those who were at the front in the Revolutionary era.

The region in Scotland of which he was a native is radiant with the fame of those the mere mention of whom starts fascinating reflections. It is the region which boasts among its sons William Wallace, Robert Bruce, and John Knox, and another son, Robert Burns, who has sung of its attractions in undying verse, and who has also sung of the leader of our Revolution. From that region there came here numerous seamen and merchants of strong intellectual and moral fiber, without whose character and work the history of northern Virginia and this the principal town of northern Virginia would be far less glorious than it is. They constitute a long roll of resolute and adventurous pioneers, who did their utmost in times of peace to build up civilization in the new land and never shunned the bitter sacrifices which in times of war were demanded.

The home of the Craik family, which was a family of prominence, was at Arbigland, not far from the town of Dumfries, a home which more than a hundred years later was described as still beautiful with trees and flowers surrounding an impressive mansion. There overlooking the waters of Solway Firth from its north shore, James Craik first saw the light in 1730, and thus was just a little the senior of the soldier and statesman who two years later was born in our own county of Westmoreland. A circumstance of genuine interest is that at that home there was employed by Craik's father as his gardener the father of John Paul Jones, who himself was born at Arbigland. And accordingly in the struggle for American independence Washington had by his side the Arbigland physician, and at the same time there was fighting on the sea, while Washington led the forces of the Revolution on land, the Arbigland sailor who was the progenitor of the American Navy.

It is a coincidence that in 1778 John Paul Jones began to menace the commerce of England on the ocean in the very year Doctor Craik was disclosing to Washington the effort of the Conway Cabal to displace him from the command of the Army of the Revolution.

From the data which are available we know this: Craik left Scotland in 1750, when he was 20 years old, but I am ignorant of the reason which impelled him. It is stated he had been educated at the University of Edinburgh for service as a physician in the British Army, but I can only conjecture whether on leaving Scotland he was a member of a military expedition, or if so, for what length of time after arriving on this continent, he continued to wear the uniform of the British Army. He landed in one of the islands of the West Indies, and following a brief stay there was in Norfolk and then in Winchester, but could have been in each place but a short time before he participated in an expedition to the frontier, where he was to come in contact with the man with whom for so many years he was to be identified.

Some time subsequent to that expedition, exactly when I do not know, but it seems upon his marriage he took up his residence at Port Tobacco, the county seat of Charles County, Md., where still stands the house he occupied. The date of his marriage was 1760, and his wife was the daughter of Charles Ewell, of Belle Air, Prince William County, who was a cousin of General Washington, and of that marriage there were born six sons and three daughters, some of whose descendants are here to-day.

That his political views, prior to the Revolution, accorded with those of Washington, is very clear. Here in May, 1774, the year I believe in which this church was established, there was a meeting of the freeholders of Fairfax County, of which Alexandria was the county seat, to protest against the oppression of the city of Boston by the British. Washington presided at the meeting and the resolutions—the Fairfax resolves—setting forth many of the doctrines afterwards announced in the Virginia Bill of Rights and the Declaration of Independence were written by George Mason. Less than two months later Craik participated in a similar meeting in Charles County, and was appointed a member of the committee on correspondence which it created. After the close of the Revolution, I think it was in 1784, he settled and practiced his profession here, his residence being within a stone's throw of this church. In his old age he retired from practice and spent the last few years of his life at Vaucluse, a few miles west of Alexandria, with his son, George Washington Craik, and his grandchildren, and there he died on February 6, 1814. The son was named for his friend and there is a letter preserved containing a generous offer by Washington in respect to the son's education.

Our idea of Doctor Craik's personal appearance is obtained from a silhouette of a very handsome young man wearing a military hat and from a portrait painted in his maturer years. It is hardly too much to say that even if we had less knowledge of them, we might easily conclude, from looking at the pictures of Washington and Craik that they resembled each other, in that while they were unafraid and daring, they were deliberate and cautious. It was their way to look forward carefully before acting and then act with vigor and determination. They observed the injunction of Lord Bacon that "In meditation all dangers should be seen; in execution none unless they are formidable." Doctor Craik's life spanned a period of 84 years and in one of the little sketches of him he is described as being toward the end a "stout, hale, cheery, old man, perfectly erect, fond of company and children, and amusing himself with light gardening work."

It is noted that almost up to the time of his death he often walked from Vaucluse to Alexandria and back, and that a few weeks before his death he was in such excellent health as to engage in a foot race with a young grandson. An article in the Alexandria Gazette of February 10, 1814, four days after his death, stresses his unswerving devotion to Washington, his fine ability, his unsullied character, his close affiliation with the people of the community, and the warm esteem in which he was held by all.

On one point there can be no question, that while practicing his profession in Maryland and Virginia, he stood forth as a capable, earnest, and beloved physician. In that aspect he is commended by all of his contemporaries who refer to him. Since the towns were then mere villages and beyond their limits the population was sparse and scattered, in pursuing his profession he was compelled to endure all the exertions and hardships incident to traveling day and night over wretched highways threading extensive areas. I like to think of him as a county physician of that group who then and in less remote days excelled all others in the simple self-sacrificing service of humanity. He was a Scotchman, and nowhere is the country physician such as he was, more strikingly depicted than in the Bonnie Brier Bush stories of A Doctor of the Old School. You recall how the author tells that as they laid to rest Doctor McClure, the hero of those stories, a gentleman standing by the grave said, "We have buried here the remains of one who served the Glen with a devotion that has known no reservation and a kindness that has never failed for more than 40 years."

And then the minister preached from the text, "Greater love hath no man than this, that a man lay down his life for his friend." And then an old peasant tenderly quoted that other text, "Come ye blessed of my Father. * * * I was sick and ye visited me." All of this would have been appropriate as Doctor Craik was laid to rest in the churchyard with the survivors of the Revolution, his fellow Masons, those who worshiped with him here, and the people of the town, lamenting his death.

Turn to the relation in which he stood to General Washington. You remember how when Washington was just passing beyond his boyhood, the western wilderness in the neighborhood of what is now Pittsburgh was the scene of the opening contest between the French and English for the control of the headwaters of the Ohio River; how Washington was sent to that frontier on a mission of peace to the French which failed, and how in 1754 the war drums sounded and Virginia organized a regiment to march to the scene of a conflict which was irrepressible. Joshua Fry was appointed colonel of that regiment and Washington was lieutenant colonel. The regiment moved in two detachments from Alexandria, one under the command of Washington and the other under the command of Fry, with whom was Doctor Craik.

Fry died near what is now the city of Cumberland and his detachment went forward and joined Washington, who succeeded him as colonel. I need not relate that the two forces having united, a battle was fought at Great Meadows at which the French prevailed, and that near there the Virginians strengthened the little fortification called Fort Necessity where Washington made his defense against the French and Indians but which he was compelled to surrender because outnumbered and with no supplies to maintain his command. It was then and there that the friendship between Washington and Craik was formed which never weakened. It was such an enduring and cloudless friendship as Washington, who throughout his life did not escape persistent hostilities and criticism, perhaps never enjoyed with any other individual. A little later they were again together in the same western wilderness in the Braddock campaign. Together they fought to preserve a remnant of the army which Braddock's inexperience and rashness had exposed to destruction. Most of the officers being killed, Washington as Braddock's only surviving aide-de-camp assumed command and was in the very thick of the conflict. Two horses were shot under him and there were four bullet holes in his coat and yet he was uninjured.

Doctor Craik in relating that experience was frequently heard to declare that nothing but divine interposition could have preserved Washington's life in that hour of carnage and disaster. It is from him also that we have the story that when he and Washington were again on the same frontier in 1770, an Indian chief who came to meet them told of trying to kill the young officer who was rallying his men to a supreme effort. The chief said he singled him out and fired his rifle at him many times and directed his warriors to do the same but that to his astonishment there was no result, and that he had come to pay homage to the man who was evidently the particular favorite of Heaven and destined never to die in battle. Craik had attended Colonel Fry in his fatal illness; he ministered to Braddock as he was dying, and he stood by Washington as the latter read the burial service over the English general.

As soldier and physician Craik served through the Revolution with conspicuous usefulness and gallantry, always approved by Washington and most of the time in immediate association with him. He had the entire confidence of the wonderful leader, who referred to him in his last will and testament not only as his "old and intimate friend" but as his "compatriot in arms." No man ever lived who would not have been thrilled by such commendation.

Doctor Craik, because of his unbroken intimacy with Washington, perhaps had a clearer conception than anyone else of his temperament and disposition. When Washington Irving was preparing his biography of the great Virginian he eagerly reached out for any correspondence which might be in existence. He called on Lawrence Lewis, a nephew of Washington, who had for a time lived with Doctor Craik and was disappointed to be told that a large package of the Washington-Craik correspondence had in some way been lost. But Mr. Lewis was emphatic in confirming Irving's belief that to no one was Washington knit by such strong ties as to his physician.

Doctor Craik also had a better opportunity than anyone else of knowing that Washington's health was much less vigorous than has generally been believed, and he made it his duty to guard him as far as possible against risking it. After the Braddock campaign, upon Craik's advice, Washington gave up his military activities in order to rest and recuperate at Mount Vernon. After the Revolution, Washington persuaded Doctor Craik to locate in Alexandria so as to be near Mount Vernon. There is ground for believing that he urged this move in 1784 when he and Craik once more journeyed to the West at the time Washington, with broad vision of a coherent union with better means of transportation, was beginning to plan the construction of a canal connecting the Ohio and Potomac Rivers. He did locate in Alexandria, and in the Washington diaries recently published, comprising four volumes, I think that no one is mentioned as a visitor to Mount Vernon and otherwise so often as the physician, not even Hamilton and other statesmen to whom Washington was strongly attached. And Washington was a frequent visitor at the Craik home here in Alexandria.

Look for a moment at some of the Washington letters which have fortunately been preserved. During the first administration, when New York was the seat of the Federal Government, he was prostrated by illness and wrote the Secretary of War asking for an appointment for Doctor Craik which would enable the latter to be near him. In that letter he said, "The habits of intimacy and friendship in which I have long lived with Doctor Craik and the opinion I have of his professional knowledge would most certainly point him out as the man of my choice in all cases of sickness. I am convinced of his sincere attachment to me, and I should with cheerfulness trust my life in his hands; but how far circumstances at present would justify his quitting his practice in Alexandria and enabling him to gratify his inclination and my wishes, I am not able to say; but, could it be made consistent with his advantage to be near me, I am sure it would be highly pleasing to me."

When he was no longer President and a war with France was anticipated, and appointments in the Army were being considered, Washington, who was to be the commander in chief, again wrote expressing his unbounded faith in his physician. In that letter he said, "I have already been applied to by a gentleman to recommend him for director of the hospital, which I have refused, as well on general grounds as because if I ever have occasion for a physician or surgeon I should prefer my old friend Doctor Craik who, from 40 years' experience, is better qualified than a dozen of them together."

In that time the style of letters written by friends to each other was very formal, and Washington was not emotional or given to using terms of familiarity, but in writing Doctor Craik he addressed him not as "Sir" or "Dear Sir" but as "Dear Doctor" and sent messages to his family, and in closing expressed his affection for him.

When, on that Saturday morning in December, 1799, after his last ride over the Mount Vernon estate on the preceding Thursday, and the last entry in his diary on Friday, Washington became apprehensive that he was seriously sick, he asked that Doctor Craik be sent for, who soon arrived and remained until the curtain fell on the final scene of the most memorable career which history has recorded.

It was a sorrowful scene for the man who during almost half a century had had the opportunity of appreciating not only the great intellect but the great heart and sympathetic nature of the founder of the liberties and institutions of our country who was about to pass away. As the dark shadows gathered, Craik sat by the fire agitated by the grief which he was hardly able to control. When the fatal moment was approaching he was at the bedside holding Washington's head to his bosom, pressing his hand, hearing his last words, and then closing his eyes when the spirit had taken its flight. He was one of the mourners at the tomb, and afterwards he said, "I, who was bred among scenes of human calamity and had so often witnessed death in its direst and most awful forms, believed that its terrors were too familiar to my eyes to shake my fortitude; but when I saw this great man die it seemed to me as if the bonds of my nature were rent and the pillars of my country's happiness had fallen to the ground."

Doctor Craik was the surgeon who cared for many of the officers wounded during the Revolution, including Lafayette. When peace had not yet been secured he hastened from Yorktown to care for Mrs. Washington's son, John Custis, a member of the Virginia Legislature from Fairfax County, who was then sick at Eltham, in New Kent County. He was with Mrs. Washington in her final illness. He was the trusted physician not only of the Washingtons but of other outstanding families of the neighborhood. George Mason, of Gunston Hall, in writing an account of his mother, tells how she was "attended by Doctor Craik, * * * an intimate and personal friend of General Washington as he was of my father."

A scientist has stated that a shadow never falls upon a surface without leaving a permanent trace which would become visible by resort to processes which might conceivably be devised. What a picture we would have if there could be thus represented the forms of those identified in the past with this particular locality. In the picture the most shining figures would be those of the father of his country and the author of the Virginia Bill of Rights. And not far from them in priority of distinction would be the figure of the remarkable physician whose character and services entered into the web and woof of those achievements which as the generations come and go can not be forgotten unless our Republic should become faithless to its ideals and its hopes.

BRIDGES

The SPEAKER pro tempore. Under a special order of the House the Chair recognizes the gentleman from Illinois [Mr. DENISON] for 45 minutes.

Mr. DENISON. Mr. Speaker, a great man of letters has said somewhere that sometimes there is only one step from the sublime to the ridiculous. We have just had an opportunity to listen to a splendid address on the life of Washington by the gentleman from Pennsylvania [Mr. BECK]. I hesitate to invite your attention to a subject such as I am going to discuss immediately following that address.

I sometimes think that in political principles and their application to the government of nations there has not been much progress from Washington's time to our own. But in the material things of life, those things that go for the conveniences, the comforts, the pleasures, and the advantages of life there has been a wonderful progress since Washington lived at Mount Vernon.

I go out to Mount Vernon every time I have an opportunity, because I like to sit out there and reflect on the changes that have taken place in the material things of life since his time. I like to think of how he would ride from Mount Vernon to Alexandria, and perhaps to Baltimore and Philadelphia in his old-time coach, hauled by two or four horses, while we in going from Mount Vernon to Washington or to Baltimore or Philadelphia ride in our splendid motor cars. In his time he had to drive with his company from Mount Vernon to Alexandria or to Baltimore or Philadelphia or New York through mud that was almost immeasurable and at some seasons entirely impassible, while in a short time we will be able to travel from Mount Vernon to Washington over a splendid concrete memorial boule-

yard constructed by the Government which he helped to found; and we can now go from Mount Vernon to Philadelphia or New York without getting dust on our cars.

When General Washington traveled from Mount Vernon to Philadelphia or New York he could only cross the rivers by means of antiquated ferryboats, there being no bridges; if weather conditions were unfavorable, or if it was in the night time, he would have to remain in a near-by village or town until the next day.

Times have changed since then with the great increase of population and the improvement of our highways and the transportation of interstate commerce over them, the rivers of the country have become bearers to the movement of commerce on land and there is a universal demand for the construction of highway bridges to afford safe and rapid transit over the rivers. There are some who still prefer to compel the people to cross our rivers by the old antiquated ferries or by modern ferries rather than to permit toll bridges to be constructed to replace them. It is the view of our committee that if the States or municipalities are not in a financial condition to build free bridges at important crossings, private individuals ought to be given a right to construct toll bridges with private capital and they ought to be allowed to operate them as toll bridges until such time as the public authorities can take them over and make them free. In all franchises now granted by Congress we give the right to the State or municipalities to take over the bridge constructed under its provisions for the purpose of making it free. We do not believe that the people ought longer to be required to use ferries where a safer and quicker method of crossing the rivers can be provided, even if it has to be provided for the time being by private capital and operated under private management.

I am not going to discuss to-day the jurisdiction of the Federal Government over the navigable waterways of the country. I have spoken in this Chamber on other occasions when I gave references to decisions of the courts, and discussed generally the jurisdiction of the Federal Government over our navigable rivers. I am going to ask permission of the House to insert at the close of my remarks a brief that I have prepared showing the concurrent jurisdiction of the States and the Federal Government over the navigable waterways of the United States and showing the superior jurisdiction of the Federal Government whenever it chooses to assert it. I shall insert that at the close of my remarks for the benefit of any who may be interested in that subject.

The courts hold that the States and the Federal Government have concurrent jurisdiction over navigable waters within the boundaries of their respective States, but that, of course, the jurisdiction of the Federal Government is supreme and the States can do nothing with reference to rivers within their borders that will conflict in any way with the exercise of its superior jurisdiction by the Federal Government.

In 1890 Congress enacted a law in the rivers and harbors bill of that year which prohibited anyone from building any structure in or over any of the navigable waters of the United States until approval for such structure had been obtained from the Chief of Engineers and the Secretary of War. I think that was the first general legislation that Congress enacted upon that subject; but in 1899, by section 9 of the rivers and harbors act, Congress went further than that, and I am going to take the liberty of asking the Clerk to read section 9 of that act in order to advise the Members of the House of the first action taken by the Congress asserting its supreme jurisdiction over the navigable waterways of the United States.

The Clerk read as follows:

[Section 9 of the river and harbor act of March 3, 1899]

SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. TAYLOR of Tennessee. Is it the gentleman's intention in the course of his remarks to define the real test of navigability?

Mr. DENISON. I do not think I shall have the time to go into that, but I shall define it very briefly in a few moments.

Mr. OLIVER of Alabama. And I should like the gentleman to attach to the paper which he states he will have permission to insert, a citation of those decisions which he has collated, so that they may be readily acceptable.

Mr. DENISON. I will be glad to do that.

Mr. ABERNETHY. Assuming now that bridges have been built within a State, wholly within a State, with the approval of the War Department, does that subject any of these folks who have these bridges to criminal liability?

Mr. DENISON. Oh, no; not to any criminal liability, but if the bridges have been built unlawfully the Chief of Engineers can order them removed.

Mr. ABERNETHY. But they have been built under the direction of the Chief of Engineers.

Mr. DENISON. If they are lawful structures, they can not be removed unless, of course, they should obstruct navigation. As to the question of what is a navigable waterway, that is a question of law and fact. It has been adjudicated in numerous cases that have gone to the Supreme Court, and the courts have held that if at any time in the history of a particular river it has been used for transportation purposes, however primitive, if it has been used as a highway for commerce at any time in its history, it is to be classed as a navigable waterway of the United States. A great many of the smaller rivers in the early years of our history were used by the pioneers for transporting their produce from one part of the country to another.

They may have been used by hunters for transporting their pelts, or they may have been used for various purposes. The early French explorers used our rivers for traveling and transporting their property in their canoes; the court will inquire into the history of the river, and if it finds from the history of the river and from all other facts before the court that it has been at some time used as a channel of commerce, it will hold it to be a navigable waterway under the laws of the United States.

I have just had read section 9 of the act of 1899 when Congress first asserted its authority over these navigable waterways. In 1906, on March 23, the first general bridge law became effective, in which Congress repeated substantially the act of 1899 which I have just had read, but we went further in that act, and dealt more specifically with the construction of bridges over navigable waterways, and among other things it was provided in section 4 of that act as follows:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Now, every bridge that has been built over the navigable waters of the United States under acts of Congress since March 23, 1906, has been built subject to the provisions of that act, and the Federal Government has the right to regulate the toll charged for the use of the bridge.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. This law defining reasonable rates must be construed as to reasonableness in the same way as it applies to railroad rates? They can not be arbitrary rates of the Secretary of War. They must be based on the figures of the bridge company? Am I correct?

Mr. DENISON. No; the gentleman is not correct. They are based upon these considerations: If it is claimed by a responsible person that the owner of any particular bridge is charging tolls that are unjust and unreasonably large, the Chief of Engineers will order the district engineer under whose jurisdiction that particular bridge is located to make an investigation. He will have a public hearing; the owner of the bridge will be heard, and anyone else who is interested will be heard. The engineer transcribes the evidence and sends the evidence as transcribed, together with his report, to the Chief of Engineers. In that inquiry the engineer will ascertain what the bridge cost, and what it costs to maintain it and keep it in

repair; he will inquire as to the tolls charged upon other bridges of a similar character, and will hear evidence upon any question that may properly enter into consideration in determining what will be fair and just and reasonable tolls to be charged; and then the Chief on Engineers, if he finds that the tolls charged are unreasonable or unjust, will fix the tolls that ought to be charged, and from his finding there is no appeal.

Mr. DOWELL. Mr. Chairman, will the gentleman yield? Is there any instance where the department is doing what the gentleman has just stated?

Mr. DENISON. Yes. They are doing it to-day.

Mr. DOWELL. And arbitrarily fixing the rates?

Mr. DENISON. I did not say they were arbitrarily fixing the rates.

Mr. DOWELL. I understood you to say he arbitrarily fixed the rates.

Mr. DENISON. I said that after hearings were held and he finds from the evidence what is a just and reasonable rate, he fixes the rate. That is not an arbitrary fixing of the rate.

Mr. DOWELL. But my inquiry was this: Does he have the power to fix the rates when he hears the evidence?

Mr. DENISON. He has.

Mr. DOWELL. Has that been done by the War Department?

Mr. DENISON. It is repeatedly done.

Mr. DOWELL. Another question. It is a well-known fact that there is no uniformity whatever as to toll rates on any two toll bridges over the country. Is it not a fact that that is one of the functions of the War Department, and when it has passed upon this question it is in a case where something extraordinary has happened and the matter has been brought before him. Is it not usually true that there is no consideration given whatever to the tolls?

Mr. DENISON. No; it is not true. I do not know where the gentleman got that impression.

Mr. DOWELL. I got that opinion from traveling over the toll bridges. I know they are entirely out of harmony with any kind of equity.

Mr. DENISON. The gentleman from Iowa ought not to judge whether the War Department is doing its duty by merely riding over the different toll bridges of the country. I would suggest to the gentleman that he confer with the Chief of Engineers and then reach his conclusion. Then the gentleman will find that they do just as they are told to do by the act of Congress. They have a hearing and enter into all the phases of the question, and they try to determine what would be just and reasonable rates to be charged, so far as can be determined from the evidence.

Mr. DOWELL. Will the gentleman permit one other question for information?

Mr. DENISON. I yield to the gentleman.

Mr. DOWELL. Will the gentleman give us some statement now upon what basis the War Department fixes the rate of toll? Is it the value of the toll bridges? Is there a system in the War Department, or rather a program approved by the department, by which all these toll bridges have their rates fixed?

Mr. DENISON. No. In the nature of things that could not be. Whenever the Chief of Engineers has an investigation made of any particular bridge, evidence is heard as to that particular bridge, and the tolls are fixed with reference to that particular bridge. The tolls fixed would depend upon a number of circumstances. All the evidence is taken into consideration. I have not the time now to make a further analysis of that subject.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. ROBSION of Kentucky. I think this is information of great importance to the country because, as the gentleman from Iowa [Mr. DOWELL] has said, there is a great deal of confusion in the country on the subject. The law says, "Fix reasonable tolls." Is that based on the cost of the bridge, or the value of the bridge, as they claim it to be, after we have expended millions of dollars by State and Federal Government in building highways? For instance, in my district there is a bridge that cost $3,700. They are collecting $30,000 from that bridge every year. They claim now its value is $50,000. What is the basis?

Mr. DENISON. I will have to say to my friend from Kentucky that I never have participated in one of these hearings. I have read to the House the act by which Congress placed this duty on the Chief of Engineers. I am told that the Chief of Engineers tries to perform that duty as best he can under the mandate of Congress. I do not know, of course, just what elements he takes into consideration in arriving at his conclusions. But here is the law, and the Chief of Engineers and Secretary of War are the officials charged by law with the duty of making an investigation wherever charges are filed and, after a full and fair hearing, fixing what they find to be just and reasonable rates of toll.

Mr. ROBSION of Kentucky. That authority having been placed in the War Department, I was wondering how efficiently and effectively that law is operating for the benefit of the public.

Mr. DENISON. I will say to the gentleman that wherever there has been a complaint made the War Department has acted promptly; they have had full hearings and considered the cases carefully and very often have reduced the tolls to a point where there was no further complaint about them.

Mr. BURTNESS. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. BURTNESS. Has not one difficulty been found in this, that there is no law to regulate the tolls charged over a bridge built prior to 1906?

Mr. DENISON. Yes; the gentleman from North Dakota is correct.

Mr. BURTNESS. And the most severe complaints have been made as to bridges built prior to that time?

Mr. DENISON. That is true.

Mr. BURTNESS. Then I want to ask the gentleman one other question, which he can answer in his own time. Has the gentleman given any consideration to the question as to whether Congress could constitutionally adopt legislation now for the regulation of tolls over bridges built prior to the 1906 act?

Mr. DENISON. Well, that is a pertinent and important inquiry. Of course, we must remember that before March 23, 1906, the Government did not attempt to regulate the tolls charged on bridges, and there are quite a few toll bridges in the country that were built prior to 1906. Those are the bridges about which there is so much complaint.

The War Department can not now, under existing law, regulate the tolls on such bridges; and there is a very just complaint against the charges now being made for transit over some of those bridges. I will say, in answer to the question of the gentleman from North Dakota, that I believe Congress has the power to pass legislation regulating the tolls over bridges constructed before 1906.

Mr. BURTNESS. I am very glad to hear the gentleman say that, because it seems to me that situation is no different from what it was, for instance, with reference to railroads built prior to the adoption of the interstate commerce act. These bridges are agencies of interstate commerce—being built across navigable streams, so that they are arteries of interstate commerce—and over which we have jurisdiction.

Mr. DENISON. There is no question in my mind but that Congress, under the commerce clause of the Constitution, has the power to pass legislation regulating the tolls that are charged on those toll bridges constructed prior to March 23, 1906, especially if they are bridges constructed over rivers that constitute the boundary line between States; because all the commerce that goes over such bridges is in the very nature of things interstate commerce. With reference to bridges of that character which have been built within the different States, if those bridges are now located on highways that have been constructed through Federal aid and are now used as channels of interstate commerce, I believe the Congress has the power to pass legislation regulating the tolls charged for those bridges.

Mr. DOWELL. Will the gentleman yield for a brief question?

Mr. DENISON. For a brief question; yes.

Mr. DOWELL. In view of the fact that most of the road construction has been carried on since 1906, and in view of the opinion of the gentleman that we are able to pass legislation fixing the rates or regulating the rates over the bridges, does not the gentleman believe his committee should immediately bring a bill to this House and immediately have it passed to regulate these tolls so as to forever stop the objection that has been made with reference to these toll bridges on Federal-aid highways?

Mr. DENISON. I will say to the gentleman that I have a bill pending for that purpose.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BRIGGS. Is the gentleman cognizant of any situation such as the gentleman from Missouri [Mr. COCHRAN] described the other day with respect to the resistance of certain bridge companies to the orders of the Chief of Engineers in reference to the regulation of tolls on one or more bridges of this character?

Mr. DENISON. No; I am not familiar with that.

Mr. BRIGGS. I understood the gentleman from Missouri to say the other day, when we were considering some bridge bills on the Consent Calendar, that some concern that had one of

these toll bridges, which was receiving rather extraordinary returns from the tolls charged, was making quite a good deal of resistance to the regulation of those tolls.

Mr. DENISON. Of course, I do not suppose we can pass any law which will prevent people from litigating if they want to do so. It is natural for people to resist having their incomes reduced.

Mr. BRIGGS. Does not the gentleman think the practical way to deal with this, until general legislation is obtained, would be to carry in bridge bills a reservation of the right to regulate tolls?

Mr. DENISON. We do that in all of the bridge bills that are now passed. In all of the bills now presented to the House we reserve the right to regulate the tolls.

Mr. CARTER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. CARTER. At the time these bridges are under construction by the bridge companies, or soon thereafter, are they required to file with any public official the amount expended on the construction of a particular bridge?

Mr. DENISON. Yes; we require that in reference to all bridges.

Mr. LAGUARDIA. Will the gentleman yield for just a short question?

Mr. DENISON. Yes.

Mr. LAGUARDIA. Is it not true that the decision of the Secretary of War as to rates is final to the people or to the State complaining of excessive rates, but if the company deems the rates fixed by the Secretary of War to be confiscatory on the basis of its own valuation, they may resort to the courts?

Mr. DENISON. Why, of course. No agency of the Government can confiscate private property, and whenever it is claimed that that has been done, the parties always have the right to resort to the courts to determine whether there has been a confiscation.

I will have to proceed now because my time is passing, although I realize these questions bring out matters that are of importance to the House; if I have enough time I will be glad to answer any question I can.

Since the passage of the first Federal-aid road act in 1906 and the establishment of the policy of the Federal Government aiding in the construction of roads, there has been a wonderful growth of road building all over the country. Improved highways are being constructed everywhere, and commerce is growing on these highways. We have developed a new form of transportation, namely, by motor truck and by motor bus, and this kind of transportation is impatient at delays that are occasioned by having to wait and take the old-fashioned ferries to cross the rivers. So there has developed throughout the country a demand for the construction of bridges at all important highway crossings.

Here in Washington we feel it because it comes to the Members of Congress and they are asked to file bills to permit the construction of bridges.

I find that in the Sixty-sixth Congress, which was the second Congress after the enactment of the first Federal-aid road act, there were 100 bridge bills passed by the Congress in the two years; that is, about one for each State for each year.

In the Sixty-seventh Congress there were 115 bridge bills passed. Of course, these bridge bills were mostly for railroad bridges. When I first went on the Interstate and Foreign Commerce Committee we hardly ever had an application for a franchise for a highway bridge. There were no highway bridges built in those days except bridges like the large one at St. Louis or the ones at New York or in other large cities; but along about the Sixty-seventh Congress applications began to come in for permits to build highway bridges, and as the highway system of the country has improved, these applications for franchises to build highway bridges have been steadily increasing.

In the Sixty-eighth Congress there were passed 150 bridge bills of all kinds, railroad, interurban, and highway; in the Sixty-ninth Congress there were 213 bills passed; and in the Seventieth Congress, including those that are on the calendar now, there are about 375 bridge bills that have either been passed or will be passed before we adjourn.

Mr. WILLIAMS of Illinois. Will the gentleman yield for a question there?

Mr. DENISON. I yield to my friend from Illinois.

Mr. WILLIAMS of Illinois. Will the gentleman state to the House the percentage of bridges that are actually built out of the number authorized by the Congress?

Mr. DENISON. Of course, we grant many franchises to build bridges, but various things happen to prevent their construction. I presume there is not 50 per cent of the bridges built under the franchises we grant. Sometimes they are unable to raise the money to build them. Then, sometimes, they are unable to present plans for the bridges that will be approved by the War Department; sometimes we grant franchises to municipalities or to counties or to the highway departments of the States, and they in turn have to submit these questions to a vote of the people, and the people, being unwilling to tax themselves, vote down the proposition; and sometimes we grant permits to State highway commissions and they submit to a vote of the people the proposition of issuing bonds to build the bridges and they are voted down; other reasons may arise that prevent the construction of the bridge, and under the general law these bridge franchises become ineffective unless construction is begun on the bridge within one year after the act is passed. So there is no necessary relation between the number of franchises we grant and the number of bridges that are built.

Mr. WILLIAMS of Illinois. What I had in mind was the fact that these bridges are not really constructed except at such places where public necessity or public demand justifies it.

Mr. DENISON. That is true.

Mr. WILLIAMS of Illinois. Notwithstanding the very large number of permits?

Mr. DENISON. That is true. Of course, when a Member of Congress files a bill for a bridge franchise our committee respects his wishes and his action, as far as we can, and we treat all Members alike. These bills are all referred to the Committee on Interstate and Foreign Commerce, and this leads me now to a discussion of the policies of that committee, of which I would like to have the Members fully informed.

In the first place, it is the policy of that committee to give prompt consideration to all bills of this kind that come to it. [Applause.]

We respect the wishes of all Members of Congress alike, and we assume that when a Member of Congress files a bill for a franchise to build a bridge in his district, he is acquainted with the sentiment in his district, he knows what the people there want, and he is trying to carry out their wishes when he presents the bill; so our committee gives it prompt consideration. If we find there is any opposition to the bill, we give prompt hearings and let everyone who is interested come before the committee and be heard; then, after the hearings are completed, we give prompt consideration to the bill, and if we are convinced that it is a proper bill we report it and it goes on the calendar; and up to this time it has been the policy of the committee to lend its assistance to the authors of such bills, in so far as we can, in helping to get the bills through the House.

Now, another policy of the committee is to encourage the building of bridges by public authority. We feel, gentlemen of the House, that wherever the public authorities can do so they ought to build bridges, and this is especially true within the different States. If a bridge is to be built in a municipality or city, that city ought to build the bridge if it is in a financial condition to do so. If it is a county bridge, the county ought to build it if it can do so. If neither of them can build the bridge, we feel the State ought to do it if it is in a financial condition to do so. So we encourage the building of bridges by public authority wherever it can be done.

Now, how do we do this? We give preference to bills that are filed for franchises for public authorities. If there is a bill filed asking for a franchise for a private person or corporation to build a bridge at a particular place and there is another bill filed by the State or the State highway department or a municipality to build a bridge at or near the same place, we give preference to the public authority.

Mr. ROBSION of Kentucky. Why do you give it to the public authority?

Mr. DENISON. The reason ought to be apparent—I think if the bridge is built by a public authority, under a proper franchise granted, it will in time become a free bridge, and we all want free bridges.

Mr. ROBSION of Kentucky. If the gentleman will permit me, Mr. McDonald, director of roads, has made an investigation in this country. Three or four years ago the moneyed men would not finance a municipality or a State in the building of a bridge, but to-day the policy has changed within the last three or four years. Financial concerns now had rather furnish funds to States or municipalities than to finance private individuals or corporations.

Mr. DENISON. I am not so sure that that is the fact, although it may be true in some instances. But, as I say, the committee shows preference to the public authorities in this way. If a Member files a bill asking for a franchise for a private individual or a corporation to build a bridge at some particular place, the committee asks the author of the bill to file with it a statement over his signature stating whether or not there is any possibility or probability that the municipality

or State will build a bridge at that place in the near future. We require that in all cases. If the Member can not give the committee such a showing we do not approve the bill. But when the Member comes before the committee and files the statement showing that there is no chance to get a publicly constructed bridge, we grant a franchise to the private individual.

Mr. DOWELL. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Iowa.

Mr. DOWELL. Is the highway commission of the State consulted or notified of the application of the parties for a franchise to build a bridge? Do they know of the application here?

Mr. DENISON. The Member who files the bill is supposed to get that information and furnish it to the committee. The committee could not make such inquiries itself. The committee submits the question to the Member who files the bill, and we expect him to file with the committee such information.

Mr. DOWELL. Under the present system the State highway commission is the one that fixes the place for the bridge and ought to be the one who would have the most information as to the propriety of Congress granting the franchise. Ought not the highway commission to have full notice of the application for granting a franchise at any given place?

Mr. DENISON. My own view is that that would be asking too much of the committee.

Mr. ROBSION of Kentucky. A day or two ago a bill was passed to build a bridge at Maysville, Ky., giving the franchise to a private concern. The State of Kentucky has set aside $1,750,000 to build that bridge. I was wondering if it was required of the author of that bill to find out whether the State was likely to build the bridge or not.

Mr. DENISON. That was required of the author of the bill, and it will appear in the report of the committee.

Mr. BURTNESS. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. BURTNESS. Is not the position of the committee this: That the highway commission should be consulted, but the committee expects the individual Member of Congress who introduces the bill to consult with the State highway commission; and does not the committee require an answer to the specific question sent to them by the clerk of the committee as to whether or not there is any prospect of the State itself building the bridge?

Mr. DENISON. That is true, as I have already stated. I answered the gentleman in this way: I do not think our committee ought to be expected to make that investigation. We do expect the Member who files the bill to make it. He is the one most vitally interested. It is in his district, and he is supposed to represent the public of that district. When he presents a bill we inquire of him and expect him to furnish an answer to the inquiry, and we take the information he furnishes in good faith.

Mr. DOWELL. That is the question I asked—if your committee required that information, and was it furnished. I did not ask if the committee went out to get it.

Mr. DENISON. My answer is that if the gentleman from Iowa, for example, should file a bill for a franchise to build a bridge in his district—that is, for a franchise to a private individual—we would submit to him the inquiry whether his State highway department or the county or city is likely to build a bridge at this place. We would not undertake to tell the gentleman from Iowa how he shall get the information; we would assume that, being a Member of Congress, he would do what is right and proper and get the information from the very best sources.

Mr. COCHRAN of Missouri. The committee does not include in that inquiry, however, a request for information as to whether or not the State highway commission approves the building of the bridge there?

Mr. DENISON. No; we do not, because when Congress feels that a bridge ought to be built at a certain place in the interest of interstate commerce, we do not recognize the right of anybody to veto or disapprove it. [Applause.]

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. DENISON. For a short question, because I must get on if I am going to talk about what I intended to at all.

Mr. SCHAFER. Would it not be a good thing if the committee would amend its rules pertaining to these bridge bills and require that the Member of Congress introducing the bill shall send a copy of the bill to the State highway commission of his State and ask whether or not that commission has objections, and have them filed with the committee, so that the committee can have before it their objections or recommendations?

Mr. DENISON. Our committee does not feel that we ought to treat Members of Congress quite that way. We feel that we ought to treat them as Members of Congress elected to represent their districts, and we treat them just as we would want to be treated ourselves. But I must get ahead if I am to get any opportunity to say any part of what I intended to say about the policies of the committee.

Our committee does not recognize the right of anyone to own a monopoly in the crossing of a navigable water of the United States, so we grant no monopolies. If a bill is filed for permission to build a bridge, and we grant it, then if another bill is filed for permission to build another bridge in the same locality, if there are no objections presented that we consider valid, we grant the franchise to the second applicant also.

The SPEAKER pro tempore (Mr. BEEDY). The time of the gentleman from Illinois has expired.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the gentlemen's time be extended 10 minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Illinois be extended for 10 minutes. Is there objection?

Mr. TILSON. Will it take that much time for the gentleman to finish?

Mr. DENISON. Yes.

Mr. TILSON. I hope the gentleman will finish within that time, because we have a number of very important matters to take up this afternoon.

Mr. DENISON. I appreciate that, but this is the first time that I have taken the floor this session. This is not a matter that is of particular interest to me, but I thought it would be to the rest of the House, because Members have been asking many questions about the policies of our committee.

Mr. TILSON. The discussion of the gentleman has been very useful to the House.

Mr. DOWELL. The gentleman has yielded very freely to Members to ask questions, and I think the time should be extended.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DENISON. The Federal Government is not concerned about how many bridges are built over its navigable waters, provided they do not interfere with navigation, and, of course, the War Department will not permit that. So that we do not grant any monopolies. Some people came in to see me this week and called my attention to the fact that there is a certain bridge between two cities out in one of the Western States, and that there are now bills before our committee asking for a franchise to build one or two additional bridges there. These people came to me and said that if we granted those franchises it would bankrupt their company. That presents a very serious question, but our committee knows but one course to follow in such cases. Whoever invests money in a bridge does it with knowledge that there may be another bridge constructed in that vicinity. That is one of the hazards of that investment. I have always contended that an investment in a bridge over a navigable waterway is a hazardous investment, and that such investment is entitled to a large return in the way of dividends because of that hazard. But we can not help situations of that kind. We do not recognize the right of anybody to have a monopoly on the right to cross the navigable waters of the country, and so far as our committee is concerned we grant as many franchises as there are applications, if they are made in good faith and are presented by Members of Congress.

That is important for another reason. If we grant a monopoly, then, just as soon as we grant it, it would have a high speculative value, and a man could take these franchises and sell them at a high value to other people, because those people would have no competition. In order to prevent speculation in franchises, to prevent them from having any commercial value, we announced to the country that no one is justified in paying anybody $1 for a bridge franchise to cross any river in this country, because he can come here to our committee and get one for nothing.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. PARKER. I think the gentleman made one statement that he did not exactly intend to make and that is in the matter of a monopoly. The only monopolies granted by our committee are monopolies to municipalities.

Mr. DENISON. The chairman of the committee is correct in that respect. Of course, if there is a public bridge, we will not grant a franchise to a private individual to build another bridge at that point unless there is an urgent need shown for another bridge.

Mr. COCHRAN of Missouri. I call the gentleman's attention to this fact: Before the United States district engineers in Memphis the other day the owners of a bridge costing less than $200,000 filed a statement in which they placed the value of their franchise at $350,000.

Mr. DENISON. They can place its value at $3,000,000 if they want to. That does not make it so. We do not pay much attention to statements of that kind because they do not amount to very much.

Mr. COCHRAN of Missouri. I call that to the attention of the gentleman to show the abuses.

Mr. DENISON. But that is merely an abuse of language. Of course we hear these abuses of language every day, but as Members of Congress we ought not to allow those things to influence us in the performance of our duties. There ought not to be any value on franchises to build bridges that are granted by Congress, and this committee is doing everything it can to prevent these franchises from having any value; if people will go to a man or a company that has a franchise to build a bridge and pay anything for it, that is their fault. There is no reason for doing so. We can not prevent them from doing that, because men will buy gold bricks and will buy worthless stocks, and will buy real estate that has no title to it. Men will invest their money foolishly; but the point I make is that so far as the committee is concerned, we are following the policy of preventing these franchises from having any value, and we announce to the country that no one is justified in paying anybody one cent for a franchise to build a bridge, because Congress will grant them a franchise free if they will come to us and ask for it.

Mr. DOWELL. But hasn't it a value under the system that we have when it is built on one of the Federal-aid highways and where it has protecting roads on both sides of the bridge? It does have a real value, irrespective of the fact that another franchise may be granted. The man who had the other one granted would know that he is in competition with another one.

Mr. DENISON. The gentleman from Iowa now is talking about the value of the bridge. I was talking about the value of the franchise before the bridge was built.

Mr. DOWELL. No; I was talking about the value of the franchise.

Mr. DENISON. Now, how do we protect the public interests when we grant these franchises? I want to show to the House and to the country briefly how we protect the public interests. In the first place, in all the bridge franchises that we grant we reserve the right to fix the tolls. There is no reason why the people should be imposed upon by unreasonable charges on toll bridges, especially on bridges built now, and in every bill that we pass we reserve the right to fix the tolls.

In the next place, in all franchises we grant to-day for the construction of bridges we require the owner or builder to make a sworn itemized statement of the cost of the bridge. That statement must be filed with the highway department of the State in which the bridge is located, and with the Chief of Engineers here in Washington within 90 days after the completion of the bridge. The franchise further provides that the Secretary of War may, and upon request of the highway department of the State shall, within three years after the completion of the bridge, make a complete investigation of its cost and make a finding as to the reasonable cost of the bridge; and such finding shall be conclusive for the purposes or recapture and rate making. With your permission I shall insert here this provision as to statement of costs and its investigation by the Secretary of War, which your committee now inserts in all bridge franchises granted to private individuals:

The ———, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of ——— and ———, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said ———, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield there?

Mr. DENISON. Yes; I yield to the gentleman from Maryland.

Mr. LINTHICUM. How do you determine the charges?

Mr. DENISON. The War Department does that by conducting a full hearing in which they investigate every element of cost and consider all circumstances connected with the bridge, and from their investigation determine the reasonable charges that should be made.

Then in granting franchises to private individuals or corporations to construct bridges, we further protect the public by providing for the recapture of all such bridges whenever the public wishes to recapture them. With your permission I shall insert here the provision which our committee inserts in all bridge franchises granted to private parties to construct toll bridges:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of ———, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of ——— years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

It will thus be seen that either the State or the county or the city in which any privately owned toll bridge may be constructed is given the right to either purchase or condemn the bridge and take it over for the purpose of making it free. We even encourage the States or municipalities to take over privately owned toll bridges by allowing the States or the municipalities to operate any bridge so taken over as a toll bridge until the amount paid for the bridge has been amortized. It will be noted that we first give the public authority the general right to take over the bridge by purchase or condemnation at any time after its completion. We then further provide that if the public authority—the State, county, or city—takes over such a bridge by condemnation after a limited number of years, stated in the franchise, they can do so by the payment of a limited measure of damages; that is, the measure of damages is provided by the franchise to be the actual value of the physical structure, and in fixing the measure of damages in a condemnation proceeding nothing shall be allowed for going value or earning power or prospective profits.

Mr. SEGER. Mr. Speaker, will the gentleman yield there?

Mr. DENISON. Yes.

Mr. SEGER. Does the committee fix the time in which this power can be exercised?

Mr. DENISON. Yes; if it is a small bridge which does not cost much, or if it is in a sparsely settled community, we fix the time at five years. If it is a large bridge, we fix the time at 10 years. In some instances, where the cost of the bridge runs up into many millions of dollars, we would fix the time at 20 years. The time after which the limited measure of damages would apply is determined by the facts in each case. Since this right of recapture by the public upon terms that are entirely fair and just to the public is reserved in all franchises granted by Congress to private individuals to construct toll bridges, it ought to be plain to all of us that there is not the slightest reason why the public should be imposed on very long by the owners of private toll bridges. The public has a complete remedy if it chooses to exercise it.

In the next place, we try to further protect the interests of the public by requiring in all privately owned bridge franchises that all contracts made in connection with the construction of the bridge wherein the amount involved exceeds $5,000 shall be let by public bidding to the lowest responsible bidder. Whenever bridges are built by the States or counties or municipalities they are generally required by local law to let all contracts to the lowest responsible bidder. The committee thought that by requiring the same practice to be followed by private parties in constructing bridges the cost of the bridge would be kept down, and this becomes important in view of the fact that tolls may be based upon the cost of the structure, and the original cost of the structure is an element to be considered if the public should ever decide to take advantage of the recapture provision in the

franchise. With your permission, I will insert here the provision I have just discussed with reference to the letting of contracts in connection with the construction of bridges:

All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

Finally, I call attention to the provision of the general bridge law of March 23, 1906, which requires that before any bridge can be constructed over a navigable waterway of the United States, either under a franchise granted by Congress or under State law, the bridge can not be commenced until the plans therefor and the location thereof have been submitted to and approved by the Chief of Engineers and the Secretary of War. These requirements are provided in the interest of navigation. Years ago when Congress granted consent for the construction of a bridge provision was made in the bill for the exact location of the bridge, for the width of the spans, and for the vertical height of clearance above the water line. But by the act of March 23, 1906, Congress delegated to the Chief of Engineers and to the Secretary of War the duty of passing upon such engineering questions connected with the construction of the bridge. The Chief of Engineers and the Secretary of War are thus charged by law with the duty of safeguarding navigation on the rivers by preventing the erection of any bridge that will obstruct or endanger the free navigation of the waterway over which it is constructed.

I wish to call attention further to the act of March 23, 1906, which contains the following provision:

That whenever Congress shall hereafter by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

Our committee never extends the time for beginning and completing the construction of bridges in the original franchise granting the right to construct. We invariably allow this provision of the general law to govern. So that all bridges authorized by the franchises we are now granting must be actually begun within one year and completed within three years from the date of the passage of the acts authorizing them. Very often causes arise which make it impossible to begin the construction of a bridge within a year after the franchise is granted. Sometimes it requires months to make the necessary borings to determine whether there is a suitable foundation for the bridge piers at the particular location chosen. Sometimes it requires months to have the plans for the bridge approved by the Chief of Engineers and the Secretary of War. Sometimes floods or bad weather conditions make it necessary to delay the beginning of construction of the bridge. Where the franchise is granted to a State, or county, or municipality the proposal to issue bonds generally has to be submitted to a vote of the people, and if it fails it has to be again submitted; sometimes difficulty is experienced in obtaining the necessary finances to construct the bridge. In all such cases the parties usually come back to Congress and ask for an extension of time to begin and complete the construction of the bridge. This explains why our committee reports so many bills to extend the time for the beginning and completing the construction of bridges. In each case of that kind the committee makes inquiry to learn what was the reason for not beginning the actual construction of the bridge within the time allowed by law. If the reasons furnished the committee are found to be sufficient, and if the committee is convinced that the owner of the franchise has made a good-faith endeavor to begin the construction of the bridge within the year, we favorably report the bill granting an extension of time.

Mr. Speaker, I have briefly discussed some of the more important provisions of the law governing the construction of bridges and the policies of the Committee on Interstate and Foreign Commerce followed in the consideration of bridge bills. It is unfortunate that Congress has not been able to pass a general bridge law embodying these various provisions which we are now inserting in individual bridge bills. I have a bill for that purpose that has been pending since the beginning of this Congress. But I have not urged it because I have myself been uncertain as to the wisdom of some of its provisions. It would be difficult to provide general bridge legislation which would fully protect the interests of the public, and which would not prevent the construction of bridges by the use of private capital where the public authorities are not in a financial position to build them. Until such legislation can be formulated and passed it is necessary for Congress to do the best it can to accomplish those purposes by the provisions inserted in each individual bridge bill. I hope during the next Congress to be able to present to the House a general bridge bill revising existing bridge law and providing such new law as, in the judgment of our committee, will fully protect and promote the public interests and not prevent the construction of bridges that the growing commerce of the country may require. If such legislation can be considered and passed, short-form bridge bills can then be used which will not require so much of the time of the committee or of the House for their consideration.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The matter referred to by Mr. DENISON is as follows:

THE JURISDICTION OF THE STATE AND FEDERAL GOVERNMENTS OVER THE NAVIGABLE WATERS OF THE UNITED STATES

Under the common law of England, title to the land under all navigable waters was in the sovereign in trust for the public and this title gave to the sovereign exclusive right to regulate all commerce on the navigable waters of the realm.

That doctrine applied in the British colonies in this country, and the exclusive right to regulate commerce on the navigable waters of the colonies was in the British Government. At first the navigable waters were held to be confined to the tidewaters, but later by analogy, the principle was extended by the courts to include all of the navigable rivers of the interior, as well as those affected by the tidewaters.

When the American Colonies declared and won their independence the different States became themselves sovereign governments and succeeded to all of the sovereign rights that had theretofore belonged to the Crown, including the rights over the navigable waterways within their respective boundaries. When, therefore, the representatives of the different States met in the Constitutional Convention in 1787, the States possessed and exercised the sovereign right of controlling and regulating commerce on all their navigable waterways.

By section 8 of Article I of the Constitution the States surrendered to the Federal Government the right to regulate commerce with foreign nations and among the several States. This is the source and the only source of all the power that the Federal Government now has over the navigable waterways of the United States. The source and the extent of this power of the Federal Government have been given judicial interpretation and declaration in innumerable cases that are found in the reported decisions. And the law is well settled that by the commerce clause of the Constitution the States surrendered and the Federal Government received plenary power to regulate commerce among the States and with foreign nations, and that power includes the right to improve all the navigable waterways of the United States and regulate the commerce thereon.

It is also well settled that where Congress has assumed and exercises its jurisdiction over a navigable waterway within a State the State can not enact any law which would conflict with the Federal jurisdiction so exercised. But it is also well settled that Congress and the State legislatures have concurrent jurisdiction over the improvement of navigable waterways within the States. While the States surrendered to the Federal Government this power to regulate the navigable waterways and the commerce thereon, yet until Congress acts in the exercise of that power the States themselves have the right to improve and otherwise regulate the navigable waters and the commerce thereon within their respective borders, and after Congress has acted in the exercise of its power the States may still act so long as the exercise of their powers does not conflict with the action of the Federal Government.

Some of the courts state the jurisdictional question in substantially the following form:

"All rights over the navigable waterways within a particular State not surrendered to the Federal Government by the commerce clause of the Constitution are retained by the State government; but it is the exercise and not the mere possession of the powers conferred upon the Federal Government that limits the freedom of action by the State. Jurisdiction over the navigable waterways within the State is concurrent in the State and Federal Government, but that of the Federal Government, when exercised, is supreme. No action can be taken by the State

which conflicts with any action taken by the Federal Government, and any action taken by the State is subject to change or nullification by any subsequent action that may be taken by the Federal Government in the exercise of its supreme jurisdiction."

The cases of Cooley *v.* Board of Wardens (13 Howard, 299) and Covington Bridge Co. *v.* Kentucky (154 U. S. 204) clearly state these principles. The Minnesota Rate cases (230 U. S. 352) assert the same doctrine with reference to the regulation of commerce on railroads.

In Gould on Waters, third edition, page 80, the author says:

"Under the Constitution of the United States a State has the right, if its legislation does not conflict with the action of Congress upon the same subject, to authorize bridges and dams across the navigable waters within its limits; to license wharves, piers, and docks intruding upon such waters; to establish harbor lines to which wharves may be extended; to prescribe the places and manner in which vessels may lie in a harbor, what lights they are to carry at night, or what course they shall pursue in navigating a river; to pass reasonable quarantine and inspection laws, and pilotage, or port regulations; to regulate harbor beacons, buoys, salvage, and similar matters of a local and limited nature; to improve the navigability of its waters, and to authorize the collection of tolls in consideration of such improvements."

In Cummings *v.* Chicago (188 U. S. 410) the Supreme Court, through Mr. Justice Harlan, said, speaking of the Calumet River, which is also in the city of Chicago:

"Calumet River, it must be remembered, is entirely within the limits of Illinois, and the authority of the State over it is plenary, subject only to such action as Congress may take in execution of its power under the Constitution to regulate commerce among the several States. That authority has been exercised by the State ever since it was admitted into the Union upon an equal footing with the original States."

In the case of Willson *v.* The Blackbird Creek Marsh Co. (2 Peters, 245), a case involving the authority of a State legislature to authorize a dam to be built across a navigable creek, the Supreme Court, through Mr. Justice Marshall, said:

"The act of assembly by which the plaintiffs were authorized to construct their dam shows plainly that this is one of those many creeks passing through a deep, level marsh adjoining the Delaware, up which the tide flows for some distance. The value of the property on its banks must be enhanced by excluding the water from the marsh and the health of the inhabitants probably improved.

"Measures calculated to produce these objects, provided they do not come into collision with the powers of the General Government, are undoubtedly within those which are reserved to the States. But the measure authorized by this act stops a navigable creek and must be supposed to abridge the rights of those who have been accustomed to use it. But this abridgment, unless it comes to conflict with the Constitution or a law of the United States, is an affair between the government of Delaware and its citizens, of which this court can take no cognizance.

"The counsel for the plaintiffs in error insist that it comes in conflict with the power of the United States to regulate commerce with foreign nations and among the several States.

"If Congress has passed any act which bore upon the case, any act in execution of the power to regulate commerce, the object of which was to control State legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the Middle and Southern States, we should feel not much difficulty in saying that a State law coming in conflict with such act would be void. But Congress has passed no such act. The repugnancy of the law of Delaware to the Constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several States, a power which has not been so exercised as to affect the question.

"We do not think that the act empowering the Blackbird Creek Marsh Co. to place a dam across the creek can, under all the circumstances of the case, be considered as repugnant to the power to regulate commerce in its dormant state or as being in conflict with any law passed on the subject."

Many more cases might be cited which affirm the power of the State to regulate, improve, or even destroy the navigable character of a waterway within its borders unless Congress has exercised jurisdiction over the particular waterway in question. In the case of Huse *v.* Glover (15 Fed. Rep. 292) the court, speaking through Mr. Justice Harlan, said:

"The doctrines of the adjudged cases sustain the authority of this State—there being no act of Congress forbidding it—to construct locks and dams upon the Illinois River. Her avowed object in so doing was to improve the navigation of that river and effect a reduction of freights to the headwaters of Lake Michigan and to the Mississippi River. The mode and extent of such improvement, in the absence of national legislation, based upon the power of Congress to regulate commerce, was for her determination. Her discretion in such matters is not to be controlled by the courts so long as Congress does not interfere.

And when that case went to the Supreme Court that court, speaking through Mr. Justice Field (119 U. S, 543), said:

"The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities and thus augment its growth it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body may interfere and control or supersede it. If in the opinion of the State greater benefit would result to her commerce by the improvements made than by leaving the river in its natural state—and on that point the State must necessarily determine for itself—it may authorize them, although increased inconvenience and expense may thereby result to the business of individuals. The private inconvenience must yield to the public good. The opening of a new highway or the improvement of an old one, the building of a railroad, and many other works in which the public is interested may materially diminish business in certain quarters and increase it in others, yet for the loss resulting the sufferers have no legal ground of complaint. How the highways of a State, whether on land or by water, shall be best improved for the public good is a matter for State determination, subject always to the right of Congress to interpose in the cases mentioned." (Spooner *v.* McConnell, 1 McLean, 337; Kellogg *v.* Union Co., 12 Conn. 7; Thames Bank *v.* Lovell, 18 Conn. 500; S. C. 46 Am. Dec. 332; McReynolds *v.* Smallhouse, 8 Bush. 447.)

It is clear from these cases, and others that might be cited, that so long as the right of the Federal Government to regulate navigable waterways within a State, conferred by the commerce clause of the Constitution, lies dormant the States may act for that purpose and to such extent as they choose, and after the Federal Government acts in the exercise of the power conferred upon it the States may still act in the exercise of their concurrent jurisdiction, but their action must not conflict with the action of the Federal Government.

Now, in the act of September 19, 1890, Twenty-sixth Statutes, chapter 907, section 7, page 454, Congress assumed jurisdiction over all navigable waterways in the following language:

"SEC. 7. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established harbor lines, or in any navigable waters of the United States where no harbor lines are or may be established, without the permission of the Secretary of War, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, in such manner as shall obstruct or impair navigation, commerce, or anchorage of said waters, and it shall not be lawful hereafter to commence the construction of any bridge, bridge draw, bridge piers and abutments, causeway, or other works over or in any port, road, roadstead, haven, harbor, navigable river, or navigable waters of the United States under any act of the legislative assembly of any State until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of the channel of said navigable water of the United States unless approved and authorized by the Secretary of War: *Provided*, That this section shall not apply to any bridge, bridge draw, bridge piers and abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, drawbridge, bridge piers, and abutments, or other works under an act of the legislature of any State over or in any stream port, roadstead, haven, or harbor, or other navigable water not wholly within the limit of such State."

And by the subsequent act of March 3, 1899, Thirtieth Statutes, chapter 425, section 9, page 1151, Congress further exercised its jurisdiction over navigable waterways by the following language:

"SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War."

In the case of Economy Light & Power Co. *v.* United States of America (256 U. S. 113), the Government sought to enjoin the power company from constructing a dam in the Des Plaines River, Ill., and the question involved was whether or not the Des Plaines River was a navigable waterway of the United States, and if so, what was the effect of the provisions of these acts of Congress just quoted. In the opinion the court said:

"Since it (the Des Plaines River) is a natural interstate waterway, it is within the power of Congress to improve it at the public expense; and it is not difficult to believe that many other streams are in like condition and require only the exertion of Federal control to make them again important avenues of commerce among the States. If they are to be abandoned, it is for Congress, not the courts, so to declare. The policy of Congress is clearly evidence in the act of 1899, and, in the present case at least, nothing remains but to give effect to it."

This case, which is one of the latest and leading cases, makes it clear, first, that it is within the power of Congress to abandon a navigable waterway if it does not think it wise to expend public funds to improve it; and, second, that by the acts of September 19, 1890, and March 3, 1899, just quoted, Congress has declared its policy and exercised its jurisdiction over navigable waterways conferred by the commerce clause of the Constitution.

In People *v.* Metropolitan Railway Co. (285 Ill. 246) the quession arose as to whether or not, by the acts of September 19, 1890, and of March 3, 1899, Congress assumed exclusive jurisdiction over all the navigable waterways of the country and thereby deprived the States of any further right of control over them. In that case the people of the State of Illinois sought to compel the railway company to remove a certain bridge across the South Branch of the Chicago River on the ground that it had become an obstruction to commerce. After citing the case of the Lake Shore & Michigan Southern Railway Co. *v.* Ohio (165 U. S. 365), where the Supreme Court held that the State of Ohio still had the right to compel the removal of a bridge unlawfully constructed across a navigable stream, the court said:

"If the act of 1890 did not affect the power of the State to require the removal of an obstruction placed in the stream unlawfully, we do not see how it could affect the authority of the State to require the removal of a structure lawfully placed in a navigable stream, but which has since, because of changed condition, become an unreasonable obstruction. The subsequent amendatory acts of Congress, including section 18 of the act of March 3, 1899, do not restrict or encroach upon the power the State had, previous to those enactments, been authorized to exercise. Conceding Congress has the power to take sole and exclusive jurisdiction over navigable waters wholly within a State, it has not done so."

In the case of Gillman *v.* Philadelphia (70 U. S. 729), the court said:

"It must not be forgotten that bridges which are connecting parts of turnpikes, streets, and railroads, are means of commercial transportation, as well as navigable waters, and that the commerce which passes over a bridge may be much greater than would ever be transported on the water it obstructs.

"It is for the municipal power to weigh the considerations which belong to the subject and to decide which shall be preferred and how far either shall be made subservient to the other."

HON. NICHOLAS LONGWORTH, LL. D.

Mr. TILSON. Mr. Speaker, I wish to make an unusual request. It is not often that a Speaker of this House will have the honor of having the degree of doctor of laws conferred upon him. Sometime to-day, possibly about this hour, in the city of Philadelphia, the University of Pennsylvania is conferring upon the distinguished Speaker of this House the degree of doctor of laws. In recognition of this honor, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. ACKERMAN). The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 337

Resolved, That the Clerk of the House is authorized and directed to transmit to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, the congratulations of the House upon receiving the honorary degree of doctor of laws, to-day conferred upon him by the University of Pennsylvania.

[Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

BRIDGES

The SPEAKER pro tempore. Under the special order of the day the gentleman from New York [Mr. LAGUARDIA] is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, it may be somewhat difficult to answer in five minutes the statement of the gentleman from Illinois [Mr. DENISON] in 55 minutes.

Mr. DOWELL. I ask unanimous consent, Mr. Speaker, that the gentleman from New York may have five additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, I believe that the merits on my side of the case so overweigh the opposition that 10 minutes will be sufficient in which to answer the gentleman's argument of 55 minutes. The question is not the procedure of the committee. It is not an analysis of the legislation on bridges. The question is, as stated by the gentleman from Kentucky [Mr. ROBSION], whether or not it is to the best interests of the community if the State or any agency of the State can not of itself finance the bridge of construction, to permit the bridge to be financed by revenue-bearing bonds, those bonds having only the revenue of the bridge behind them as a guaranty for the bridge to be operated and controlled by a State or municipal agency instead of giving a franchise and monopoly to a private corporation.

Now, when the gentleman from Illinois talks about the franchise value, and the going value, and the earning value, all being specifically excluded in the committee form of bridge bill, it must be pointed out and made clear that such exclusions of values are applicable only at the time of recapture. All these items are included in fixing of the toll rates. That is exactly the cause for objection to privately owned bridges. These charges, of course, make for unreasonable and excessive tolls on bridges connecting to public highways.

I need not indulge in generalities. I will give you a typical case now pending before the Secretary of War under the procedure described by the gentleman from Illinois [Mr. DENISON]. Take the case of the De Valles Bluff Bridge over the White River operated by the White River Bridge Co. According to actual figures the cost of constructing that bridge was $163,358. It is assessed by the State of Arkansas at $160,000. In 1925 it earned $61,938; in 1926, $96,000; in 1929, $67,000; and in 1928, $120,000.

Mr. MAPES. Is that net?

Mr. LAGUARDIA. Before deducting interest, depreciation, and Federal income tax.

The case is before the Secretary of War on application by the State for a decrease in tolls, and here are the figures submitted. I invite the attention of the gentleman from Illinois to them. This is an actual case and typical. This is not theory or hypothesis. The value of the bridge is not based on the actual cost, the actual value of the physical property; but again we meet our old friend "reproduction value," and the reproduction value of this particular bridge costing $163,000 in the application now pending before the Secretary of War is $361,816. The total reproduction cost as against the actual cost—which it is said is so well protected in the bills we pass under unanimous consent—jumps from $160,000 to $361,816; the cost of the franchise, $36,681; the sound going concern, $75,000—that is, fixed on the profits based on the income received from excessive tolls—and the franchise value, $375,000, bringing it up to $853,897.

Now, how was this capitalized? We go back to the capitalization and we find there is $500,000 worth of outstanding bonds at 6 per cent, sold at 90. Three hundred and fifty thousand dollars of 10-year debentures at 7 per cent, and 20,000 shares of common stock, no par value.

Mr. PARKER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. PARKER. When was that permit granted? What was the date of the granting of the permit to build that bridge?

Mr. LAGUARDIA. The bridge was authorized by congressional act approved November 23, 1921.

Mr. PARKER. Before any of the provisions which the gentleman from Illinois has just cited were put in the bridge bills?

Mr. LAGUARDIA. Subsequent to the act of 1906, nevertheless.

Mr. DOWELL. That increased value has been brought about because of the money that was invested by the Government and the State in building roads leading to that bridge?

Mr. LAGUARDIA. Exactly. The gentleman from Illinois [Mr. DENISON] speaks of monopoly, and he says we are not giving any monopoly, because the committee may give somebody else the right to build a bridge alongside of it, but they never do. Where you have two Federal highways disconnected by a river and you there grant a franchise to construct a bridge, you create there a monopoly to charge tolls, not only for the use of that bridge but for the use of the very roads built by public funds, and you can not get away from it. It seems to me that away back in the Victorian age when some one coined the phrase or term "highway robbery" they must have had a private toll bridge in mind. [Laughter.]

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAMS of Illinois. How does the gentleman expect the people who travel these roads to get across a river?

Mr. LAGUARDIA. By bridges, of course.

Mr. WILLIAMS of Illinois. The municipal authorities and the State authorities are not in a position to build bridges. We are not building any in Illinois, although we have built 8,000 miles of roads, and the ferry companies now have a monopoly, and people are paying more for crossing the rivers by ferries than they would if they had to pay tolls over bridges.

Mr. LAGUARDIA. Is the gentleman on the Interstate and Foreign Commerce Committee?

Mr. WILLIAMS of Illinois. No; but I have a little common sense about these matters.

Mr. LAGUARDIA. I want to say that the States of Alabama, Louisiana, Kentucky, and Arkansas have already adopted the policy of either building the bridges themselves or financing these public bridges operated and controlled by the State or one of its agencies by private funds out of revenue-bearing bonds. Now, the State of California, which owns 95 per cent of its bridges, has just completed a survey, which I commend to the distinguished chairman of the Interstate and Foreign Commerce Committee and his colleagues, in which they point out that privately owned toll bridges cost more than publicly owned bridges. This is from the Investigation and Report of the Toll Bridges in the State of California by the Highway Commission.

Privately owned toll bridges cost more than publicly owned bridges for the following principal reasons:

The cost of organization and promotion is more for the privately owned bridge than for the publicly owned one.

The cost of financing a privately owned toll bridge is higher than the financing of a publicly owned bridge.

The cost of construction of a privately owned toll bridge is somewhat higher (from 10 to 25 per cent) than a publicly owned bridge, due in most cases to lack of competition in bidding on the contract.

The cost of operation is higher on a privately owned bridge than on a publicly owned bridge, primarily because amortization and interest charges are more.

The cost of public service over a privately owned toll bridge is higher than over a publicly owned one, because the capital investment is more and the interest rate higher. A profit is expected on a privately owned bridge and not on a publicly owned one.

The fixing of equitable values of privately owned bridges is so intricate and involved that it would seem almost impossible for the public to acquire them without either paying from 20 to as much as 250 per cent more than it would have cost the public to build them, or, on the other hand, causing a heavy loss to the investors in toll-bridge stock.

The State or counties or cities own and operate more than 95 per cent of the highway and bridges in the State. If public ownership is proper for 95 per cent, it would seem proper on 100 per cent of the State system.

Added investment by the public in improving roads enhances the value of privately owned toll bridges located on or contiguous to these roads.

I want to take this opportunity to state that the Public Roads Bureau of the Department of Agriculture is not only alive to the situation, but is doing everything that it possibly can to prevent the Federal aid highways to our country being exploited and monopolized by private bridge companies. Mr. Thomas H. MacDonald, chief of the bureau, has a remarkable grasp of the situation and is doing everything that he possibly can to warn Congress against the continuance and a perpetuation of the vicious practice of privately owned toll bridges along Federal highways. I will here read a brief extract from the most interesting article entitled "The Freedom of the Road," written by Mr. MacDonald:

TOLL BRIDGE FRANCHISES GRANTED TO PRIVATE INTERESTS

There is much confusion in the public mind on this question. In all sincerity many have indorsed the private toll-bridge franchise on the theory that it is desirable to have bridges, and if the public funds are not sufficient or available, rather than do without it is better to grant a toll franchise to private interests. This is not the issue. The real issue is much simpler—too simple, apparently—and, of course, there is widespread propaganda directed toward keeping the wrong idea in the public mind. The real question is the very simple one of whether it is sound public policy to grant the right to collect a private profit from the user of the highway. The answer ought to be a vigorous and authoritative "No." There is no place on the public highway to-day for the privately owned toll bridge.

The need for capital for highway improvement is so large that it is not only necessary but, in many States, desirable to provide large bridges through toll collections. Where this situation exists, however, it can and should be met by the public in its own interests.

The public can finance and build at lower costs, and the largest bridge undertakings in the country to-day are being financed on the basis of their earnings. Two methods are being used: First, municipal bond issues, to be retired from earnings, and, second, revenue bonds issued against the earnings, but not a municipal obligation in the sense of adding to the constitutional indebtedness.

The Port of New York Authority is engaged in building bridges of unusual size and cost. Four bridges will cost, it is estimated, $100,000,000, and the cost will be met with the income. In this area a number of the most remarkable and most costly public works in the world are being provided without adding to the taxes on the property owner and with the profits devoted to freeing the projects from debt.

One of the projects financed on most favorable terms recently is the new Ohio River bridge at Louisville, Ky. Here is a splendid example of public financing by direct dealing with a strong financial house on the basis of a banking and not a stock-promotion project. The terms are eminently fair to the public. The city will build the bridge and completely control the whole project. Revenue bonds are issued against the earnings of the bridge and they are not a debt liability against the property of the city. The constitutionality of the contract has been passed upon favorably by the supreme court of the State, and within a reasonable time the city will own a magnificent bridge costing upward of $6,000,000 without cost to the taxpayers.

The States of Alabama, Tennessee, Kentucky, Louisiana, Arkansas, and, perhaps, others have within recent months provided for the building of bridges, the costs of which are to be paid from tolls and then made free.

Private toll-bridge interests are becoming bolder and obstructing the public's business. They are attempting to defeat legislation unfavorable to themselves and are obstructing the efforts of highway departments to carry on State projects. Seventy-five Federal authorizations to build toll bridges have been granted to private interests by the present Congress. The terms of these authorizations are wholly inadequate to protect the public's interest, and bills now pending on this subject are even more favorable to the private toll-bridge promoter than existing legislation. Incidentally, the proposal is carried to turn over the fixing of values and regulation of tolls to the Interstate Commerce Commission for bridges over navigable waters and over which interstate commerce is carried.

Basically, all bridges on the main highways have become valuable property because of the construction of highways. The bridges are only a part of such highways and should be legally treated as such. The Bureau of Public Roads made a survey of the situation, but was without legal authority, and consequently could not obtain the records of costs, earnings, investments, and other essential facts from private interests. A full investigation of the toll-bridge situation is needed as a basis for remedial legislation to safeguard the public in their use of the roads and to protect the public which invests in securities. It is a field from which the shoestring promoter should be excluded, and he will be if a thorough investigation is made.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. OLIVER of Alabama. I am very much interested in the gentleman's statement, and I think it is a matter that deserves the thoughtful attention of Congress. Speaking of the State of Alabama, they concluded, after a study of the evils flowing from the building of private toll bridges, to build them for the State, and they are now constructing 15 large toll bridges over rivers. The State found that the 15 bridges can be constructed for not exceeding $5,000,000, and that they will amortize themselves probably in 10 years. They went before the committee and said:

We will not ask for 20 or 25 years, which you sometimes grant, but we will ask you to fix a limit of 15 years and, further, we will not ask to be allowed to charge tolls for approaches to bridges but will ask only for the right to charge for the construction of the bridges themselves.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COCHRAN of Missouri, Mr. BOYLAN, and Mr. WILLIAMS of Illinois rose.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended three minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. The charging of tolls for approaches to bridges is another evil that ought to be corrected, and I want to say, in justice to the committee, when we presented this matter to them the committee unanimously voted to give the State this right.

Mr. LAGUARDIA. The State?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. There is no argument against it.

Gentlemen, just bear in mind when the first act was passed by the Congress the automobile had not yet come into its own.

Not even in the year 1906, the year of the statute upon which you rely, did we have the conditions that we have to-day. To-day we are appropriating $75,000,000 for Federal aid to highways.

Mr. PARKER. Will the gentleman yield?

Mr. LAGUARDIA. Let me finish the sentence. And the States appropriate about $725,000,000. We are spending——

Mr. ROBSION of Kentucy. A billion dollars.

Mr. LAGUARDIA. I thank the gentleman. A billion dollars on public roads. Your system, your procedure—I do not doubt the good faith of the committee—is antiquated, it is obsolete. The financing is unfair to the public. The time has arrived now when you can finance bridges operated by the State from private funds through revenue-bearing bonds if the State, county, or municipality can not afford to do it direct.

Mr. PARKER. Will the gentleman please point out how a community can build a bridge where the State and the municipality refuse to do it?

Mr. LAGUARDIA. Certainly.

Mr. PARKER. I would like to know and the committee would like to know.

Mr. LAGUARDIA. As is being done in the gentleman's own State.

Mr. PARKER. I grant you——

Mr. LAGUARDIA. By the port authority, by selling bonds by the municipality or by the county or by the State on the revenue of the bridge itself, and operating the bridge on a self-supporting basis for service and not for profit.

Mr. PARKER. The gentleman is not answering my question. I say where the State refuses and the municipality refuses, how are you going to do it?

Mr. LAGUARDIA. Then I will say to the gentleman that where the State refuses and the municipality refuses to adopt the system of private financing through revenue-bearing bonds that community is not entitled to the consideration of the Congress.

Mr. PARKER. Then they should be compelled to cross on a ferry?

Mr. LAGUARDIA. If the committee assumes the policy——

Mr. PARKER. Answer the question, please. That is a fair question.

Mr. LAGUARDIA. The question is this: If you have public highways, Federal-aid highways, by all means we should see to it that either the State or a State agency builds and operates the bridge, or else that the bridge is financed out of private funds through revenue-bearing municipal, State, or bridge bonds.

Mr. PARKER. I will say to the gentleman the committee would be very pleased if the States and the various municipalities would finance the bridges; but if they do not, the gentleman has not convinced me how it is possible for the community to get the bridge.

Mr. LAGUARDIA. If the committee will just hold back some of these bills, the gentleman will soon find that the States will attend to the bridges. [Applause.]

It seems to me that Congress should uphold a public official like Mr. McDonald and adopt the policy of carefully scrutinizing every application for a bridge franchise made by promoters, private bridge companies, or private individuals. The very number of bills for extending the time to commence building the bridge indicates the speculative undertaking of these private companies who obtain a franchise from Congress only to go out and peddle the same or else promote it and mulct the enterprise by excessive tolls based on inflated valuation and watered stock.

Gentlemen, all that I am seeking to do is to protect the highways built by Federal and State money, so that they may be enjoyed by all of the people without paying a tribute to professional promotors and financial manipulators. I do not want to be a chronic objector to all these bills. I do want to do my part in stopping what I consider a vicious practice. I hope the time is not distant when there will come an end to these private bridge bills. Public highways and Federal-aid roads are simply inconsistent with privately owned toll bridges.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker——

The SPEAKER pro tempore (Mr. TILSON). For what purpose does the gentleman from Maryland rise?

Mr. ZIHLMAN. Mr. Speaker, I rise to submit a unanimous-consent request.

The SPEAKER pro tempore. Is it a matter that will require any length of time to consider?

Mr. ZIHLMAN. I do not think so, Mr. Speaker. I think it will take just a moment.

The SPEAKER pro tempore. The gentleman may submit his request.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States, and I shall move to concur in the Senate amendments.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, briefly, what do the Senate amendments provide?

Mr. ZIHLMAN. The Senate amendments simply change the method of giving notice to the property owners, and provide that the estimated value of the property must be paid in when the Government files the proceedings, because title immediately passes to the United States.

Mr. SCHAFER. Are the Senate amendments for the benefit of the property owners or for the benefit of the Government?

Mr. ZIHLMAN. I think they further protect the property owners, and were so intended.

Mr. MAPES. Mr. Speaker, reserving the right to object, may we have the amendments read before consent is given?

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

DEGREE-CONFERRING INSTITUTIONS

Mr. ZIHLMAN. Mr. Speaker, I submit a conference report, for printing under the rules, on the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the language inserted by the House insert the following:

"2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence, or extramural study, such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued conferring a degree in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence."

And the House agree to the same.

FREDERICK N. ZIHLMAN,
CHARLES L. UNDERHILL,
THOMAS L. BLANTON,
Managers on the part of the House.

JOHN J. BLAINE,
D. O. HASTINGS,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) entitled "An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions" submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

On amendment No. 1: By this amendment the House added to the requirement of the Senate bill that any institution seeking a license to grant degrees must satisfy the Board of Education that degrees were awarded only after completion of such quantity and character of work as usually required by reputable institutions awarding such degrees, the further requirements (1) that if more than half the requirements for a degree are earned by correspondence or nonresidence study, that fact should be con-

spicuously noted on the diploma; (2) that no diplomas conferring degreees in medicine or any healing art, or in law, shall be issued for correspondence study; and (3), in effect, that the course of study should be as approved by the Board of Education of the District of Columbia.

The position maintained by the Senate conferees was one of approval of the additional requirements with respect to notation on the diploma of correspondence study and interdiction of correspondence-school degrees in medicine or the healing arts. The Senate conferees were firmly of the opinion, however, (1) that ample safeguards were thrown about the licensing of degree-conferring institutions by the other provisions of the bill without requiring courses and methods of study to conform absolutely in all respects with a judgment or decree of the Board of Education of the District; and (2) that it was wholly unnecessary and inadvisable to prohibit granting of degrees for correspondence-course study of law.

The Senate conferees maintained that inasmuch as the bill requires the quantity and quality of work of institutions to conform to that usually required by reputable institutions, it would be unjust and unwise to in effect force reputable institutions conducting correspondence courses (including many great universities) to secure specific approval by the Board of Education of their entire courses and methods of study.

The Senate conferees were equally firm in their opinion that public interest did not require residence-school study of law. They did feel, however, that no degrees in dentistry should be awarded for correspondence-school study.

Because of the other safeguards of public interests contained in the bill and House amendments, the House conferees yielded as to specific approval of courses by the Board of Education and as to correspondence degrees in law, and agreed to the prohibition with respect to dental degrees. Other features of House amendment No. 1 were retained, as agreed to by the Senate conferees.

On amendment No. 2: The bill, as passed by the Senate and approved by the House District Committee, provided for revocation of licenses granted to degree-conferring institutions by the Board of Education, through proceedings instituted by the board, after public hearing on 30-days' notice, commitment of the evidence to writing, and with the right granted the school to have the case reviewed by the Supreme Court of the District of Columbia.

By its amendment No. 2, the House further provided that after notice is given by the board of its intention to revoke a license, and during the 30-day period of such notice, or during the time the board's decision is under review by the court, no diploma shall be awarded or degree conferred by the holder of the school license.

The position of the Senate conferees was that this amendment might result in serious damage to the school and injustice to its students, particularly those about to graduate after long study at the time of serving of the notice of intended revocation of license. The decision of the court might not be made for many months, or even several years, and meanwhile the school, which had complied with the law and been granted a license, would suffer serious injury without means of redress, and some of its students, who had pursued their courses of study in good faith, would be equally injured by reason of inability to obtain earned degrees.

In consideration of this position on the part of the Senate conferees, and the other undisturbed provisions of the bill requiring institutions now in existence and those hereafter organized to be examined and licensed before undertaking to confer any degrees, the conferees on the part of the House agreed to recede from amendment No. 2.

The net result of the action of the conferees is to leave the bill as it was favorably reported by the House District Committee, after extended hearings and full discussion and consideration, except that dental degrees are added to those that can not be awarded for correspondence study.

FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
THOMAS L. BLANTON,
Managers on the part of the House.

POSTAL EMPLOYEES

Mr. BELL. Mr. Speaker, I ask unanimous consent to file minority views on the bill (S. 3281) to provide a shorter workday on Saturday for postal employees.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to file minority views on a bill reported by his committee. Is there objection?

There was no objection.

SAN LUIS VALLEY

Mr. HARDY. Mr. Speaker, I ask unanimous consent to publish in the RECORD a memorial of the General Assembly of the State of Colorado.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD by publishing a memorial of the General Assembly of the State of Colorado. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following memorial of the General Assembly of the State of Colorado:

Senate Joint Memorial No. 1

[By Senators Headlee and Shawcroft, Messrs. Sylvester, Mathias, Johnson (Conejos), and Jones]

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the General Assembly of the State of Colorado, again respectfully represents to your honorable body that what is known as the San Luis Valley on the Rio Grande, in which is located some 2,000,000 acres of irrigable, productive, agricultural land in the State of Colorado, has been greatly damaged and retarded in its growth and development to the detriment of the peoples of the San Luis Valley and the commonwealth of the State of Colorado, in this, to wit:

That for and on account of the action taken by the Congress of the United States and different departments of the Government of the United States, and particularly on request of the honorable Secretary of State, contrary to the advice of the Attorney General of the United States, in the year 1896 an embargo was placed upon the construction of reservoirs on the upper Rio Grande in the State of Colorado.

That by reason and on account of such embargo, the peoples of the San Luis Valley were prevented from constructing reservoirs whereby they could scientifically and economically administer the distribution of irrigation waters from the Rio Grande River in that territory.

That as a direct result of the prohibition, illegally and unjustly placed upon the people of the San Luis Valley as aforesaid, a large amount of irrigation water was applied to lands in the springtime when the river was in flood, during which period these people were prohibited from the construction of reservoirs to properly regulate their supply of water, in an attempt to secure a sufficient amount of ground storage to supply their crops during periods of drought. This excessive use of water in the springtime resulted in the seeping of a large area of land aggregating several hundreds of thousands of acres theretofore very productive; a total loss of its productivity resulting, and a direct loss to the landowners and entrymen on the public domain in that locality variously estimated at from $187,000,000 to $200,000,000, in addition to the loss of homes and improvements erected at the cost of a lifetime of toil by the owners of such lands, and the desolation of a thriving and productive community, occupied by several thousands of happy, industrious, satisfied, and contented people, all citizens of the United States of America.

That in the year 1925, the embargo against the construction of reservoirs on the upper Rio Grande in Colorado was removed and was then found by the then Secretary of the Interior to have been illegally initiated and imposed.

That by the drainage of said lands and the construction of reservoirs now permitted, whereby the application of water in the future may be properly and scientifically regulated, said lands, now desolate and unproductive, may be reclaimed and again made productive; but before such reclamation can be provided for it is necessary that an outlet for the excess waters so applied to such lands which caused the seepage thereof be provided for from what is known as the San Luis Lakes to the Rio Grande, a distance of about 22 miles.

That the action of the governmental agencies of the United States in imposing such an embargo whereby the peoples of the San Luis Valley were prohibited from exercising rights unquestionably exercised and enjoyed by all other citizens was unjust and discriminatory.

That the people of the San Luis Valley have never been recompensed in any particular for the great loss occasioned to them by these unwarranted and unjust acts of the United States Government, notwithstanding the fact that the peoples of southern New Mexico and western Texas on the Rio Grande River, under what is known as the Elephant Butte Dam, have been heretofore compensated by a direct appropriation of Congress in the amount of $1,000,000 to compensate them for 60,000 acre-feet of water ceded to the Republic of Mexico which, as a matter of fact, on account of the embargo heretofore mentioned, in practical operation was charged directly to the San Luis Valley in Colorado.

That the 60,000 acre-feet of water, heretofore ceded to Mexico by the United States, can be replaced in the Rio Grande by the construction of the outlet contemplated; 2,000 square miles can be added to the drainage area of the Rio Grande and the flow of the river be materially augmented, thereby furnishing an additional supply of water for the use of the people in New Mexico and Texas.

Your attention is respectfully directed to a similar memorial to the Congress of the United States adopted by the Twenty-sixth General Assembly of the State of Colorado, since the adoption of which at the suggestion of the Department of the Interior the Reclamation Service and the State engineer of Colorado have made a joint study of this important matter.

We therefore again urge the Congress of the United States of America to take appropriate action to relieve as far as possible the territory devastated as a direct result of the embargo so imposed by providing an outlet from the San Luis Lakes to the Rio Grande in order that these unfortunate people, sacrificed upon the altar of what was in 1896 no doubt considered to be for the good of the Nation, be permitted to drain these lands and relieve the condition brought about by the imposition and maintenance for 30 years of an embargo illegally initiated and imposed.

DAVID ELLIOT,
President of the Senate.
ROYAL W. CALKINS,
Speaker of the House of Representatives.

SECOND DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill, H. R. 17223; and pending that, I desire to ask the gentleman from Tennessee if we can agree upon the time for general debate.

Mr. BYRNS. I trust that the gentleman will simply make the request for the division of time and let the debate run for a while.

Mr. WOOD. Mr. Speaker, pending that I ask unanimous consent that the time for general debate be equally divided, the gentleman from Tennessee [Mr. BYRNS] to control one half and I to control the other half.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17223; and pending that, he asks unanimous consent that the time for general debate be equally divided, he to control one half and the gentleman from Tennessee [Mr. BYRNS] the other half. Is there objection?

There was no objection.

The motion of Mr. WOOD was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The Clerk read the title to the bill, as follows:

A bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, a resolution was introduced in the House on January 3 providing for the appointment of a select committee of five to investigate the expenditure of international bankers, United States international business organizations, and their legal representatives, and foreign interests to influence the foreign policy of the United States. As is well known, immense sums of money have been expended for this purpose during the last eight years.

This resolution has not been pressed at this session because the time was too short for the investigation.

This order of investigation will be reintroduced in the next Congress and vigorously pressed for action in order that there may be exposed to the American people the sinister financial interests and purposes of those who for financial gain would involve the United States in foreign entanglements and destroy her independence. The highest public interest demands that this investigation should be made.

For nearly a century European international bankers have directed and controlled the foreign policies of their respective countries. It has not been uncommon for foreign interests to spend large sums of money to effect their purposes in alien States. These international interests, together with United States international bankers and business organizations, have created a network of expensive propaganda and intrigue to have the United States abandon its wise traditional policy of no foreign entanglements, and they will succeed in their purpose unless public opinion, aroused by the exposure that would result from this investigation, stop them in their course.

These interests assisted by American internationalists attempted, first, to have the United States join the League of Nations, and upon their defeat to have the United States adhere to the protocol of the Permanent Court of International Justice of the League of Nations, the servant and political agent of the league, as a preliminary step toward entry into the league itself, and upon their defeat in this direction, to have the United States approve the multilateral treaty.

The approval of the multilateral treaty was the first commitment of the United States to internationalism, and the first success of these interests assisted by American internationalists. The League of Nations now asserts that the multilateral treaty commits the United States to the conclusions of the league and that the United States can not oppose hereafter anything it does to enforce peace. It insists that we have lost our rights as a neutral Nation, and there is much force in this assertion. Thus, for the first time the United States is entangled with the league. This is what these interests and American internationalists desired for the accomplishment of their purpose. Their purpose, let it be repeated, is our ultimate entry into the League of Nations, the next step toward which is our adherence to the protocol of the Permanent Court of International Justice of the league. This court is a political court for the enforcement of the Versailles treaty and, incidentally, for the settlement of international disputes. As nations need not be members of the court to have recourse to it for the settlement of disputes, the only reason for United States adherence is as an approach toward entry into the league itself, which the internationalists are now again vigorously pressing.

The first witness who should be called before the committee is Ivy Lee of New York, who recently sent to Members of Congress an elaborately printed publication containing two speeches of a foreign premier the evident purpose of which was to influence the passage of the multilateral treaty and to prevent the expansion of our Navy.

Mr. SCHAFER. Will the gentleman yield?

Mr. TINKHAM. I yield.

Mr. SCHAFER. Is Mr. Lee an American citizen?

Mr. TINKHAM. I understand that he is.

Mr. Lee, according to Who's Who in America, 1928–1929, was a member of the personal advisory staff of John D. Rockefeller in 1915–16 and now is adviser in public relations to John D. Rockefeller and other large interests; was a lecturer in the London School of Economics, 1911–12; is chairman of the English-Speaking Union, a fellow of the Royal Economic Society and of the Royal Geographic Society, and a member of the Royal Automobile and Author's Clubs of London.

On the 10th of January, in an interview in New York when denying charges that he had received money from the Soviet Government, Mr. Lee stated:

In view of all the activities with which I am associated, in behalf of large business interests, every principle of whose operations is opposed to some of the fundamental tenets of the Russian Government, it would be absolutely impossible for me to engage in any activity which might in the remotest manner, accept financial support from the Soviet Government.

International bankers, it is said, have repeatedly made as one of their conditions to floating in this country the loans of some foreign governments the retention of Mr. Lee by those governments at a high salary. This is the character of the work in which is engaged a man who used his influence for the approval of the multilateral treaty and the defeat of the cruiser bill. He is the personal representative of John D. Rockefeller and the international oil interests and international finance. If this man is summoned before the investigating committee, the ground will be laid for the exposure of one of the grossest scandals which have ever defaced political affairs in this country. Under oath Mr. Lee would be compelled to state in whose interest he is acting, from whom his money is received, and what are his activities, direct and indirect, in relation to the foreign policy of the United States. No facile and plausible statement not made under oath by Mr. Lee should satisfy the American people. He is a past master of affable indirection and evasion.

The international Standard Oil interests, John D. Rockefeller, and their agent, Ivy Lee, now open propagandists against the interests of the United States, have no country, no flag, and no allegiance except to the power of money and what money can compel or buy.

Are the American people to accept without protest foreign policies and international commitments dictated from these sources? Is the sovereignty of the United States to be sacrificed

and the traditional independence of the United States destroyed by the money and for the profit of such men?

These interests and these men assume the attractive habiliments of lofty sentiments and high-sounding phrases, but underneath there is no love for national independence, no love of country, but a desire for personal power and their own selfish aims. What John D. Rockefeller thinks is right never conflicts with his financial interests.

Men of this character have lately become so bold and open in their activities in public affairs and at present in our international affairs because of a false doctrine which is being constantly disseminated by public authorities—the doctrine that the end of government and of the policies of government is the acquisition of wealth and the achievement of well-being, and the subordination of all national policies to this end. This pernicious doctrine all history shows has destroyed liberty, independence, character, and conscience, and finally the very virility of a race. Such a doctrine abolishes all concepts of independence of country, liberty of person, and individuality, and is opposed to their very existence. Such a doctrine is the deification of the brutality of organized wealth.

Since the introduction on January 3 of the order of investigation the following startling and convincing events have occurred:

First. The appointment of J. Pierpont Morgan, the leading international banker of the United States, and of Owen D. Young, the president of one of the largest United States international business organizations, as semiofficial representatives approved by the Government to the conference to be held in Europe in relation to German reparations, and the election of the latter, with the consent of the United States Government, as chairman of this commission.

Second. The mission of Elihu Root, an ex-Secretary of State, formerly known as the leading adviser of international bankers and international business organizations, to a conference of jurists appointed by the Council of the League of Nations to make any necessary changes or amendments in the procedure of the Permanent Court of International Justice of the League of Nations, with the evident purpose of consummating United States adherence to this court and obviating the reservations made by the United States several years ago to control its political activities. This mission was not undertaken until after a visit to the President and the President elect of the United States and the Secretary of State; and Elihu Root is a publicly declared exponent of United States entry into the League of Nations.

Third. The recent employment of Charles Evans Hughes, another ex-Secretary of State, by John D. Rockefeller, jr., to represent a committee formed by the latter to obtain control of a great international oil company which recently acquired, together with British interests represented by Lord Inverforth, another large international oil company. Not only is Mr. Hughes one of the best-known advisers of international bankers and international business organizations, but he has recently been elected to membership on the Permanent Court of International Justice of the League of Nations, which court he wishes the United States to join. Yet, before this very court of which he is a member come questions which in various ways vitally affect the stability of American international loans and American international business interests, and, further, in a recent case of an advisory opinion rendered in relation to Mosul in the Near East vitally affected international oil interests.

Unless the character of the American people has been entirely wrecked by the grossest materialism and their patriotism and love of liberty changed to insatiable greed, they will not long tolerate that all public policies, foreign and domestic, shall be determined solely by financial gain and at the cost of the independence of the country and the liberty of the individual. [Applause.]

Mr. BYRNS. I yield 25 minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, after listening to the splendid oration by the gentleman from Pennsylvania [Mr. BECK] to-day, one of the ablest lawyers and brightest minds in all the United States, I hesitate to approach the subject which he so ably discussed. Indeed, some of the press in my State have criticized me rather severely for presuming to discuss constitutional questions, State and National.

Passing this over, I will say that during the 12 years I have represented my city and district in the State and National Legislatures, I have devoted the greater portion of my available time to the consideration of constitutional questions, for the reason that I desired to determine for myself how I should vote on such questions in this body. It is unfortunate that this body too often allows itself to "sink great fundamental questions for temporary advantage" as suggested by the gentleman from Pennsylvania.

My remarks will be addressed to the passage by this body of Senate Joint Resolution 182. I believe this resolution has passed both bodies, but has not yet been signed by the President, and we do not know whether it will become a law or not.

This resolution authorizes the loan to certain South Atlantic States of $6,000,000 to be allocated for the purchase of seeds and fertilizers for certain people who are supposed to have suffered from national disaster. I presume that those who voted for this resolution did so with the idea that it would come within the general welfare clause of the Constitution, although it applies only to certain individual States, to a certain class within those States, and to certain individuals within a certain class in those States.

Speaking for myself and those people of Virginia who may agree with me—and my belief is that a great majority of them will agree with me upon this question—I desire to take advantage of this opportunity to again voice my protest against incorporating Virginia in the proposed legislation for lending money to the South Atlantic States because of supposed disasters from storms and floods. So far as I am aware there have been no unusual disasters in Virginia. Of course, we have a few creeks that overflow their banks annually, and sometimes a crop may be damaged or destroyed as a result of seasonal rains, but I can see no justification for placing Virginia in the column of supplicant States when our press is almost daily expressing to the public the great progress and development and prosperity existing within the past few years. During the recent past I had occasion to investigate the material development of our State in the decades from 1900 to 1920, in which I had recourse to the United States census reports and financial statistics of the States, published by the Departments of Commerce and Treasury. Considering natural resources the basis of all wealth, we included the percentage of increase in wealth from agriculture, mineral production, sea-food production, and forestry. We also included the percentage of increase in bank capital, surplus, and deposits, and reducing the whole to a common average we found by comparison that of all the States of the Union Virginia stood thirteenth in the percentage of wealth accumulated. She stands tenth among the States in the volume of money contributed toward the support of the National Government. From the standpoint of efficiency and economy she stood twenty-eighth among the States of the Union in the per capita of revenue levied for the support of the State government, including highway construction. In the matter of educational facilities afforded to our children in the year 1926, she stood sixteenth among the States in the volume of money invested in school plants; that is to say, in land, buildings, and equipment, irrespective of size or wealth, and in the volume of money appropriated for maintenance she stood fourteenth.

It is true that agriculture in Virginia, in common with other States in the Union, has suffered during the past few years, incident to the fact that farm products have not advanced in market prices proportional to other production, while the labor cost, supplies, and transportation have increased nearly or quite 100 per cent. Nevertheless, intelligent and consistent land improvements have led to a higher per cent of yield, which has in a large measure offset the increased cost, and I have not observed that agriculture in Virginia has suffered so much as has been claimed from some other sections of the country. Virginia, therefore, can not and has not made any claim as a pauper State. My colleagues from Virginia have not expressed themselves upon the floor of the House as to this matter other than by an aye-and-nay vote. They, of course, are to the same extent with me responsible for legislation affecting Virginia's welfare. But Virginia is able from her own treasury to take care of her people, and we ought to know that we can not get something for nothing. The Federal Government has no money save that taken from the pockets of the people, and it is far more expensive to dispense through the Federal than State Governments.

In view of the consistent attitude of Virginia's representation since the foundation of our Government, that we adhere to a strict interpretation of the Constitution with respect to the delegated powers, and the claim that the general-welfare clause is limited by the specific explanations as to the meaning of "to pay the debts and for the common defense and general welfare of the United States," set forth in section 8, Article I, of the Constitution, it is inconceivable to me that we should at this late day, without cause or reason, recede from our time-honored position and ask to be participants in looting the Treasury of the United States. In 1887 Grover Cleveland, a Democratic President, whose memory we revere, vetoed a similar bill providing Federal aid for the purchase of seed for the relief of

certain drought-stricken areas in Texas. Among other reasons which prompted the veto he said:

I can find no warrant for such an appropriation in the Constitution. I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit.

Such is my conception of the effects of Senate Joint Resolution 182.

Every Representative upon assuming his duties of office takes a solemn oath to support and uphold the Constitution, which he should respect if he has any desire to preserve the integrity of our system of government. I have always voted against this kind of legislation, and I spurn the support of such measures simply because it proposes to incorporate my State as a party to a measure which I consider unwarranted. This sop, voluntarily thrown to our State, is too marked an appearance of an effort to purchase our consent and acquiescence in any kind of raid that may be proposed upon the Treasury of the United States. We have inveighed against the leasing of our oil fields to private interests as a gross scandal and robbery. If we voluntarily accept this sop we should ever hereafter hold our peace and indorse any scandal or corruptions that may develop in the conduct of our Government. Like Banquo's ghost, it will continually arise to plague us in the future. I have had, gentlemen, Members of this House say to me that my position is entirely right, but while the "swag" is being doled out we should get our part. I resent and spurn the thought of asking or taking from the Federal Treasury anything to which we are not justly entitled, even though every other State in the Union were taking a part of the "swag." Let me repeat that two wrongs do not make a right, and after all this is a mere gesture, a pretense of doing something for the farmer which in reality means nothing. We have already established farm-loan banks, intermediate credit banks, tariff legislation, revolving funds, and the Agricultural Department. The latter is spending $154,000,000 annually, supposedly to aid the farmer. But when the farmer undertakes to borrow from the Government he will be required to give some kind of security.

Those farmers who have security do not need this aid. If they have land, they can borrow from the farm-loan bank; if they have crops, they can borrow on warehouse receipts; if they have none of these, they can not borrow, and, indeed, if he has these securities he can more conveniently borrow elsewhere. Those who have no security, farmers who lease land and obtain credit from supply houses with which to purchase their team and implements and even supplies of food to carry them through the year, have no securities to offer and, in reality, but little to lose even should there be a disaster of a nature which has not yet been shown. This class of farmers, therefore, will not be able to borrow of this proposed fund. All that the average American citizen has a right to ask or does ask of his Government is that it hold open for him the door of opportunity. He does not ask alms, but demands that to which he has a right, and that these opportunities shall not be taken from him by monopolies and concessions granted to monopolies by the Government. This is the great evil, in my opinion, from which agriculture and all other kinds of small business are to-day suffering, and if Congress really wants to do something for the small business man we should rehabilitate and strengthen the Sherman antitrust law.

As stated recently on this floor, the paramount argument used by the Republican Party as a reason why the southern people should support their ticket was that in so doing we could "get something" out of the Government, presumably something to which we are not entitled. So far as my observation goes, our people have placed principle above filthy lucre. We do not want that to which we are not entitled. During my eight years of experience in this body I have found no great difficulty in getting that to which we are entitled. The preservation of the integrity of our Government as created by our ancestors is the greatest boon that can be given to the American citizen. When the delegated powers are exceeded and the reserved rights of our sovereign States are destroyed or absorbed by the Federal Government it must inevitably lead to an autocracy, oppression, and tyranny, and the stifling of opportunity which will eventually reduce the average citizen to a condition of servitude. The greatest service, therefore, that a Representative can render to his people is, in my opinion, to preserve, so far as it may be in his power, the fundamental principles upon which our Government was founded. The preservation of the rights, privileges, and liberty of the individual has stimulated the American people to an ingenuity unsurpassed in the history of the world. We have advanced in the arts, sciences, transportation, education, and material prosperity under our system as no other nation in the history of the world has done in so short a period of time. Why should we desire to break down this system and encourage the American citizen to loot the Federal Treasury to supply his every want rather than depend upon his own ingenuity and effort?

The Democratic Party may be ridiculed as being "always on the unpopular side in order that it may be right," but it has been a stabilizing influence upon society. It has contributed no little to the revelations of fraud, graft, and wrongdoing by men in public life. Its record when in power is one of which we have no cause to be ashamed. It is true that during and after the Great War our party was accused of extravagance and wastefulness, but I recall that after appropriations of more than $700,000 by the Congress to investigate its acts during that period of time no instance of wrongdoing was discovered of sufficient moment to warrant prosecution in the courts.

Let us not, therefore, accept in silence a voluntary offering in questionable raids upon the Treasury which can be offered as an example of our own mendacity in the future should there be a return of the oil scandals or parallel graft. [Applause.]

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH. Mr. Speaker, we have heard and read much concerning the accomplishments of the United States Bureau of Reclamation during the past few years. Investigating commissions have deliberated and reported. Magazine writers have filled pages with prejudiced views, and some Members of Congress have criticized without stating all the facts.

If what we have heard and read from these sources were the only information available pertaining to the work of the United States Bureau of Reclamation, the conclusion might be reached that its accomplishments for the past 26 years had cost too much.

Fortunately for the home builders on the arid lands, there are two sides to the story. The wisdom and vision which gave President Roosevelt the inspiration and courage to recommend that a bureau of the United States Government be given authority, through special act of Congress to use money, accruing from the use and sale of western public lands, for creating western homes, and opportunities for those who might choose to cast in their lot with the West, have never been impugned or successfully challenged.

Out of the 26 years' effort and experience has come much that is of national advantage and cause for large appreciation.

Sometimes during that period the engineering and physical factors have overshadowed the human part of the enterprise, and mistakes have been the result. Sometimes local enthusiasm backed by able political advocates have had a part in allocating some of the reclamation funds in the wrong places. However, our vision and perception of the actual facts and accomplishments should not be clouded or distorted by the smoke screen and clouds raised by those who may be passively indifferent or are out of sympathy with the work of the Reclamation Bureau.

It has been a source of satisfaction to note that real progress has been made in the face of many unforeseen obstacles in this effort to establish western agriculture and industry.

Massive dams have been constructed; great artificial rivers have been diverted over the deserts; cities, churches, schools, colleges, and farm homes have been built in what a generation ago was largely desert. These are accomplishments and monuments well worthy of the highest respect and appreciation of an intelligent people for the vision and courage, in the face of many unforeseen obstacles, which inspired and caused to go forward those reclamation pioneers who in a single generation have written a new chapter into the history of the Nation and the West.

President Roosevelt, in his first message to Congress in 1901, proved himself a great prophet and statesman for his country and was fully conscious of those factors most influencing our national welfare and ideals, when he referred to our greatest natural resources, land and water, in these words:

It is as right for the National Government to make the streams and rivers of the arid region useful by irrigation works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind.

The reclamation and settlement of the arid lands will enrich every portion of our country. Just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States, the increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture.

Indeed, the products of irrigation will be consumed chiefly in upbuilding the local centers of mining and other industries, which would otherwise not come into existence at all. Our people as a whole will

profit, for successful home making is but another name for the upbuilding of a nation.

On June 17, 1902, President Roosevelt approved the United States reclamation law, which set aside the receipts from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming for construction of irrigation works under direction of the Secretary of the Interior. Later the benefits of the law were extended to Texas.

ENCOURAGING FARM-HOME LIFE

For 26 years the United States Bureau of Reclamation has been assisting in conserving and developing our national resources of land and water.

It has built up a farm-home life, not only as a business but as a mode of living.

Judging from some superficial discussions initiated by those who really have but little true knowledge of what constructive development of large desert areas into peopled, prosperous, and productive communities means or requires, the uninitiated public mind largely appraises the works of the United States Bureau of Reclamation as failures or very limited successes.

As a westerner, and one who, for over 40 years, has watched with sympathetic interest the gradual driving back and overcoming of the desert and flood liabilities, obtaining throughout the old West of 50 years ago, I am amazed at the great achievements and the seeming facility with which the obstacles, by many considered insurmountable, have been overcome—all within a relatively short period of time, and practically without expenditure by the National Treasury.

THE ENTIRE NATION HAS PROFITED, BOTH EAST AND WEST

Two outstanding facts should be nationally emphasized:

First. The East has lost nothing from any appropriation craved by it, on account of the work of the United States Bureau of Reclamation, as practically all of the new money invested in this enterprise came from the West through the sale and leasing of western public lands.

Second. The investment of western money in the West should not be a source of dissatisfaction, especially when such investment has so materially assisted in peopling the desert and adding to the wealth, population, and prestige of the West.

Criticism by easterners of the work accomplished by the United States Bureau of Reclamation, therefore, can only be defined as uninformed provincialism, and when westerners criticize this great work, they are either echoing propaganda set on foot by interests inimical to the West, or of that emanating from those who lack real knowledge of the true sources from which the money thus invested has come, and of the transformation within many western communities brought about through its investment.

THE WORK OF THE UNITED STATES BUREAU OF RECLAMATION COMPARED WITH MILLIONS SPENT IN THE EAST AND SOUTH ON RIVERS AND HARBORS

It would be of much interest here to compare the results obtained by the United States Bureau of Reclamation in building up the West and actually creating new national wealth through irrigation, power development, and flood control, with those obtained from the expenditure of the many millions appropriated by Congress from the National Treasury, from time to time, for river and harbor improvements, in the South and East.

In May, 1896, Congress passed over President Cleveland's veto a single bill providing for the appropriation and expenditure of $80,000,000 for "river and harbor improvements," payable from the National Treasury.

It is of interest to us at this time to note what President Cleveland said when returning this bill to Congress without his approval, which Congress immediately passed over his veto. Here is his statement:

> Many of the objects for which it appropriates public money are not related to public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On June 23, 1923, in a public address, President Harding said, when referring to the enormous sums appropriated from the National Treasury, for river and harbor improvements:

> The Federal Government has expended approximately $1,130,610,000 on river and harbor improvements. Only last spring the Congress appropriated $56,589,910 in spite of a Budget recommendation of less than half that amount.
>
> For the sums spent on harbors we have most beneficial results. The millions expended on inland waterways, on rivers, and canals have brought small returns because we have put them to no practical use. Though we expected to cheapen carrying charges and facilitate transportation, we have failed in coordinating service and allowed the railroads to discourage every worth-while development.

Just what benefit to the Nation the expenditure of this $80,000,000 appropriation for "river and harbor improvements" and other scores of millions appropriated for like purposes has been, is not entirely apparent at this time; but assuming all was wisely spent, we feel confident no more worthy purpose existed for these expenditures and no greater accomplishments have been attained than from the use of $144,000,000 of western public land money in the West by the United States Bureau of Reclamation for water storage, irrigation, power development, and flood control.

FLOOD CONTROL STRUCTURES CONVERTED INTO NATIONAL ASSETS

Engineers now recognize that the most effective and economical flood-control structures are storage reservoirs in the Western States, where the streams leave the mountains. Thus, floods on the Mississippi-Missouri River have been and will be lessened by irrigation storage works on the Missouri's tributaries in the mountains far to the west of the areas flooded.

The former damage from the Rio Grande floods has been greatly lessened by construction of the Elephant Butte Dam.

Many eliminations of the flood hazard can be found in drainage basins, both south and west, where the waters so stored are converted into a national asset rather than a national liability.

Irrigated farms, great hydroelectric power development for domestic and industrial use, flood control and elimination of erosion and destruction of great western watersheds, are all achievements of the United States Bureau of Reclamation.

Able engineers and a bureau of our National Government, responsible for these great epoch-making accomplishments, should receive the Nation's thanks and commendation, rather than loose criticism from those who would draw an unfavorable picture of a great national achievement.

ACCOMPLISHMENTS OF RECLAMATION PIONEERS

Some physical accomplishments of the United States Bureau of Reclamation are:

Thirteen million acre-feet of water storage created where irrigation, hydroelectric energy, and flood control unite to make of tremendous economic value that which was formerly largely wasted and often a flood menace.

Sixteen thousand miles of canals, distributing laterals, and drains; 31 miles of tunnel; 11,332 bridges and thousands of smaller structures built for western improvement.

Great massive structures, such as the following-named dams, will remain as monuments to the courage and foresight of those responsible for their initiation and completion, and will remain sources of public wealth through the centuries to come, long after the generation which built them has passed into history.

AMERICANS SHOULD ACQUAINT THEMSELVES WITH THE ECONOMIC IMPORTANCE OF THESE NATIONAL ASSETS

Jackson Lake Dam, in Wyoming, for Idaho farms.
Roosevelt Dam, Ariz.
East Park and Stony Gorge Dams, Calif.
Arrowrock and American Falls Dams, Idaho.
Colorado River Roller Crest Dam, Colo.
St. Marys and Sherburne Lakes, Mont.
Pathfinder Dam, in Wyoming, for Wyoming and Nebraska.
Elephant Butte Dam, in New Mexico, for New Mexico and Texas.
Belle Fourche Dam, S. Dak.
Shoshone Dam, Wyo.
Strawberry Valley Dam, Utah.
Tieton Dam, Wash.
Conconully Dam, Wash.
Lahontan Dam, Nev.
And more than 100 smaller structures of like character.

These structures will stand out as among the important economic and physical contributions of large and permanent value which our day and age will bequeath to posterity.

They are the initial structures of like character which will continue to be built as demand for food and opportunity, which a farm home gives to a nation, increases. Eventually all winter precipitation on western mountains will be stored and used for the benefit of the Nation, rather than rush to the ocean in flood periods.

Two of these enterprises have offered occasion for amicable settlements of water questions of international character.

The water stored up by these dams for irrigating millions of hitherto unproductive arid acres, now converted into gardens and farm homes; the hydroelectric energy furnished to sections far removed from other large power and fuel supplies, and the flood control afforded, are not matters to be lightly criticized or passively overlooked.

Ere long, the vision and wisdom of the reclamation pioneers will be more fully appreciated and their work acknowledged as

one of the leading economic contributions made to our Nation by the twentieth century.

FARMERS PAYING OVER $5,000,000 ANNUALLY TO RECLAMATION REVOLVING FUND

We have heard much about the noncollection of irrigation costs by the United States Bureau of Reclamation. What are the facts? During the past nine years, covering a period of great economic depression among the farming class, collections which have been received by the reclamation fund average well over $5,000,000 a year.

The present constructed works are capable of serving about 3,000,000 acres with irrigation water, of which an area of 1,956,910 acres is wholly dependent upon the United States Bureau of Reclamation for water, and was largely unproductive and without value or demand for goods and business before reclamation.

Over 1,431,500 acres are actually cropped and producing food and textile necessities of life.

275 PER CENT RETURN ON TOTAL INVESTMENT—$50 PER ACRE ANNUAL AVERAGE CROP VALUE

The increased value of lands and other properties on farms and in towns, within the enterprises watered by the United States Bureau of Reclamation, is authoritatively estimated at $550,000,000, a figure which compares well with the total expenditure of $229,000,000 for reclamation purposes.

The crops raised within United States Bureau of Reclamation enterprises, in 1927, in a period of relatively low prices, and on lands dependent on reclamation works for their irrigation supply, had an average value of $50.33 for each cropped acre, or a grand total of over $133,000,000 for a single year.

From the twenty-seventh annual report of the Bureau of Reclamation for the fiscal year ending June 30, 1928, we select these figures:

One hundred and forty-three million dollars of the total invested by the Reclamation Service since 1902 accrued to this fund through the sale of public lands, sale of reclamation town sites, and proceeds from the public-land oil leasing act.

Over $77,000,000 has already been repaid by the farmers and returned to the Government for further use in the reclamation revolving fund.

OVER $1,000,000 REALIZED ANNUALLY FROM SALE OF HYDROELECTRIC POWER

Fifty power units have been built and are operated by the various enterprises; 396,577,911 kilowatt-hours of electrical energy were produced by these plants in the season of 1927–28, of which 251,768,744 kilowatt-hours were sold to cities, power companies, sugar companies, and farmers, at wholesale, for the sum of $2,674,658.25, and the remainder of such electrical energy was used where produced, in irrigation or for other purposes.

Other figures, denoting social as well as economic progress, also show what has taken place during the past 26 years on these enterprises.

One hundred and forty-three thousand two hundred and twenty-seven people living on 38,428 farms and 429,683 people residing in 207 towns on these projects is one accomplishment of the United States Bureau of Reclamation.

Six hundred and eighty-five schools, 683 churches, 135 banks, with about $10,500,000 in capital and $137,487,000 in deposits, by 237,612 depositors, are other national assets in which the United States Bureau of Reclamation has had a definite part in creating.

How many public or private enterprises requiring large capital investment, initiated over a period of 26 changeful years, can now show an annual return of 31 per cent on the investment in dollar products alone, with increased property values of $550,000,000, or 275 per cent on the total capital employed for the period, to say nothing of the advantages to industry and commerce and in political prestige which these new settlements and values give to western America?

One million nine hundred and fifty-seven thousand acres of desert made into farms is no mean achievement for a public, private, or corporate agency. Some mistakes were initially made, due to a pioneer field of endeavor by our Government, but to those who know the details of this undertaking, it seems a marvel that there were so few.

Farmers and their families, many of them from the humid sections of our country, have learned much by experience and are now applying that knowledge in avoiding mistakes of the past and in building up for themselves a competence in these irrigated communities of the great West, where life is abundant and where industry and individual initiative are yet rewarded generously.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. BLANTON. Do the $550,000,000 of increased values, due to reclamation, represent something that is for the farmer or against the farmer, generally?

Mr. SMITH. It is for the farmer, as it means the creation of national wealth and enables thousands of people who otherwise would not have a home on the land an opportunity to get one on the land.

Mr. BLANTON. But it creates a surplus.

Mr. SMITH. Oh, no.

Mr. BLANTON. Which is to the detriment of the farmer.

Mr. SMITH. Not at all.

Mr. BLANTON. It brings prices down by reason of overproduction.

Mr. SMITH. No; because less than 1 per cent of farm commodities raised in this country are raised on Government reclamation projects.

Mr. BLANTON. Yet it does reduce prices to that extent.

Mr. SMITH. Not at all, because 90 per cent of the products produced on reclamation projects are used in the locality in the cities, towns, and communities developed because of the construction of these projects.

Mr. BLANTON. But it is an increase in the surplus, which is to the detriment of the farmers generally?

Mr. SMITH. Not at all, for, as I have stated, 90 per cent of the products raised on these projects are consumed in the immediate locality.

Mr. BLANTON. It is overproduction that is ruining the farmers of the United States.

Mr. SMITH. Only the wheat and corn growers.

Mr. LEAVITT. Is it not also true that what is raised on the reclamation projects is very largely not the kind of crop of which there is a surplus?

Mr. SMITH. That is true.

Mr. LEAVITT. It consists of crops in which there is a shortage, such as sugar and things of that kind.

Mr. SMITH. Yes. Wheat is the crop generally regarded as producing a surplus. We produce a comparatively small quantity of wheat on the reclamation projects.

NATIONAL SYMMETRY RESULTS FROM DEVELOPMENT OF RECLAMATION RESOURCES

National symmetry, politically and physically, have resulted from these accomplishments wrought by the United States Bureau of Reclamation and other agencies which have contributed to the irrigation of western farms and development of power. Good county, State, and national highway systems; grade and high schools; towns and cities have been built up while industry has followed in the wake of all of this development and now also contributes its part in wealth and service to our Nation.

The United States Bureau of Reclamation has contributed in no small way to our national wealth and greatness, to the happiness and wealth of many families, and to a better home life in western America.

Its further efforts in conserving our natural resources and creating new wealth and opportunity should have the loyal support of the American people regardless of section.

To demonstrate that reclamation concerns the East as well as the West I call your attention to the following data:

Report on incoming eastern shipments received in Yakima Valley during 1927

(Estimated by the Yakima Chamber of Commerce and checked and revised by business men and railroads)

Automobiles, 1,929 new cars purchased during 1927		$2,500,000
Tires and auto accessories		2,000,000
Farm machinery, farm tractors, plows, etc		1,000,000
Hardware and building and plumbing supplies:		
(a) 250 cars hardware (Pittsburgh and far East)	$1,500,000	
(b) 10 cars hardwood (Arkansas and Michigan)	25,000	
(c) 4 cars Celotex	10,000	
(d) Metal lath, Pittsburgh	15,000	
(e) Other building materials, plumbing, miscellaneous	500,000	
		2,050,000
Canned goods, mixed groceries, breakfast foods, etc		4,000,000
Ready-to-wear clothing, shoes, etc		4,500,000
Furniture and household supplies		1,700,000
Cotton and woolen goods (mattresses, etc.)		2,200,000
Drugs and sundries		750,000
Electrical apparatus, etc		750,000
Musical instruments:		
(a) 1,000 radio sets (from Pennsylvania, New Jersey, and New York)	$100,000	
(b) 5 cars pianos, (c) 4 cars phonographs, and (d) other musical instruments	100,000	
		200,000
Insurance premiums (paid to eastern companies)		5,000,000
Packing-house and orchard supplies (spray materials, orchard heaters, paper, shook, etc.; estimate, 825 carloads)		825,000
Eastern lubricating oils (15 cars)		25,000

Corn (100 carloads of corn from Iowa, Nebraska, Kansas, and Illinois)	$120,000
Millinery, notions, crockery, etc	500,000
All other items not listed	2,000,000
Total	30,120,000

In 1923 there were shipped into the Salt River Valley project in Arizona 7,935 cars of manufactured artices from 42 States, as follows:

Michigan	337
Wisconsin	213
Illinois	457
Indiana	104
Ohio	225
Iowa	36
Missouri	218
Kansas	195
Nebraska	33
Oklahoma	193
Mississippi, Florida, Virginia, New Hampshire	1
Wyoming	43
Tennessee	18
Alabama	22
Colorado	142
Texas	981
Kentucky	32
West Virginia	18
Pennsylvania	39
New York	67
Massachusetts	12
Connecticut	7
Maine	3
New Jersey	18
Maryland	4
Minnesota	40
North Dakota	1
Arkansas	26
Georgia	3
Louisiana	12
Washington	114
New Mexico	564
Utah	46
Idaho	48
Montana	6
Oregon	502
Nevada	9
California	2,897
Arizona	206

A report from Phoenix, Ariz., states that the official figures of all incoming cars for 1927 amount to 19,084 cars, an increase of more than 11,000 cars of incoming produce since 1923 in that one project.

RECAPITULATION

(As of June 30, 1928)

Total funds available for investment in the 26-year period, by United States Bureau of Reclamation		$238,732,793.74
Total invested since 1902		229,424,520.70
Cash on hand		9,308,273.04

Sources of reclamation fund, as above indicated

Sale and use of western public lands		$143,741,593.71
Advance from United States General Treasury	$20,000,000	
Repaid	8,000,000	
Balance not yet due		12,000,000.00
Other sources (judgments, increase of compensation, Rio Grande Dam, Wind River Indian funds, etc.)		5,286,602.69
Collections by United States Bureau of Reclamation from settlers, which have been returned to reclamation revolving fund and used in further development		77,704,597.34
Amounts due from settlers and water users on construction, maintenance, operation, water and land rentals and yet unpaid to the reclamation fund		3,979,499.50

[NOTE.—The figures on this page, taken from the Twenty-seventh Annual Report of the Bureau of Reclamation, should be of interest to citizens of our Nation, both East and West. They give an entirely different picture from that many times reflected by those who should know the facts.]

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 13, 1929.

Hon. ADDISON T. SMITH,
House of Representatives, United States, Washington, D. C.

DEAR MR. SMITH: Referring to your recent request for some information showing the amount of goods manufactured elsewhere shipped into our reclamation projects and paid for by them, I have had tabulated the data thus far received, in answer to your inquiry about this matter. The showing is so surprisingly good that I hope you may have an opportunity of presenting it to Congress or of giving it to the press.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

The attached sheets give the data furnished by the projects and a summary for all the projects from which reports have been received. This summary shows that on nine projects shipments into the projects amounted to over $22,000,000 and that on two additional projects, which gave the number of carloads shipped in without reporting their value, a larger number of carloads were received than on the nine projects for which values were reported. It therefore appears that on one-half of the projects the value of goods shipped in amounts to at least $50,000,000, and it is reasonable to assume that total shipments into all our projects amount to between $75,000,000 and $100,000,000.

Shipments to the Yuma, Orland, Uncompahgre, Sun River, North Platte, Carlsbad, Vale, Belle Fourche, and Shoshone projects, 1928

Commodity	Carloads	Value
Automobiles	927	$3,341,800
Bags, baskets, and shooks	224	918,800
Cement and building materials	1,204	486,350
Coal	6,459	1,275,725
Culverts	23	35,000
Fencing	6	7,500
Fertilizer	9	10,000
Foodstuffs	967	1,712,470
Furniture	96	95,500
Grain and feed	1,323	988,775
Lime rock	1,562	105,250
Livestock	2,991	5,942,800
Lumber	1,376	1,315,200
Machinery	418	1,166,550
Merchandise	138	261,720
Oil and gas	2,408	2,642,900
Salt	105	69,750
Seed	67	426,000
Sugar and sirup	87	254,900
Miscellaneous	1,151	1,130,500
Total (9 projects)	21,541	22,187,490

Carload shipments to Boise and Rio Grande[1] for which no value is given

Commodity:	Carloads
Automobiles	509
Cement and building materials	2,720
Coal	3,300
Foodstuffs	610
Grain and hay	2,357
Livestock	1,945
Merchandise	5,760
Oil and gas	1,180
Paving material	1,320
Miscellaneous	3,380
Total (2 projects)	23,081
Grand total (11 projects)	44,622

YUMA PROJECT, ARIZONA-CALIFORNIA

Carload shipments to project, 1928

Kind	Cars	Value
Lumber	165	$214,500
Gas and oil	288	504,000
Livestock[1]	202	500,000
Cement	62	68,200
Sugar	11	42,900
Flour	78	187,200
Autos	124	695,000
Farm machinery	28	110,000
Shook (lettuce and cantaloupes)	67	80,400
Miscellaneous[2]	303	454,500
Total	1,328	2,856,700

[1] Livestock shipped in for winter feeding and fattening for coast market.
[2] Includes meats, all groceries and building materials not listed above, millwork, vegetables, coal, milk, etc., averaged at $1,500 per car.

ORLAND PROJECT, CALIFORNIA

Carload shipments to project, 1928

Kind	Cars	Value
Oil	125	$100,000
Lumber	55	38,500
Flour and mill stuff	45	45,000
Cement	22	16,500
Coal	20	9,000
Wood (fuel)	8	800
Fertilizer	5	6,000
Farm machinery	3	2,250
Tractors	3	10,500
Fencing and posts	3	1,500
Brick	2	300
Automobiles	2	9,000
Miscellaneous	9	4,500
Total	302	243,850

[1] Rio Grande shipments for year 1927.

UNCOMPAHGRE PROJECT, COLORADO

Carload shipments to project, 1928

Kind	Cars	Value
Automobiles and tractors	176	$704,000
Bags, baskets, and shooks	76	304,000
Canned goods	6	8,600
Cattle	25	10,000
Cement, plaster, and lime	33	33,000
Coal and coke	656	164,000
Corn	7	4,200
Cottonseed cake	13	13,000
Feed	26	15,600
Flour	49	49,000
Fruit and melons	5	2,500
Furniture	15	15,000
Gas and oil	299	600,000
Grain	44	44,000
Groceries, meats, etc	60	240,000
Hardware, implements, etc	40	200,000
Hay	7	1,400
Horses	1	2,000
Household goods	5	2,000
Ice	55	27,500
Lime rock	137	34,000
Lumber, shingles, etc	112	200,000
Salt	30	15,000
Seed	10	60,000
Sheep	142	284,000
Soap	8	32,000
Sugar	21	84,000
Sirup	39	43,000
Wheat	25	18,700
Miscellaneous	30	15,000
Total	2,152	3,225,500

Boise project, Idaho, carload shipments to project, 1928

Kind	Cars	Value[1]
Building material	2,720	
Paving material	1,320	
Fuel	3,300	
Oil and gasoline	1,180	
Foodstuffs	610	
Grain and hay	630	
Livestock	950	
Merchandise	5,760	
Miscellaneous	3,380	
Total	19,850	

[1] No value shown.

SUN RIVER PROJECT, MONTANA

Carload shipments to project, 1928

Kind	Cars	Value
Lumber	12	$9,000
Coal	37	10,000
Rye	1	1,000
Gasoline	28	35,000
Machinery	4	16,000
Feed	1	400
Automobiles	5	15,000
Culverts	2	3,000
Cement	2	1,800
Flour	2	4,500
Cattle	1	2,000
Total	95	97,700

NORTH PLATTE PROJECT, NEBRASKA-WYOMING

Carload shipments to project, 1928

Kind	Cars	Value
Acid	9	$2,700
Automobiles [1]	495	1,485,000
Bags (sugar)	54	486,000
Bran and stock food	156	93,600
Brick and tile	139	31,275
Canned goods	56	179,200
Cement	278	111,200
Cereal, beverages	19	24,700
Coke	235	52,875
Cooperage	14	8,400
Cottonseed cake	54	81,000
Culverts	2	4,000
Dragline	2	10,000
Drill, well	1	600
Electrical equipment	1	900
Flour	198	336,600
Furniture	2	2,000
Gas	960	576,000
Ice	31	9,300
Implements, agricultural	162	324,000
Iron and steel	16	25,600
Lime	37	14,800

[1] Does not include cars driven.

NORTH PLATTE PROJECT, NEBRASKA-WYOMING—continued

Carload shipments to project, 1928—Continued

Kind	Cars	Value
Machinery	80	$160,000
Milk cans	1	2,200
Miscellaneous	534	534,000
Molasses	181	135,750
Oil	255	153,000
Paper	1	2,000
Pipe, cast iron	5	12,500
Plaster	53	9,275
Pulp, beet	87	34,800
Soda ash	2	1,800
Stoneware	1	500
Sugar	16	56,000
Sulphur	3	1,800
Sirup	25	20,000
Targets, clay	1	800
Threshing machines	3	4,200
Tractors	6	19,500
Tubing, copper	1	12,000
Wire	12	18,000
	4,188	5,037,875
Coal	5,196	909,300
Emigrant outfits	71	71,000
Grain:		
Barley	13	13,000
Corn	442	486,200
Oats	3	2,250
Wheat	2	2,400
Hay	149	22,350
Iron:		
Scrap	3	720
Rock	1,425	71,250
Livestock:		
Cattle	1,428	2,856,000
Horses	23	46,000
Sheep	1,050	2,100,000
Lumber	747	522,900
Posts	17	6,800
Potatoes (seed)	1	720
Salt	60	48,000
Sand and gravel	15	450
Seed:		
Alfalfa	7	84,000
Beet	60	342,000
Shingles	8	5,600
Stone	19	950
Total	10,739	7,591,890

CARLSBAD PROJECT, NEW MEXICO

Carload shipments to project, 1928

Kind	Cars	Value
Autos	93	$334,800
Cattle	119	142,800
Cement, brick, and tile	215	107,500
Pipe and casing	53	132,500
Coal	120	48,000
Furniture	1	2,500
Flour and feed	98	196,000
Grain	61	21,350
Hay	57	14,250
Lumber	128	128,000
Machinery	33	165,000
Oil and gasoline	224	302,400
Salt	15	6,750
Sand	226	22,600
Sugar and sirup	14	52,000
Vegetables and fruits	50	30,000
Household goods	2	3,000
Cottonseed	136	81,600
Fertilizer	4	4,000
Ties and bagging	10	10,000
Miscellaneous	157	23,550
Total	1,816	1,828,600

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

Carload shipments to project, 1927

Kind:	Cars
Hay	679
Grain, flour, feed	1,048
Livestock	995
Agricultural implements	(1)
Automobiles	509
Lumber	(1)
Coal	(1)
Petroleum products	(1)
Fertilizer	(1)
Foodstuffs	(1)
Dry goods	(1)
Fruit and vegetables	(1)
Dairy products	(1)
Packing-house products	(1)
Bags and bagging	(1)
Furniture	(1)
Miscellaneous	(1)
Total	3,231

Value not shown.

[1] Incomplete.

VALE PROJECT, OREGON

Carload shipments to project, 1928

Kind	Cars	Value
Lumber	23	$35,000
Cement	3	3,000
Gasoline	38	76,000
Oil	2	10,000
Automobiles	1	6,000
Flour	3	3,000
Miscellaneous, including machinery, hardware, furniture, canned goods, dry goods, groceries, etc.	20	45,000
Total	90	178,000

BELLE FOURCHE PROJECT, SOUTH DAKOTA

Carload shipments to project, 1928

Kind	Cars	Value
Oils and gasoline	103	$150,000
Lumber and posts	70	70,000
Coal	140	70,000
Farm machinery	22	55,000
Road culverts	19	28,000
Cement and lime	27	13,000
Brick	14	6,000
Fence wire	3	6,000
Total	398	398,000

SHOSHONE PROJECT, WYOMING

Carload shipments to project, 1928

Kind	Cars	Value
Automobiles	31	$93,000
Bags	3	30,000
Beet pulp	65	4,875
Cement	13	10,400
Coal	47	11,750
Flour	12	36,000
Feed	15	21,000
Gasoline and lubricating oils	86	136,500
Implements	14	63,000
Groceries	53	185,500
Lumber	47	90,500
Tile	24	18,000
Steel, brick, and roofing material	12	12,500
Miscellaneous	11	16,350
Total	433	729,375

Shipments from Yuma, Orland, Uncompahgre, Boise, North Platte, Sun River, Carlsbad, Vale, Belle Fourche, Strawberry Valley, Okanogan, and Shoshone projects, 1928

Commodity	Carloads	Value
Alfalfa	1,734	$621,080
Apples and other fruit	4,712	3,162,420
Barley	62	78,000
Cantaloupes	510	197,600
Cattle	4,740	9,856,200
Cotton	1,323	3,657,675
Dairy products	838	4,221,000
Flax	8	17,800
Hogs	848	1,133,900
Horses	116	156,600
Honey	33	129,200
Lettuce	918	499,300
Oats	18	12,700
Onions	1,380	1,382,000
Pickles	25	37,000
Potatoes and other vegetables	6,512	1,696,050
Seed	148	665,000
Sheep	1,812	4,335,000
Sugar and beets	8,124	20,363,800
Wheat	2,609	2,687,100
Wool	75	725,000
Miscellaneous	557	326,150
Total, 12 projects	37,102	55,960,575

Carload shipments from Rio Grande[1] and Yakima projects for which no value given (two projects)

Alfalfa	927
Apples	18,601
Cattle	376
Cotton	5,084
Potatoes	4,002
Onions	439
Wheat	95
Miscellaneous	424
	29,948

Grand total (14 projects), 67,050 carloads.

[1] Rio Grande shipments are for year 1927.

UNCOMPAHGRE PROJECT, COLORADO

Carload shipments from project, 1928

Kind	Cars	Value
Apples	142	$44,000
Brick and tile	19	14,200
Building material (other)	15	30,000
Canned goods	63	100,000
Cattle	518	1,036,000
Cheese	23	138,000
Eggs	11	33,000
Flour	88	88,000
Fruit (other)	3	3,000
Grain	218	225,000
Hay	6	1,500
Hogs	129	250,000
Honey	16	80,000
Horses	5	5,000
Household goods	3	3,000
Machinery and hardware	15	30,000
Molasses	8	32,000
Onions	1,366	1,366,000
Potatoes	914	255,000
Poultry	41	84,000
Sheep	448	896,000
Sugar	239	478,000
Vegetables	63	18,900
Wool	30	300,000
Miscellaneous	30	15,000
Total	4,413	5,525,600

YUMA PROJECT—ARIZONA-CALIFORNIA

Carload shipments from project, 1928

Kind	Cars	Value
Alfalfa hay	733	$147,800
Alfalfa seed	48	226,200
Alfalfa straw	151	16,600
Manure	222	22,200
Cotton	316	1,513,400
Cottonseed	305	268,200
Cottonseed oil	2	9,600
Grapefruit	29	86,100
Lettuce	918	499,300
Cantaloupes	510	197,600
Watermelons	65	42,000
Livestock[1]	239	640,000
Higera	1	
Date palms	4	10,000
Honey	3	3,000
Grapes	3	6,000
Citrus trees (nursery stock)	10	10,000
Total	3,559	3,698,000

[1] Livestock not raised on project but is shipped in for winter feeding and fattening for coast market.

ORLAND PROJECT, CALIFORNIA

Carload shipments from project, 1928

Kind	Cars	Value
Oranges	80	$128,000
Alfalfa (baled)	35	5,250
Almonds	23	207,000
Prunes (dried)	21	75,600
Barley	16	24,000
Olives	13	16,900
Apricots (dried)	8	52,000
Walnut logs	8	4,000
Figs (canned)	7	35,000
Apricots (green)	4	3,300
Milo	2	3,000
Peaches (fresh)	2	1,000
Wheat	1	1,700
English walnuts	1	4,000
Grapes	1	600
Raisins	1	500
Lemons	1	1,500
Apricots (pits)	1	1,000
Mixed fruits	1	1,000
Butter[1]	133	500,000
Sheep	100	125,000
Cattle	65	143,000
Hogs	62	105,400
Turkeys	60	135,000
Wool	7	42,000
Horses	3	3,700
Mules	1	1,500
Total	657	1,620,950

[1] Production of 1,000,000 pounds equated on basis of 75,000 pounds per car. Butter is shipped via motor trucks.

BOISE PROJECT, IDAHO

Carload shipments from project, 1928

Kind	Cars	Value
Grain	698	$630,000
Seed	148	665,000
Flour and mill products	556	445,000
Hay	199	80,000
Fruit	1,892	760,000
Vegetables	1,998	800,000
Livestock	1,563	1,560,000
Butter	175	2,200,000
Eggs and poultry	297	600,000
Total	7,526	7,740,000

SUN RIVER PROJECT, MONTANA

Carload shipments from project, 1928

Kind	Cars	Value
Cattle	27	$55,000
Horses	1	1,200
Sheep	4	11,000
Hogs	3	3,500
Wool	1	13,000
Sweet-clover seed	2	4,000
Sugar beets	18	7,600
Potatoes	20	9,000
Barley	1	1,000
Wheat	228	291,000
Flax	2	5,000
Alfalfa	80	17,000
Oats	1	1,300
Honey	3	5,200
Total	391	424,800

NORTH PLATTE PROJECT, NEBRASKA-WYOMING

Carload shipments from project, 1928

Kind	Cars	Value
Beans	3	$15,000
Cheese	41	205,000
Eggs	5	15,000
Flax	2	4,800
Flour	2	3,400
Food, stock	148	70,400
Grain:		
Barley	40	40,000
Oats	8	6,000
Wheat	635	762,000
Hay	143	21,450
Livestock:		
Cattle	1,857	5,571,000
Hogs	568	681,600
Horses	83	124,500
Sheep	953	2,668,400
Molasses	266	199,500
Pickles	10	25,000
Potatoes	2,895	347,400
Poultry:		
Live	5	15,000
Dressed	26	130,000
Pulp, beet	1,051	420,400
Sugar	5,326	18,641,000
Sirup	216	172,800
Total	14,283	30,139,650

CARLSBAD PROJECT, NEW MEXICO

Carload shipments from project, 1928

Kind	Cars	Value
Alfalfa hay	118	$23,600
Alfalfa seed	4	4,000
Cattle	188	225,600
Cotton	560	1,619,300
Cotton linters	10	24,975
Cottonseed	1	600
Cottonseed oil	41	164,000
Cottonseed cake	80	56,000
Cottonseed hulls	8	1,600
Junk	2	3,000
Sheep	27	43,200
Wool	3	24,000
Corn	2	600
Horses and mules	1	700
Miscellaneous	18	27,000
Total	1,063	2,218,175

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

Carload shipments from project, 1927

Kind:	Cars
Cotton	4,800
Cottonseed products	284
Grain, flour, feed	95
Hay	927
Fruit and vegetables	910
Miscellaneous	424
Livestock	376
Total	7,816

VALE PROJECT, OREGON

Carload shipments from project, 1928

Kind	Cars	Value
Wheat	38	$60,000
Barley	4	7,000
Potatoes	8	5,000
Clover seed	⅔	5,000
Alfalfa seed	⅓	2,000
Mill feed	1	6,000
Onions	4	6,000
Honey	3	15,000
Cattle	23	60,000
Hogs	11	18,000
Sheep	3	9,000
Dressed poultry	1	6,000
Turkeys	3	24,000
Wool	1	16,000
Total	101	239,000

STRAWBERRY VALLEY PROJECT, UTAH

Carload shipments from project, 1928

Kind	Cars	Value
Fruit	100	$50,000
Onions	10	10,000
Total	110	60,000

BELLE FOURCHE PROJECT, SOUTH DAKOTA

Carload shipments from project, 1928

Kind	Cars	Value
Cattle	243	$535,000
Sheep	209	460,000
Wool	31	310,000
Wheat	120	156,000
Hogs	73	73,000
Horses	22	20,000
Honey	4	16,000
Pickles	15	12,000
Hay	80	10,400
Flax	4	8,000
Poultry	2	6,000
Oats	9	5,400
Potatoes	3	3,000
Total	815	1,614,800

OKANOGAN PROJECT, WASHINGTON

Carload shipments from project, 1928

Kind	Cars	Value
Apples	2,245	$1,600,000
Cherries	23	16,560
Peaches	1	360
Pears	30	7,000
Total	2,299	1,623,920

YAKIMA PROJECT, WASHINGTON

Carload shipments from project, 1928

Kind	Cars	Value [1]
Apples	9,097	
Mixed fruit	1,945	
Pears	3,848	
Apricots	144	
Cherries	436	
Grapes	237	
Peaches	1,637	
Prunes	331	
Strawberries	16	
Asparagus	76	
Melons	420	
Onions	439	
Vegetables	434	
Potatoes	3,072	
Total	22,132	

[1] No value shown.

SHOSHONE PROJECT, WYOMING

Carload shipments from project, 1928

Kind	Cars	Value
Alfalfa meal	134	$56,280
Beans	54	162,000
Beets	1,000	412,500
Honey	4	10,000
Peas	4	12,000
Potatoes	550	68,750
Wheat	25	25,000
Cattle	17	30,600
Hogs	2	2,400
Poultry, dressed	5	50,000
Sheep	68	122,400
Wool	2	20,000
Butterfat, 176,616 pounds	10	80,000
Miscellaneous	10	3,750
Total	1,885	1,055,680

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentleman of the committee, it is my purpose this afternoon to discuss for a little while a recent episode in our parliamentary procedure, which, in my opinion, is worthy of the earnest consideration of this membership. To some it may appear as a trivial incident, but to my mind it involves very deeply the essence and spirit of the privileges of the House. I refer to the action of the majority representatives on the committee of conference appointed by the House with reference to the disposition of the first deficiency appropriation bill. I think that I may be justified for a moment in recalling the history of that situation so that the remarks that I will make subsequently may appear to be at least pertinent to the proposition.

It will be recalled that in the orderly procedure of the House the Committee on Appropriations brought in this deficiency appropriation bill. It passed through the ordinary routine consideration here on the floor of the House, and with certain amendments was sent to the Senate. The Senate of the United States as a coordinate branch of our representative government, in its wisdom, and I will say incidentally not by a partisan but by a bipartisan vote, and by a very large majority vote, saw fit to incorporate in that bill three amendments; and I shall ask permission to insert those amendments in the RECORD without now reading them. They are as follows:

Amendment No. 1

Provided, That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting same, which hearings shall be open to the public, and the decision shall be a public document.

Amendment No. 2

For the purposes of a thorough inquiry into the problem of prohibition under the provisions of the eighteenth amendment of the Constitution, and laws enacted in pursuance thereof, $250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall make prompt report of the result of such investigation to the Congress together with his recommendations with respect thereto, said sum to be available until June 30, 1930.

Amendment No. 3

BUREAU OF PROHIBITION

For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930.

One was a proposition advanced upon the floor of the Senate by a Senator from Tennessee involving the problem of a real consideration of the enormous amounts of money paid out of the Treasury of the United States by way of rebates and returns to the income-tax payers, a matter of major importance to the fiscal policies of our Government, a matter of great importance to us, the representatives of the people, in our effort to have an economical and a just administration of the fiscal affairs of the Government as administered through the Treasury Department.

In recent debates on the floor of this House it has been developed that very probably grave abuses have existed in that regard, and just criticism lodged in respect to certain features of the administration of that law.

And not only have some gentlemen on the floor of this House, particularly upon the Democratic side, sought some relief from that situation, but, evidencing the sense of importance that the other branch puts upon it, the amendment authorizing a searching investigation and an auditing of these amounts before these tremendous sums are paid out of the Treasury of the United States was adopted by the Senate. Another amendment was offered by a distinguished Senator from the State of Virginia, formerly Secretary of the Treasury of the United States, a man of long and distinguished public career in the service of his people and of the Federal Government, and recognized not as a publicity seeker or a prohibition propagandist, but as a real statesman seeking to remedy what all men recognize as an almost intolerable situation with reference to the enforcement of our Constitution and certain laws passed in conformity with the Constitution. By the terms of that amendment we are attempting to carry out the recommendations of the President elect of the United States, so far as his anticipated policy upon that question is concerned, because Mr. Hoover in his preelection speeches stated that it was his purpose after his inauguration to appoint a commission to investigate the abuses in the administration of our prohibition laws. Following the spirit, at least, of the suggestion of the next President of the United States, who will have the responsibility of undertaking some character of leadership in the solution of this perplexing problem, that Senator from Virginia offered an amendment on the floor of the Senate appropriating $250,000 for the particular purpose that Mr. Hoover had declared as, in his opinion, of grave concern to the peace and security of the people of the United States. The amendment merely gives to Mr. Hoover the necessary money to carry out his own policy.

The other amendment, and the one which is responsible for this almost revolutionary conduct on the part of the conferees, was the one offered by the distinguished Senator from Georgia [Mr. HARRIS], making an appropriation of $24,000,000 for the more adequate enforcement of the prohibition laws of this country. I am not going into an argument here as to the necessity of that appropriation, because my limited time will not permit me. But evidently, gentlemen, not only the author of that amendment, not only his Democratic associates on the floor of the Senate, thought it a wise and provident provision, but a large number of men of the opposing political faith in the Senate of the United States registered their affirmation of the correctness of that policy, and it will be so shown if you will look at the record vote on this question. That amendment was incorporated in this bill, and all three of them came to the House of Representatives in the due and orderly form for consideration by this body.

Then what happened? The gentleman from Texas [Mr. GARNER], when the gentleman from Indiana [Mr. WOOD] asked unanimous consent to take the bill from the Speaker's table and disagree to the Senate amendments, asked the conferees on the part of the House a direct interrogatory, which was propounded to the gentleman from Indiana [Mr. WOOD] as to whether or not he would assure this House that before refusing to accept the Senate amendments he would bring the proposition back to the House and give the Representatives of the people here an opportunity to say whether or not they thought the Senate amendments ought to be incorporated in the law.

And what assurance did the gentleman from Indiana give to the gentleman from Texas and the membership of this House on that occasion with reference to that promise? It was a matter of such importance, apparently, to the gentleman from Texas, as I know it was to other Members of this House, that he was justified in having some definite assurance from the gentleman from Indiana. Not being willing to trust my memory to quote the reply of the gentleman from Indiana, I will read from the RECORD, found on page 2427, of January 29, 1929, where the gentleman from Indiana made this statement in reply to a statement from Mr. BYRNS:

> Mr. WOOD. Mr. Speaker, let me ask the gentleman from Tennessee a question. I hope gentlemen on that side have not lost all their confidence in the gentlemen at the other end of the Capitol; and, having that confidence, they can depend upon it that there will be no agreement on these amendments. I know two of the conferees who will be upon the Senate side. One of them will never recede with reference to the tax amendment. Another, the author of this other amendment, will be one of the conferees. Does the gentleman think that he is going to consent to recede and thus despoil all of his purpose in introducing it, in rehabilitating himself with his constituency?

The gentleman from Indiana, thinking perhaps that his statement might seem rather indefinite, made this further statement, which you will find on page 2425 of the RECORD of January 29:

> Mr. WOOD. I will say to the gentleman from New York that if this bill goes to conference under the rule we will have to bring these two amendments back, as suggested by the gentleman from Texas [Mr. GARNER], and after that any amendment may be proposed.

And to make the gentleman's promise a little more definite and specific I will quote a further statement from him from this same page of the RECORD, in which he said, replying to the gentleman from Illinois [Mr. DENISON]:

Mr. WOOD. I will say to the gentleman that he has anticipated what can not possibly happen. Knowing the attitude of the gentlemen on the other side and the temper they have already manifested in reference to the amendment, and considering the information that comes to me, I understand that under no circumstances will they recede. So I am free to say this: It would put the House conferees in a very embarrassing position if the thing should occur that the gentleman from Texas is anticipating, which never will occur; that is, that the Senate will recede as to these two amendments; and if the Senate does not recede, then we would have to come back to the House.

There is the record. That deliberate assurance was given to his colleagues here on the floor of the House by the gentleman from Indiana. I will ask you how it eventuated?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. No; I have not come to the gentleman from Michigan yet.

Mr. CRAMTON. The gentleman has referred to some other matters.

Mr. BANKHEAD. The gentleman can have time a little later on to say what he desires to say.

Mr. CRAMTON. It would improve the discussion.

Mr. BANKHEAD. I am sure whatever the gentleman would say would adorn and illumine even the speech made by the gentleman from Pennsylvania [Mr. BECK] this morning on the floor of the House.

When this matter was up here before I expressed some surprise at the attitude of the gentleman from Michigan upon this question. It seemed to me he manifested some considerable irritation that there should even be a proposal for the appropriation of a sufficient sum for a real effort to try to enforce the prohibition laws of the country, and I was particularly surprised at these vehement protests upon the part of the gentleman from Michigan, because I had known he had been recognized here for a long time as a man who was supposed to be in favor of prohibition and its enforcement. In his zeal to manifest his impatience the gentleman used this language, quoting from page 2553 of the RECORD:

It could well have been termed a bill to eradicate the recent wet splash on the political records of dry Domocrats; or, secondly, to restore Bishop Cannon to the good graces of the southern Democracy; or, third, to condemn Secretary Mellon; or, fourth, to repudiate the administration of President Coolidge and embarrass the administration of President-elect Hoover.

Then on the same page of the RECORD he says:

Oh, if Bishop Cannon wants to single out his particular Democratic leaders, he is welcome; if Scott McBride wants to do so, he can do so.

A little further on he says:

Our Democratic friends would have you think that all the dry leadership of the country is clamoring for this amendment. It is only those excitable bishops of Virginia and these excitable Democrats who are insisting on it.

I am not surprised that the attention of that great bishop of Virginia was attracted to that criticism upon the part of the gentleman from Michigan [Mr. CRAMTON], and displaying his usual courage—although I do not always agree with him in his political positions—he made this statement in an address delivered a short time after this incident occurred:

In order to meet every possible contingency and to eliminate all possibility of lack of adequate enforcement because of needed funds, the appropriation is proposed to be made subject absolutely to the discretion of the President of the United States, thus placing in his hands whatever funds he may find necessary to carry on the present enforcement program until the proposed survey has been made, and also to give him funds with which to put into effect any additional program which he may develop.

I want you to listen to this, because the old bishop evidently got a little bit heated in this part of his reply to the charges of the gentleman from Michigan here upon the floor:

I shall not presume to sit in judgment upon any man who declares that he does not believe that the proposed appropriation can be used to secure more efficient law enforcement, but I flatly repudiate any suggestion or intimation that in advocating the proposed appropriation I am animated by any purpose except the better enforcement of the prohibition law, and I denounce as unworthy and slanderous any statement that I have been animated by any hostility to Secretary Mellon or by any desire to force the hand of President-elect Hoover.

I think Bishop Cannon was entirely justified and within his rights when he made that dignified retort to the remarks made by his quondam friend here upon the floor of this House in the debate upon this question.

Now, what has happened, gentlemen? And here is the main thing involved in this question, and the main purpose for which I rose: What has happened with reference to the assurances given to us that this House would have an opportunity to pass upon these very important questions of governmental policy? Have those assurances been carried out in good faith, or have they been absolutely and totally evaded? I assert that in our dealings with our colleagues upon the floor of this House we ought to have the right to rely upon the solemn assurances given to us by gentlemen in positions of responsibility as servants of this House. [Applause.]

Those assurances have not been carried into effect. Now, what is the explanation of it? I know that when these gentlemen come to reply to these remarks they will undertake to extenuate the situation by some sort of specious explanation, but they can not do it to the extent of evading their responsibility. The real reason why you have not brought that bill back here upon the floor of this House, and the real reason why you are in practical contempt of this House and its right to exercise its judgment upon that question, is that you are afraid to submit it to the solemn judgment of the Representatives on both sides of the floor. [Applause.] You want to evade any possible embarrassment to which you might probably subject some Members on the Republican side. Otherwise I see no reason why it should not have been brought back. If you were in a position logically to oppose it, if you had facts and arguments by which you could really convince the majority of this House that the appropriation was excessive or that it had not been prudently considered by the Budget and a recommendation made as to its allocation, and if you had been fortified with that character of opposition you undoubtedly would have brought it back, as you do upon other controverted questions in difference between the two Houses, but you have deliberately avoided doing so.

What sort of subterfuge have you resorted to? I asked the gentleman from Michigan here upon the floor of the House the other day if he did not know that it had been agreed upon the part of the majority conferees that they would abandon this bill entirely before they would bring it back and submit these questions to the House and that in that abandonment they would carry the items in the then pending bill in the last bill which is now reported.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. BANKHEAD. Well, I got no satisfactory answer out of the gentleman, but I had rather definite assurances at that time from what I regarded as reliable authority that that was exactly what was going to be done, and that is exactly what has been done. Now, what is the effect of it, gentlemen? It seems to me that you two gentlemen and those who are confederating with you in this enterprise have very little confidence in either the character or integrity of the Senate of the United States. Are you so simple as to believe that when you carry this highly controversial question back to the Senate of the United States that those 57 Senators who supported those amendments are going to lie down and make no further effort to insist upon their views?

Do you think they are so invertebrate that they will surrender their convictions upon this question; or have you made some sort of private arrangement by which you may be assured that the question will not again be in a position where it will have to be brought back to the House? Such rumors are afloat. But the practical effect of the action of these conferees has been to deny to the membership of this House a substantive parliamentary right which this House had a reasonable right to expect would be given them to express themselves upon this matter.

My friend the gentleman from Tennessee [Mr. BYRNS], I am sure, will have some remarks to make with reference to the monkey business that went on in the committee with reference to this question. [Laughter.] He will explain to you why the minority members of the committee have never had an opportunity to examine Mr. Mellon or any of his subordinates, including Mr. Billard, after these new estimates were sent up, or to examine the director of any of these agencies. There was no opportunity, as is ordinarily the case, to have hearings upon this question. But what do they do, these canny gentlemen who know so well how to maneuver and manipulate the machinery of their activities as to carry out their will alone and not give the rest of us an opportunity to do what ordinarily we would have the right to do? They have waited and sent the bill to the Printing Office and had it printed; and then, this

morning, I believe it was, was it not, Mr. WOOD, that you got these new estimates? The gentleman can answer in his own time. This morning, I believe it was, they sent up these summarized estimates as to the amount they can actually use advantageously in the enforcement of our prohibition laws. There is another short cut they are taking on us.

Mr. BYRNS. I will say to the gentleman that the bill went to the Printing Office on Monday night, and the estimates came up Tuesday.

Mr. BANKHEAD. Oh, yes; but I think the gentleman will confirm what I said that after the estimates were arrived at by the Treasury, the gentleman from Tennessee and his associates upon the committee had absolutely no opportunity to cross-examine those making the estimates or to get any further information.

Mr. BYRNS. The gentleman is entirely correct.

Mr. BANKHEAD. And we will be compelled to rely entirely upon their naked judgment as stated in figures and not in facts.

Mr. BYRNS. That is correct.

Mr. SCHAFER. Will the gentleman yield?

Mr. BANKHEAD. Is the gentleman with me or against me? [Laughter.]

Mr. SCHAFER. I want to obtain some information. Did not the gentlemen of the minority have an opportunity to examine and cross-examine the various representatives of Mr. Mellon's department when considering the original proposition, prior to its being reported to the House in the first instance?

Mr. BANKHEAD. I can not answer that question definitely, but I think I am safe in saying that as far as the original hearing went it was orderly, not in conflict with the ordinary procedure in the committee, and I assume the members of the minority did have an opportunity upon that occasion to examine them; but my friend overlooks the fact that this real trouble for the Republican Party here in the House had not arisen at that time.

Mr. SCHAFER. My mind is open on the proposition which the gentleman is discussing.

Mr. BANKHEAD. I hope it is open and receptive.

Mr. SCHAFER. Why did not the minority gentlemen of the committee submit minority views when the original bill was reported out, if there was such an urgent necessity for this $24,000,000, and make a strong fight for it on the floor of the House under the rules?

Mr. BANKHEAD. That is entirely beside the controversy I am discussing now.

Mr. BYRNS. I want to say this to the gentleman from Wisconsin, since he mentions the minority members of the committee. Never in my experience, and I have been on the Committee on Appropriations for a great many years, have I known of minority views being submitted from the Committee on Appropriations. The bill is always brought to the House. It is not like the legislative committees where minority views are submitted. In cases of differences over appropriations, the matters are brought to the floor of the House and fought out on amendments.

Mr. SCHAFER. If this question is as important as the gentlemen on the other side of the aisle thinks it is, would there not have been sufficient justification to have submitted minority views in behalf of the $24,000,000?

Mr. BYRNS. I just stated to the gentleman that in the case of the Committee on Appropriations I never knew in all my life of minority views being submitted.

Mr. SCHAFER. Was there anything to prevent that submission?

Mr. BLANTON. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BLANTON. I was wondering on which side of the aisle is the gentleman from Wisconsin [Mr. SCHAFER]. He first sits on one side and then the other.

Mr. SCHAFER. I will say to the gentleman that, since the gentleman from Texas supported Gov. Al Smith in the last campaign, you do not see me sitting on his side of the aisle very often. [Laughter and applause.]

Mr. BLANTON. And I am not surprised.

Mr. BANKHEAD. Mr. Chairman, I do not yield further. Gentlemen, I have about concluded all that I have to say on the subject. It might not impress you as being of any importance, but here is the thing that strikes me as being a matter of considerable importance to this House.

What is the real philosophy lying behind the parliamentary theory of the appointment of conferees on the part of this body and the body at the other end of the Capitol? Is it for the purpose of creating breaches between the two Houses? Is it for the purpose of further accentuating differences of opinion that may exist between the two bodies, or is it, fundamentally, for the purpose of creating a joint instrumentality by which, if possible, the conflicting views of the two Houses may be accommodated, settled, and reconciled? What is the theory upon which the conferees are appointed? I assert that in the interest of orderly, parliamentary government that they should pursue that course under all circumstances, which would make for agreement and not arbitrarily to exert their temporary power to deprive the membership of this House of an opportunity to express itself on questions of public interest.

We had a most delightful and illuminating address delivered here this morning by the gentleman from Pennsylvania [Mr. BECK] upon the philosophy of the political views of George Washington, the father of our country. I think it will go down in the annals of this House as one of the classics, a thing to be read and cherished as the years go by. [Applause.]

The theme, as I understood it, of that magnificent address was ordered and orderly government—not government by special influences in government, not by small fragments of public opinion; not government by individualistic views representing some sectional position or some partisan position—but, as I understood it, running through the whole fabric of that splendid deliverance was the silver thread of an argument admonishing Members of Congress and the people of this country to remember the spirit and essence of the Constitution as framed and dictated by its founders. And if I may appropriate a small part of the sentiment of that address and apply it to the proceedings in the House of Representatives, I say, in a more circumscribed area it is just as important for us to preserve orderly parliamentary government and precedents as it is for the people of the country, the legislative and judicial bodies, to remember orderly government as demanded by the Constitution itself.

That is the protest I am making. I think I am within my rights in expressing my own individual views that these conferees have not been justified in that contumacious attitude they have assumed.

I see the gentleman [Mr. CRAMTON] smiling; I am sure that he will undertake to say that he has been guilty of no contumacy; I am sure he will say that this is not an unusual thing upon the part of conferees. I insist that it is an unusual thing. He can not gainsay it, and I think he will look serious when I say this: You will never be justified in breaking a solemn promise to your associates on the floor of the House. I remind the gentlemen that they are now and hereafter merely the servants and not the masters of this House. [Applause.]

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, gentlemen and ladies of the committee, whatever else I do I am not going to borrow any unusual or hard words to pronounce from the Senate debates. [Laughter.]

The gentleman from Alabama has built up his man of straw. He would not yield to me because he knew there was no substance in his man of straw.

It is remarkable what a change one election can make in the spirit and activity of many men, even so eloquent and so substantial as the gentleman from Alabama [Mr. BANKHEAD] and the gentleman from Tennessee [Mr. BYRNS].

We have had the eighteenth amendment and the prohibition law for a number of years. The gentleman from Alabama in all that time has been a Member of the House, but until in the recent political campaign Bishop Cannon showed the South the way of political success and the way to be followed by Domocracy in this House if it wants to continue to rule in the South—until the election in November demonstrated these facts and until Bishop Cannon thereafter made the appeal for increased appropriations for enforcement, the gentleman from Alabama, who now prates about the appropriation of $24,000,000 unasked for, that has no program for its expenditure, never raised his voice in this House by amendment or speech for any amount greater than that asked for from year to year by the administration.

I am obliged to conclude—I may do the gentleman from Alabama an injustice—but I am obliged to conclude that the November election has had much to do with increasing the interest and zeal of the gentleman from Alabama. [Laughter and applause.]

Why, Bishop Cannon came into his own in that election. Whatever I may have said about Bishop Cannon the other day, I never called him a bigot or a hypocrite, and he was before the election called both of those names by Democrats of his own State and of the State of the gentleman from Alabama. And if I am to be criticized because of the very mild allusions to which the gentleman from Alabama referred, then what shall be said of a distinguished citizen of Virginia who occupies a

position such that under the parliamentary rules of this body I am not permitted to refer to him directly, because of what he said about Bishop Cannon in the campaign of last fall?

Let us now look for a moment at the gentleman's man of straw. The gentleman from Alabama has the capacity to originate these ideas himself, without taking them from the debate from another body, but I read in the proceedings of another body the charge stated repeatedly that the House conferees were "unwilling to keep faith with their own House, and, in the face of a promise five times made, refuse to carry the bill back for a yea-and-nay vote," and so forth.

Mr. BANKHEAD. Oh, I will say to the gentleman that I never read that. I disclaim being influenced by reading those things.

Mr. CRAMTON. I felt it was only just to the gentleman from Alabama that he be given opportunity to clear himself of any such accusations, so I yielded to him, although he declined that courtesy to me. Such is the charge, that a promise was made by the House conferees on the deficiency appropriation bill, and was not kept. How ridiculous! The gentleman from Alabama and every Member here knows that on the 29th of January the gentleman from Indiana [Mr. WOOD] made a request for unanimous consent to send the first deficiency appropriation bill to conference, and when that unanimous-consent request was pending certain gentlemen asked him whether he would do this or that. Whatever he said, and I contend that there were no definite promises in what he said, and certainly no promises from me, though I afterward became one of the conferees, and the charge I have just quoted from the debate in another body included me as one of the conferees, the unanimous-consent request was objected to on the Democratic side of the aisle, and the bill did not go to conference. Even if a promise had been made in consideration of unanimous consent to send the bill to conference, the consent was denied and the promise was not availed of. Why, the ridiculousness of parading around here and hollering about a promise alleged to have been made in order to get unanimous consent which was refused! So, on the 31st of January, a rule was brought in, and under that rule the bill was sent to conference, and there was not then a word of any promise to bring the bill back for a vote on one special item.

What has happened? The conferees have been going along sawing wood. The gentleman from Alabama [Mr. BANKHEAD] asked me the other day one of those categorical questions of his, he wanted to know "categorically" if I remember the word—and that is a larger word than I generally use—whether the conferees had made an agreement. At that time the conferees had not made an agreement as to what they would do with the deficiency appropriation bill. It was still under consideration; it was still under investigation. We understood that there was a possibility that estimates would come to the House, and estimates did come to the House, but at that time we did not know; and we did not know if they did come which was the better parliamentary way to handle the situation. I answered the gentleman truthfully and gave him the best information I could that there was no agreement at that time. We proceeded with our study of the situation, not always, perhaps, taking the gentleman from Tennessee [Mr. BYRNS] into our confidence, as we would like to do; but trying each for himself to figure out what we ought to do, and so the thing has come along until now this bill is reported and we are about to give the House an opportunity to express itself as to these estimates for money submitted in a regular way.

The gentleman from Alabama [Mr. BANKHEAD], as I understand, is particularly wrathy that the House has never had a chance for a direct vote on the $24,000,000 proposition. As a matter of fact, that vote of 241 to 141 was a direct vote on the $24,000,000 amendment. The men who voted knew that they were voting, not on the previous question, but on the $24,000,000 amendment, and they rejected it; but the gentleman wants more opportunity to vote, claiming that was not a direct vote. The only trouble with the gentleman from Alabama is that he does not take me seriously enough.

Mr. BANKHEAD. It is pretty difficult ever to take the gentleman seriously.

Mr. CRAMTON. And I hope that will be in the RECORD. I explained to the gentleman just how to do this if he wanted a direct vote. On pages 2427 and 2428 of the RECORD of January 29, 1929, when this matter was up the first time, I said:

> Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, I think the RECORD ought to show distinctly that which the gentleman from Georgia [Mr. CRISP], the gentleman from Texas [Mr. GARNER], and the gentleman from Tennessee [Mr. BYRNS] know full well—

And I might well have said, the gentleman from Alabama [Mr. BANKHEAD], for of course he would know it full well, that all they have to do to get an expression from the House is to permit this consent to be granted, let the bill be sent to conference, and then, before the conferees are appointed, make such motion as they desire to instruct the conferees, and upon that they can have a debate; and they can have a roll-call vote; and that is the way to instruct the conferees. It can easily be done, and the gentlemen can get the votes they want.

But the gentleman did not see fit to follow that good advice. He took his way, and he got a roll-call vote of 240 to 141 against him.

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I want to present a copy of some resolutions passed by the directors of the Independent Oil & Gas Association of Oklahoma at a meeting held in Okmulgee, Okla., February 14, 1929. The directors of this association are familiar with every detail of the oil industry. They have been engaged in the oil business for years and have made a success. They are men of high character and sound judgment, and their findings and recommendations merit and, I am sure, will receive the careful study of every member of the committee and of Congress. Oil is one of the leading industries of my State and of the Nation, and I am interested in giving my best thought and attention. The facts are fully set forth in the resolution. It is urged that a tariff of not less than $1 per barrel be imposed on crude oil imported into this country. I want to submit these resolutions for the RECORD and for the consideration of the committee.

I am also submitting a letter from the Department of Commerce inclosing:

(a) Figures showing exports of petroleum and products, giving the amount both as to quantity and value with reference to all countries without the United States for the calendar years 1927 and 1928.

(b) Petroleum and products, showing both quantity and value, imported into the United States for the calendar years 1927 and 1928.

The matter referred to is as follows:

Resolution passed by the board of directors of the Independent Oil Association of Oklahoma at a meeting held at Okmulgee, Okla., February 14, 1929

Whereas the American petroleum industry is the greatest industry, the labor and capital of which has been forced to compete with a raw product imported into this country without a protective tariff; and

Whereas the crude oil brought into the United States without a tariff is produced by means of cheap labor and with steel and other materials which can be secured in foreign countries at a lower price than in the United States because of the tariff provided for the protection of the steel industry and similar industries; and

Whereas the oil imported is produced in foreign countries close to water transportation and is moved into the United States at transportation rates much lower than the rates paid upon oil produced in the interior of the United States and transported to tidewater refining points by railroads and pipe lines; and

Whereas the great quantities of crude oil imported into the United States in past years has made it necessary to restrict production and retard development of natural resources, thus curtailing the employment of labor and resulting in much distress among the workers in petroleum districts and destroying home industry; and

Whereas the restriction and curtailment of oil production in the United States has also affected the commercial situation in many States in the Union, resulting in a restricted market for the produce of American farms in the principal centers of the various petroleum fields where thousands of oil workers are now idle; and

Whereas at the present time approximately a quarter of a million barrels of crude oil is being imported into this country each day and run through the stills of United States refineries, while a similar or larger amount of oil already developed in the United States is being run to storage or held in the fields under restriction and proration with direct loss to the producer, landowner, and oil worker in restricted and prorated areas; and

Whereas because of the small gasoline content of the crude oil imported into the United States it is necessary to mix the same with our American high-grade crude oil to obtain the best results, and for this reason there can be no fear of a tariff augmenting the building of refineries in South America and other oil-producing countries and exporting to Europe and other foreign countries in competition with American refineries, as the United States is the largest producer of high-grade crude oil and will always be the leading influence in gasoline and other high volatile oil product exports; and

Whereas the record for the past years indicate that the price of crude oil, whether it be cheap imported foreign crude or high-gravity oils produced in this country, has little effect on the price of retail gasoline and lubricating oils in the United States; because the price of gasoline is an artificial one, quoted either by agreement or manipulation on the

part of the major producing and marketing concerns in the United States, while the retail price of high-grade lubricants remains approximately the same regardless of the crude oil market; and

Whereas the reports of the United States Bureau of Mines, Department of Commerce, indicate that under a full-time capacity operation of coal mines in the United States the gross output of coal would be approximately 1,000,000,000 tons per year, but the said reports further indicate, that because of a lax market condition and demand that the mine output for the year 1928 was approximately 570,000,000 tons; this reduction of coal output beginning apparently in the year 1918, the peak of domestic coal output and continuing to the present time, the decline in production being coincident to the increased imports of Mexican and South American fuel oils, resulting for the past year of 1928 alone, in the falling off of 20,000,000 tons of coal in comparison with the year 1927; and

Whereas the crude-oil production of the United States in the year 1928, according to the Department of Commerce, was 900,000,000 barrels of which 16,000,000 barrels only were run to storage, indicating that if 80,000,000 barrels of imported crude had been shut out by a tariff the United States would have had to draw upon stocks for 64,000,000 barrels of crude in the year 1928 or else produce additional crude to meet the demand, thereby stabilizing the petroleum industry. Now therefore be it

Resolved, That the Independent Oil Association of Oklahoma call upon the Congress of the United States to enact legislation imposing a protective tariff of not less than $1 per barrel on crude oil imported into this country to relieve a condition of demoralization, depression, and chaos in the petroleum industry caused by the importation of tariff-free crude oil into the United States; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States, the President elect and the Vice President elect, members of the Finance Committee of the Senate, members of the Ways and Means Committee of the House, and members of the congressional delegation of the State of Oklahoma.

J. G. LYONS,
J. J. CALLAHAN,
M. C. FRENCH,
R. D. PINE,
T. T. BLAKELY,
Committee.

INDEPENDENT OIL ASSOCIATION OF OKLAHOMA,
C. I. O'NEILL, *Secretary.*

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, February 8, 1929.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Please refer to our letter of January 17 on the subject of domestic imports and exports of petroleum products. At the time the above letter was written we had complete figures only for the first 11 months of the year 1928. It is thought, therefore, that you will perhaps be interested in the attached sheets from our Monthly Summary of Foreign Commerce which give complete figures for the past calendar year.

If we can be of further service to you, please do not hesitate to call upon us.

Sincerely yours, O. P. HOPKINS, *Acting Director.*

Exports of domestic merchandise, by articles and principal countries

Articles, and countries to which exported	Unit of quantity	December—				Twelve months ending December—			
		1927		1928		1927		1928	
		Quantity	*Value*	*Quantity*	*Value*	*Quantity*	*Value*	*Quantity*	*Value*
B. Petroleum and products			$35,409,494		$37,786,463		$485,903,129		$525,536,787
Petroleum, crude	Bbl [1]	1,717,307	2,956,798	1,528,968	2,105,437	15,843,405	25,944,489	18,961,362	26,786,248
Europe	Bbl	94,101	187,737	79,448	117,062	416,721	804,850	556,421	906,314
Canada	Bbl	1,412,316	2,457,891	1,335,474	1,858,548	13,036,216	21,579,333	15,431,230	22,235,296
Cuba	Bbl					526,819	1,303,291	527,956	989,715
Japan	Bbl	207,523	305,664	109,741	123,109	1,633,389	1,904,556	2,066,139	2,253,894
Other countries	Bbl	3,367	5,506	4,305	6,718	230,260	352,459	379,616	401,029
Refined oils	Bbl. [1]	8,450,761	29,927,008	8,952,352	33,303,649	115,398,860	429,663,342	126,186,841	464,899,317
Gasoline, naphtha, and other finished light products	Bbl. [1]	3,026,732	13,484,352	3,674,806	17,246,455	43,334,164	209,838,685	51,756,533	231,969,946
In bulk	Bbl. [1]	2,687,732	10,733,550	3,329,815	14,087,992	38,745,589	169,431,987	47,288,881	194,307,680
In containers	Bbl. [1]	339,000	2,750,802	344,991	3,158,463	4,588,575	40,406,698	4,467,652	37,662,266
Belgium	Bbl	60,255	209,799	112,025	534,722	1,126,085	5,130,882	1,273,745	5,272,062
Denmark	Bbl			73,338	308,023	1,099,945	4,948,112	970,271	3,976,809
France	Bbl	771,149	2,631,840	474,247	2,091,676	6,832,669	28,146,668	7,726,261	31,776,511
Germany	Bbl	79,509	392,204	170,294	793,862	1,230,997	5,657,594	1,318,250	5,404,721
Irish Free State	Bbl			6,357	29,369	172,674	960,320	170,753	618,014
Italy	Bbl	55,791	205,042	174,681	753,555	982,721	4,238,642	1,464,690	6,326,249
Netherlands	Bbl	92,229	333,639	140,485	672,471	1,674,054	7,335,574	1,884,855	8,177,818
Norway	Bbl			9,920	48,958	282,797	1,155,698	287,155	1,192,719
Portugal	Bbl	268	2,248	18,884	103,440	184,323	934,852	223,558	982,452
Spain	Bbl			48,462	221,810	984,202	3,850,754	967,001	4,186,141
Sweden	Bbl					1,232,641	5,588,749	1,561,523	6,539,448
United Kingdom	Bbl	1,003,191	4,338,404	1,139,513	4,468,418	13,690,870	63,088,679	15,640,770	60,813,838
Canada	Bbl	189,346	709,038	312,905	1,309,251	3,144,539	12,004,541	4,409,565	18,574,007
Panama	Bbl	135	867	29,283	119,851	96,548	346,286	180,143	761,434
Mexico	Bbl	24,611	114,661	18,205	59,926	364,465	1,968,598	300,430	1,536,874
Cuba	Bbl	280	1,615	59,749	239,656	488,867	1,744,592	809,224	3,009,593
Dominican Republic	Bbl	5,427	45,740	8,349	73,836	72,189	646,438	86,731	763,305
Argentina	Bbl	92,065	383,533	85,947	444,690	1,349,996	7,128,797	1,782,798	9,322,906
Brazil	Bbl	57,413	447,734	129,611	937,702	942,660	6,780,569	1,254,131	8,410,412
Uruguay	Bbl	24,524	185,271	14,225	240,236	353,355	2,817,930	405,875	3,136,142
Other South America	Bbl	2,105	21,340	3,595	31,938	153,059	970,319	264,537	1,308,735
China, Hong Kong, and Kwantung	Bbl	8,366	75,758	8,880	65,498	321,155	2,279,397	244,581	1,971,676
Japan	Bbl	34,165	243,941	3,893	20,106	356,044	2,788,653	737,723	4,780,204
Philippine Islands	Bbl	77,503	551,540	15,874	139,331	292,704	2,287,165	377,428	2,999,896
Australia	Bbl	192,165	986,943	229,097	1,415,640	2,470,403	14,624,964	2,751,815	14,202,853
New Zealand	Bbl	83,070	369,559	63,175	481,002	1,061,016	7,138,464	1,219,906	6,431,610
British South Africa	Bbl	73,539	397,976	96,443	497,147	657,976	3,686,861	931,603	4,803,829
British West Africa	Bbl	42,837	347,424	36,934	324,647	284,940	2,329,562	348,512	2,957,816
French Africa	Bbl	7,443	62,298	76,128	445,801	558,302	3,127,955	700,854	3,674,176
Morocco	Bbl	483	3,577	50,465	233,594	83,004	342,238	134,242	605,787
Portuguese Africa	Bbl	3,600	26,416	3,795	37,212	84,500	742,231	94,831	816,166
Spanish Africa	Bbl	3,876	28,340	3,001	21,770	54,991	453,525	77,283	656,930
Other countries	Bbl	41,387	369,605	57,046	81,317	649,473	4,593,076	1,155,489	5,978,813
Illuminating oil (kerosene)	Bbl. [1]	1,243,371	5,255,589	1,229,422	5,580,028	19,352,102	79,303,008	21,852,626	93,477,916
In bulk	Bbl. [1]	791,971	2,274,581	911,305	3,385,382	13,832,317	42,601,308	16,290,641	56,694,606
In containers	Bbl. [1]	451,400	2,981,008	318,117	2,194,646	5,519,785	36,701,700	5,561,985	36,783,310
Belgium	Bbl	34,810	89,483	16,272	49,415	538,588	1,391,908	296,373	867,188
Denmark	Bbl	121	1,050	1	4	517,990	1,478,831	526,492	1,545,019
France	Bbl	137,855	355,842	25,317	77,421	1,127,435	3,013,500	1,669,660	5,295,059
Germany	Bbl	17,523	46,910	357	2,100	832,922	2,221,452	838,610	2,198,944
Italy	Bbl	37,313	117,536	34	300	258,492	707,078	160,039	508,273
Netherlands	Bbl	184,244	461,308	153,100	417,963	1,757,326	4,672,015	1,599,226	4,303,208
Norway	Bbl	12	80	9,456	36,764	269,935	769,595	262,775	756,443

[1] Barrel of 42 gallons.

Exports of domestic merchandise, by articles and principal countries—Continued

Articles, and countries to which exported	Unit of quantity	December—				Twelve months ending December—			
		1927		1928		1927		1928	
		Quantity	*Value*	*Quantity*	*Value*	*Quantity*	*Value*	*Quantity*	*Value*
B. Petroleum and products—Continued.									
Refined oils—Continued.									
Illuminating oil (kerosene)—Continued.									
Portugal	Bbl.	67,908	$144,241	16,456	$48,381	315,948	$822,415	356,192	$912,703
Spain	Bbl.	600	5,051	122	786	77,623	216,424	101,824	355,369
Sweden	Bbl.	78	455			284,978	800,262	460,700	1,371,171
United Kingdom	Bbl.	66,289	187,376	376,173	1,297,623	3,172,465	8,811,625	2,944,533	8,230,792
Other Europe	Bbl.	482	3,028	24,384	69,152	353,794	1,174,499	380,398	997,698
Canada	Bbl.	8,970	28,828	6,879	21,345	128,003	473,802	150,058	600,788
Central America	Bbl.	3,101	21,397	2,111	14,565	78,412	324,909	45,142	293,504
West Indies and Bermudas	Bbl.	12,357	92,605	12,673	94,200	159,191	1,167,537	178,769	1,319,259
Argentina	Bbl.	5,479	50,564	2,510	18,101	336,200	2,001,396	189,773	1,352,178
Brazil	Bbl.	60,409	386,316	65,818	464,142	696,843	4,521,214	649,969	4,225,763
Uruguay	Bbl.	6,968	46,668	7,973	66,006	225,410	1,618,718	180,732	1,313,730
British India	Bbl.	11,216	75,027	59,903	143,396	1,360,741	3,949,060	474,827	1,488,841
British Malaya	Bbl.	70,896	220,731			153,404	528,151	12,391	79,410
China, Hong Kong, and Kwantung	Bbl.	115,189	653,606	207,114	1,261,027	2,618,322	14,951,599	4,769,165	28,360,856
Netherland East Indies	Bbl.	14,094	88,494	7,412	49,108	186,763	1,175,163	174,162	1,107,272
French Indo-China	Bbl.			238	1,800	54,683	352,101	75,763	516,515
Japan	Bbl.	207,508	908,443	37,727	239,461	1,608,997	8,012,531	2,371,610	8,090,970
Philippine Islands	Bbl.	12,798	143,915	16,225	105,763	197,460	1,312,639	360,405	2,286,871
Australia	Bbl.	56,866	383,994	65,534	389,170	599,604	4,069,649	998,344	5,600,594
New Zealand	Bbl.	9,609	52,616	3,858	26,414	114,793	763,675	176,866	915,360
British Africa	Bbl.	66,138	462,781	56,295	402,353	608,364	4,206,906	669,191	4,641,955
French Africa	Bbl.	7,248	54,686	12,523	63,200	320,211	1,263,549	283,884	1,102,246
Portuguese Africa	Bbl.	7,305	50,201	6,894	48,805	70,923	515,650	101,284	724,726
Other countries	Bbl.	19,985	122,357	36,063	171,263	326,282	2,015,154	393,469	2,115,211
Gas and fuel oil	Bbl.[1]	3,402,632	3,798,897	3,171,040	3,475,537	42,963,180	49,801,802	41,558,367	45,797,151
Belgium	Bbl.	20,015	48,746	57,158	71,463	534,410	814,897	433,935	623,666
Denmark	Bbl.					717,649	1,280,183	597,528	959,756
France	Bbl.	6	136	41,298	29,007	92,553	159,056	578,477	1,193,642
Germany	Bbl.	33,772	153,208	161,906	240,483	1,257,971	2,153,360	1,793,140	2,793,092
Italy	Bbl.					182,308	337,491	402,800	635,430
Netherlands	Bbl.	22,793	39,143	122,464	368,613	769,653	1,351,038	884,301	1,632,020
Norway	Bbl.			17,882	29,059	106,004	183,140	106,747	169,521
Spain	Bbl.	19,776	35,462			68,511	125,968	153,242	195,760
Sweden	Bbl.	12,405	21,288			236,970	448,356	146,894	246,723
United Kingdom	Bbl.	659,469	1,038,721	413,151	555,722	5,507,283	8,283,212	4,402,741	5,813,416
Canada	Bbl.	172,217	229,007	136,462	154,712	2,377,177	2,864,131	2,371,833	2,785,745
Panama	Bbl.	329,756	314,343	418,364	384,640	7,360,016	7,481,379	5,188,569	4,850,703
Mexico	Bbl.	76,141	75,828	67,480	67,875	1,042,743	1,160,091	1,218,770	1,390,882
Cuba	Bbl.	52,054	58,927	75,791	63,511	1,942,493	2,331,101	2,025,707	2,715,162
Other West Indies and Bermudas	Bbl.	626	1,999	31	497	544,549	724,701	604,037	938,970
Argentina	Bbl.	392,913	331,166	56,251	47,101	4,307,750	3,882,934	2,113,870	1,942,300
Brazil	Bbl.	202,830	265,078	60,088	99,424	1,232,879	1,383,390	887,428	1,261,978
Chile	Bbl.	639,893	527,753	740,146	593,540	4,349,940	3,880,438	6,328,693	5,265,727
Other South America	Bbl.	162,607	126,325	23,686	19,649	1,597,642	1,449,656	980,583	838,456
China, Hong Kong, and Kwantung	Bbl.	13	289	96,333	116,496	1,159,120	1,490,271	1,131,086	1,187,567
Japan	Bbl.	432,802	368,759	257,757	213,146	4,419,106	4,032,073	5,114,192	4,256,077
Philippine Islands	Bbl.	6,435	5,470	59,117	59,117	685,995	743,243	592,431	589,773
New Zealand	Bbl.	64,383	55,610	81,105	73,002	918,587	962,077	948,285	892,003
French Africa	Bbl.	38	166	193	733	71,996	105,676	79,044	80,350
Other countries	Bbl.	92,688	101,473	284,467	287,737	1,479,875	2,173,940	2,474,034	2,568,432
Fuel or bunker oil for vessels in foreign trade (not included in Domestic Exports)	*Bbl.*[1]	*4,263,618*	*5,516,633*	*4,234,695*	*4,459,354*	*50,050,574*	*72,967,245*	*51,124,820*	*59,299,940*
On American vessels	*Bbl.*	*1,909,817*	*2,499,386*	*2,255,941*	*2,291,293*	*22,205,735*	*31,747,310*	*23,268,915*	*26,181,998*
On foreign vessels	*Bbl.*	*2,353,801*	*3,017,247*	*1,978,754*	*2,168,061*	*27,844,839*	*41,219,935*	*27,860,905*	*33,117,942*
Lubricating oil	Bbl.[1]	769,114	7,265,875	866,029	6,859,085	9,605,757	88,843,128	10,849,541	91,591,415
Red and pale	Bbl.[1]	513,492	4,203,032	538,527	4,175,599	5,984,138	49,367,575	6,939,071	54,444,960
Belgium	Bbl.	72,009	332,962	79,517	394,545	645,338	3,623,626	757,913	3,269,008
Denmark	Bbl.	4,656	69,631	759	12,050	112,715	850,728	107,281	772,752
France	Bbl.	44,168	285,851	115,986	587,565	792,593	4,920,799	1,008,851	6,264,239
Germany	Bbl.	68,408	400,703	73,043	355,994	777,802	3,860,413	859,190	4,595,183
Italy	Bbl.	12,818	108,021	14,342	197,504	155,777	1,500,633	263,414	2,533,511
Netherlands	Bbl.	4,324	67,289	11,346	95,082	96,266	814,768	208,474	1,246,532
Spain	Bbl.	13,624	111,492	9,726	150,866	143,738	1,486,277	54,483	834,604
Sweden	Bbl.	2,998	46,607	389	6,239	58,908	800,934	98,983	1,011,235
United Kingdom	Bbl.	140,456	812,411	77,389	438,541	1,199,515	7,039,855	1,320,965	8,228,888
Other Europe	Bbl.	9,507	140,405	6,775	107,030	107,279	1,244,194	87,589	1,332,196
Canada	Bbl.	18,779	102,742	19,122	199,796	250,945	2,384,917	303,436	2,843,791
Mexico	Bbl.	4,275	57,289	2,300	26,975	46,071	513,245	47,525	598,479
Cuba	Bbl.	6,395	66,576	4,058	68,766	59,264	694,635	47,110	593,790
Argentina	Bbl.	9,908	148,904	4,478	71,878	193,615	3,332,561	125,442	2,049,422
Brazil	Bbl.	9,408	131,593	15,626	203,956	141,938	1,752,479	149,441	1,807,542
Chile	Bbl.	3,537	56,570	2,650	41,424	36,198	556,353	37,741	555,344
Other South America	Bbl.	5,253	98,118	3,891	72,904	58,881	1,031,454	70,864	1,180,297
British India	Bbl.	12,342	175,212	16,388	164,325	300,061	2,733,796	388,632	2,874,687
China, Hong Kong, and Kwantung	Bbl.	6,485	85,897	10,607	105,962	145,230	1,416,031	254,485	2,391,118
Netherland East Indies	Bbl.	5,884	113,665	5,675	61,034	51,371	810,557	39,156	563,668
Japan	Bbl.	17,454	162,874	19,417	194,113	186,432	2,034,747	198,870	2,228,001
Philippine Islands	Bbl.	4,603	76,795	6,843	112,646	44,019	636,659	70,354	945,549
Australia	Bbl.	12,733	184,073	16,617	221,637	171,288	2,172,436	183,963	2,412,583
New Zealand	Bbl.	3,154	47,433	4,593	78,576	37,224	531,655	42,798	602,190
British Africa	Bbl.	5,492	110,650	2,360	26,642	29,426	519,330	33,116	521,387
Egypt	Bbl.	1,502	12,644	1,594	12,169	14,588	139,697	38,507	254,687
Portuguese Africa	Bbl.	733	6,011	787	5,880	10,674	101,107	14,266	153,374
Other countries	Bbl.	12,577	190,614	12,239	155,420	116,982	1,783,659	126,172	1,779,883
Black	Bbl.[1]	36,270	261,767	94,697	501,933	671,776	3,486,400	1,029,270	5,125,468
Cylinder	Bbl.[1]	219,352	2,801,076	232,805	2,181,553	2,949,843	35,989,153	2,881,200	32,020,987
Belgium	Bbl.	8,330	73,625	12,138	115,589	100,440	1,048,656	118,209	1,155,892
Denmark	Bbl.	3,229	39,163	472	6,118	21,890	302,071	12,120	146,716
France	Bbl.	13,548	170,889	41,258	338,625	335,936	3,793,905	391,272	3,808,101
Germany	Bbl.	8,671	130,905	6,724	89,184	331,720	3,824,918	438,402	4,245,278
Italy	Bbl.	15,868	192,169	15,600	125,724	196,454	2,516,008	213,086	2,455,855

[1] Barrel of 42 gallons.

Exports of domestic merchandise, by articles and principal countries—Continued

Articles, and countries to which exported	Unit of quantity	December— 1927 Quantity	December— 1927 Value	December— 1928 Quantity	December— 1928 Value	Twelve months ending December— 1927 Quantity	Twelve months ending December— 1927 Value	Twelve months ending December— 1928 Quantity	Twelve months ending December— 1928 Value
B. Petroleum and products—Continued.									
Refined oils—Continued.									
Cylinder—Continued.									
Netherlands	Bbl.	3,255	$45,127	3,485	$39,743	76,011	$811,697	74,102	$580,208
Norway	Bbl.	1,516	24,728	105	1,249	9,918	153,662	6,367	86,270
Spain	Bbl.	4,781	50,471	1,985	25,238	51,662	592,282	31,506	330,400
Sweden	Bbl.	2,976	44,701	381	5,400	22,485	327,618	20,737	303,765
United Kingdom	Bbl.	66,042	789,147	56,031	535,593	753,754	8,162,308	551,931	6,149,119
Canada	Bbl.	3,530	36,935	33,797	66,587	107,271	1,119,907	153,706	1,360,266
Mexico	Bbl.	2,273	18,470	1,415	16,158	22,240	243,756	34,581	287,355
Cuba	Bbl.	2,432	27,030	3,520	45,799	30,388	387,210	29,899	377,261
Argentina	Bbl.	18,952	227,012	5,992	80,968	110,194	1,411,216	85,965	1,099,755
Brazil	Bbl.	2,634	32,388	6,245	102,145	55,794	653,472	92,828	919,977
Chile	Bbl.	4,682	69,357	1,001	15,314	17,679	271,428	19,506	277,526
Other South America	Bbl.	3,804	61,887	5,355	44,344	40,139	658,206	40,106	605,812
British India	Bbl.	9,408	142,850	3,784	45,303	67,429	876,086	43,379	529,457
China, Hong Kong, and Kwantung	Bbl.	3,872	45,233	954	10,058	23,077	249,185	17,953	163,874
Netherland East Indies	Bbl.	1,584	8,560	367	8,693	8,621	122,373	10,299	150,181
Japan	Bbl.	3,405	41,118	2,298	29,428	56,361	659,803	48,832	575,530
Philippine Islands	Bbl.	546	9,796	13	189	2,788	44,007	1,740	20,947
Australia	Bbl.	5,853	92,762	10,278	121,880	180,884	2,801,704	143,927	1,933,997
New Zealand	Bbl.	1,622	26,867	626	10,978	33,995	550,178	30,676	502,348
British Africa	Bbl.	6,973	121,290	6,833	118,986	85,215	1,379,177	74,850	1,289,568
Egypt	Bbl.	2,892	44,468	2,180	34,281	46,664	593,792	43,082	408,371
Portuguese Africa	Bbl.	4,438	51,456	2,234	37,540	29,258	431,133	29,349	473,623
Other countries	Bbl.	12,236	182,672	7,734	110,439	131,576	2,003,395	122,790	1,783,535
Mineral spirits (substitute for turpentine)	Gal.	183,004	43,667	188,731	45,254	2,648,274	550,246	2,352,727	508,729
Insulating or transformer oils	Gal.	162,250	46,500	243,203	53,348	2,844,976	836,467	4,232,854	1,040,246
Light lubricating oils in small packages	Gal.	29,069	32,128	32,366	43,942	540,360	490,006	544,925	513,914
Lubricating greases	Lb.	9,663,358	488,466	8,571,146	451,564	100,483,272	5,298,592	108,111,834	5,589,045
Paraffin wax	Lb.	30,668,757	1,228,506	26,600,116	1,390,179	340,422,834	15,034,424	392,648,443	16,863,258
Unrefined	Lb.	7,937,413	259,372	5,839,764	273,159	76,248,749	2,747,693	83,090,154	3,011,957
Refined	Lb.	22,731,344	969,134	20,760,352	1,117,020	264,174,085	12,286,731	309,558,289	13,851,301
Belgium	Lb.	1,514,024	64,438	1,632,599	80,963	10,695,036	516,678	13,003,970	585,276
Germany	Lb.	755,869	36,608	954,563	45,920	14,710,805	640,293	15,314,514	664,688
Irish Free State	Lb.	353,453	8,644	662,710	33,347	6,604,898	232,588	9,177,431	340,537
Italy	Lb.	4,241,342	191,937	3,302,593	163,169	41,424,161	2,072,697	52,225,625	2,139,784
Netherlands	Lb.	1,225,928	40,471	1,200,442	63,997	12,890,208	519,398	16,586,729	760,861
Spain	Lb.	1,936,840	76,927	882,510	49,200	17,891,463	886,065	13,760,097	583,932
Sweden	Lb.	1,389,330	46,379	222,083	15,624	7,644,501	299,144	7,039,515	231,905
United Kingdom	Lb.	8,463,516	271,176	6,139,058	260,494	107,330,081	4,061,783	101,380,469	3,723,689
Other Europe	Lb.	437,443	20,919	1,172,430	56,482	5,639,069	275,721	8,324,589	369,740
Central America	Lb.	494,735	22,723	322,158	18,664	7,140,007	366,812	7,294,538	368,589
Mexico	Lb.	1,264,661	51,260	710,467	43,283	18,439,412	793,078	17,232,456	781,006
Cuba	Lb.	181,736	9,133	481,270	33,011	3,274,841	181,997	3,202,984	176,865
Argentina	Lb.	1,151,411	47,403	463,153	24,714	14,273,764	641,502	13,097,345	550,059
Chile	Lb.	1,166,999	34,848	55,199	2,920	7,813,935	311,741	22,647,836	814,378
Colombia	Lb.	587,709	24,561	1,109,669	69,988	7,654,712	365,525	10,956,362	555,444
Peru	Lb.	493,312	20,275	393,364	22,243	4,808,501	206,370	3,674,483	163,749
Other South America	Lb.	598,425	26,731	948,885	57,069	10,553,275	514,373	10,108,670	521,319
China, Hong Kong, and Kwantung	Lb.	2,688,559	131,261	2,194,483	129,794	19,123,561	935,286	36,736,678	1,991,230
Japan	Lb.	1,013,392	56,524	1,971,409	123,251	6,701,550	390,785	14,154,047	768,368
Philippine Islands	Lb.	6,951	1,063	61,000	3,350	1,081,380	91,400	685,082	44,738
British South Africa	Lb.	118,615	6,235	869,190	46,337	3,168,756	174,104	3,903,343	190,982
Other countries	Lb.	584,507	38,990	850,881	46,359	10,958,918	557,084	12,141,680	536,119
Petroleum asphalt	Ton.	24,871	613,989	27,516	483,884	343,778	8,325,413	442,129	9,788,501
Petroleum coke	Ton.	9,615	128,445	5,587	48,305	93,253	1,052,772	128,688	1,384,139
Petroleum residuum	Bbl.[1]	23,144	66,282	903	3,445	217,239	584,097	62,506	226,279

General imports of merchandise, by articles and principal countries

Articles, and countries from which imported	Unit of quantity	December— 1927 Quantity	December— 1927 Value	December— 1928 Quantity	December— 1928 Value	Twelve months ending December— 1927 Quantity	Twelve months ending December— 1927 Value	Twelve months ending December— 1928 Quantity	Twelve months ending December— 1928 Value
B. Petroleum and products			$9,960,386		$10,784,152		$113,434,019		$132,782,203
Crude petroleum—free	Bbl.[1]	6,209,418	7,803,786	6,807,286	6,843,517	58,382,632	78,609,117	79,766,672	90,413,284
Mexico	Bbl.	1,327,000	1,502,419	1,293,500	1,356,326	26,019,058	30,442,475	17,584,211	19,400,030
Netherland West Indies	Bbl.	1,599,979	2,236,584	1,858,319	1,375,090	10,136,248	14,228,581	24,989,387	27,309,822
Colombia	Bbl.	1,075,000	1,711,040	1,227,000	1,754,610	7,962,001	13,559,123	11,838,025	17,210,451
Peru	Bbl.	100,000	225,000			1,886,474	4,156,674	1,224,125	2,706,507
Venezuela	Bbl.	1,910,664	1,895,514	2,232,624	2,116,135	11,423,575	14,945,832	21,987,319	21,274,535
Other countries	Bbl.	196,775	233,229	195,843	241,356	955,276	1,276,432	2,143,605	2,511,939
Refined oils	Bbl.[1]	748,712	2,054,147	1,088,965	3,792,487	13,281,188	33,637,919	11,800,208	40,942,631
Topped, including fuel oil—free	Bbl.[1]	451,072	641,220	646,319	747,034	8,124,192	10,176,290	7,268,147	8,484,740
Tops and other unfinished distillates—free	Bbl.[1]			177	560	91,303	337,814	19,962	33,588
Gasoline, naphtha, and other finished light products—free	Bbl.[1]	281,932	1,342,715	420,050	2,944,782	5,002,306	22,772,734	4,297,774	31,517,538
Illuminating oil (kerosene)—free	Bbl.[1]	15,253	60,385	19,882	51,197	55,435	248,017	201,747	716,213
Lubricating oils, including paraffin oil—free	Bbl.[1]	455	9,827	2,537	48,914	7,952	103,064	12,578	190,552
Paraffin and paraffin wax—free	Lb.	1,905,702	102,453	2,138,494	148,148	20,461,774	1,186,983	24,740,996	1,426,288

[1] Barrel of 42 gallons.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentlemen from Massachusetts [Mr. STOBBS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. STOBBS. Mr. Chairman, unless some definite action repealing or postponing operation of the so-called national origins provision of our immigration law is adopted in the closing days of Congress this method of determining our immigration quotas

will become operative by presidential proclamation during the present year.

An unusual situation is thus presented when a provision, condemned alike by both candidates for the Presidency in the last election, may be allowed to become a law by reason of the failure of Congress to act.

The present law may present certain inconsistencies, but it has served a purpose and will continue to do so until some more equitable method can be devised.

The substitution of the so-called national-origins method is indefensible by reason of the inaccuracy of its data. We have only to refer to the language used in the report or letter written by the members of the special commission—composed of Secretaries Kellogg, Hoover, and Davis—in submitting the tabulation of data upon which the national-origins quotas are to be based, to realize the truth of this statement. They reported as follows:

> The statistical and historical information available raises grave doubts as to the full value of this compilation as a basis for the purpose contended.

Surely a very strong statement as to the ureliability of the national-origins method of determining our immigration quotas.

The reason for this is that the data is compiled very largely as a result of guess work as to the origin of people residing in this country at the time of the census of 1790, the guess work being almost entirely predicated on the supposed origin of such people because of their names. When we propose to change an existing method, whereby we are to reduce materially the quotas of some of our most desirable immigrants, we want something more than guess work as a basis for any such action.

Take the case of the immigration from the Scandinavian countries as an illustration, which I think we will all agree has proven to be one of the most desirable. Under the present act, based on the percentage of foreign born in this country as of the date of the census of 1890, there is allowed to come into this country annually from the three countries of Denmark, Norway, and Sweden 18,803 immigrants. Under the so-called national-origins provision this would be cut down to only 7,036, much less than one-half.

There would also be considerable reduction in the number of immigrants coming from Germany, the Irish Free State, and several other countries.

But the argument is made that the national-origins method will give us more of the old Anglo-American stock, to which we owe so much in the original settlement of this country. I do not wish to decry the debt we owe to our forefathers of English descent, who constituted such a large part of the early immigration into this country. As a descendant myself of the stock which contributed so much to the early growth and development of what we call our American institutions, I am very proud of my ancestry.

But we must not overlook the fact that men and women of other stock and of other national heritage likewise played their part, and a glorious one, in the establishment of a form of government and the building of institutions which have commanded the admiration of the world.

This country was not settled by people from Great Britain alone. It was settled by people of various nationalities. Side by side in the War of Independence, as in fact in every other war in which we have ever been engaged, fought men from practically every nation in Europe, all imbued with the same love of liberty, irrespective of their national origin.

Any method of determining admission into this country of the nationals of other countries which operates to discriminate against a fellow countryman of any of those who participated in the most glorious events in our history, based entirely on guesswork data, as is admitted by the committee having the matter of investigation in charge, is certainly very much to be condemned.

I sincerely trust that this Congress will in the few days remaining again postpone the operation of this so-called national-origins provision of our present immigration law until such time as the whole matter of quota basis can be more carefully considered with a view to arriving at a method which will be more just and equitable to all parties concerned. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BYRNS. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 15 minutes.

Mr. BLANTON. Mr. Chairman, I want to commend the present Bureau of Investigation in the Department of Justice, presided over at this time by Mr. J. Edgar Hoover, and commend also the Washington manager of that department, Mr. Thomas F. Cullen. I have been very much impressed with the high character of the splendid work that they are doing.

There was a poor, unfortunate woman, you remember, who was afraid to stay in Washington. Just as soon as she learned that she could find safety in the protection of the Department of Justice agents she voluntarily got on the train in Chicago and came to Washington. She has been protected here by these agents. They arranged for her to come in here through the depot last night and there was a bunch of reporters and photographers there waiting for her. They brought her in here and took her to a hotel without one of those people knowing anything about it.

I want to show you one of the reasons why that woman was afraid to stay in Washington, her birthplace, the Nation's Capital.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I do not yield.

I want to read to you, under the heading of "Burlingame's cruel third-degree persecution caused innocent young Chinese student to get death sentence. Supreme Court of the United States saved student's life," an excerpt from the decision of the Supreme Court of the United States, volume 266, page 8, the following quoted from the decision rendered by Mr. Justice Brandeis:

> On January 31, 1919, the police department learned that three Chinamen had been murdered. Li said he had seen Wan, of New York, enter the building on January 29. Detectives started immediately for New York. On February 1 they entered Wan's room, brought him to Washington, was tried and sentenced to be hanged, and court of appeals affirmed the judgment.
>
> Wan was a native of China. He had come to the United States in 1916 as a student. Since December, 1918, his health had been bad, having Spanish influenza. He suffered continuously from a chronic stomach trouble. When detectives entered his room unannounced they found him in bed. They had no search warrant, but they made a search of his room and effects, including his bed where he lay. They requested him to return with them to Washington. He told them he was too sick.
>
> On arrival in Washington, Wan was not put formally under arrest, but he was taken to a secluded room. In the presence of three detectives (one being Burlingame), the superintendent of police, and Li, he was subjected there to questioning for five or six hours. They then took him to Dewey Hotel, and without entering his name on the hotel registry, placed him in a bedroom on an upper floor. In that room he was detained continuously for one week. Throughout the period he was sick and, most of the time, in bed. In vain Wan asked to see his brother, whom detectives were detaining in another room and subjecting to like interrogation.
>
> Wan was held in the hotel room without formal arrest, incomunicado. But he was not left alone. Every moment of the day, and of the night, at least one member of the police force was on guard inside his room. Three ordinary policemen were assigned to this duty. Each served eight hours; the shifts beginning at midnight, at 8 in the morning, and at 4 in the afternoon. Morning, afternoon, and evening, and at least on one occasion after midnight, the prisoner was visited by the superintendent of police and/or one or more of the detectives. The sole purpose of these visits was to interrogate him. Regardless of Wan's wishes and protest, his condition of health, or the hour they engaged him in conversation. He was subjected to persistent, lengthy, and repeated cross-examination. Sometimes it was subtle, sometimes severe.

And the record shows that one of his tormentors was Capt. Guy E. Burlingame, then a detective. Let me quote from it some of what it says about Burlingame. The record shows that on the eighth day these officers took Wan to the house where the murder occurred, and concerning his harassment there, one officer testified:

> Well, he sat and rolled his eyes when I asked him questions. Burlingame (another detective) said: "Answer his question," and then Wan started in Chinese language, and Burlingame said, "Here, don't speak Chinese. Answer Kelly's question." Burlingame caught him on the shoulder and said, "We don't want anything like that here." This was about 1 o'clock in the morning, and we left about 4 o'clock. Burlingame set him down in a chair.
>
> Defendant was not permitted to sleep or go back to the hotel. On the ninth day, after an all-night interrogation, I told defendant, "If you are guilty, and your brother is innocent, I want to know, for I am holding your brother just the same as I am holding you." Wan had to talk. I left details to Burlingame and Kelly.

Let me quote further from what Mr. Justice Brandeis said about it in said Supreme Court decision:

> On the eighth day the accusatory questioning took a more excruciating form. Continuously for 10 hours this sick man was led from floor to floor minutely to examine and reexamine the scene of the triple murder

and every object connected with it. The places where the dead men were discovered, the revolver with which presumably the murder was committed, the bloodstains and fingerprints thereon, the bullet holes in the walls, the discharged cartridges found upon the floor, the clothes of the murdered men, the bloodstains on the floor and the stairs, a bloody handkerchief, the coat and pillow which had been found covering the dead men's faces, photographs taken by the police of the men as they lay dead, the doors and windows through which the murderer might have entered or made his escape, photostat copies of writings, by means of which it was sought to prove that Wan was implicated in a forgery. Every supposed fact ascertained by the detectives in the course of their investigation was related to him. Concerning every object, every incident detailed, he was in the presence of a stenographer plied with questions by the superintendent of police and the detectives. By these he was engaged in argument; sometimes separately, sometimes in joint attack. The process of interrogation became ever more insistent. It passed at times from inquiry into command. From 7 o'clock in the evening until 5 o'clock in the morning the questioning continued. Li had left worn out. The superintendent returned home exhausted. One detective had fallen asleep. To Wan not a moment of sleep was allowed.

On the ninth day Wan was formally arrested; interrogation was promptly resumed. Detectives, day and evening, plied their questions, arguing, urging him to confess lest his brother be deemed guilty. On the tenth day Wan was "bundled up" and again questioned at the scene for hours. On the eleventh day detectives at the station questioned Wan in the presence of a stenographer. On the twelfth day Wan signed the stenographer's report in the jail. On the thirteenth day, for the first time, Wan was visited by the jail physician.

He found Wan lying in a bunk in the cell, very weak, very much exhausted, very much emaciated, complaining of intense pain, vomiting if he attempted to take food, and he was confined in his bed for a month thereafter. Being questioned by the court, "Would he be liable to sign a confession that would lead him to the gallows in that condition," the physician replied, "I think he would, if he wanted to be left alone; he would do anything to have the torture stopped."

That is from the decision of the Supreme Court of the United States, if you please, and the Supreme Court of the United States held that Burlingame and these other members of the police department in Washington violated the law in this mistreating of Wan; and by his timely decision Mr. Justice Brandeis saved the life of this poor Chinese student and reversed the case, and when it came up again Wan was acquitted by the verdict of a jury of his peers.

Most of the high police officials in Washington are antiquated, helpless fossils, with one-track minds. These three Chinamen had been murdered. These policemen realized that they must find a culprit. Li told them Wan, of New York, had once visited this Chinese mission. "Presto change," they just knew it could not have been anyone else but Wan, of New York. They captured poor Wan sick in bed in his home in New York. For 12 days and nights they tortured him. And they would have hanged him if the Supreme Court of the United States had not stopped them.

And it is just this local police situation here that has forced Mrs. Helen F. Blalock to be afraid to subject herself to their third-degree methods, their inquisition, their torture. I am glad that we have a Department of Justice as a part of the Government of the United States.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I want to tell you a joke on the gentleman from Wisconsin. Do you know why he interrupts me so much in this Burlingame matter? I will tell you. Burlingame used to have a man working in the Capitol, until recently, who reported to him daily the actions of certain Congressmen. Every turn I took he reported it to Burlingame and every turn that the gentleman from Vermont [Mr. GIBSON] took he reported it to Burlingame. He was Burlingame's information man and he found out that the gentleman from Wisconsin interrupted me frequently. He knew I was after him, Burlingame, and he thought it would be nice to cultivate the acquaintance of my friend from Wisconsin and he sent this information man to my friend from Wisconsin and got him to go down on a raid with Burlingame one night, had him go down and see him raid a "nigger joint" where there were a lot of poor "niggers." He showed him how he cuffed them around and showed him he was the big chief, and he had the big chief from Wisconsin there watching and looking on.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. SCHAFER. I want to state that I have met Captain Burlingame twice in my whole life.

Mr. BLANTON. Did not the gentleman go on a raid with him?

Mr. SCHAFER. There was one time that I went down to make a personal investigation of the second precinct. The other time is when I met him while attending a hearing of the GIBSON committee in the House Office Building.

Mr. BLANTON. Did not the gentleman make a raid with him on a bunch of niggers?

Mr. SCHAFER. I saw Captain Burlingame that evening make a hundred or more arrests in about four hours. I did not see him punch any negroes, though.

Mr. BLANTON. And presto, change, he made a confederate and a companion of our friend from Wisconsin and uses him here in the House to try to hamstring me when I am here trying to bring about better conditions in your Nation's Capital.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. I will say to the gentleman, that Captain Burlingame has never asked me to say a word in the House and he has never contacted me directly or indirectly on any of the matters which the gentleman is bringing out.

Mr. BLANTON. Certainly; he does not have to do it. He takes the gentleman on a nigger raid and has him here to represent him when these questions come up.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I can not yield further.

Mr. SCHAFER. Just one more question.

Mr. BLANTON. No; and I want my own time. I am not falling out with the gentleman from Wisconsin. I think he is a very valuable man here. He started over here on this side of the aisle, and then he crossed over, and then he crossed back, and now he has crossed over again. If he would stay in one place——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS. I yield the gentleman two additional minutes.

Mr. BLANTON. He starts out wet against the drys, and then, when the country offers him a wet candidate, than whom there is no wetter, he quits that wet candidate.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. SCHAFER. The candidate of your party, who the gentleman supported, was not a wet candidate; he was pussyfooting on the wet question.

Mr. BLANTON. And that is the reason I supported him against Hoover, who is just as wet.

Mr. SCHAFER. And that is one reason why I opposed Governor Smith, because he was pussyfooting on the wet and dry question.

Mr. BLANTON. And the gentleman from Wisconsin supported Hoover, I guess, because he thought Hoover was wetter—is that the idea?

Mr. SCHAFER. No.

Mr. BLANTON. Answer me on that.

Mr. SCHAFER. I supported Mr. Hoover because of political and economic questions of vital interest to the people of Wisconsin and the Nation, and because of the exceptional ability and character of Mr. Hoover as compared to the other candidate. [Applause.]

Mr. BLANTON. I can not yield further. I want to say this, that the beer-drinking people of Milwaukee wanted Smith; the drinking people of Wisconsin wanted Smith.

Mr. SCHAFER. Is that why the gentleman supported him?

Mr. BLANTON. The gentleman's idea was that they wanted Smith; but in the race that he expects to make in Wisconsin next year the gentleman from Wisconsin thought possibly it would be good politics to oppose the politics of the man against whom he is going to run, and, presto, change, we find him going back on the man who stood for Milwaukee beer with a content of 4 per cent of alcohol, something that the gentleman from Wisconsin had fought for here for days and weeks and months and years.

Mr. SCHAFER. If the gentleman will yield I will state that if I run for the Senate against the man in question, it will not be on the prohibition question, but on many political and economic questions.

Mr. BLANTON. I will say this to my friend from Wisconsin—and I do like him "with all his faults I love him still"—if he will come down to my district in Texas I will ask every bootlegger there to give him everything to drink there is in my district, and there is plenty of it. [Laughter.]

Mr. SCHAFER. The gentleman from Wisconsin does not drink intoxicating liquors, so he can not accept the gentleman's kind hospitality. [Applause.]

Mr. WOOD. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. I have asked for two minutes because I want to propound a question to the gentleman who has just taken his seat. During the course of his debate the gentleman from Texas indicated that Mrs. Blalock, who we have read so much

about in the CONGRESSIONAL RECORD and in the Washington newspapers, voluntarily got on the train and came to Washington to appear as a witness in the trial board proceedings. The Washington newspapers, everyone of them, contain information that the Department of Justice located Mrs. Blalock through tracing bank checks. Now, I rise to ask the gentleman which is correct. Did Mrs. Blalock voluntarily come to Washington, or did the Department of Justice locate her by tracing checks going through her bank?

Mr. BLANTON. I will say to the gentleman that his friend, Burlingame, and the 1,400 policemen of Washington did not locate her, but the Department of Justice did locate her, and they can locate anybody. But they did not bring her here. They let her alone. They located her and then let her alone and she came here voluntarily.

Mr. SCHAFER. And if it had not been for the activities of the Department of Justice, Mrs. Blalock would not be here, the insinuation of the gentleman from Texas in his debate to the contrary notwithstanding. I would now like to ask one further question.

Mr. BLANTON. The agents of the Department of Justice did not make themselves known to her until she had already bought her ticket and got on the train.

Mr. SCHAFER. The gentleman spoke about the case of a Chinaman and mentioned Burlingame. Is this the same Burlingame who was a member of the trial board that tried Mr. Staples, a Metropolitan policeman. I recollect that the proceedings of the trial board indicate that the gentleman from Texas [Mr. BLANTON] represented this policeman, Mr. Staples, as counsel, and when the trial board asked whether the board as constituted met with the approval of the defense, the gentleman from Texas in regard to Mr. Burlingame, particularly, said "Captain Burlingame is absolutely satisfactory." Is this the same gentleman?

Mr. BLANTON. The gentleman's idea of the matter is entirely incorrect. He was hand-picked beforehand.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HASTINGS. Mr. Chairman, on behalf of the gentleman from Tennessee, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, to-day I introduced the following resolution:

> Whereas the CONGRESSIONAL RECORD as now constituted does not present a fair, correct, or complete picture of the proceedings of the Congress: Therefore be it
>
> *Resolved*, That a commission of three Members of the Senate and three Members of the House of Representatives be appointed, to be chosen by the President of the Senate and the Speaker of the House, respectively, to conduct an inquiry into the feasibility and advisability of permitting the inclusion in the RECORD of photographs, cartoons, halftones, rotogravures, portraits, comic strips, and similar material in so far as they contribute to a more accurate portrayal of the development of society and civilization in the United States, and to a more faithful recording of the activities of the Congress of the United States; and that the sum of $50,000 be appropriated for the employment of a committee of competent and experienced journalists and for the payment of other expenses incident to the aforesaid study, said commission to report its findings to Congress not later than January 1, 1930.

Now, gentlemen, I was induced to present this resolution owing to the fact that we are following a one-track custom in printing the CONGRESSIONAL RECORD.

I now show you a copy of the CONGRESSIONAL RECORD. You are doubtless all familiar with it. [Laughter.] You have seen it many times. You notice its appearance is dull and dingy. It is just like a man who speaks to you in a monotone without any emphasis or without accenting any particular words or phrases. It grows exceedingly tiresome to you. So it is that the RECORD for 56 years has been printed in the same old way with the same old unreadable type, without a descriptive heading, without a picture or an illustration, although I will say that about eight years ago Congress, yielding slightly to modernism, did permit the printing of the picture of a cow in the RECORD, and I am informed that this particular RECORD with the picture of the cow in it has been requested thousands and thousands of times since its printing, causing an enormous increase in its circulation.

Now, I think, furthermore, that my resolution is designed to fill a long-felt need. I see no reason why it should not be adopted and I am informed there is a great deal of sentiment for it.

It is important for many reasons. The CONGRESSIONAL RECORD is the great diary of the elected Representatives of the American people, but it is more than that. It is our great national journal, and as now made up it does not discharge that responsibility in substance or in style.

I was in Philadelphia a few months ago at a convention, and I spoke at it; and after the convention had adjourned a gentleman came to me and said, "I am a great reader of the CONGRESSIONAL RECORD; in fact, I am going to confide in you that I read no paper other than the CONGRESSIONAL RECORD. I would not read a daily paper. I believe there is more information in the CONGRESSIONAL RECORD than in any daily paper published in the United States."

Well, this being the fact, we ought to make the RECORD attractive. We ought to make it so good that we will have a larger circulation and more interested readers. The RECORD should reflect the manners, good or bad, the customs, the habits, the invention, the art, the thought, the opinions, and the ups-and-downs of American life and of our current civilization.

To the historians of the future years it should furnish material by which he can reconstruct the great American scene and all the figures who play their parts thereon—the Presidents, Members of Congress, philosophers, poets, artists, prize fighters, and athletes. There should be room for a Babe Ruth as well as Speaker LONGWORTH, for Lindbergh, as well as for President Coolidge. We do not know how history will judge us or where the hand of the historian will place us. Let us not have pride in ourselves and confine the CONGRESSIONAL RECORD to a mere museum of our oratorical achievements; let us have pride in our country and its men of achievement.

It is obvious that speeches alone do not count for much. Yet that is all the RECORD contains now. It is my belief that the rules governing the inclusion of material in the RECORD should be revised to sanction insertion of anything that helps to give a picture of American life to-day. This may, conceivably, mean cartoons, pictures, rotogravures, comic strips, headlines, editorials, and even a sporting page—in fact, all the adornments of the modern, entertaining, and historical newspaper.

I admit the proposed change is revolutionary. But I also suggest that there is more wit and wisdom in many a cartoon without words, or even in a comic strip, than in some congressional orations I have read in the RECORD.

A cartoon or photograph has a more direct appeal than a written speech. Only a few weeks ago I was prevented by Majority Leader TILSON from inserting a cartoon by H. M. Talburt, Scripps-Howard cartoonist, in which he depicted the horror of the Michigan law under which a mother of 10 children may be sent to prison for life for a fourth minor offense against the dry laws.

No words by me or anybody else could convince our ardent drys from Michigan that this statute should be changed. But it is possible a vivid cartoon or picture would soften their hearts and enlighten their ideas on legislation. Such an achievement would be worth the effort, even if it requires a revolution in the printing of the RECORD.

Another cartoon that I would like to have had inserted in the RECORD appeared in the New York World about 10 days ago. It depicted the leader of the "immortals" in one of the Houses of Congress. This leader of the "immortals" was not sitting in his chair, but was standing on it. It depicted him so small that he was scarcely discernable by the Presiding Officer of the Senate. That would have been a wonderfully instructive cartoon for the readers of the RECORD, and, after all, these things would lead us to hark back to the words of the famous Scotch poet who said:

> Oh wad some power the giftie gie us
> To see oursel's as others see us!

Oh, that we did not take ourselves so seriously! If we permitted the introduction of these interesting cartoons, pictures, and cuts in the RECORD, I am sure that we would inculcate a greater desire upon the part of the American people to read and keep in touch with what we are doing here. I say this in all seriousness. This resolution should be passed. Not one of you men would think of reading a paper to-day that was published in exactly the same style it was published 56 years ago. It is said that if we do not make progress we will retrograde. We are certainly retrograding in publishing such a RECORD as we now publish. You can not even read it without the aid of a magnifying glass. Let us publish the RECORD as it should be published, as an up-to-date, alert, live paper in readable type giving a great cross-section of the American people as represented in the American Congress. If we decline to do this, then let us suspend entirely the publication of this obsolete sheet that is so antediluvian and prehistoric in its make-up as to make a printer's devil laugh. Let us get away from our staid and set conservatism and be alert, with our

ear to the ground, alive to the progress of society and civilization. [Laughter and applause.]

Mr. WOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and gentlemen, under the procedure by which we consider appropriation bills liberal time is always allotted for general debate. Sometimes there is a bit of difficulty in associating or contacting our remarks under general debate with the appropriation bill itself. The only way in which I am able to do that this afternoon is by the statement that appropriations mean taxation, and taxation of a local sort is the question that I desire to discuss. I venture to trespass upon the patience of the House for this limited time, even at this late hour, for the purpose of emphasizing again what we have already had emphasized many times on the floor of the House—and probably will again—that in all the programs we propose for farm relief, and in all the discussion of so-called farm problems, the problem of taxation is one of the very greatest. From a leading farm journal the other day I picked up this little sentence that caught my attention, and I thought it was about as brief and yet as comprehensive a statement of the situation as anything that I had recently come across, and I submit it for your consideration:

FARMERS' TAXES MOSTLY LOCAL

The story of the increase in taxation of farm properties has been told so often that it is a familiar story even to those who do not have to pay such taxes. Broadly speaking, farm taxes have increased about 160 per cent in the past 15 years, while land values now are some 20 per cent higher than in 1913.

A recent governmental survey of this question shows that very few farmers pay direct taxes to the Federal Government and are therefore little affected by changes in the income tax. Nearly all revenues derived from the taxation of farm properties is spent for local purposes. In the average community from one-third to one-half of all public money is expended for schools. Roads come next, accounting for about one-fourth of the total, on an average. Next, but in very much smaller amount, come the salaries and expenses of local and county officers; and, finally, the amount that goes to maintain the State government.

As showing how in one particular instance this burden of taxation has increased, I want to make reference to one piece of land of which I have knowledge. It is a 200-acre farm. Back in 1914 the State of Michigan passed a law requiring that all assessments of real estate should be upon the cash basis. That law was then put into effect, and this particular 200 acres of land was assessed at a figure which has remained constant from that time to this. To show the increase in taxes, may I give you the figures from the 1914 tax return on that piece of land? In 1914 the taxes paid were $108.96. In 1926 the taxes paid were $374.61, an increase of 244 per cent. Of course that is not an extraordinary illustration and I presume it might be duplicated by many others who might have similar information, but it all indicates forcibly the tremendous significance of the question of local taxation, and particularly taxation upon real estate. Back in our own State of Michigan I think we have been doing a splendid piece of work in trying to lift the burden of taxation from real estate, not only farms, but small homes. Naturally, all of us agree that that is a sound procedure. I shall make reference in my extension to what our own State has done in the way of lessening the burden of local taxation.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. HUDSON. The gentleman will concede, will he not, that there has been a share contributed by Federal legislation which has tended to increase those taxes. That is by passing legislation such as our Federal road legislation and the maternity legislation and other such legislation where the Federal Government appropriates so much provided the States equal the amount. That class of legislation has added an extra burden of taxation on the States.

Mr. KETCHAM. I would answer the gentleman by stating that in such a progressive State as the State of Michigan we would have undertaken those movements all by ourselves if they had not been undertaken by the Federal Government, but in view of the fact that the rest of the country is coming along we are glad to have the encouragement given by Federal aid.

Mr. HUDSON. That is a fine statement of the progress of our State, and I agree with the gentleman, but as a matter of fact all of those things have helped to increase taxation.

Mr. KETCHAM. Seriously, I would say that I think they have to a degree. I want to call attention now to this rather unusual situation in our State, and I commend it to those of you who are thinking of these problems with reference to your own localities. We have what we know in the State of Michigan as a primary-school interest fund. Originally that fund was created by setting aside the proceeds of the sale of land of the fifteenth section of each township. In the growth of the State that of course has become more or less a fiction, and now the principal source of support of the primary-school interest fund comes from the taxation of public utilities.

For the last year, you may be interested to know, in our State the total amount collected from these various public utilities amounted to $20,583,000, whereas the State taxes amounted to $20,500,000. That, of course, will immediately suggest to you that by reason of the differing valuations in the different counties of the State a large number of counties, in fact, a great majority of them, received from the State, through the medium of the so-called primary-school interest fund, large contributions that they made to the State in the way of taxation. In fact, so unusual has that situation become that out of 83 counties in the State of Michigan for the year 1928 there were but 9 counties where there was an excess of State tax over that returned to them from the primary-school interest fund, while in 74 counties of the State there were more moneys returned for the use of the school authorities and the maintenance of the public schools than was paid in State taxes. To indicate to you the extent to which that goes, I cite the case of one county where there was returned to the county $200,000 over that which was contributed to the State from the county.

It seems this is rather an inevitable tendency, in view of the fact that we are concentrating our wealth in the great centers of population, and having collected toll from the rest of the State, we must provide ways and means whereby the load of taxation from real estate and real property may be lightened in a corresponding degree. In that regard it seems to me our State has done a very fine piece of work in helping to lighten this burden which would otherwise be almost crushing.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. HARE. I am very much interested in the gentleman's statement. I understood that you have been able to reduce the taxes on real estate, but by the illustration you gave me I have a different idea. The taxes on a 200-acre farm have increased 240 per cent.

Mr. KETCHAM. That increase of the tax was in local taxes. Notwithstanding this vast contribution in the way of primary-school interest fund, the school and road taxes have become very heavy. In our State we have a law of general character called the Covert Act establishing road districts, much as drainage districts are usually established.

Mr. HARE. Then the pressure on real estate has not been relieved at all in the last analysis?

Mr. KETCHAM. It has been relieved to the extent of the $20,000,000 we have received from the public utilities to lessen our school taxes. Of course that has been a great contribution.

I append the following table for which I am indebted to The Detroiter:

[From The Detroiter, February 18, 1929]

The accompanying table shows the State tax of 1928 apportioned to the counties of Michigan for the fiscal year ending June 30, 1929, and the primary-school fund distribution for the same period. In studying the table it should be noted that the sums falling under the head of State tax, involve only the property tax received by the State and do not contemplate the gasoline tax or any of the special and direct levies.

EXCESS OF SCHOOL FUND

It is interesting to note that except in the case of nine counties, there was an excess of primary-school fund distributed to the counties over the State tax. Those nine counties were: Calhoun, Genesee, Ingham, Jackson, Kalamazoo, Livingston, Oakland, Washtenaw, and Wayne.

A total of $20,500,000 in State tax and $20,583,851.68 in primary-school funds were distributed, according to the records of the auditor general's offiffice at Lansing, giving an excess of $83,851.98 of primary-school fund over the State tax.

State tax distribution

Counties	State tax of 1928	Primary-school fund	Excess	
			Of primary-school fund	Of State tax
Alcona	$11,023.05	$30,403.49	$19,380.44	
Alger	26,200.43	58,472.80	32,272.37	
Allegan	126,888.03	196,351.91	69,463.88	
Alpena	41,887.65	107,775.71	65,888.06	
Antrim	17,636.97	54,581.65	36,944.68	
Arenac	15,677.37	54,407.25	38,729.88	
Baraga	23,026.01	62,748.99	39,722.98	
Barry	73,487.17	95,088.28	21,601.11	
Bay	190,332.04	372,574.33	182,242.29	
Benzie	12,247.93	33,318.60	21,070.67	
Berrien	264,554.14	358,238.86	93,684.72	
Branch	93,083.94	100,387.74	7,303.80	

State tax distribution—Continued

Counties	State tax of 1928	Primary-school fund	Excess	
			Of primary-school fund	Of State tax
Calhoun	$345,390.15	$328,584.81		$16,805.34
Cass	75,936.92	96,604.77	$20,667.85	
Charlevoix	28,145.06	73,666.67	45,521.61	
Cheboygan	22,781.03	69,932.73	47,151.70	
Chippewa	74,712.04	131,189.84	56,477.80	
Clare	17,147.02	38,056.28	20,909.26	
Clinton	91,859.07	115,491.32	23,632.25	
Crawford	8,083.56	16,614.25	8,530.69	
Delta	59,279.64	181,560.56	122,280.92	
Dickinson	70,425.29	174,126.77	103,701.48	
Eaton	120,029.14	137,658.89	17,629.75	
Emmet	36,743.58	74,915.86	38,172.28	
Genesee	771,778.06	699,868.79		71,909.27
Gladwin	17,147.02	46,698.46	29,551.44	
Gogebic	167,551.01	196,038.41	28,487.40	
Grand Traverse	40,418.00	82,812.42	42,394.42	
Gratiot	123,928.45	166,895.48	42,967.03	
Hillsdale	107,526.39	120,881.97	13,355.58	
Houghton	124,978.25	331,597.34	206,619.09	
Huron	110,210.87	188,778.70	78,567.83	
Ingham	514,410.81	432,393.37		82,017.44
Ionia	110,230.96	153,349.67	43,118.71	
Iosco	19,596.57	41,217.17	21,620.60	
Iron	105,086.69	133,076.56	27,989.87	
Isabella	68,588.08	114,554.49	45,966.41	
Jackson	357,902.53	341,837.48		16,065.45
Kalamazoo	357,883.05	351,638.71		6,244.34
Kalkaska	8,068.60	25,061.63	16,993.03	
Kent	945,536.26	1,023,501.92	77,965.66	
Keweenaw	31,844.49	34,169.36	2,324.87	
Lake	5,389.04	21,797.97	16,408.93	
Lapeer	85,980.07	121,482.96	35,502.89	
Leelanau	16,657.07	48,347.83	31,690.76	
Lenawee	203,633.26	223,542.28	19,909.02	
Livingston	85,735.10	83,352.77		2,382.33
Luce	20,331.49	24,359.15	4,027.66	
Mackinac	20,331.49	47,426.18	27,094.69	
Macomb	320,894.50	353,380.52	32,486.02	
Manistee	41,642.88	92,657.91	51,015.03	
Marquette	166,693.70	233,796.70	67,103.00	
Mason	42,867.55	98,020.92	55,153.37	
Mecosta	34,294.04	84,616.35	50,322.31	
Menominee	58,789.90	139,376.98	80,587.08	
Midland	46,786.95	93,351.64	46,564.69	
Missaukee	10,533.11	41,260.16	30,727.05	
Monroe	202,090.03	216,449.85	14,359.82	
Montcalm	75,936.92	134,287.79	58,350.87	
Montmorency	6,858.89	18,751.25	11,892.36	
Muskegon	235,159.19	362,110.85	126,951.66	
Newaygo	41,642.88	84,421.09	42,778.21	
Oakland	943,086.51	761,468.14		181,618.37
Oceana	34,294.04	77,834.26	43,540.22	
Ogemaw	13,717.58	39,070.71	25,353.13	
Ontonagon	31,354.55	72,732.88	41,378.33	
Osceola	26,797.81	70,574.06	43,776.25	
Oscoda	4,899.09	10,190.71	5,291.62	
Otsego	12,737.88	31,039.73	18,301.85	
Ottawa	173,919.95	277,167.67	103,247.72	
Presque Isle	20,576.47	66,877.33	46,300.86	
Roscommon	4,899.09	11,094.34	6,195.25	
Saginaw	384,583.28	551,698.88	167,115.60	
Sanilac	110,210.87	163,999.08	53,788.21	
Schoolcraft	23,755.81	44,550.78	20,794.97	
Shiawassee	127,602.87	188,330.37	60,727.50	
St. Clair	269,453.23	314,280.82	44,827.59	
St. Joseph	106,556.54	129,569.71	23,013.17	
Tuscola	100,412.69	186,613.70	86,201.01	
Van Buren	97,983.03	157,366.71	59,383.68	
Washtenaw	330,692.67	247,760.97		82,931.70
Wayne	10,092,251.27	7,124,529.51		2,967,721.76
Wexford	38,703.39	87,186.18	48,482.79	
Total	20,500,000.00	20,583,851.68	3,511,547.58	3,427,695.60

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution adopted by the Boston City Council in favor of repealing the so-called national-origins clause of the immigration act, and a communication from the commander of the American Legion, Department of Massachusetts, on the same subject. These documents relate to an address that I made a week ago last Thursday.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by inserting the memorials he has indicated. Is there objection?

There was no objection.

Following are the papers referred to:

CITY OF BOSTON, IN CITY COUNCIL.

Whereas legislation of a very grave and far-reaching nature bearing on proposed changes in existing immigration laws is at present pending before the Seventieth Congress of the United States of America; and

Whereas definite action repealing the so-called national origins law must be had during the present session of Congress, otherwise this law becomes operative by presidential proclamation during the present year; and

Whereas under the existing methods of computing the annual quotas from the various European countries, which is considered equitable and fair to all the immigrants reaching our shores; and

Whereas the report of the special committee consisting of three members of President Coolidge's Cabinet, after having figures submitted to them by the special congressional committee, stated that "the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purpose intended, and therefore we can not assume responsibility for such conclusions under these circumstances." President-elect Hoover was a member of this Cabinet committee; and

Whereas Legislative Agent Taylor, by inference, places the American Legion on record for the national-origins clause by declaring that this was the only way in which those races who in the World War were classed as "slackers" could be kept out, the plain inference being that this stigma was placed on those born in France, Sweden, Norway, Denmark, Germany, and the Irish Free State, and that nationals of these races were the chief "slackers" in America during the World War, and that these are the races who are to be punished by a large cut in their immigration quotas; and

Whereas complete refutation of the base charge that men of alien bloods were "slackers" in the World War is contained in the report of Provost Marshal Enoch H. Crowder, who was in charge of the draft, in which he devoted many pages to a eulogy of the high patriotism shown by men of alien blood in responding to the call of the colors. He termed it a great and inspiring revelation, and said that "the melting pot of the world and the cosmopolitan composition of our population was never more strikingly disclosed than by the events of the World War." He wrote, further, in this section of his report, that the "great inspiring revelation is that men of foreign and of native origin alike responded to the call of arms with a patriotic devotion that confounded the plans of our archenemy and surprised our highest expectations." Any man who can peruse the muster rolls of one of our camps, or the battle casualty lists in France, without realizing that America has fulfilled one of its highest missions in breeding a spirit of loyalty among all those who owe allegiance to its institutions, is not himself imbued with the high order of patriotism of those who answered the call of arms:

Resolved, That the Boston City Council goes on record as favoring the repeal of the so-called national-origins clause of the immigration act.

In city council, February 18, 1929. Adopted.

Attest:

W. J. DOYLE, *City Clerk.*

DEPARTMENT OF MASSACHUSETTS, THE AMERICAN LEGION,
159 Statehouse, Boston.

The recent widespread discussion of the national origins act brings home to the general public for the first time the extremely difficult and delicate nature of the subject. The Department of Massachusetts of the American Legion recognizes the authority of the American Legion through its national convention to determine the national policy of the American Legion, not merely for the Department of Massachusetts, but for the entire American Legion. We recognize that through its national convention the American Legion has gone on record as favoring the immediate application of the national origins act. Massachusetts is but 1 of over 50 departments of the American Legion; and, while we must recognize the existence of the principle of democracy as to majority control, still, the situation before us is that a tremendous objection to the legislation has developed, evidenced by speeches by our Representatives in the Congress of the United States and by other public officials and by expression of opinion by leading cities throughout the Commonwealth. Among legionnaires the opposition is equally intense, as indicated by resolutions of American Legion posts and statements by individual legionnaires.

The reason for the development of this opposition at this time is clear. Citizens generally were first made acquainted with the specific provisions of the act by newspaper reports of the recent discussions before Congress. Knowledge and consideration of the provisions of the national origins act have caused a new public opinion to form in Massachusetts.

The Department of Massachusetts of the American Legion, in view of this development of public opinion, earnestly urges that an immediate meeting of the national executive committee of the American Legion be called by National Commander Paul V. McNutt, or other appropriate action taken, in order that the American Legion may reconsider its action as taken by the national convention, to the end that the application of the national origins act may be postponed until there has been a more complete study of the effect of the national origins act.

WILLIAM H. GRIFFIN, *Commander.*

Mr. WOOD. Mr. Chairman, I will ask the gentleman from Tennessee if we can agree upon the time of general debate?

Mr. BYRNS. I think we can.

Mr. WOOD. I suggest one hour.

Mr. BYRNS. That will be satisfactory.

Mr. WOOD. I ask unanimous consent, Mr. Chairman, that the debate shall close in one hour, one-half the time to be controlled by the gentleman from Tennessee and the other half by myself.

The CHAIRMAN. The fixing of time for the closing of debate can only be had in the House after the committee rises. If there is no further general debate, the Clerk will read.

Mr. SNELL. They can not make a gentleman's agreement in the committee.

Mr. WOOD. We have agreed to close in an hour, the gentleman from Tennessee to control one-half the time, and I to control the other half.

The CHAIRMAN. The gentlemen can agree that way all right.

Mr. BANKHEAD. Mr. Chairman, instead of this so-called gentleman's agreement in committee, to-morrow a man might arise and ask to be recognized.

The CHAIRMAN. The time will be divided equally between the gentleman from Indiana and the gentleman from Tennessee.

Mr. BANKHEAD. I forgot about that.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS

Mr. WOOD. Mr. Speaker, I would like to ask unanimous consent, in view of the fact that the deficiency bill is quite a long one, and the fact that the gentleman from Tennessee desires some time in which to make some observations, and I, likewise, in reference to this bill, we may meet to-morrow at 11 o'clock.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, why should we not meet at the usual time? Why does not the gentleman take the usual course of suggesting an hour's debate and meeting at the usual time?

Unless we could get a gentleman's agreement that a point of order of no quorum would be made, it would be within the power of any Member, of course, if we met at 11 o'clock, to make such a point of order and that would take up practically all the time that it is sought to gain by meeting at 11 o'clock.

Mr. WOOD. I will say to the gentleman that I was proceeding on the theory that one very good reason why a point of no quorum would not be made is because of the fact that there is nobody here listening to the general debate and there would not be to-morrow.

Mr. GARRETT of Tennessee. Probably when the gentleman from Indiana speaks there will be a quorum present.

Mr. WOOD. I am not counting on attracting anybody.

Mr. BYRNS. I will say this to the gentleman, that if you meet at 11 o'clock to-morrow morning, when the House is in the habit of meeting at 12 o'clock, there would not be anybody here at all. I would rather meet at 12 o'clock and, if necessary, sit until 10 or 11 o'clock at night, so far as I am concerned, and complete the bill, and I think that would be infinitely better.

Mr. WOOD. I want to complete this bill to-morrow.

Mr. BYRNS. I shall interpose no dilatory tactics so far as I am concerned.

Mr. WOOD. Then, with the understanding that we will continue the consideration of the bill to-morrow until it is finished, I will withdraw my request.

Mr. GARRETT of Tennessee. At this stage of the session it is always necessary—and gentlemen of the House ought to understand it—to remain longer in the afternoon than is the usual custom, and important business sometimes necessitates remaining here at night. I think the suggestion of the gentleman from Tennessee is a very good one and we will try to hold our people here.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that general debate be limited to one hour, one half of that time to be controlled by the gentleman from Tennessee [Mr. BYRNS] and one half by myself.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that general debate be limited to one hour and that this hour be equally divided and controlled by himself and the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. J. Res. 418. House joint resolution to provide for the quartering in certain public buildings in the District of Columbia of troops participating in the inaugural ceremonies;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre;

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Saturday, February 23, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 23, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON RAILROADS

(10 a. m.)

To amend section 15a of the interstate commerce act, as amended (S. 656 and H. R. 8549).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 11801. A bill to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto; with an amendment (Rept. No. 2666). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 15209. A bill to grant relief to those States which brought State-owned property into the Federal service in 1917; with an amendment (Rept. No. 2667). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 16028. A bill to regulate computation of percentage of active pay to be paid as retired pay to officers of the Army; with an

amendment (Rept. No. 2668). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16393. A bill to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes; without amendment (Rept. No. 2669). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16985. A bill authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims; with an amendment (Rept. No. 2670). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 12463. A bill for the relief of Adam A. Schultz; without amendment (Rept. No. 2661). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 13872. A bill for the relief of James J. Gianaros; without amendment (Rept. No. 2662). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 15021. A bill for the relief of William S. McWilliams; without amendment (Rept. No. 2663). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 8691. A bill for the relief of Helen Gray; without amendment (Rept. No. 2664). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. J. Res. 339. A joint resolution conferring the rank, pay, and allowances of a major of Infantry, to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased; without amendment (Rept. No. 2665). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 15769. A bill to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co. at Morgan, N. J., October 4 and 5, 1918; without amendment (Rept. No. 2671). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORTON D. HULL: A bill (H. R. 17237) to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKS: A bill (H. R. 17238) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOYLAN: Joint resolution (H. J. Res. 427) to appoint a commission to make a study of proposed change in the printing of the CONGRESSIONAL RECORD; to the Committee on Rules.

By Mr. BLACK of New York: Joint resolution (H. J. Res. 428) to provide a temporary shelter for newspaper correspondents in Washington, D. C.; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ROWBOTTOM: Joint resolution of the General Assembly of the State of Indiana, concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such system; to the Committee on Flood Control.

By Mr. SELVIG: Memorial of the Legislature of the State of Minnesota, urging that Congress oppose the placing of any duty upon Canadian lumber and shingles; to the Committee on Ways and Means.

By Mr. VINCENT of Iowa: Concurrent resolution adopted by the Forty-third General Assembly of the State of Iowa, favoring investigation on the marketing of livestock; to the Committee on Agriculture.

By Mr. ROBINSON of Iowa: Memorial of the Iowa State Legislature, relating to direct marketing; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 17239) granting a pension to Abbie Osborn; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 17240) granting an increase of pension to Abby E. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17241) granting an increase of pension to Elizabeth A. Bitting; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17242) granting a pension to Emeline Beaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17243) granting an increase of pension to Mary A. Conrad; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 17244) for the relief of Edward J. Devine; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 17245) granting an increase of pension to Lou M. Hoover; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 17246) granting a pension to Edward W. Collins; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 17247) granting a pension to Sarah B. Johnson; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 17248) granting an increase of pension to Sarah J. Mohlar; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12368. By Mr. BACHMANN: Petition of John F. Larke and other citizens of New Martinsville, W. Va., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12369. By Mr. BLOOM: Petition of the Senate of the State of New York, requesting that the Hon. Harry S. New, Postmaster General of the United States, cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

12370. By Mr. BOYLAN: Petition of New York Conservation Association, favoring agricultural appropriation bill; to the Committee on Agriculture.

12371. Also, resolution adopted by the United Irish American Societies of New York, requesting the repeal of the national-origin clause of the immigration act; to the Committee on Immigration and Naturalization.

12372. By Mr. CHASE: Petition of members of Bellefonte Union of the Woman's Christian Temperance Union, of Bellefonte, Pa., urging support of the Jones-Stalker bill (H. R. 9588), to increase the maximum penalties for violation of the Federal prohibition law; to the Committee on the Judiciary.

12373. Also, petition of retail shoe dealers, with their customers, respectfully requesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12374. By Mr. CONNERY: Resolution of Shoe Workers' Protective Union, local No. 3, of Lynn, Mass., in regard to tariff on boots and shoes; to the Committee on Ways and Means.

12375. Also, resolution of the Scandinavian American Civic League in Lynn, Mass., protesting the national-origin clause of the immigration act; to the Committee on Immigration and Naturalization.

12376. By Mr. CRAIL: Petition of Thomas H. Gardnier, of Los Angeles, Calif., suggesting ways and means of reducing taxes and making the Federal Government more efficient; to the Committee on Ways and Means.

12377. By Mr. GARBER: Petition of residents of Washington County, Okla., in support of House bill 14676; to the Committee on Pensions.

12378. Also, petition of residents of Payne County, Okla., in support of certain measures pertaining to the Post Office Department now pending before Congress; to the Committee on the Post Office and Post Roads.

12379. Also, petition of William Green, president American Federation of Labor, in support of Senate bill 1462; to the Committee on Irrigation and Reclamation.

12380. By Mr. JOHNSON of Texas: Petition of National Wool Growers' Association, recommending 10-year program of predatory animal control, as recommended by the Secretary of Agriculture; to the Committee on Agriculture.

12381. Also, petition of R. H. Ames, president Amarillo Chapter Will H. Dilg League of America, of Amarillo, Tex., favoring a tariff on imported fishing tackle; to the Committee on Ways and Means.

12382. By Mr. LUCE: Petition of the City Council of the city of Boston, Mass., for the repeal of the so-called national origins clause of the immigration act; to the Committee on Immigration and Naturalization.

12383. By Mr. MAPES: Petition of Edward Raum and 41 other residents of Grand Rapids, Mich., against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12384. By Mr. MORROW: Petition of Samuel Kenoi, Sam Chino, Martin Blake, and Henry Treas, commending House bill 17057, a bill granting a per capita allowance of $100 to members of the Mescalero Apache Tribe, New Mexico; to the Committee on Indian Affairs.

12385. Also, petition of Henry Meyer, L. C. Lynch, and other citizens of Chama, N. Mex., opposing House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

12386. By Mr. O'CONNELL: Petition of the American Live Stock Association, Denver, Colo., urging a duty on livestock and fresh and preserved meats; to the Committee on Ways and Means.

12387. By Mr. RANSLEY: Petition of P. L. Bjornsgaard and other citizens of Philadelphia, Pa., urging that the present quota distribution based on the census of 1890 be retained; to the Committee on Immigration and Naturalization.

12388. By Mr. SANDERS of Texas: Petition of Walter Tynes and 34 others, in favor of the passage of the Johnson bill (H. R. 16084), authorizing an appropriation of $30,000 for the construction of the bridges at Porters Bluff and Akers Ferry, which were destroyed and removed by the Federal Government; to the Committee on Claims.

12389. By Mr. SELVIG: Petition of 13 residents of Ottertail County, in the ninth district, Minnesota, urging the enactment of House bill 10958; to the Committee on Agriculture.

12390. By Mr. SWING: Petition of residents of San Diego, Calif., and vicinity, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

SATURDAY, *February 23, 1929*

(Legislative day of Friday, February 22, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Smith
Barkley	Frazier	Mayfield	Smoot
Bayard	Gerry	Metcalf	Steck
Bingham	Glass	Moses	Steiwer
Black	Glenn	Neely	Stephens
Blaine	Goff	Norbeck	Swanson
Blease	Gould	Norris	Thomas, Idaho
Borah	Greene	Nye	Thomas, Okla.
Bratton	Hale	Oddie	Trammell
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Phipps	Tyson
Bruce	Hastings	Pittman	Vandenberg
Burton	Hawes	Ransdell	Wagner
Capper	Hayden	Reed, Mo.	Walsh, Mass.
Caraway	Heflin	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ind.	Warren
Curtis	Jones	Sackett	Waterman
Dale	Kendrick	Schall	Watson
Deneen	King	Sheppard	Wheeler
Dill	McKellar	Shortridge	
Edge	McMaster	Simmons	

Mr. MOSES. I wish to announce the necessary absence of my colleague [Mr. KEYES] because of illness. This announcement may stand for the day.

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is detained from the Senate by illness. I will let this announcement stand throughout the day.

Mr. GERRY. I desire to announce the necessary absence from the city of the Senator from Arkansas [Mr. ROBINSON], the Senator from New York [Mr. COPELAND], the Senator from New Jersey [Mr. EDWARDS], and the Senator from Georgia [Mr. GEORGE]. I ask that this announcement may stand for the day.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague the senior Senator from Florida [Mr. FLETCHER]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.; and

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 16, 28, 29, and 54 to the bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 41, 52, 55, 56, 57, 58, 59, and 60, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11285) to establish Federal prison camps.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; and

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.;

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; and

H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

LEGISLATURE OF THE STATE OF IDAHO, TWENTIETH SESSION,
IN THE SENATE.

Senate Joint Memorial 3 (by forestry committee)

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas the lumber industry in Idaho is of importance secondary only to that of agriculture; and

Whereas by reason of large investments, carrying charges, and overhead expenses involved, the frequent suspension of operations is ruinous to the lumber industry, and such suspensions adversely affect directly and indirectly a large number of our citizens; and

Whereas large shipments of lumber and wood products, produced abroad at lower operating costs than prevail in the United States, are now admitted free of duty in ruinous competition with the output of our mills; and

Whereas existing conditions result in great loss of employment to many skilled woodsmen and millmen during considerable portions of the year: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That, with a view to encouragement, stabilization, and protection of the lumber industry in this and neighboring States, we urge upon Congress the advisability and necessity of imposing tariff duties upon all round and square timbers, rough and dressed lumber, match blocks, shingle bolts, shingles, lath, sash, doors, moldings, and mill work imported into the United States; and be it further

Resolved, That the secretary of state of the State of Idaho is authorized and directed to forward this memorial to the Senate and House of Representatives of the United States, and that copies thereof be sent to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 16th day of February, 1929.

W. B. KINNE, *President of the Senate.*

This senate joint memorial passed the house of representatives on the 16th day of February, 1929.

D. S. WHITEHEAD,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 3 originated in the senate during the twentieth session of the Legislature of the State of Idaho.

CARL C. KITCHEN, *Secretary of the Senate.*

Mr. WALSH of Montana presented a joint memorial of the Legislature of the State of Montana, praying for the passage of legislation enacting a tariff schedule upon manganese ore or concentrates of all kinds according to the schedule herein set forth as a minimum and that paragraph 302 of the present law now in force and effect, known as the Fordney-McCumber Act, be amended to read:

Manganese ore or concentrates of all kinds, containing less than 10 per cent of metallic manganese, shall be admitted free of duty; containing 10 per cent or more of metallic manganese and less than 20 per cent, one-half of 1 cent per pound on the metallic manganese contained therein; containing 20 per cent or more of metallic manganese and less than 25 per cent, 1 cent per pound on the metallic manganese contained therein; containing 25 per cent of metallic manganese, or more, 1½ cents per pound on metallic manganese contained therein.

And that such schedule be and become immediately effective and operative upon enactment and approval, which was referred to the Committee on Finance.

(See joint memorial printed in full when laid before the Senate by the Vice President on the 19th instant, page 3711 of the RECORD.)

Mr. NORRIS presented the following resolution agreed to by the Nebraska State House of Representatives, which was referred to the Committee on Finance:

Resolution

Whereas it is the general belief that any successful attempt to secure general improvement in the condition of agriculture in the United States must have as a basic principle the establishment of tariffs which will guarantee to agriculture and stock raising a fair and remunerative home market; and

Whereas the growing importance of livestock in connection with the production of crops and the conversion of crops into meat and its by-products is recognized as essential to successful farming; and

Whereas there is nothing of greater importance than saving our home markets for our own people: Therefore be it

Resolved, That the Legislature of the State of Nebraska request the Senators and Congressmen from Nebraska to use all honorable means to secure prompt enactment by Congress of legislation which will increase tariff protection on meat and its by-products.

W. M. BARBOUR.

STATE OF NEBRASKA, FORTY-FIFTH SESSION,
HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., February 19, 1929.

I hereby certify that the foregoing resolution was adopted by unanimous vote of the house of representatives on this date.

FRANK P. CARRICK,
Chief Clerk of the House.

Mr. STECK presented the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Agriculture and Forestry:

House Concurrent Resolution 5 (by committee on agriculture)

Whereas the livestock producers of this country are from justice and necessity entitled to a market for the sale of their livestock which will insure most advantageous results to the governed either by the natural laws of competition and supply and demand or some other system equally effective; and

Whereas during the last few years there is in existence a system of direct or private buying that has so expanded as to endanger, in the opinion of many, the open competitive livestock markets which have been built up in this country over a period of 50 years; and

Whereas it is the opinion of the vast majority of the stock growers that if the open competitive markets do not prevail the direct or private system of buying is, as it operates to-day, dangerous to the livestock interests of the country; and

Whereas approximately 40 per cent of the hogs now being shipped to the big terminal markets are bought in the country by packing agents and shipped to private stockyards, and by this system are kept out of the competitive market: Therefore be it

Resolved, That our Representatives in Congress are hereby requested and strongly urged to conduct a thorough and fair investigation of the questions of marketing livestock in all of its phases, especially with respect to the setting up of some form which will be satisfactory to livestock producers if the competitive market is becoming obsolete; such investigation to be made on a basis which will inspire confidence in the conclusions and result among the producers, the consumers, and the packers, the stockyards, and all other marketing agencies; that will tend to settle adequately the questions which have perplexed the country and Congress so much in the past concerning marketing problems of the livestock industry; be it further

Resolved, That a copy of this resolution be sent to each of our Representatives in Congress.

J. H. JOHNSON,
Speaker of the House.
ARCH. W. MCFARLANE,
President of the Senate.

I hereby certify that the foregoing concurrent resolution was duly adopted by the Forty-third General Assembly of the State of Iowa.

A. C. GUSTAFSON,
Chief Clerk of the House.

RATES ON GRAVEL, SAND, AND STONE

Mr. MCKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Interstate Commerce a suspension petition addressed to the Interstate Commerce Commission from a great many public officials and organizations in Tennessee and Kentucky in reference to railroad rates on road materials in those two States.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

FEBRUARY 11, 1929.

To the Interstate Commerce Commission:

SUSPENSION PETITION

The undersigned, public officials, municipalities, and organizations, representing users and consumers of gravel, sand, crushed stone, and like commodities, respectfully request the commission to suspend increased rates for transportation of carload shipments of said commodities to destinations in western Tennessee, western Kentucky, and the State of Mississippi. The said increases are published to be effective March 1, 1929, in a schedule filed on behalf of the Mississippi Valley lines by their tariff-issuing agent, J. H. Glenn, known as Supplement No. 28 to I. C. C., No. A–655, superseding numerous tariffs now in effect, and which are to be canceled by supplements thereto.

And your petitioners request the commission to enter upon an investigation into the reasonableness and propriety of the said proposed increased interstate rates. Your petitioners respectfully urge the following grounds for suspension of the aforesaid schedule and investigation of the propriety and reasonableness of the proposed rates before they are allowed to become effective:

I. The proposed schedule involves very large advances in a level of interstate rates which has been maintained voluntarily by these carriers for many years and subjected to the various general rate increases.

Attached as Exhibit A hereto, we submit illustrations of some of the present interstate rates which were originally established voluntarily and which have borne the successive general increases, the proposed rates involved under the tariff sought to be suspended, and the amounts of the proposed advances.

It may be stated that the advances in going rates actually paid on movements of these commodities probably average about 30 cents per ton, or about 35 per cent.

II. These proposed increases in gravel, sand, and stone rates will lay a very heavy burden on the road-construction program of the States, counties, and municipalities of the Mississippi Valley at a time when there is urgent need and great public demand for road construction, and a like burden on the maintenance of hard roads and improved highways.

The commission may take judicial notice of the general demand throughout the country for improved highways and the large program of hard-road construction. Nowhere is the need for good roads greater

than in the Mississippi Valley. There is a very large mileage of unimproved highways which is scheduled or under consideration for construction, and a large mileage of roads to be reconstructed, as well as the local roads connecting the farms and plantations with the cities and villages in the States of Mississippi, western Tennessee, western Kentucky, and eastern Louisiana. The road-building program of the Mississippi Valley is less than one-seventh completed.

A fairly close estimate is that the increased rates would add approximately $1,500 per mile to the construction cost of the average gravel road, or about $1,250 per mile to the construction of an 18-foot concrete road.

Further, the advance will add heavily to the cost of annual maintenance of the gravel highways, such as are commonly laid through the Mississippi Valley.

It is further estimated that the increased rates, if permitted to take effect on interstate traffic and followed thereafter by relative advances on State traffic, will add not less than the following amounts to the total cost of highway construction within the three Mississippi Valley States named, as projected for the ensuing year, assuming that the increased rates, with their resulting burden on construction cost, do not curtail the road-building program. These figures are based on the reports of the various State highway engineers:

Tennessee	$943,250
Mississippi	511,200
Kentucky	471,625
Total	1,926,075

We do not have the figures for eastern Louisiana, but are informed that the advances in rates to points in that State would amount to approximately 30 cents per ton and would aggregate a very large annual sum.

III. While the new rates proposed in said schedule are ostensibly in accordance with the maximum scale of rates on these materials prescribed for interstate application in Georgia territory, etc., in case No. 17517 (Rates on Chert, Clay, Sand, and Gravel Within the State of Georgia, 122 I. C. C. 133) said proceedings did not involve the level or relationship of rates in Mississippi Valley territory; and the record therein affords no basis for assuming that the rates in the Mississippi Valley on said materials should be on the same level as the rates within southeastern territory. On the contrary, the evidence of record therein indicates that a lower level should be maintained in the Mississippi Valley.

If the commission will examine the record in No. 17517 and related cases it will find that only to an extremely limited extent were there involved any rates whatever into or within the Mississippi Valley. The only case in that series which involved any rates in the valley was No. 17763, and that only covered a section 3, not a section 13, allegation, as between complainants at Montgomery and Chattanooga, on the one hand, and competitors in Mississippi, on the other hand. But even that complaint named as defendants hardly any of the important railroads in the State of Mississippi or in the Mississippi Valley. Among the carriers omitted were the Southern Railway, Alabama & Vicksburg, Columbus & Greenville, Gulf & Ship Island, and Yazoo & Mississippi Valley Railroad Companies. Nor were the cases served on the State authorities of Mississippi in the manner necessary to confer jurisdiction under section 13.

Nevertheless witnesses for the Tri-State Road Material Association participated in those cases and offered evidence which was not questioned or rebutted tending to show that a lower basis of rates should be applied in the Mississippi Valley on these materials than in Georgia, etc.

IV. The transportation conditions with respect to physical characteristics of the railroads, conditions affecting engine tonnages, average train loadings of these materials and other commodities, are substantially more favorable in the Mississippi Valley than in southeastern territory and justify and require a lower basis of rates than would be reasonable in southeastern territory as maximum.

The earnings of the carriers under their present level of rates on these commodities have been amply sufficient, and the new rates would produce excessive earnings for the transportation services involved, as measured by the car-mile revenues, and in comparison with other commodities.

Your petitioners are prepared to establish these statements by competent and extensive evidence, if necessary, in the investigation that may be had following the suspension of these schedules.

V. Corresponding increases in intrastate rates on these materials within the State of Tennessee were also published in said schedule, Supplement No. 28 to Agent J. H. Glenn's I. C. C. No. A-655, to take effect March 1, 1929. But these intrastate rates have been suspended by the Railroad and Public Utilities Commission of the State of Tennessee by order entered the 24th day of January, 1929, and a proceeding of inquiry has been instituted thereon, known as I. and S. No. 1436.

Under the laws of the State of Mississippi corresponding increases in intrastate rates on these materials, if and when put in tariff form by defendants, would not be permitted to take effect and apply on intrastate commerce in said State, unless and until the State commission, upon due hearing, finds the same to be reasonable, just, and lawful, and approves said increases.

Petitioners are informed that the railroad companies have made application to the Mississippi Railroad Commission for authority to revise their schedules within the State of Mississippi, and that action thereon has not been taken by said commission.

VI. The general plan of cooperation between the Interstate Commerce Commission and the various State regulatory bodies, contemplated by paragraph (3) of section 13 of the interstate commerce act, seems to require that in fixing the level of interstate rates on materials of this character, being comparatively short-haul movements and for municipal or public purposes, the Federal commission should properly seek and expect the cooperation and assistance of the State commissions in the affected territory in conducting an investigation and considering the reasonableness of proposed advances before the same are permitted to take effect.

Your petitioners believe that if the commission calls upon the commissioners of the States involved in this matter, it will receive the cooperation of and substantial assistance from said commissioners in the problem of determining the proper level of rates on these materials to be applied throughout the Mississippi Valley.

VII. While mileage scales may be desirable for application on some commodities and in certain sections, they are not suited for rigid application to the transportation of heavy moving low-grade commodities produced in particular sections, as was recognized in the Southern Class Rate Case (100 I. C. C. 513, at 611).

The commission in the course of a discussion of the function and use of mileage scales, particularly on class traffic, among other things, said:

"On the other hand, group rates, as we have repeatedly recognized, are often defensible. They are particularly appropriate in the case of commodities produced only at certain points or in restricted localities, where commercial conditions by common consent are improved by the equalization of the points or areas of production. Group or differential relationships may also be created, and lawfully within limits, by carriers so situated that they are able to bring traffic into competitive markets at relatively low rates without undue preference."

Appendix A hereto is a statement of typical increases in rates involved in Supplement No. 28 to J. H. Glenn's I. C. C. No. A-655, from important origin points to representative destinations. The distances, present and proposed rates, and amount of increases are shown. Most of the movements as shown are interstate.

Copies of this protest are being served on the tariff-issuing agent and on traffic officers of the principal Mississippi Valley railroads.

Respectfully submitted.

JOHN S. BURCHMORE,
LUTHER M. WALTER,
NUEL D. BELNAP,
Attorneys for Undersigned Petitioners.

SIGNATURES ATTACHED TO INTERSTATE COMMERCE COMMISSION PETITION, DOCKET NO. 17517

Lauderdale County Hard Roads Commission, by William Tucker, jr., secretary.
City of Ripley, by T. H. Green, mayor.
J. K. White, chairman Pike Commission of Dyer County, Tenn.
City of Dyersburg, Tenn., by F. W. Latta, mayor.
City of Tiptonville, Tenn., by A. E. Markham, mayor.
Lake County Hard Roads Commission, by A. E. Markham, chairman.
Corporation of Union City, Tenn., by J. A. Priete, mayor-commissioner.
Corporation of Union City, Tenn., by C. G. Guill, finance commissioner.
Corporation of Union City, Tenn., by C. W. Meir, jr., treasurer.
Obion County Highway Commission, by A. L. Burrus, chairman.
Gibson County Highway Commission, by T. K. Happel, secretary.
City of Trenton, Tenn., by T. K. Happel, mayor.
City of Humboldt, Tenn., by A. H. Barnett, mayor.
Carroll County Department of Highways, by E. L. Pardue, engineer.
City of McKenzie, Tenn., by D. C. Gallimore, mayor.
Henry County, Tenn., by D. T. Spaulding, county judge.
City of Paris, Tenn., by W. Harry Dudley, treasurer.
E. M. Culley, mayor, City of Paris, Tenn.
City of Gleason, Tenn., by J. C. Ammons, mayor.
Weakley County Highway Commission, by J. R. Bowlin, chairman.
City of Dresden, Tenn., by J. W. Thomas, mayor.
City of Martin, Tenn., by George M. Brooks, mayor.
Fulton County, Ky., by W. L. Hampton, chairman fiscal court.
City of Hickman, Ky., by T. T. Swayne, mayor.
City of Fulton, Ky., by W. O. Shankule, mayor.
City of South Fulton, Tenn., by S. A. McDade.
Tipton County Board of Highway Commissioners, by E. F. Elam, secretary.
City of Covington, Tenn., by J. A. Sheeson, mayor.
County court judge of Tipton County, Tenn.; Charles B. McClelland, judge.
Fayette County Highway Committee, by A. M. Langdon, chairman.
Fayette County Highway Committee, by W. T. Loggins, secretary.

City of Memphis, Tenn., by Watkins Overton, mayor.
Shelby County (Tenn.) commissioners, by E. W. Hale, chairman.
Memphis Freight Bureau, by James S. Davant, commissioner.
County of Madison, Tenn.
City of Jackson, Tenn.
Southern Interior Traffic Association, by A. J. McGehee, attorney in fact.
City of Milan, Tenn., by J. M. Creswell, mayor.
Milan Chamber of Commerce, by Allen S. Eason, secretary.
Humboldt Chamber of Commerce, by A. D. Hassell, secretary.
State Highway Department of Tennessee, by H. S. Berry, commissioner; W. F. Barry, assistant attorney general.
State Highway Department of Mississippi, by J. C. Roberts, chairman.

EXECUTIVE REPORT

Mr. BORAH. I ask unanimous consent, out of order, to submit a report for the Executive Calendar.

The VICE PRESIDENT. The report will be placed on the Executive Calendar.

REPORTS OF COMMITTEES

Mr. WAGNER, from the Committee on Military Affairs, to which was referred the bill (H. R. 5264) for the relief of James P. Cornes, reported it without amendment and submitted a report (No. 1865) thereon.

Mr. STECK, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4626) for the relief of Maj. Arthur A. Padmore (Rept. No. 1866); and

A bill (H. R. 7230) for the relief of Charles L. Dewey (Rept. No. 1867).

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 12650) for the relief of John F. Fleming, reported it with an amendment and submitted a report (No. 1868) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 12867) granting an honorable discharge to Pierce Dale Jackson (Rept. No. 1869); and

A bill (H. R. 13260) for the relief of Josiah Harden (Rept. No. 1870).

Mr. BLAINE, from the Committee on Military Affairs, to which was referred the bill (H. R. 12359) for the relief of the widow of Edwin D. Morgan, reported it without amendment and submitted a report (No. 1871) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (H. R. 16169) to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind., reported it without amendment and submitted a report (No. 1872) thereon.

He also, from the same committee, to which was referred the bill (S. 4824) for the relief of Francis X. Callahan, reported it with an amendment and submitted a report (No. 1873) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5677) to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," reported it with an amendment and submitted a report (No. 1874) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 5336) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River between Charles County, Md., and Calvert County, Md. (Rept. No. 1880);

A bill (S. 5740) to legalize a bridge across St. Johns River, 2½ miles southeast of Green Cove Springs, Fla. (Rept. No. 1875); and

A bill (S. 5802) to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt. (Rept. No. 1876).

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (H. R. 14242) for the relief of Everett A. Dougherty, reported it without amendment and submitted a report (No. 1877) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4244) for the relief of Joseph Lee, reported it with an amendment and submitted a report (No. 1878) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 9014) for the relief of Anthony Mullen, reported it with an amendment and submitted a report (No. 1879) thereon.

Mr. BROOKHART, from the Committee on Civil Service, to which was referred the bill (S. 5785) to establish a board of civil-service appeals and to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923 (ch. 265, 42 Stat. 1488), and for other purposes, reported it without amendment and submitted a report (No. 1881) thereon.

He also, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4796) for the relief of Jesse J. Britton (Rept. No. 1882); and

A bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms (Rept. No. 1883).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 11508) for the relief of Kirby Hoon (Rept. No. 1885);

A bill (H. R. 13521) for the relief of Minnie A. Travers (Rept. No. 1886);

A bill (H. R. 13573) for the relief of Pedro P. Alvarez (Rept. No. 1887); and

A bill (H. R. 14823) for the relief of the Meadow Brook Club (Rept. No. 1888).

Mr. McMASTER, also from the Committee on Claims, to which was referred the bill (S. 4681) for the relief of Gilbert Peterson, reported it without amendment and submitted a report (No. 1889) thereon.

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5341) for the relief of the Staunton Brick Co. (Rept. No. 1890); and

A bill (H. R. 13132) for the relief of J. D. Baldwin, and for other purposes (Rept. No. 1891).

Mr. STEIWER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5017) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan (Rept. No. 1892); and

A bill (H. R. 7173) granting compensation to the daughters of James P. Gallivan (Rept. No. 1893).

Mr. NYE, from the Committee on Claims, to which was referred the bill (H. R. 11422) for the relief of Samuel J. D. Marshall, reported it without amendment and submitted a report (No. 1894) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4354) for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut* (Rept. No. 1895);

A bill (S. 4931) for the relief of D. B. Heiner (Rept. No. 1896);

A bill (S. 5056) for the relief of William B. Thompson (Rept. No. 1897);

A bill (H. R. 8886) for the relief of Luc Mathias (Rept. No. 1898);

A bill (H. R. 10417) for the relief of George Simpson and R. C. Dunbar (Rept. No. 1899); and

A bill (H. R. 11260) for the relief of Frans Jan Wouters, of Antwerp, Belgium (Rept. No. 1900).

Mr. VANDENBERG, from the Committee on the District of Columbia, to which was referred the bill (S. 5843) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes, reported it without amendment and submitted a report (No. 1901) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a

bridge across the Missouri River at or near Brownville, Nebr.; and

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5873) granting a pension to Mrs. Pliny A. Durant; to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 5874) granting an increase of pension to Garfield Hughes; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 5875) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 5876) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; to the Committee on the District of Columbia.

By Mr. SACKETT:

A bill (S. 5877) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes; to the Committee on the Judiciary.

A bill (S. 5878) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.; to the Committee on Commerce.

By Mr. DILL:

A bill (S. 5879) authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; to the Committee on Public Lands and Surveys.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 41, after line 21, insert the following:

"Printing and binding: For an additional amount for printing and binding water-supply papers for the Geological Survey for the fiscal year 1930, $65,000.

"For an additional amount for the item for gaging streams and determining the water supply of the United States under the appropriation for the Geological Survey in the 1930 appropriation act for the Interior Department to be expended for personal services in the District of Columbia, $5,000."

Mr. PHIPPS submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"Denver (Colo.) customhouse, etc.: For continuation under an estimated total cost of $1,210,000 in lieu of $1,060,000 fixed in the act of March 5, 1928."

SURVEY OF INDIAN CONDITIONS—COUNSEL FOR INDIAN OFFICE OFFICIALS AND CROSS-EXAMINATION OF WITNESSES

Mr. HAYDEN submitted an amendment intended to be proposed by him to the resolution (S. Res. 308) continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution No. 79, authorizing a general survey of Indian conditions, which was ordered to lie on the table and to be printed.

COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. McNARY. I submit a resolution and ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It involves the authority on the part of the Committee on Agriculture and Forestry to hold hearings during the next Congress, and I ask the early consideration by the Audit and Control Committee of the resolution.

The resolution (S. Res. 336) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, hereby is authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths and to employ a stenographer at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

SUPPLY OF NEWSPRINT PAPER TO PUBLISHERS OF SMALL NEWSPAPERS

Mr. SCHALL submitted the following resolution (S. Res. 337), which was ordered to lie on the table:

Resolved, That the Federal Trade Commission is requested (1) to make an investigation and hold open hearings upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws, and (2) to report to the Senate by filing with the Secretary thereof preliminary reports at intervals of not more than 30 days during such investigation, and, as soon as practicable, a final report to the results of such investigation and the evidence taken at such hearings, together with its recommendations, if any, for necessary legislation.

CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Printing:

House Concurrent Resolution 56

Concurrent resolution to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky; and for the distribution of the 2,500 copies authorized to be printed;

And

House Concurrent Resolution 57

Concurrent resolution to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress.

LOAD LINES FOR AMERICAN VESSELS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

Mr. JONES. I move that the Senate decline to agree to the amendments of the House, ask a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. McNARY, and Mr. RANSDELL conferees on the part of the Senate.

OREGON CAVES IN SISKIYOU NATIONAL FOREST, OREG.

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

CHAS. L. McNARY,
E. D. SMITH,
Managers on the part of the Senate.

DON B. COLTON,
SAM B. HILL,
Managers on the part of the House.

The report was agreed to.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. I ask unanimous consent to read a very brief letter from the great philanthropist, Nathan Straus, of New York, relative to the bill introduced by me to create a national institute of health.

The letter is dated New York, November 21, 1928, and reads as follows:

Hon. JOSEPH E. RANSDELL,
Washington, D. C.

MY DEAR SENATOR RANSDELL: I herewith inclose a clipping of a letter which I addressed to the editor of the New York Times on February 21. I think this will interest you, and therefore call your attention to it.

I want to take this occasion to congratulate you on this splendid bill, which I hope will be successful in passing.

Very sincerely yours,

NATHAN STRAUS.

The clipping inclosed by Mr. Straus reads as follows:

WORK FOR HEALTH—REASONS FOR ACTION BY THE NATIONAL AUTHORITIES

To the EDITOR OF THE NEW YORK TIMES:

I wish to congratulate you on your helpful editorial in this morning's Times entitled "The Nation's Health," advocating that the bill introduced by Senator RANSDELL to create a national institute of health shall not be halted by a dissenting vote in the Senate.

The indorsement of the leading scientific institutions and of the foremost educators and health experts, such as Doctor Mayo, Doctor Wilbur, Doctor Johnson, of Yale, and Doctor Hunt, of Harvard, is sufficient authority to convince anyone that the creation of a national institute of health is a most urgent and most beneficial measure to help prevention of disease and prolongation of life.

For many years, ever since I devoted my attention and my means to these problems, I have advocated just such a measure, and I am happy that the national health institute is about to come into being. I can hardly conceive that a single voice will be raised in the Senate to delay the creation of this institute. There is no valid reason that could be advanced by onyone that would justify the losses in human health and in human life through postponement and procrastination.

There is no way in which greater good can be done to humanity than by protecting health and saving lives by preventing disease and warding off death. I have believed this for many years, and now, at the age of 81, I am more convinced of it than ever before.

The bill before the Senate has the approval of Secretary Mellon, and doubtless also of President Coolidge. It is my fondest hope that this measure will be passed without further delay.

NATHAN STRAUS.

NEW YORK, *February 20, 1929.*

I simply wish to add that Mr. Straus is one of the greatest life-savers and public benefactors the world has ever produced. He was the founder, in 1892, of a pasteurized-milk laboratory in New York, under the beneficent effects of which it is estimated there was a saving of 437,947 lives of children under 5 years of age during the 35 years from 1892 to 1927, inclusive. He is a wise and good man, who has devoted his fine intellect and vast wealth to the prevention of sickness and relief of human suffering in America and other countries. I hope his advice will be followed and the health institute bill be speedily passed without a dissenting vote.

ADDRESS BY PRESIDENT COOLIDGE

Mr. FESS. Mr. President, last evening at the Washington Auditorium the President of the United States made an entertaining address in which he made references of interest to the life of George Washington. I ask unanimous consent that the address may be printed in the RECORD.

The VICE PRESIDENT. Without objection it is so ordered.

The address is as follows:

My fellow countrymen, compared with some of the older nations, our holidays are few in number. Being less frequent, they are given a more formal observance. With the possible exception of the Fourth Day of July, none of them on the secular side arouses any more popular interest than the birthday of George Washington. Of course, he is honored for what he did. He was the leader in a successful struggle for independence, which gave him a justified military reputation. He was also the foremost influence in securing the adoption of our Federal Constitution, which gave us a free Republic. Naturally, he was chosen the first President. In this office he brought into practical operation the theories of our National Government, which demonstrated that he was not only a military leader but a sound and patriotic statesman. In addition to all his public service, he was a man of affairs. He ranks as the best business man of his day. Had there been no Revolutionary War he would undoubtedly have become the foremost colonial figure of his time.

It is because of his success in so many fields of action that his memory makes such a wide appeal. Wherever men love liberty we find a veneration for the name of George Washington. Wherever there are aspirations for a free government, whether already in being or in future expectation, there is admiration for the institutions he established. Wherever purity of character and self-sacrificing public service are admired, his name is honored and revered. Almost alone of the great figures of history, he can be accepted without any qualifications or reservations. Not only is his fame world-wide but his life is held in universal respect.

In a day when tilling the soil went mostly by the rule of thumb, we find him developing agriculture in a scientific way. While others were speculating, usually at a loss, he was investing in land and making a profit. When the political thought of his day was centered for the most part in each local colony, he had the vision to see and the understanding to comprehend the advantages of a Federal Union. Although his own State of Virginia had a college in his youth, and there were others in the North, with the possible exception of some short studies in surveying, he did not attend any of the higher institutions of learning. Yet he became a well-educated man himself, and in many of his public statements, and finally in his will, he was careful to disclose his views on the importance to republican institutions, of Government-supported free schools, and opportunities for higher education.

Here again he showed distinctly that he was nationally minded, because he coupled the personal benefits of a centralized university training with the cultivation of a national spirit in the students. Since his day so many local colleges and State universities have been established that the provisions of his will have never been put into execution. Yet it is a satisfaction to have this institution at least bearing his name in the National Capital. The views which he expressed on the all-important subject of education have that ring of truth and that soundness which makes them apply with the same force to-day as they had when they were uttered.

Although he, like Lincoln, did not have opportunity to take a college degree, yet, like the Great Emancipator, the Father of his Country had the advantage of working with a citizenship which was well permeated with college men, whom he constantly sought for his advisers in positions of responsibility. It should always be remembered that unless many of their associates had secured the liberal education which comes from college training, the career of both Washington and Lincoln would have been utterly impossible. Without well-educated leaders and general diffusion of learning among the people they would have had no success.

Outside of college walls, but usually under the guidance of competent instruction, Washington was a most painstaking and thorough student. He gained the position which he held through application to hard work. By that means his mind became well trained. He knew how to think.

Not only in what Washington said do we find much wise counsel relating to education, but we find even more in the man himself. His life justifies the existence and demonstrates the necessity of institutions for giving to our youth that broad culture which comes from application to a course in the liberal arts. We need men of technical training. They are much more necessary now than they were in the Revolutionary period. We could not maintain our modern life for any length of time without them. Washington himself would be entitled to considerable rank as an engineer in his day. It is necessary for our progress to have individuals who make a life study of one subject to the exclusion of everything else. The danger to them and from them lies in their becoming lost in particulars. While they are wonderfully skilled in their own subject, they often do not comprehend its relation to other subjects.

There would be a place in the world for the soldier and sailor who could see nothing but national defense, a place for the pacifist who would never engage in war and had no comprehension of international relations, for the physicist who had little interest in spiritual ideals, and a place in every large enterprise for the experts in accounting, in production, in transportation, and in merchandising, though they might understand nothing of the broad principles of political economy. But these talents will reach their greatest usefulness only when directed and coordinated by the wisdom of a comprehending executive who may not always know but who rarely fails to understand.

It was in this field that Washington appears to have excelled. He could not have written the Declaration of Independence. Yet, as a statesman he was easily the superior of Jefferson. He could not have prepared the intricate report on manufactures. Yet, he was a far better business man than Hamilton. His words and actions were such that he inspired confidence. The country followed him because it trusted him. They were willing to take his judgment concerning subjects which they did not themselves comprehend. In him was the essence of all great leadership, a power which gives men faith. The people looked on him and believed. They believed in themselves, in their country, and in their future destiny. In that faith they conquered.

It is possible that this kind of talent is born, not made. Yet, as we study the lives of those who have possessed it, we can not escape the conviction that it is enlarged by rigorous training. The only military experience that Lincoln ever had was a few days' service in the Black Hawk War, to which he always referred to with a mixture of amusement. Yet from his early youth we find him constantly employed in the deepest of study trying to learn how to think. Mathematical accuracy was no mere figure of speech with him. His old note papers show that he was engaged in demonstrating his conclusions in accordance with the principles of geometry. When he came to be tried out in a great conflict the dispatches he sent to his armies in the field indicate that his military judgment was unsurpassed by that

of any of his generals. When the great Jefferson, master writer, brilliantly discoursing on the rights of man, was markedly indifferent to declaring and defending the rights of his countrymen it was the practical Washington who was bending all his energies to make the rights of man a reality by establishing this Republic under a Federal Constitution.

In all the efforts which our institutions of learning are making to develop science they ought not to fail to put a large emphasis on the development of wisdom. We shall fail, if we put all our endowments, all our honor, and all our efforts into our technical schools and leave unsupported our schools of liberal arts. It will be found just as impossible to secure progress without them as it is to secure civilization without religion.

In addition to the great example of his life, he left a legacy of wise advice and counsel to his fellow countrymen concerning their relations to each other, to their Government, and to their God. As he was about to leave the Army at the close of the Revolutionary War in June, 1783, he issued a letter addressed to the governors of the several States in which he summed up his solicitous interest in the cultivation of good citizenship in the following paragraph:

"I now make it my earnest prayer that God would have you, and the State over which you preside, in His holy protection; that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field; and, finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation."

His better-known Farewell Address contains nothing finer than this simple, direct, but all-embracing admonition.

Washington was one of the first in a practical way to conceive of the United States as an independent establishment. Before him it had been a Province. After him it was a Nation. Even following the Revolution there were many people in this country who clung to the old thought that we were a European dependency. If we were not to look to England, then we must look to France. It was the clear belief of Washington that we must look to ourselves. Habits of thought live on. There are still those among us who have an inferiority complex, and there are still people in Europe who regard us as a Province. He therefore warned us in his Farewell Address to beware of permanent and political alliances. The phrase entangling alliances is not from him, but from Jefferson.

In the thought of that day an alliance meant the banding together of two or more nations for offensive and defensive purposes against certain other nations either expressed or implied. It was a purely artificial creation. It had no reference to an association of practically all nations in an attempt to recognize their common interests and discharge their common obligations. While we should at all times defend our own independence and maintain our own sovereignty, we should not forget that all nations as well as all individuals have natural and inalienable rights "of life, liberty, and the pursuit of happiness," in the words of Jefferson, and, while we should fail disgracefully in our mission in the world if we did not protect those rights for ourselves, we shall also fail if we do not respect them in others.

This principle was clearly understood by our first President, and, being understood, he did not hesitate to put it into operation. When the French undertook to interfere in our affairs in such a way as to threaten the integrity of our Government, he called them to account. When our own citizens, on the other hand, were resentfully refusing to recognize the rights of English subjects, Washington was equally insistent that our Government and our citizens should faithfully discharge their legal obligations—even to our Tory enemies. The Revolutionary War inevitably left many undecided questions pending between the United States and Great Britain. There was the question of turning over to this country certain outposts. There were also certain boundary disputes, which were not adjusted until well into the next century. These in turn were followed by differences concerning fisheries. Of course, everyone recalls the difficulties under which we suffered as neutrals during the Napoleonic era, which resulted in the War of 1812. A like experience came to us in the World War. We have also had issues arise, sometimes of a serious and threatening nature, with many other countries. We had them during the early period of our national life and shall undoubtedly continue to have them in the future. Both foreign and domestic affairs will constantly produce new questions for consideration.

Those who feel in a considerable state of alarm when they learn that there are subjects requiring diplomatic adjustment at the present time would probably be somewhat relieved if they would consider the history of our international relations. So long as we continue as a Nation we shall have such relations. Because there are matters which require adjustment is no reason for grave concern. There are more and more methods by which the certainty increases that they will be composed.

It is possible to say of our foreign relations at the present time that they have rarely been in a more happy condition. The uncertainties which existed south of the Rio Grande have been very much relieved. The domestic disorders in Central America are being adjusted with a satisfaction that is almost universal. Even the mouths of those who would rather criticize us than have us do right have been stopped. The recent Pan American Congress held in Washington exhibited a spirit of friendliness and good will which was most gratifying. Competent and experienced observers have assured me that our relations with South America are on the most satisfactory basis that they have been for 25 years. On the far side of the Pacific our situation is equally satisfactory. We have no important unadjusted problem with the government of any European nation, with the exception of Russia. Outside of that country all the issues that arose, even out of the World War, have been adjusted.

Of course, our citizens meet the citizens of other countries in commercial rivalry in the market places of the world. That will always continue. It is the natural and inevitable result of foreign trade. But it does not raise any issue between our Government and other governments. We believe in a policy of national defense and maintain an Army and a Navy for that purpose. Other countries have similar military establishments. We are committed to the principle of limitation of armaments. The other great powers through the public opinion of their people and the binding obligation of their treaties are more firmly committed to this principle than we are. Each government is conscientiously seeking to extend this principle. It does not raise any issue among us.

It seems desirable to mention this subject in order that the people of the United States may have my opinion concerning it. We have recently had a national campaign in which, of course, the opposition party was expected to criticize the foreign policy of the Government and suggest that important unsettled issues were gravely interfering with the friendly attitude which we desire to cultivate abroad. In other countries there will be similar campaigns, where the parties out of power will criticize their governments in a like manner. There was nothing in our election to indicate that our own country took such statements seriously, and I therefore trust they will not be taken seriously abroad.

For the same reason, our people should not take seriously the campaign utterances of those who may be seeking to supersede the governments in power in other countries. Political utterances of this nature should be carefully differentiated from statements by responsible Government authorities. I should like the people of the United States to know that at the present time there are no questions of importance awaiting settlement between our Government and any of the European governments with which we have relations. Our Government is on the most cordial and friendly terms with all of them.

Because this is true, there should be an attitude of kindness and good will between our people and all the European people. Whenever we see statements constantly made and seriously entertained concerning the conduct and intentions of our Government likely to prejudice it at home or abroad, there comes a time when a candid presentation of the facts is required to promote a state of better understanding. Such an expression is entirely different from a constant attitude of fault-finding and hostility toward everything that is foreign. The governments are friendly. The people and the press should be friendly. The respect and confidence of European governments is especially evidenced by the unanimous request, not to say insistence, that citizens of the United States should contribute their assistance and counsel in the effort to make a final adjustment of the problem of reparations.

Of course, in past negotiations we have reached conclusions with them through the necessary process of give and take, but their actions have demonstrated that their governments feel that our conduct has been such that they can trust us. After all, the great measure of our standing in the world is determined by whether other nations turn to us for assistance when they have difficulties among themselves. Our very detachment puts us in the position where we are constantly rendering a service to the world which would not otherwise be possible. While we are not associated with any particular foreign group, in the last analysis they all know that they can apply to us when they are in need of friendly offices.

This is the position which I judge Washington wished his country to occupy. While he warned us against alliances with any, he was no less urgent in counseling the maintenance of friendly relations with all. As our strength has increased, as our power to maintain our independent position has grown, the wisdom of his warning and his counsel has become more and more apparent. Some nations are so situated that it has been and is now necessary for them to seek understandings with others in order to perpetuate their own existence. Others have interests so detached and territory so scattered that they can best protect themselves by some method of regional relations. Our situation is such that we are and can remain unhampered by any such necessities. We do not seek isolation for its own sake, or in order that we may avoid responsibility, but we cherish our position of unprejudiced detachment, because through that means we can best meet our world obligations.

If we became closely identified with any specific grouping of nations, however advantageous it might be to us, we could not hope to continue to perform that service.

As we study the statesmanship of Washington, as we see it demonstrated in our domestic and foreign experience, he becomes a larger and larger figure. The clearness of his intellect, the soundness of his judgment, the wisdom of his counsel, the disinterested patriotism of his actions, are constantly revealed to us with a new and compelling force. The reverence for his memory continues to increase. The people of the United States feel that they were exalted in his victory. The people of England feel that even in the defeat of their arms abroad he carried their ideals to victory at home. Such a conquest could not be made save by an exponent of universal truth.

INTERPARLIAMENTARY UNION

Mr. THOMAS of Oklahoma. Mr. President, on behalf of the American group of the Interparliamentary Union I ask unanimous consent to have printed in the RECORD the minutes of the twenty-fifth annual meeting held in this city February 24, 1928.

The VICE PRESIDENT. Without objection, it is so ordered.

The minutes are as follows:

THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

TWENTY-FIFTH ANNUAL MEETING, FEBRUARY 24, 1928

(Stenographic report of the minutes)

The twenty-fifth annual meeting of the American group of the Interparliamentary Union was held in the committee room of the House Committee on Naval Affairs, House Office Building, Washington, D. C., this day, beginning at 10.30 o'clock a. m., Hon. THEODORE E. BURTON, the president, presiding. Those present who took part in the proceedings were: Hon. THEODORE E. BURTON, president; Hon. ANDREW J. MONTAGUE, vice president; Hon. ADOLPH J. SABATH, treasurer; Arthur Deerin Call, executive secretary; Hon. SOL BLOOM, Hon. FRED A. BRITTEN, Hon. CARL R. CHINDBLOM, Hon. HENRY ALLEN COOPER, Hon. EDGAR HOWARD, Hon. JED JOHNSON, Hon. JAMES G. MCLAUGHLIN, Hon. MELVIN J. MAAS, Hon. STEPHEN G. PORTER, Hon. FRED S. PURNELL, Hon. ELMER THOMAS and Hon. HENRY W. WATSON.

The PRESIDENT. The meeting will please come to order. Shall we listen to the reading of the minutes?

The EXECUTIVE SECRETARY (Mr. Call). Mr. Chairman and gentlemen, the minutes of the last meeting were printed in the CONGRESSIONAL RECORD for February 16, 1928. You may wish, therefore, to omit the reading of the minutes.

Mr. MONTAGUE. I move that the reading of the minutes be omitted.

(Upon being put to vote, the reading of the minutes was dispensed with.)

The PRESIDENT. Now comes the executive secretary's report.

The EXECUTIVE SECRETARY (Mr. Call). Mr. Chairman, the CONGRESSIONAL RECORD for February 16 contains our by-laws and a fairly complete report for the year. The Paris conference report, however, lacks two things which ought to be a part of the record, and I therefore call your attention to them here.

One is the fact that Mr. Bartholdt, who is a life member of the Interparliamentary Union, delivered an address and presented a draft treaty for general arbitration. The address appears in the Compte Rendu of the conference, and the treaty has been printed in the Bulletin of the Interparliamentary Union.

Mr. William D. B. Ainey, of Harrisburg, Pa., also a life member of our group and of the union, called a meeting in Paris, at which he reviewed the pre-war activities of the American-Japanese section of the Interparliamentary Union, which were suspended during the war.

On motion of Hon. ROY G. FITZGERALD, Member of Congress, Mr. Ainey was unanimously elected president of this section, and upon a similar motion Hon. K. Nakamura, member of the Imperial Parliament of Japan, was unanimously elected vice president.

Upon motion, it was unanimously agreed that the president and vice president be authorized, after conference with their respective groups, to arrange a program for the next meeting of the American-Japanese section. All the Japanese and American representatives to the Paris conference of the Interparliamentary Union, either personally or by authority, expressed their adherence to and interest in the organization of the American-Japanese section.

A list of the representatives, either actually present or represented by such authorizations, revealed that there are 8 Japanese and 14 American members of the group.

We have received 20 copies of the report of the Paris conference, all but 3 of which have been distributed. Extra copies have been ordered from Geneva.

I think it ought to be mentioned again that the Interparliamentary Union publishes bimonthly a periodical known as the Interparliamentary Bulletin. That is the official organ of the Interparliamentary Union. It contains documents of importance and outlines of what is going on in the Interparliamentary Union from time to time. If any of you wish that bulletin, it will cost 40 cents a year in American money. The Interparliamentary Union publishes other publications.

Mr. MONTAGUE. How generally is that bulletin sent now to members of the union here?

The EXECUTIVE SECRETARY. I think it is about 20 copies now that are distributed here. That is a copy of it [exhibiting copy].

Mr. MONTAGUE. Is that in French?

The EXECUTIVE SECRETARY. No; it is in English. It is issued in English, French, and German.

Now, gentlemen, you will be interested to know that the council of the Interparliamentary Union is to have a meeting on the 2d day of April, 1928, the place of the meeting being Prague, Czechoslovakia. The final convocation will be shortly sent out. Here is the agenda of that meeting of the council. I mention it to you because we have two members of the council, Mr. BURTON and Mr. MONTAGUE, and whether or not we should be represented at the meeting of the council is for this body to decide.

There will be on the agenda the approval of the minutes of the previous meeting; communication of the program of the bureau for 1928; report of the auditors; convocation of the twenty-fifth conference; fixation of the agenda of the conference and communication of certain draft resolutions to be submitted to the conference; application of Article X of the statutes fixing the number of votes allowed to each group at the next conference.

You know we are allowed now under the rule to be represented by 24 delegates. It is probable that on this agenda there will be a revision of certain provisions in the statutes and regulations on the basis of proposals made by the organizations committee. It is probable that they will nominate a treasurer of the union.

There is nothing very startling on this agenda. It is not expected that the council will make any vital alteration in the program of the Berlin conference, which is fixed as follows:

First. General debate.

Second. The evolution of the representative system.

Third. Migration problems.

Fourth. Drafting of Fundamental Principles for the Collective Life of States.

In connection with the evolution of the Representative system——

Mr. COOPER. What was that last one?

The EXECUTIVE SECRETARY. Drafting of Fundamental Principles for the Collective Life of States.

Mr. COOPER. What does that mean?

The PRESIDENT. A platform in regard to the relations of the respective States to each other. The propositions that have been laid down by the committee are given on page 231 of the Interparliamentary Bulletin for November and December, and if we have time I will read that.

The EXECUTIVE SECRETARY. In connection with the evolution of the representative system, attention is called to the publications which the bureau has issued, containing the answers of the five specialists in political economy consulted by the political committee on the question of the representative system.

The PRESIDENT. If I may interrupt there for a minute, I would suggest to the members the reading of those articles. They are exceedingly valuable to any student of parliamentary procedure, the place that the government parliaments should have in the government of nations, the question whether parliamentary bodies are losing prestige, and the reasons therefor. Those are to be published in a book which costs four Swiss francs.

I am frank to say I have not read them all. There is one by Prof. Harold J. Laski, professor of political science at the London School of Economics which contains some of the most valuable suggestions in regard to legislative bodies that I have ever met. Then there is Professor Bonn, professor of the Institute of Higher Commercial Studies, at Berlin; Professor Borgeaud, professor of the University of Geneva; Professor Larnaude, dean and emeritus professor of the faculty of law of Paris University; and Prof. Gaetano Mosca, senator of the Kingdom of Italy and professor at the University of Rome.

One or two of these men represent a class of representatives in legislative bodies that we would hardly have in this country, men whose main activities are devoted to studies, professors in universities who are members of the senate or of the other house and have thereby a legislative connection. I most cordially recommend the reading of those articles. They are in English, and you will learn a great deal that is valuable.

Mr. HOWARD. Where will we find them?

The PRESIDENT. They are scattered through these issues of the Interparliamentary Bulletin. For instance, the issue for November-December has two. They are entitled "The Crisis in the Parliamentary System." Some one made the suggestion that legislative bodies were losing their hold, and thus that expression, "The Crisis," is used as the title. The November-December issue has the articles by Professor Bonn and Prof. Gaetano Mosca.

Mr. CHINDBLOM. Is that the beginning of the series?

The PRESIDENT. No. Those are all, I believe.

Mr. COOPER. They are to be in one volume?

The PRESIDENT. One volume.

A VOICE. How can that be procured?

The EXECUTIVE SECRETARY. If you will give me your name and address, I will send it or see that it is sent to you.

The PRESIDENT. Those discussions, while in a measure academic, are one of the most valuable activities of the Interparliamentary Union.

The EXECUTIVE SECRETARY. In addition to the council meeting, which is to be held in Prague, there will be held March 29 and March 30 meetings of the juridical and political and organization committees sitting simultaneously. These two committees will have to prepare the final draft of the resolutions on the drafting of "Fundamental principles for the collective life of states" and "The evolution of the representative system" to be submitted to the conference in July.

The political and organization committee will also discuss the question of amending certain provisions in the statutes and regulations in order to bring them into conformity with the present practice.

On March 21 the committee for social questions, to prepare a report on immigration problems, will meet with the executive committee.

Prague has been chosen as a place of meeting on the invitation of the Czechoslovak group. The group, moreover, intends to arrange for facilities to be extended to the delegates to enable them to visit the country. Czechoslovakia, as you know, is not only interesting for its picturesqueness, but also offers to the student of economic and political questions a valuable study of a country in the process of evolving national unity out of fragments of what used to be the Austro-Hungarian Empire. This, together with the interesting nature of the questions before the various committees, leads the bureau at Geneva to hope that they will have present representatives from the American group at Prague the latter part of March and the first of April.

The PRESIDENT. In that connection I want to state that we are at very considerable disadvantage at these meetings of the Interparliamentary Union for the reason that the propositions to be brought up before each successive conference are considered at these meetings of the council. I consider that it would be impracticable for either Governor MONTAGUE or myself to attend that meeting at Prague at the ending of March and the beginning of April; and the result, of course, will be that we shall go to a meeting of the conference and find certain resolutions already drafted.

We have always been listened to with the utmost respect, but in order to give the fullest effect to the activities of this group it is quite desirable that we should be present at those sessions. That could be partly provided for by our framing of resolutions on the respective subjects to be considered and forwarding them before the committees of the council meet.

Mr. HOWARD. Would it not be possible, in view of the fact that our President and Vice President say that they can not attend, to secure volunteers?

The PRESIDENT. If anyone can go and will volunteer, that will be very good, but I take it that it being a season when the Congress is in session here, and probably at the height of its activity, it would be very difficult to get anyone to go. Again, it would have to be some one who is familiar with the general work of the union and of the activities of the conference.

Mr. HOWARD. My colleagues have no opposition in the primary.

Mr. MONTAGUE. Congress is in session.

The EXECUTIVE SECRETARY. Mr. President, there is one other thing to report, and that ends my report, and that is that the next meeting of the conference of the Interparliamentary Union will be held in the city of Berlin, upon the invitation of the German group, probably from July 15 on, lasting for about a week.

The PRESIDENT. It all depends on the time the elections are to be held in Germany. If the election is to be postponed until some time, say, in the summer—June or July—that means one thing. If the elections are held earlier, there would probably be an adjournment, and they wish the conference to meet while the Reichstag is in session. I have very strongly urged in the meeting of council the latest convenient date. In that I was supported by the English delegates. Their Parliament usually remains in session until the end of July, and I am satisfied they will give all possible attention to the joint requests of the two countries.

I should very much regret if we are not to be represented at that meeting, because we were at Paris, and if we do not attend the conference in Germany it would evoke some unfriendly feeling. On the other hand, it is a question whether we could get away from here after the adjournment of Congress in time to attend. The promise is that they will cable me when the council meets, about the 1st of April, and then I will circulate the notice around as to when it is to occur.

Is there anything further, Mr. Call?

The EXECUTIVE SECRETARY. No, sir.

Mr. PORTER. Mr. Secretary, I would like to make an inquiry with regard to procedure about the union. As you will recall, last summer in Paris all of the American resolutions with regard to the narcotic-drug traffic were approved, but before leaving I left another one which reads as follows:

"The Interparliamentary Conference, recognizing that, according to the scientific and medical opinion of the world, drug addiction is a disease which demands public regulation and correction, and believing that the proper treatment of those given to drug addiction, important as it is from a humanitarian standpoint, will also lessen the demand for narcotic drugs, and thus effect a curtailment of the illicit traffic and a reduction in production, recommends for the consideration of the groups of the union the adoption of measures by the governments concerned with a view to the compulsory treatment of drug addicts.

"The Interparliamentary Bureau is requested to transmit the present resolution of the groups of the union and to all the governments and parliaments of the world."

I left that resolution with Mr. Lange, assuming that that would become a part of the record, but I have a letter here from him in which he says:

"You handed me, before leaving Paris, draft of a resolution containing recommendation for adoption of measures by the governments as to compulsory treatment of drug addicts. I had no occasion to lay this before the committee."

When would that be considered under the rules of the Parliamentary Union? As I understand it, it must go to the committee first, as the other resolutions did.

The PRESIDENT. Yes.

Mr. PORTER. And then would be reported out at the plenary session?

The EXECUTIVE SECRETARY. That would naturally come up, I should say, before the council in Prague.

Mr. PORTER. Do you think it would be necessary for me to reintroduce it or send it in again?

The EXECUTIVE SECRETARY. If you will give me a copy of it, I will send it.

The PRESIDENT. That would rather emphasize it, I think. Suppose we introduce a resolution with regard to that, and if it be the opinion of the group that that should be so, let us send that on to the meeting there in March and April. I can readily realize how that was lost in the shuffle at the end of the session. Those things have to go to the council and committee before they are considered.

Mr. PORTER. Well, I will say to the group that it is in entire harmony with a bill which I introduced the other day. We have about 6,500 prisoners in the Federal penitentiaries, which can only accommodate about 3,000. Between two thousand and twenty-three hundred of those prisoners are drug addicts. The country, and I guess the medical profession, has now come around to the view that drug addiction is a disease, and not a vice, in an overwhelming majority of cases. So I introduced a bill the other day, in view of the fact that we had to build new penitentiaries, that instead of building new penitentiaries we build a couple of institutions for the care of these addicts, giving the Attorney General the power to remove the addicts, in his discretion, from the penitentiaries to these institutions for proper treatment.

I will not take your time too much with it, but if a man is suffering from drug addiction he will never recover in a prison cell. He needs fresh air, good food, and healthy environment, and the moment they discharge the man with, say, $10 or $15 in his pocket and with his frenzied desire for this drug, he will commit many crimes in order to secure money to buy the drug, and I have discussed this with a great many people, and it seems to meet with the unanimous approval of everyone, especially of members, and I am very anxious to have this resolution considered at the next meeting of the Interparlimentary Union. Of course, our own local bill will take care of the situation here.

The PRESIDENT. There are two courses to pursue. It is already there and naturally would be considered by the committee, but we can reinforce that by sending a letter asking them—I could send it myself or the Secretary could—or if the group thinks it best we might pass a resolution giving special consideration to it.

Mr. PORTER. That would give it greater force.

The PRESIDENT. Yes. If you will introduce such a resolution that the group approve that proposition, we can discuss and present it, and do I understand that you do introduce it as a motion?

Mr. PORTER. Yes.

The PRESIDENT. You have heard the motion.

Mr. HOWARD. Just what was the motion?

The PRESIDENT. That the group approve the resolution presented by Mr. PORTER and transmit it to the secretary general of the Interparliamentary Union, a copy of which has been read.

Mr. HOWARD. I move that the group approve that resolution.

Mr. MONTAGUE. I second that motion.

(The motion was put and unanimously carried.)

The PRESIDENT. Now, I think perhaps it might be well for you, Mr. PORTER, to state briefly what occurred in the meetings of the Union at Paris. I regarded the acceptance of the American contentions with regard to the use of narcotics as one of the triumphs of our delegation at that time. The resolution has been pending for some time before the Paris group. You may say that they accepted in toto your contentions?

Mr. PORTER. Yes. It is rather difficult to boil it down. As you know, the Geneva Opium Conference was held in 1923 and 1924. I was chairman of the American delegation, and we withdrew largely because we could not get the British and French and Portuguese and Spanish

to fix a definite time for the suppression of the traffic in prepared opium, as provided in Article VI, of chapter 2, of The Hague Opium Convention. In that article the contracting power agreed to suppress progressively the traffic in prepared opium.

Prepared opium is that which is used for smoking or eating. It is eaten in India and smoked in the colonies of these European powers out in the Orient. We contended that, 10 years having elapsed and that no effort had been made to suppress this traffic in the colonies of these four countries, we were entitled to have a definite time fixed. We fixed 10 years. Later we increased it to 15 years, and still later, in the final hope of coming to some sort of an agreement, I offered to make it 15 years, and it should not take effect until the treaty was ratified; but I found that, largely on account of revenue, it was impossible, and we withdrew. There were other matters, but that was the main one.

You see, they produce opium out there by the hundreds of tons, and the seepage from that opium or from the transportation of that opium enters our country through the smokers and causes a great deal of trouble. Brushing aside, of course, the idea of having one law for the East and one for the West, it is a penitentiary offense to sell a grain of morphine in the United States or England or France or any of those countries, while you can buy it by hundreds of pounds in the Orient, just like you buy groceries.

When the Interparliamentary Union met in Washington, Doctor Brabec, of Czechoslovakia, brought over a resolution urging ratification of the treaty which was made at Geneva. As I recall the language of his resolution it was this: That, while these treaties made only somewhat of a modest advance, the Interparliamentary Union urged their ratification and also that the defects be cured. I got into conference with Doctor Brabec and finally convinced him that a body representing the members of the highest legislative bodies in the world could hardly afford to say that these treaties were practically valueless and still urge their ratification. Doctor Brabec agreed with me about it, and the resolution was put in this form, that after the treaties had been perfected, as suggested in the resolution, that they should be ratified.

It was not considered in Washington for some reason. It was postponed to Ottawa, so I went up to Ottawa about a week later, and there they had two items on the agenda—the rights of minorities and opium. The debate on the rights of minorities was to be closed at 3 o'clock, but they discussed it until 6, when Sir Robert Horne got up, and I will never forget it—I have seen steam rollers before—but he said, "I venture to suggest in all humiliation that we have a dinner with the Canadian Parliament at 8 o'clock, and this matter should go over to the Geneva meeting next summer," and the chairman of the meeting announced that there would only be the one subject heard, and there was a vote of 39 to 37 in favor of postponement. So then I went to Geneva the next summer.

The PRESIDENT. That was not a meeting of the conference. That was a meeting of the committees.

Mr. PORTER. Of the committees, and I not only advocated Doctor Brabec's resolution, but introduced two of my own, one the original American proposition, urging the governments, or those governments which had not done so, to agree to stop the traffic in prepared opium within 10 years; also, a resolution urging the governments to prohibit the manufacture of heroin, which we have done in this country two years ago, on the recommendation of the American Medical Association. I may say, in regard to heroin, that it is by all odds the most dangerous of these drugs.

A VOICE. What is heroin made of?

Mr. PORTER. Heroin is made out of morphine. It is briefly this: The medical profession has never been able to find a substitute for morphine. Without morphine the practice of medicine would be a most unhappy one, and that is the difficulty in suppressing the traffic in morphine. We must have it for people who are dying with cancer and tuberculosis. But it has the bad effect of nausea and is habit forming. For hundreds of years we have been trying to find a substitute for it. A German chemist about 1906 found a substitute. It was widely advertised all over the world as the long-sought-for substitute, but it was not applicable. It was taken up by many American physicians, who became addicted to heroin, and we now know that it is the most dangerous of all drugs, and the American Medical Association in 1923 condemned its use.

There is only one instance where it is of any value, and that is in the case of very severe bronchitis; but there is another drug, codeine, which takes it place. But heroin—and I want to impress this upon you—if we can solve the heroin problem we have gone a long ways. The discovery of heroin and its sale throughout the world is responsible for the serious condition of addiction that we have to-day. The morphine addict, as a rule, does not do any particular harm to society, unless his craze for the drug is such, and he can not buy it, he will resort to crime to obtain it.

So I presented that resolution, and your president will remember we had quite a contest at Geneva, and the vote on the heroin was unanimous, the vote on the limitation of the production of arsenic was unanimous, but the vote upon fixing a definite time for the suppression of the traffic in opium was nine to seven, Great Britain and Yugoslavia opposing it.

When we got to Paris the resolutions were called up and they were all passed. The only opposition came from the British, and that was for fixing a definite period for the suppression of this traffic in prepared opium.

The difficulty there, I might as well be perfectly candid about it, is twofold: In many of those colonies the revenue derived from the government cocaine shops goes quite a long ways toward paying the expenses of the colonial governments. In the Straits Settlements it is about 47 per cent; in India it is about 7 per cent, and in the Dutch East Indies it is about the same. In Indo-China the French get about 26 per cent. Of course, that was the real opposition, and then there was another element in it. A great many of the Chinese coolies drift into these settlements, where they perform the menial labor. They naturally seek the association of their own countrymen. Many of these are smokers and many of the new men acquire the habit, and once a man acquires the smoking habit he is a slave; he is helpless. It is not like a man getting drunk, and they have to increase the dose as the tolerance of the system increases, until finally they get in a condition of abject slavery, and it insures a steady supply of menial labor throughout the entire season at the rubber and poppy and the other plantations.

There are two elements in it, the revenue and the question of menial labor.

This resolution, while it may sound rather innocent on its face, I think will be quite helpful, because when we press it, it is going to put these countries that have held back on the suppression of drug traffic in rather an awkward position. They can not recommend to their people the compulsory treatment of drug addicts, while at the same time they are deriving large revenue from the traffic.

I would like to say this: I regard these meetings of the Interparliamentary Union as very valuable; if for nothing else, it gives one valuable contacts. I have been enabled to reach an understanding with two governments through these conferences, and I know it is going to be productive of very helpful results.

Mr. WATSON. Where did the chief opposition come from?

Mr. PORTER. The British and Yugoslavs.

Mr. WATSON. Was it developed that the people over there were stockholders in the companies engaged in this traffic?

Mr. PORTER. Oh, no; this is a government monopoly.

The PRESIDENT. It is a very old question, reaching back to the war in China in about 1838 or 1840. Yugoslavia also is a producer of opium, and they oppose it. It was a matter of very serious opposition, especially in the meeting of the council and the committee at Geneva in 1926, but at Paris in 1927 the resolution was adopted substantially.

Mr. WATSON. Where does Yugoslavia produce opium?

The PRESIDENT. They produce a great share, about a million pounds' worth, they say.

Mr. WATSON. Of poppy?

The PRESIDENT. Yes, of poppy; and from that opium.

Mr. WATSON. Where do they produce it?

The PRESIDENT. I do not know what part of the country it is.

The EXECUTIVE SECRETARY. Their sales amount to about $5,000,000 a year.

The PRESIDENT. Yugoslavia and Turkey produce high-class opium.

Mr. SABATH. I think it is in the State of Herzegovina, in the southern section of Yugoslavia.

The PRESIDENT. At any rate, that was the country that opposed the proposition at Geneva.

Are there are any other reports of delegates to the twenty-fourth conference? If there are no further remarks in regard to the meeting at Paris, we will pass to the election of officers. Has anybody any motion with regard to that?

Mr. MONTAGUE. Mr. Chairman, I move that Mr. BURTON be elected president of the American group of the Interparliamentary Union.

Mr. HOWARD. I second the motion.

Mr. MONTAGUE. If it is agreeable, can I occupy the chair for a moment and put the question?

The PRESIDENT. Certainly.

The question was put and unanimously carried.

The PRESIDENT. I thank you, gentlemen.

Now, with regard to the other officers, the three vice presidents, the treasurer, the secretary, the executive secretary, and executive committee.

Mr. CHINDBLOM. Who are the three vice presidents now, please?

The EXECUTIVE SECRETARY. The three vice presidents are Representative ANDREW J. MONTAGUE, Representative HENRY W. TEMPLE, and Representative WILLIAM A. OLDFIELD.

Mr. BRITTEN. Mr. President, I move that the three vice presidents be reelected.

The motion was put and unanimously carried.

The EXECUTIVE SECRETARY. The treasurer is Representative ADOLPH J. SABATH.

Mr. BRITTEN. Has he ever rendered an accounting?

The EXECUTIVE SECRETARY. Oh, yes.

Mr. BRITTEN. With that information before the committee, I move that he be reelected.

The motion was put and unanimously carried.

The PRESIDENT. The next is the secretary.

The EXECUTIVE SECRETARY. Representative JOHN J. MCSWAIN, of South Carolina.

The PRESIDENT. He is not here to-day, but we all know that he takes quite an interest in these matters.

Mr. BRITTEN. I move that he be elected to succeed himself.

The motion was put and unanimously carried.

The PRESIDENT. The executive secretary is Mr. Call.

Mr. HOWARD. I nominate Mr. Call.

The motion was put and unanimously carried.

The PRESIDENT. The executive committee—will you please read the present names?

The EXECUTIVE SECRETARY. The executive committee consists of Representative THEODORE E. BURTON, chairman ex officio; Representative FRED BRITTEN, Representative TOM CONNALLY, Representative HENRY ALLEN COOPER, Representative CLARENCE F. LEA, Representative JAMES C. MCLAUGHLIN, Senator ALBEN W. BARKLEY, Senator CHARLES CURTIS, Senator JOSEPH T. ROBINSON, and Senator CLAUDE A. SWANSON.

Mr. CHINDBLOM. I move the reelection of the executive committee.

The motion was put and unanimously carried.

The PRESIDENT. It is to be borne in mind that no member is excluded from the work of the union because it does not belong on that executive committee. Now, the two members of the council—are they elected here?

The EXECUTIVE SECRETARY. Yes, sir. The two members of the council are Mr. BURTON and Mr. MONTAGUE.

Mr. HOWARD. Mr. President, I nominate Mr. BURTON and Mr. MONTAGUE.

Mr. BRITTEN. I second the nomination.

Mr. HOWARD put the motion and it was unanimously carried.

The PRESIDENT. That completes the election of officers. The next item is "Unfinished business." I want to make one suggestion. There has been a great deal of correspondence in regard to the problem of immigration. That has been up before the union and before the conferences for quite a number of years. We have a definite opinion in this country in that regard, I think, that it is exclusively a domestic question. For instance, in this statement of the fundamental principles for the collective life of states—this is a proposition which will be pending at the meeting at Geneva—I find this statement (sec. 13):

"The right to admit or expulse"—that word "expulse" was chosen by someone not altogether familiar with English—"expulse aliens should be regulated in international conventions containing provisions for the right of appeal."

I think you can readily interpret what that means; that if one country wishes to send its redundant population into another country, its right to do so shall be regulated by treaty between them. It takes it away from the position that we have always maintained in this country, that it is a purely local problem, and makes it international.

After consultation with a considerable number of members of the group, I have taken the liberty to send a cablegram in December, and later a letter to that effect, that we regard that as strictly and purely a domestic problem. If there is any other notion anybody has on it, I would like to hear it.

Mr. COOPER. If I remember correctly, more than one President has announced that that position is not only nonjustifiable, but that we could do nothing else than retain exclusive power in such cases to ourselves. President Roosevelt said so, and he simply confirmed what I think Cleveland had said before. This goes, as I understand, as indicated by you in your statement, to the very life of the Nation; because if they can force any people into a country, they can eventually control the electorate. So it affects the very life of a country; and the country itself, therefore, must be the sole judge in the matter.

Mr. MONTAGUE. I had a letter from Mr. Lange upon that topic. He told me he had written you, Mr. BURTON. I wrote at once to him and told him that that subject was always considered an internal, domestic one; that it was not a subject for international consideration. My attitude upon that subject was not solely an American attitude, I told him; but it was international law. In other words, nations could not pretend to govern the internal affairs of other nations.

The PRESIDENT. The query is whether or not we ought not to introduce a resolution.

Mr. WATSON. In view of the position taken by the two members of the council in the absence of the group and speaking for the group, I think it would be proper now for this body to go on record as ratifying and confirming the position taken by our president and our vice president, with reference to their declaration of this unmistakably American principle.

The PRESIDENT. Would you accept that in any definite form, Mr. HOWARD, a resolution that the group approves the statements of the two members of the council?

Mr. HOWARD. Oh, yes.

The PRESIDENT. That it regards the question of immigration as purely a domestic problem, to be decided by each country, according to its own policies?

Mr. HOWARD. I would accept the very words of the president as the motion.

The PRESIDENT. I do not anticipate that they are going to adopt any such provision as that, but our own policy on that subject is unmistakable.

Mr. HOWARD. This would give notice.

Mr. COOPER. Who drew that, Mr. President, and who approved it?

The PRESIDENT. It was this committee on the collective life of States. I have no idea who drew that.

Mr. SABATH. Mr. President, though I have been a member of the Committee on Immigration for over 20 years, and known as one who favors a liberal immigration law, I will say right now that I have always insisted that it is a purely domestic proposition, and that we should not be dictated to by any nation, but our policy should be that it is for us to say. I believe in fair and humane legislation, treating all nationals as fairly as we can, without discrimination; but that is as far as I ever did go, and as far as I feel we should go. Therefore, I second the motion of the gentleman from Nebraska.

Mr. HOWARD. The substance of the motion is the position assumed by the President in his wire and letter.

Mr. MONTAGUE. The two members of the council.

Mr. CHINDBLOM. Should we go a little further, and not only declare our approval of their position, but declare it as the sense of this group?

Mr. PORTER. It might not be out of place to refer to the constitutional provision that gives us exclusive control.

The PRESIDENT. In submitting it over there, I think it would be well to state what the constitutional provision is. I do not know, but that maybe we better have a committee to frame this resolution. We all know what is in our minds.

Mr. HOWARD. I think that would be better.

The PRESIDENT. Shall we submit to vote the question of the general opinion of the group, which is perfectly clear, and then have a committee frame the exact language?

Mr. MONTAGUE. As they sometimes do in the English Parliament. They prove the object and refer it to a committee for the formal language.

The PRESIDENT. Yes. Shall we have a vote on the general proposition?

The motion was put and unanimously carried.

The PRESIDENT. I will ask Mr. CHINDBLOM, Governor MONTAGUE, and Mr. PORTER to frame the language of the resolution, and it might be well to do that at an early date, because it wants to be over there in plenty of time.

Mr. BRITTEN. May I suggest also that Mr. SABATH be on that committee?

The PRESIDENT. Mr. SABATH as well, a committee of four. The only objection to a larger committee is that it is sometimes hard for them to get together. Let me impress upon you the desirability of framing that at an early date. I think it should be framed a little more carefully than we can do just offhand.

Mr. MAAS. Would not it be well to differentiate this question from others and point out that it is purely domestic and its effect is entirely local, so that later on we may not be confronted with that resolution when Mr. PORTER seeks to press his resolution and the British raise the question that it is a matter of internal revenue?

The PRESIDENT. There is a clear distinction between the two, I think.

Mr. MONTAGUE. We have had that principle involved in several cases. The subjects of religion and education have been brought up, and I think the Americans have generally taken the ground that it is our domestic and not an international question.

The PRESIDENT. I am inclined to think the sending of such a resolution as that will prevent the presentation to the conference of any radical proposition on this subject.

Further, under the head of unfinished business, this resolution of Mr. BRITTEN'S should come up. Have you a copy of that?

The EXECUTIVE SECRETARY. Yes, sir; the resolution reads:

House Resolution 9205, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

January 12, 1928.

Mr. BRITTEN introduced the following bill, which was referred to the Committee on Foreign Affairs and ordered to be printed.

A bill to authorize an appropriation for the American group of the Interparliamentary Union

Be it enacted, etc., That in order to assist in meeting the annual expenses of the Interparliamentary Union there is hereby authorized an appropriation of $10,000.

The PRESIDENT. That is in general about the expense of the Interparliamentary Union.

The EXECUTIVE SECRETARY. The American group.

The PRESIDENT. Yes. That does not have any specific mention of the expenses of delegates.

Mr. BRITTEN. No; it does not, Mr. Chairman. I felt this way when I introduced that resolution. When I learned that the National Government has never defrayed any part of the annual running expenses of the American group of the Interparliamentary Union, from the purchase of stationery up or down, I introduced this resolution. My thought is, if we are going to continue this body, if it is going to be the representative body of members of the United States Government that it should be, the sum of $10,000 is little enough to come out of the National Treasury for its annual expense.

Mr. HOWARD. Wasn't there an appropriation right along?

Mr. BRITTEN. No.

The PRESIDENT. There have been $6,000 appropriated annually for the activities at Geneva, and Congress did appropriate $50,000 toward the expenses of the twenty-third conference here in 1925. However, that is quite apart from Mr. BRITTEN'S resolution.

Mr. MAAS. Do any of the other governments, the foreign governments, appropriate regularly for the expenses of their representatives?

The PRESIDENT. Oh, yes; particularly the northern countries of Europe, such as Sweden and Denmark.

Mr. CHINDBLOM. I want to suggest that the resolution as it reads would relate to the expenses of the Interparliamentary Union itself and not of the American group.

Mr. BRITTEN. It is intended for the American group alone and solely.

Mr. CHINDBLOM. It will have to be amended.

Mr. WATSON. Is there anything being paid by the particular groups to the general expenses by themselves?

Mr. BRITTEN. Oh, yes. They have always paid their own expenses. This is for the American group itself. You see the difference between the two?

The PRESIDENT. I take it your idea is that this amount should be disbursed under the direction of the American group for whatever purpose they may conclude to be proper?

Mr. BRITTEN. Yes; all expenses; and that might include traveling expenses. It will include small expenses for clerical expense, stationery, office rent, any form of expense that may contribute directly to the American group and to the American group only and not to the main body in Europe.

Mr. BLOOM. How much money did you spend last year or did you have to raise? You say here $10,000?

Mr. BRITTEN. Yes.

Mr. BLOOM. How would that $10,000 be expended? Would that be too much or not enough? What is the average expense?

The PRESIDENT. There are certain expenses which might be incurred right here. I think it would be well to get a certain amount of this literature that they are putting out and circulating, so many numbers. That is one thing. My conjecture is, Mr. BRITTEN, you have in mind paying part at least of the expenses of delegates who go abroad. Is that the fact?

Mr. BRITTEN. If necessary. I will say this, Mr. President. I have made a number of trips with the American group, and have always paid my own way; but then there are other Members of the House who would go, who would like to go, and who should go, who might not be in a position to pay their own traveling expenses, and if that condition presents itself and the American group desire to be represented by certain distinguished gentlemen of the House or Senate, I think that the American group ought to pay their expenses, at least their traveling expenses. It is a small item, and in that way the United States would be assured of proper representation there.

The PRESIDENT. As regards the paying of expenses of the persons going abroad, there are certain considerations about that. Very reluctantly I am compelled to say that some persons have gone abroad and have received a portion of the expenses advanced by the Carnegie Endowment, who have given very little attention to meetings on the other side. It has just been an opportunity for a trip to Europe, and we should have, if the expenses are paid, in whole or in part, under this resolution, some assurance that those who receive the amounts are going to give close attention to the work of the Union in these meetings; I mean to be present and not be absorbed in the attractions of Paris or Berlin, so as to travel around and visit parks and museums, but be regular in their attendance. The Congress will want to know, if we bring this up, just what use is to be made of the money, and we will have to explain that.

I do think, however, that we are justified in asking this as a recognition of the activities of this group. It seems to me so.

Mr. PORTER. Mr. Chairman, laying aside for the moment the inconvenience of paying your own expenses, and I must confess it has been rather inconvenient for me, although I have received substantial help in the matter, there is another element that appeals to me. By attending these conferences in proper form and in a proper way we have opportunities to wield a tremendous influence in world affairs. If we go out as American members, without any official recognition from our Government, we have one-tenth of the prestige we would have if we had back of us the official recognition of our Government, and by providing something to pay our expenses would give us a little more official status, too. It is really much more important, to my view, than it is with regard to the matter of expense. I would suggest that a resolution be put in some concrete form that the president of the American unit should be authorized to designate five or ten members to go, representing the United States Government, and that is to be limited to actual traveling expenses, because you have to eat here just as you do over there, and I think that it should be provided that the actual traveling expenses be paid.

Mr. BRITTEN. In a fixed amount?

Mr. PORTER. Oh, yes; fix the amount. I would limit it to traveling expenses. I think you would get it through the House much easier that way than if you covered all expenses. But the important thing in my mind is this: I can see wonderful possibilities in this matter if we go over there in at least a semiofficial capacity. You go over there more or less as an individual, and you do not have the prestige of this great Government behind you. There are a great many people in the world who want to do things the way America does, because we are among the successful nations, and we carry some weight to these meetings, greater than any of us realize. I am perfectly willing to help out in this matter, and I hope my colleagues on the Foreign Affairs Committee feel likewise about it. But I would limit it to traveling expenses.

The PRESIDENT. That is, you would limit the whole amount to the payment of traveling expenses, and you would not apply it to any other purpose?

Mr. PORTER. Oh, printed matter and documents, clerical work, and things of that sort should be included.

Mr. PURNELL. What form of certificate do you give to the delegates?

The PRESIDENT. A certificate signed by the executive secretary.

The EXECUTIVE SECRETARY. The president and secretary sign the credentials in the form of a credentials card.

Mr. PURNELL. It is not a certificate stating that he is a delegate representing the United States?

The PRESIDENT. The American group of the Interparliamentary Union.

Mr. MONTAGUE. Mr. President, I wish to ask to be excused. I approve of this resolution, but I have a very imperative engagement.

The PRESIDENT. Very well.

Mr. BRITTEN. May I say just one word further, please? My sole desire, in presenting this resolution, is the desire that the United States be properly represented abroad, and I think that great care should be used by the president of the American group and the other officers who select these men to represent us abroad. If this resolution does go through the House finally and $10,000 is appropriated, I hope that you, in your wisdom, will select the men who are especially qualified to represent the United States in debate over there, and not have some of them going over there, as they may have done in the past, on a mere junket at somebody else's expense. I am very earnest about that.

Mr. BLOOM. Would that only apply to the people that the president selects to attend these conferences?

Mr. BRITTEN. Any others, like yourself, for instance, who may desire to go over there and pay their own way, back and forth, may do so. But those who are selected by the president should be especially qualified for that particular duty, and the number is unimportant. Two or three disinguished representatives are vastly superior and of much greater value to our country and to the entire issue than 50 or 60 of them merely going over there for joy rides.

Mr. WATSON. Anyone would have the privilege of debate when he is a delegate?

Mr. BLOOM. Any Member of Congress is entitled to go over there, as I understand it.

The PRESIDENT. There are so many considerations to this that I think that we need to give pretty mature consideration to it, and I would suggest something like this, that there be a committee composed of the members of the Foreign Affairs Committee, Mr. BRITTEN, and perhaps Governor MONTAGUE, to consider this and get this into shape. I think the views presented here are very important. Mr. PORTER'S suggestion that this gives official recognition to our group and gives it a prestige there that it otherwise would not have, is a good suggestion. And then Mr. BRITTEN'S suggestion—he is really the one who initiated this movement—that the delegates should be chosen with a view to their taking part in the proceedings and attending faithfully on the meetings is a good suggestion. Of course, there are a great many who would wish to pay their own expenses.

Mr. BRITTEN. I will say for you, Mr. President, that I think you are entitled to the entire amount, so far as I am concerned, because of the very, very valuable work you have done over there.

The PRESIDENT. I have paid my expenses in going over there.

Mr. CHINDBLOM. I attended the meeting at Copenhagen, which is the only one that I have had the pleasure of attending. My understanding is that we are entitled to 24 votes in the conference?

The PRESIDENT. Yes.

Mr CHINDBLOM. We can send as many delegates as we like, but we get 24 votes. I remember at the conference at Copenhagen the Scandinavian countries had hundreds of them from Stockholm and other Scandinavian countries, but they only had their number of votes.

Mr. BLOOM. Do we ever have 24 votes?

Mr. CHINDBLOM. We always have 24 votes, but we do not have that many delegates. As a matter of fact, they seldom take any formal vote. Everything is usually done by unanimous consent.

Mr. MAAS. I do not think there should be anything in a resolution that we are to make an appropriation for the first two years to send 24 delegates abroad, but we should have assurance that there would be no difference in the designation of the delegates, or as to the number, so that we won't have one set of official delegates and another set of semiofficial delegates, but all delegates would have the same rights.

The PRESIDENT. That would inevitably have to be so. Of course, the idea of Mr. BRITTEN, as he expresses it, is so that we may be assured of having persons go who take a real interest in the proceedings and who will take part in the deliberations.

Mr. PORTER. The reason I suggested 5 or 10 was because I feel confident we could get through the House a resolution providing for that; but if we go in there and say that we were going to send 25, we would not get it through. The real idea is the prestige it would give us.

Mr. BLOOM. Up to now, the Government has really taken no recognition in sending delegates.

The PRESIDENT. No. Well, you have to say that with some qualification. The Government did do something. The President of the United States formally presented an invitation to the conference at Berne in 1924 that the union should come to this country in 1925. He transmitted a letter which was read by our minister to Switzerland before the conference in 1924. So you can hardly say that the United States Government has given no recognition to this union.

Mr. SABATH. And it has appropriated from time to time?

The PRESIDENT. The $6,000 annually for the activities at Geneva.

Mr. PURNELL. I think the Chair would like to entertain a motion, perhaps, that a committee consisting of the five members of the Foreign Affairs Committee who are here, Governor MONTAGUE, Mr. BRITTEN, and with Mr. PORTER as chairman, of course, be appointed to give further consideration to this question, with a view of putting the matter in proper form—if necessary, for the purpose of redrafting the bill.

The PRESIDENT. Would you go further than that in presenting it for approval?

Mr. PURNELL. Well, I assume that that would have to be done by the Foreign Affairs Committee. You mean further presenting it to the American group?

The PRESIDENT. No. My thought would be to present it to the Foreign Affairs Committee.

Mr. CHINDBLOM. With the approval of this group?

The PRESIDENT. Yes; with the approval of this group.

Mr. PURNELL. Then I make such a motion.

Mr. MAAS. I amend that motion, that the membership be composed by the naming of Members and not as members of any committee of the House.

The PRESIDENT. That is, you mean those who are to consider this motion and present it?

Mr. MAAS. No; by name; and not as members of a committee.

The PRESIDENT. Leave it to the Chair to appoint the committee. Of course, the Foreign Affairs Committee have particular advantage, because they are to consider the question of reporting it.

The PRESIDENT. Those in favor of the motion of Mr. Purnell, as amended, will signify the same by saying "aye."

(The motion was put and unanimously carried.)

The PRESIDENT. I want to say that I appreciate the interest being taken in this meeting. This is altogether the largest attendance we have ever had at any meeting.

Mr. CHINDBLOM. Will the Chair appoint that committee now?

The PRESIDENT. I think I had better meditate a bit.

The EXECUTIVE SECRETARY. The argument on the Britten resolution will be found in the CONGRESSIONAL RECORD should you wish to look into the facts. Other groups are supported by their governments in various ways, and so far as we have been able to get that information it is here. This is the CONGRESSIONAL RECORD for February 16, page 3215.

Practically every group of the Interparliamentary Union provides for a grant included in the State budget for the expense of the Union. Many of the groups are supported by Government appropriations. For example, the Danish group received in 1926, 5,400 Danish crowns and a special grant toward the expenses of the northern assembly of delegates. The Estonian group provides from that portion of the State budget entitled international expenditure, official journeys, for the traveling expenses of its delegates. The German group receives a grant of 15,000 reichmarks from the Government, 9,000 of which are turned over to the Geneva office and the balance used for traveling expenses. The Swedish group receives a grant of 15,000 Swedish crowns. The Norwegian group receives 9,000 Norwegian crowns for traveling expenses and 1,200 for administrative expenses. Substantial contributions for the traveling expenses of delegates are received by the Bulgarian groups, the Hungarian, the Italian, Polish Rumanian, Yugoslav, and Czechoslovak groups. A sum of 45,000 French francs is placed at the disposal of the French group. Some of the groups—for example, the Egyptian and the Japanese—are officially constituted by the parliament and the expenses of their delegates automatically paid. The South and Central American groups fall also into this category. It may be now regarded as the exception for the members of the union not to receive contributions toward their traveling expenses."

Mr. President, may I bring up one other matter of business?

The PRESIDENT. Certainly.

The EXECUTIVE SECRETARY. Gentlemen, the fact is, after our Washington conference we were complimented by many groups for the nature of our entertainment, and we were particularly complimented by the French. They wrote gracious letters to many officials of our group. They sent presents to persons who had helped them here, such as guides, interpreters, and other officials. France gave the legion of honor to the president of our group and to the director of the conference.

Now, France has been our host during the last summer. Though not in the best of financial circumstances, France did the best she could, and it was well done. In addition to what has already been said we were taken by special train to Chantilly one Sunday, as some of you will remember. There were many receptions by the President of the Republic, by the president of the Chamber of Deputies, by the secretary of war. We were entertained with a magnificent dinner at the end of the conference. So I have been wondering if there is not something that we of the American group might do that would be gracious and acceptable to the people who were responsible for this entertainment in Paris.

I have in my hands here a book called The Treaty of 1778, and you will notice it is in buff and blue, which were George Washington's colors. It contains the record of the conferences, the plans, the journal of the Congress of September, 1776. It contains the treaties themselves, the treaty of amity and commerce, and the treaty of alliance. The treaty is in English and in French, side by side, and there is the final ratification. I do not know what would have become of this country of ours had it not been for the treaty of 1778. It occurs to me that our group might obtain a few copies of these, that the officials of the group might inscribe their names somewhere, and that copies be presented to the various officials of the French group expressing our appreciation.

Mr. CHINDBLOM. Who publishes that?

The EXECUTIVE SECRETARY. This is published by the French Institute at Washington, and it is printed by Johns Hopkins Press on beautiful paper. It has an introduction by James Brown Scott. It is edited by Monsieur G. Chinard, a distinguished French scholar.

The PRESIDENT. Is it your idea that we should send a few copies of that to the French group?

The EXECUTIVE SECRETARY. Yes.

Mr. CHINDBLOM. Have we, as a group, done anything, even to the extent of sending a letter expressing our appreciation?

The PRESIDENT. I have written myself, personally.

Mr. CHINDBLOM. I mean as a group?

The PRESIDENT. No.

Mr. CHINDBLOM. Have we any funds at all?

The EXECUTIVE SECRETARY. We have $254.20 in the treasury.

Mr. HOWARD. Mr. President, I move that the executive secretary secure the signatures of the delegates to this last conference on 10 copies and send them.

Mr. BLOOM. I would like to make a suggestion. If we are going to do that—this is only a paper cover—why not have copies made and bound in more beautiful covers? We can have the same thing reproduced in leather with a beautiful binding and then present it to them. I think if we are going to present a book it should not be a book in a paper cover.

Mr. HOWARD. I take it for granted that that secretary of ours, so competent in all directions, will attend to those details.

The PRESIDENT. You know, in France there are a great many books—and I have been familiar with them since 1880—that are put forth in paper bindings?

Mr. BLOOM. I mean, if we are going to present them with a book, to present them with a book like that in paper binding might look rather cheap.

The PRESIDENT. Can not we leave that to the secretary?

Mr. CHINDBLOM. I move that it be left to the secretary and the chairman and first vice chairman to obtain a sufficient number of copies of this book, and that we agree to underwrite the expense. I do not know whether we have money enough in the treasury or not.

The PRESIDENT. We have.

Mr. BRITTEN. I agree with Mr. Bloom that this 10 or a dozen books should be well bound.

Mr. PORTER. I agree as to the binding, but we should not put a limit of 10 on this. Whatever is necessary should be left to the secretary.

The PRESIDENT. The motion amounts practically to this: Leave it to the secretary, by communication with the president of the French group, to obtain from him the names of persons to whom a copy of the book should be sent, to provide for a proper binding, and send the copies with the signatures.

Mr. BLOOM. With such signatures as he, in conference with the president and vice president, shall determine.

Mr. HOWARD. I second the motion.

The motion was put and unanimously carried.

Mr. CHINDBLOM. I move that the group express its appreciation for his services during the past year, the very efficient and valuable services, of the president of the group, the executive secretary, and the other officers, and that we tender them this appreciation for their services.

Mr. PURNELL. And in support of that, Mr. President, I want to say, as one of the very humble delegates last summer who sat and listened and said nothing, that it was a real, genuine pleasure when the distinguished president of this group took the platform and spoke.

Mr. CHINDBLOM. It was not my pleasure to be there, but I know of the work of this group, and let me refer to the work of the executive secretary. I hope that the work to be done in connection with the Britten resolution will make it possible that we can find ourselves in a position to pay him a compensation for his work which will be commensurate with its value. If you are ready for the question, I will put it.

Mr. HOWARD. Mr. President, speaking in my capacity as delegate, I want to indorse all that my colleague from Hoosierdom has had to say. Over in Paris, had it not been for the guiding hand of the president of our group, I would have been lost every day in the maze of intricacies incident to conducting a conference in foreign languages; and in all Paris, had it not been for the guiding influence of our secretary, I had been hopelessly involved in a labyrinth of my own ignorance. So I am very grateful to both of them for the services rendered to me, and as I believe, to my friends

Mr. JOHNSON. Might I just add this? The distinguished gentleman is indeed very modest. When I saw him in Paris—I happened to be a member ot the American group—he was speaking more French than a Frenchman, and, although I had been over there and thought I knew some French, he was my very guide. He told me where to go and what to see, and I considered him one of the most conspicuous members over there. Seriously, I enjoyed the meeting tremendously. It was a wonderful thing to me to rub elbows with those boys over there, and to see what they see and get their ideas of us.

Might I add just here that I am very much in favor of sending them something to show our appreciation, for, while voting against us on every occasion, they certainly gave us a wonderful time.

The PRESIDENT. We have not heard from Senator THOMAS, who is here to-day.

Senator THOMAS. I am very glad to be here, I am sure.

The PRESIDENT. I believe that is all the business we have. The meeting stands adjourned.

Whereupon, at 12 o'clock noon, the meeting adjourned.

ARTHUR DEERIN CALL,
Executive Secretary.

HEADSTONES OVER GRAVES OF CONFEDERATE SOLDIERS

Mr. REED of Pennsylvania. Mr. President, I take great pleasure in reporting unanimously from the Committee on Military Affairs the bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes, and I submit a report (No. 1864) thereon. I desire to say that the report is made unanimously by a very fully attended meeting of the Committee on Military Affairs, and I am instructed by the committee to ask unanimous consent for its immediate consideration.

Mr. HEFLIN. Mr. President, I hope consent will be granted. There has been a suggestion made by some one that these Confederate records should be taken away from the National Capital and referred to the various Southern States. I do not think that would be a good idea. I believe the suggestion made by the Senator from Pennsylvania that the records be kept here is a practice and custom which should be upheld.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. Mr. President, I assume that it will not lead to any debate.

Mr. REED of Pennsylvania. I do not expect any debate on it at all.

Mr. OVERMAN. Mr. President, may I ask the Senator from Pennsylvania if it is not a fact that under a previous administration authority was granted for the erection of headstones over the graves of former Confederate soldiers?

Mr. REED of Pennsylvania. Yes, Mr. President; but those headstones were erected only in the national cemeteries. The bill which I have just reported covers the graves in private cemeteries as well.

Mr. HEFLIN. Mr. President, this work has been done for quite a long time. Former Governor Oakes of my State, an ex-Confederate soldier, had charge of this service; but the terms of the bill now presented cover a broader field and will allow headstones to be erected for Confederate veterans who died and were buried in other places than in national cemeteries.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to erect headstones over the graves of soldiers who served in the Confederate Army and who have been buried in national, city, town, or village cemeteries or in any other places, each grave to be marked with a small headstone or block which shall be of durable stone and of such design and weight as shall keep it in place when set and shall bear the name of the soldier and the name of his State inscribed thereon when the same are known. The Secretary of War shall cause to be preserved in the records of the War Department the name, rank, company, regiment, and date of death of the soldier and his State; if these are unknown it shall be so recorded.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF SEAGOING RETRIEVERS

Mr. REED of Pennsylvania. From the Committee on Military Affairs, I report back favorably with an amendment the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C., and I submit a report (No. 1863) thereon.

The bill has been amended so as to provide for the construction of three seagoing retrievers for use of the Air Corps at Panama, at Hawaii, and in the Philippines. Each of the boats will cost about $40,000. They are absolutely necessary to the salvage of airplanes which may fall into the water in those places. The loss of a single bomber costs the United States twice as much as the cost of one of these ships. It is very important that the bill should be passed now, in order to get it into conference and passed before the end of this week.

The bill also carries an authorization for an appropriation of $50,000 for additional expense found to be necessary because of difficult foundation for a barracks which is being built at Fort Wadsworth, N. Y. The original provisions of the bill for construction work at Bolling Field have all been stricken out by the committee. I ask unanimous consent for the present consideration of the bill.

Mr. HALE. Mr. President, will the consideration of the bill lead to debate?

Mr. REED of Pennsylvania. I do not think the consideration of the bill will lead to any debate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $50,000, to be expended for the construction and installation of barracks and the necessary utilities and appurtenances thereto at Fort Wadsworth, N. Y.

SEC. 2. That there is hereby authorized to be appropriated not to exceed $120,000 to be expended by the Secretary of War for the construction or purchase of three heavy seagoing Air Corps retrievers for use in Oahu, Philippine Islands, and Albrook Field, Canal Zone.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, would the Senator from Pennsylvania be willing to add to the authorization for the construction of the three aircraft retrievers an amendment providing that the War Department and the Navy Department shall settle the question of who is responsible for the aerial coast defense?

Mr. REED of Pennsylvania. I would agree to that, but I fear the House of Representatives would not agree to it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed

The title was amended so as to read: "A bill to authorize appropriations for construction at military posts, and for other purposes."

MEXICAN IMMIGRATION

Mr. HARRIS. I send to the desk an Associated Press dispatch and ask the clerk to read it.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

TWO AMERICANS KILLED BY MEXICAN BANDITS—BODIES OF MINING ENGINEERS FOUND BY TROOPS—HAD BEEN KIDNAPED—SOLDIERS SEEK SLAYERS

MEXICO CITY, February 23 (Saturday).—Dispatches to Excelsior from Guanajuato, capital of the State of that name, say that the bodies of J. M. Underwood and C. C. Aisthrope, Americans, were found by troops and taken to that city.

The two American mining engineers had been captured by bandits and were held for ransom under threat of death.

Underwood and Aisthorpe were said to be officials of the Guanajuato Reduction & Mines Co., whose home office is in Columbus, Ohio. The United States Embassy and consulate general here were seeking confirmation of the newspaper report to-night.

The Excelsior account said that troops were in pursuit of kidnapers. The bandits, guided by a former employee, were said to have crept into the mining camp on Wednesday night while everyone was asleep. They took Underwood and Aisthrope from their quarters and forced them to mount horses and to accompany them on the road toward Santa Ena.

Later they sent back a note to the mine headquarters saying that they would kill the captives unless they were paid a ransom.

The mine where the kidnaping occurred is known as the Bustos mine. Insurgent and bandit activities have been frequent in the mountainous State in which it is situated. It was in another part of Guanajuato that the train of President Emilio Portes Gil was dynamited less than two weeks ago.

COLUMBUS, OHIO, February 22.—C. L. Kurtz, president, and C. J. Kurtz, secretary-treasurer, of the Guanajuato Reduction & Mines Co., of Columbus, were unaware to-night that two of their employees, J. M. Underwood and C. C. Aisthorpe, have been slain by Mexican bandits.

The two officers are on their way to the property in Guanajuato, an employee of the company here said. The home cities of the murdered men are unknown here.

The employee added that recently another employee in Mexico had been kidnaped, but his freedom was effected when a cook at the mining camp paid a bandit chief $15 in American money.

Mr. HARRIS. Mr. President, I wish to say that on December 14, from the Committee on Immigration, there was reported unanimously a bill of which I was the author to place Mexico under the immigration quota, and I shall offer an amendment to place Central and South America under the quota. The Senator from Pennsylvania [Mr. REED] and I have been trying for some time to get the steering committee of the Senate to allow us to take up this bill, but thus far we have not succeeded. I wish to ask the Senator from Kentucky [Mr. SACKETT], the chairman of the steering committee, if he will not try to get the committee to arrange for the consideration of the bill, to which I have referred, within the next few days.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HARRIS. I am glad to yield.

Mr. KING. Does the Senator think it is pertinent to his inquiry to offer a statement from a newspaper reciting that some bandits happen to be active in Mexico? Is that a reason why there should be exclusion of immigration from Mexico? There are some bandits in the United States.

Mr. HARRIS. The Senator and I differ widely in our views about the matter of Mexican immigration, but I think the dispatch which has been read does have a bearing on the question. American citizens are being killed unlawfully in Mexico. I hope the Senator from Kentucky, the chairman of the steering committee, will allow us to have a vote on the bill to which I have referred before the present Congress shall close.

Mr. SACKETT. Mr. President, in answer to the Senator's inquiry, all I can say is that I will be glad to notify the Senator of the next meeting of the committee, which will take place as soon as the bills now on the list for consideration shall have been disposed of. He can make a statement to the committee, and if he can convince the committee that the bill should be considered, I am confident that appropriate action will be taken.

Mr. HARRIS. May I ask the Senator how many other bills are ahead of the one to which I have referred?

Mr. SACKETT. There are four bills now on the list which have not as yet been disposed of.

Mr. HARRIS. What are they, may I ask?

Mr. SACKETT. The joint resolution providing for a survey of the proposed Nicaraguan canal, of which the Senator from New Jersey [Mr. EDGE] is in charge, the bill providing a farmers' market in the District of Columbia, of which the Senator from Virginia [Mr. GLASS] is in charge, the reapportionment bill, of which the Senator from Michigan [Mr. VANDENBERG] is in charge, and the census bill. They have been set down in that order.

Mr. HARRIS. At present one-third as many immigrants come into this country from Mexico as are allowed under the quota law to come from all the world. I think Congress should pass this bill which would put immigration from Mexico, Central and South America under the quota, just as we do all other countries.

Mr. SACKETT. Of course, the Senator will recognize there are many other Senators who are seeking to have bills in which they are interested placed on the list. I can only suggest that the Senator appear before the committee and make a statement.

Mr. HARRIS. I understand that, and I appreciate the consideration shown me by the Senator from Kentucky [Mr. SACKETT], but if the steering committee will not grant our request and make it the special order of business, the only thing the friends of the measure can do is to try to substitute it for some other bill if we can not secure action any other way. I do not think there is any legislation pending before Congress which is more important to our country. This influx of cheap Mexican labor into our country has increased greatly, the cotton produced, which has brought about the surplus and reduced the price of cotton. Every Mexican that comes here takes the place of some American who needs work, and there are many unemployed at this time. Every bale of cotton they produce has a tendency to bring down the price of all the cotton crop.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. HARRISON. I wish to make an inquiry of the chairman of the steering committee. Is the reapportionment bill ahead of the census bill on the program?

Mr. SACKETT. It is.

Mr. HARRISON. The apportionment bill is ahead?

Mr. SACKETT. It comes first.

Mr. HARRISON. The bill providing for the extension of the life of the Radio Commission is not on the program at all, is it?

Mr. SACKETT. That is not on the list at present.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. KING. Mr. President, I have offered an amendment to the pending bill which is on the table. I ask that the clerk may read it.

The VICE PRESIDENT. The clerk will read, as requested.

The CHIEF CLERK. On page 44, at the end of the amendment agreed to on yesterday, it is proposed to insert the following:

Provided, That no part of the appropriations contained in this act shall be used for the maintenance of any officer or enlisted man in the military or naval service in Haiti.

Mr. KING. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point, without reading, excerpts from an article written by me in June, 1927, which discusses some phases of the Haitian question.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The native inhabitants of Haiti were almost wholly destroyed following its discovery by Columbus and the Spanish occupation. African slavery was thereafter introduced into Haiti as it was into other islands of the West Indies. Haiti became a French possession in 1697 and so remained until 1801, when its inhabitants, largely negroes, rose in rebellion and under the brilliant leadership of Toussaint L'Ouverture won their independence. In 1804 they established a republic with a liberal constitution, and for more than a century Haiti enjoyed the status of an independent nation, having regular international relations and equality with all the other nations of the civilized world.

However, the history of the Haitian Republic has been marked by internal disturbances and difficulties, substantially of the same character as those found in the history of many other nations, and particularly those of Central and South America. Many nations have had their succession of absolute monarchs, dictators, and constitutional rulers. Some have achieved the republican form of government and lapsed back into a monarchy. Mexico and many of the republics to the south of us have suffered from internal convulsions, and dictators and military juntas have often seized the reins of authority and imposed an arbitrary rule upon the people. Revolutions have not infrequently occurred because of the despotic rule of usurpers, and were in the interest of liberty and the welfare of the people.

AMERICA TAKES POSSESSION

The path leading to political, civil, and economic liberty is a long and hard one, and backward and primitive races only reach the heights through suffering and hardships, and after years and perhaps centuries of travail and sorrow. Haiti, through the years following the establishment of her Government, continued as an independent nation until

the subversion of her Government by the armed seizure and occupation of the country by the United States in 1915. In July, 1915, a revolution occurred in Port au Prince, the capital of Haiti, against President Guillaume-Sam, who had been cruel and despotic. In this revolution neither public nor private property was molested, nor were foreigners interfered with or their property placed in jeopardy. However, in August American war vessels landed marines in Haiti, and occupied all military strategic points and took possession of the Government. Martial law was declared and a military government established under the control of American officers. In my opinion, there was no justification for this attack upon a friendly country and a weak people.

It has been claimed by some that France or Germany was about to take possession of Haiti. The facts do not justify this contention. Nor was the Monroe doctrine involved in any manner. In 1914, and continuously thereafter until the military occupation referred to, the United States had attempted to obtain a treaty similar in terms to that which had placed the United States in control of the Dominican Republic, but the officials of the Republic of Haiti declared that they "would not accept any control of Haitian affairs by a foreign power." In May, 1915, the United States sent a representative with the proposed draft of a convention into which he attempted to have the Haitian Government enter. Under the terms of this instrument, the United States was to "protect Haiti from the aggressions of foreign powers," and Haiti was to permit the establishment by the United States of an important naval and military base in Haiti. Other provisions were submitted which were derogatory to the independence and honor of Haiti. These various proposals were rejected, and, as stated, in July, 1915, forcible military possession was taken by the United States of Haiti. Some of the Haitians attempted to resist and more than 2,500 were killed.

ELECTED BY BAYONETS

While martial law prevailed and Haiti was under the control of military forces of the United States, Dartiguenave was made president, not by the will of the people but through the military pressure of the United States. Immediately after the assumption by Dartiguenave of the office of president, the United States proposed a convention which gave to it the practical control of Haiti, including the control of police, public works, and sanitary affairs. This convention was submitted to the national assembly for their advice and consent. But upon its expressing unwillingness to ratify the convention, the American admiral commanding the marines and warships in the harbor of Port au Prince cut off the salaries of members of the assembly, and announced that the United States would "retain control of Haiti until its desires were accomplished" and that it would forthwith "proceed with the complete pacification of Haiti," meaning that further military operations would be employed in the subjugation of Haiti and her people.

Under pressure of these threats, the national assembly accepted the convention. A new national assembly was elected in 1916 in accordance with the terms of the Haitian constitution. Upon its convening, the United States Government, acting through its naval forces, presented to the assembly a hand-made constitution, and demanded its acceptance by the assembly. Haiti for many years had been governed by a constitution, liberal in form and containing provisions similar to those found in the Constitution of the United States. The people were satisfied with their constitution. There was no desire to have it superceded; and the military control of Haiti by the United States met with the universal opposition of the Haitian people.

One of the provisions of the Haitian constitution prohibited foreigners or foreign corporations from holding land in Haiti. This provision of the constitution was wise, because of the limited area of arable lands and the large population in Haiti. The Haitian people foresaw that if their lands were not protected from foreign acquisition a serious agrarian problem would be presented. The exploitation of Haiti by foreign landowners was designedly interdicted. The Haitian National Assembly refused to accept the new constitution prepared in the United States and delivered to them by the mailed hand of our military forces. Thereupon American marines, acting under instructions from the State Department, forcibly dissolved the national assembly, expelled the members from the legislative chambers and locked the doors in their faces. When the two houses of the assembly met in places other than the regular chambers, they were summarily dispersed at the point of the bayonet.

MARINES RATIFY CONSTITUTION

The American occupation then went through the farce of submitting this new constitution to the terrified inhabitants of Haiti for ratification. There was, in fact, no election; a few votes were cast under the supervision and domination of American marines. It can not be contended that this American-made constitution was ratified by the people of Haiti. A few Haitians voted for ratification, by ballots put into their hands by American marines and deposited in boxes under military surveillance and intimidation.

Upon the dissolution and dispersal of the national assembly, Dartiguenave, assuming dictatorial power, and at the instigation of the American occupation, set up an extraconstitutional council of 21 members appointed by himself. This illegal body, which became his pliant tool, usurped the legislative powers of the national assembly, and continues to this day in its usurpatory acts in defiance of the will of the Haitian people. However, it is the mere creature of the so-called "president" of Haiti, and he and this council of state are controlled by the military forces of the United States, still in possession of Haiti and the Haitian Government. There was thus accomplished a complete subversion of the Haitian Republic and the Haitian constitution.

The convention of 1915, I submit, did not contemplate the overthrow of the Haitian Republic or the cessation of its constitutional functions. It did not contemplate that the United States would subvert the Haitian Republic, or the powers of the national assembly through a puppet dictator under cover of a council of state, supported by the bayonets of the American marines. But, nevertheless, such subversion has been accomplished and still exists.

There has been no election of the national assembly in Haiti since 1916, when it was forcibly dispersed by American marines. The constitutional elections of the national assembly, prescribed in the organic law to be held in 1918, 1920, 1922, 1924, and 1926 have been prevented by the American occupation. Through five terms of the national assembly of Haiti, as prescribed in its constitution, the inhabitants of Haiti have had no parliamentary body to act for them, or to be the organ of the national will. The people have been intimidated to suffering in silence. The few journalists in the country who have dared to protest against the subversion of the political institutions and liberties of the country have been incarcerated for their temerity. There has been a denial of liberty of speech and of the press and of personal and political liberty.

ENTER A NEW PUPPET

Dartiguenave's term of office expired August 12, 1922. The election of his successor was vested by the constitution in the national assembly, but no national assembly had been elected in 1918, 1920, or 1922, as provided by the constitution. The elections were prohibited by the puppet Haitian Government and the military occupation of the United States. Thereupon this illegal council of state, holding no commission from the people of Haiti, undertook, with the approval of the United States, to make Louis Borno President of Haiti. The constitution of Haiti, following the old French precedents, regards the nationality of a son to be that of his father. The constitution, in conformity to this principle of French law, prescribed that the President of Haiti must be the son of a Haitian citizen. Borno's father was not a citizen of Haiti. Therefore he did not possess the qualifications prescribed in the fundamental law to be eligible to the Presidency of Haiti.

Borno, however, was designated in this illegal manner as President of Haiti for the term of four years, as prescribed in the American-made constitution which has never become the legal organic act of the people. Borno's term, even under this illegal tenure, expired in 1926. The American-made constitution of Haiti provided for the election of the President by the national assembly on April 12, 1926. But no national assembly had been elected in 1924 or 1926.

The 10-year term of the convention forced upon Haiti by the United States terminated September 16, 1925, and Borno's illegal tenure as President ended at the same time. The convention of 1915, which was to expire by its own limitation in 10 years, was shortly after its acceptance by the national assembly extended for the additional term of 10 years. Of this extension neither the national assembly nor the Senate of the United States was notified. So far as I can learn, it was done without the knowledge of the people of Haiti or the Congress or the people of the United States.

A FRAUDULENT FAMILY AFFAIR

The conclusion is irresistible that the United States, in collusion with Borno, determined upon his continuance in office after the expiration of his illegal tenure of four years for a further period of four years at least. Accordingly, Borno, acting under the illegal decree of Dartiguenave creating the so-called council of state, in anticipation of the second usurpation of the Presidency in 1926, made provision that the so-called council of state should be made up of his personal friends, retainers, and satellites. He removed 18 of the 21 members of the council of state within the year before the anticipated election and appointed as their successors the nephew of his wife, the nephew of his first wife, his chief of staff, his assistant chief of staff, his secretary, his undersecretary, his secretary of interior, his secretary of agriculture, his secretary of public instruction, his law partner, his chargé d'affaires in Brussels, his chargé d'affaires in Berlin, his attorney at St. Marc, the chief clerk of his foreign relations department, the chief clerk of his interior department, another clerk of his interior department, his inspector general of education, and his president of the land commission. The three other members of the council were also personal appointees of Borno, their appointments having been made more than a year prior to his election. It was this hand-picked "electoral college" which went through the farce of electing Borno for a second usurpatory term on the 12th of April, 1926.

Borno's title (?) to the presidency has been obtained in the manner indicated. He is not the choice of the Haitian people. The Haitian people are practically unanimous in opposition to his illegal and usurpatory acts and to the military occupation of their country by the United States. They resent the presence of American marines, and of Ameri-

can war vessels in their ports, and the presence of an American brigadier general in charge of the American marines, who also represents the Department of State and the United States under the high-sounding title of high commissioner and envoy extraordinary and plenipotentiary of the United States to the Republic of Haiti.

The fact is that Haiti is not now an independent nation, nor does the will of the people now prevail. If American marines were withdrawn from Haitian soil and American war vessels from Haitian waters, Borno and his illegal régime would quickly disappear. Borno is a mere figurehead. His authority is derived from the United States and his position is upheld by a foreign government. He masquerades as president, and he and the high commissioner attempt to maintain the fiction that Borno is the duly elected president of a republic, and that the United States has no authority or power in Haiti, but occupies an unimportant position and acts only in an advisory capacity.

AMERICAN MILITARISTS IN CHARGE

To assume this position is hypocritical and absurd. Americans are in charge of the important positions in the government. They collect and disburse the revenues and control the internal and external policies of Haiti.

The Haitian people contend that American occupation has not been in the interest of the people, that thousands of acres of the best lands in Haiti have been acquired by American corporations, and many thousands of Haitians, fearing American domination, have left their country and sought homes in Cuba and other islands of the Caribbean Sea. They declare that Haitians are being forced from their homes and from lands which they and their forefathers have occupied for generations, because they do not have paper titles to their lands, and in order that they may be disposed of by the unconstitutional government which now exists; and they also assert that heavy taxes and burdens are placed upon the people and that the benefits derived therefrom and from the loans which have been made are not commensurate with the expenditures made by the American occupation and the Borno régime. While conceding that roads have been built and sanitary conditions improved, they insist that the administration of governmental affairs has not been efficient or economical, and that the wishes of the people have not been regarded.

Evidence is not lacking to support the contention of the Haitians that the high commissioner and Borno are attempting to intimidate the judges and make them subservient to the wishes of those in control of the government. The Haitian people feel that they are not free, that they are the victims of a military régime and are under the control of a foreign power. They desire to have their old constitution restored. They desire to elect their own officers and to have a government of their own, and not one forced upon them by any other nation.

For a number of years the United States was in control of the Dominican Republic. American military forces occupied that country and subjected the people to a military rule. Within the past three years our military forces have been withdrawn.

In the Senate I have contended that the United States should withdraw its military forces from Haiti and permit the Haitian people to have a government of their own choosing. I have said that if any possible reason existed to justify the seizure by military forces of Haiti and her government in 1915, that reason has long since disappeared, and that to superimpose a military government upon Haiti, as we are now doing, is unjust to the Haitian people and in violation of the traditions of our country and of the principles upon which it is founded.

I have said that Borno was a mere creature of our military forces, and that he does not represent the Haitian people. I have insisted that Congress take action and provide by suitable legislation for an election at which the Haitian people might choose representatives to a constitutional convention; and that when such convention had drafted a constitution and the same had been approved by the people, and an election of officers held thereunder, our military forces should be withdrawn and the government of Haiti surrendered to the constituted authorities selected by the Haitian people themselves.

* * * * * * *

The time has come for the United States to withdraw from Haiti, and when Congress meets in December I shall offer a measure providing that the Haitians be permitted to adopt a constitution and set up their own government and that our military forces be withdrawn.

Mr. KING. I ask for a vote on the amendment. I discussed the question very fully yesterday.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. HEFLIN. I offer an amendment to be added at the end of the bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following:

Provided, That no part of the appropriation herein provided shall be used to fly any pennant or banner on the same staff or hoist above the United States flag on any battleship or other vessel in the United States Navy.

Mr. HALE. Mr. President, I hope the Senator will not insist upon bringing this amendment up. It is a matter that will unquestionably cause debate. Already the matter has been presented to the Senate, I think, by a resolution on the subject which has been submitted by the Senator from Kentucky [Mr. SACKETT].

Mr. HEFLIN. I am willing to submit it without debate.

Mr. ASHURST. Mr. President, I have a letter from Captain Dickins, who is at the head of the Chaplain Corps of the United States Navy. I ask that his letter may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk proceeded to read the letter and was interrupted by——

Mr. HALE. I make the point of order that the amendment of the Senator from Alabama is legislation on an appropriation bill.

The VICE PRESIDENT. Unanimous consent has been given to read the letter submitted by the Senator from Arizona [Mr. ASHURST] relative to the amendment offered by the Senator from Alabama.

Mr. BRUCE. Mr. President——

Mr. HEFLIN. The Senator from Arizona has a right to have the letter read in his time if he wants that done.

The VICE PRESIDENT. The clerk will read.

Mr. ASHURST. Mr. President, so many Senators have requested information as to the authorship of this letter that I should say that the author thereof is Captain Dickins, captain of the Chaplain Corps, United States Navy. I ask that the letter be now read.

The Chief Clerk read as follows:

FEBRUARY 18, 1929.

MY DEAR SENATOR: In response to your specific inquiry, asking for as definite information as possible relative to the church pennant in use in the United States Navy, I am herein giving you all the information extant I have been able to secure after two years of research:

The United States Navy church pennant, the meaning of which, and origin and its use, which seems to have been the subject of so much discussion for and against, is a white triangular field, charged with a blue Latin cross (this is not a Roman cross). Its length is three times that of its perpendicular height. The blue cross in length is one-third the length of the pennant, and the total width of the cross one-half of its length. The ordinary pennant is 6 feet in length and 2 feet in width; therefore the blue cross would be 2 feet in length and 1 foot in width.

According to the Navy Code and Signal Book, this pennant "is to be hoisted at the peak or flagstaff at the time of commencing and kept hoisted during the continuance of divine service on board vessels of the Navy." This cross is not, nor has it ever been, the distinct copyrighted property of any denomination, but has been used for many centuries by the great Christian family throughout the world. The oriental or Greek cross used by the Eastern Orthodox Church differs from the Latin cross, in that the arms and staff are of equal length, and is known to us in America in this form as the Red Cross, which, of course, was copied from the cross used by Switzerland.

After careful research I am of the opinion that the church pennant used in the United States Navy was copied somewhat from the church flag in the British Navy. The British church pennant in use to-day differs from the American church pennant in the following particulars: It is triangular in shape, similar to ours. In the first third of the pennant is placed the cross of St. George and the other two-thirds of the pennant is broken up into three horizontal bars of red, white, and blue. During divine service on board a British man-of-war this church pennant is run up alongside the Union Jack at the stern of the ship or is flown from the peak, in practice somewhat similar to our own, with the exception that the Union Jack of the British Navy is not lowered.

The tradition regarding the use of the church pennant carries us back to the organization of the Navy. I have been unable to discover any instructions, regulations, or references relative to the church pennant prior to 1836. In 1836 the church pennant is mentioned as one of the articles in making up a ship's allowance list, and this is again mentioned in 1844. From that time on there is practically no reference to the church pennant up till 1868, when in the Code and Signal Manual of the Navy it definitely states what evidently had been the practice of the Navy for many years prior to that, i. e., that "the church pennant shall be flown above the national ensign during divine service."

One of the earliest definite references in regard to the display of the church pennant is that found in an order issued by Admiral Farragut, as follows:

U. S. FLAGSHIP "HARTFORD,"
Off the City of New Orleans,
April 26, 1862.

Eleven o'clock this morning is the hour appointed for all officers and crews of the fleet to return thanks to Almighty God for His great goodness and mercy in permitting us to pass through the events of the last two days with so little loss of life and blood.

At that hour the church pennant will be hoisted on every vessel of the fleet, and their crews assembled will, in humiliation and prayer, make their final acknowledgment therefor to the Great Dispenser of all human events.

D. G. FARRAGUT,
Flag Officer, Western Gulf Blockading Squadron.

This certainly establishes the use of the church pennant without any question back to that date; but the fact that the pennant was a part of the ship's allowance of every vessel in the fleet and that its use was so commonly known indicates that the custom is not a new one. In a French book of flags published in 1850 we find among the cuts of flags of the United States the church pennant, exactly as we have it to-day.

Desirable as it might be, were we to attempt to trace the origin of the many customs which color our life of to-day, that attempt would end in mystery. So general have they been—even though far-reaching in their effect—no one has thought it necessary in the past to carefully set down the reason or origin of these customs. So it is with the use of the church pennant in the Navy. In the pioneer days of our Navy, much as we probably disliked and distrusted our mother country, we did incorporate many of her naval customs in our naval service, too numerous to mention in this communication, but one of them undoubtedly was the use of the church pennant, and its use has been so much a matter of common knowledge as not to need statement of origin.

Before 1836, when we find the first mention of the church pennant, I doubt if there were many regulations of any kind in the service; consequently it should not be considered strange that explicit instructions have not been written in our naval logs relative to the church pennant and its use, for the same point might be raised regarding other happenings or customs in the Navy. It should be considered sufficient to establish the fact that the use of the church pennant in the Navy is of very early origin in our service, due to the fact that it was well known as far back as 1836, and again was spoken of by Admiral Farragut, showing its position of importance in connection with divine service in the Navy.

When a United States naval vessel is at sea in company with other vessels of the fleet or at anchor in port on Sunday morning, church call is usually sounded at 10 o'clock, and immediately the Stars and Stripes are lowered just sufficiently to permit the church pennant to be run to the peak over it, and there it remains until the completion of divine service, when it is run down and the Stars and Stripes are again run to the peak of the flagstaff as before. This is the only service in connection with which the church pennant is hoisted. When a funeral occurs on board, the church pennant is not used. The Stars and Stripes are half-masted and remain so during the service and until the body has left the ship or has been buried at sea, when the colors are then run to the peak. If a United States vessel is operating alone at sea and not in sight of other vessels, neither the United States colors nor the church pennant is hoisted. The service is simply carried on without these outward evidences.

To quiet the misunderstandings and misconstructions being placed upon the church pennant by overzealous, though perhaps seriously minded members of Protestant Christianity, it may be interesting to note that this pennant had long been in use in the United States Navy by Protestant chaplains prior to the appointment of the first Roman Catholic chaplain in 1888. This chaplain was the Rev. Charles H. Parks. He was the first Roman Catholic chaplain to be appointed in the United States Navy, and it is my belief that for over 80 years prior to this appointment our treasured church pennant had been in use in the Navy. It may also be interesting to note in connection with this that the first chaplain regularly commissioned in the United States Navy was the Rev. William Balch, a Congregationalist. He received his commission, No. 1, in the Chaplains Corps in 1779; and I have no doubt the church pennant was flung to the breeze during the time of his holding divine service.

As Chief of Chaplains, attached to the Bureau of Navigation, Navy Department, Washington, D. C., a clergyman of the Episcopal Church who has seen service in the Navy for over 30 years, I feel a deep sense of gratitude to the gentlemen of the Senate, who, during this past week, definitely indicated their stand in regard to the perpetuity of this simple Christian acknowledgment—the display of the church pennant—of our dependence upon Almighty God through his Son, Jesus Christ. To-day its use may be somewhat governed by old naval custom, but it is my earnest hope that the day be not far distant when, if it be thought necessary to allay all feeling of misunderstanding, definite action shall be taken by the Congress to perpetually provide for the use of this simple acknowledgment of our dependence upon the great Architect of the Universe in both branches of our military service and to assure our millions of Christian people that this cross-emblazoned flag is not the flag of any foreign potentate or any creed or race but simply an evidence that we all are believers in and followers of the Man of Galilee.

Long may it wave and point us to the way of a better and holier living in His name!

Sincerely yours,

C. H. DICKINS,
Captain, Chaplain Corps, United States Navy.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

Mr. HEFLIN. Mr. President, my amendment reads:

Provided, That no part of the appropriations herein provided shall be used to fly any pennant or banner on the same staff or hoist above the United States flag on any battleship or other vessel in the United States Navy.

I have received perhaps 2,000 letters indorsing my position on this question. Other Senators have received quite a number themselves.

Mr. HALE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HALE. I made a point of order on the amendment. That being the case, until the point of order is decided upon——

The VICE PRESIDENT. The point of order is not well taken. The amendment of the Senator is simply a limitation.

Mr. HALE. May I be heard upon that, Mr. President?

Mr. HEFLIN. Mr. President, I suggest to the Senator that he will save time by letting me go on with the amendment, because I want another record vote on the question involved and we may have still another one later on. We may have several before this flag issue is settled, for no question is ever settled until it is settled right. The people in the States from which we come are entitled to see just how we stand on this question.

Mr. President, some Senators, I take it, have called on one of our oldest chaplains—a very old man—and have gotten him to write a letter up here thanking certain Senators who voted to continue the present practice of flying this cross above the United States flag. Senators, that practice is going to be changed. This Senate may not change it, but it will be changed by the United States Senate before this time in 1932. The American people have made up their minds on that question. The American Legion demands this change. I showed you the other day that they had indorsed it. The National Flag Conference, held in Washington, has approved the change to fly the pennant at another place.

We are not seeking to do away with the practice of flying the pennant at religious service on the ships. We are seeking to let the American flag fly, as it has a right to fly, on its own staff, in all its majesty and glory, as the emblem of our national sovereignty. Then fly the pennant at another place. Who can object to that? What does the chaplain say they fly the pennant for? What do others say it is for? To give notice to a passing ship that religious service is being conducted on that ship.

Senators, you are too discerning, I think, to be misled or deceived any longer as to who it is that is insisting on continuing the practice of flying the cross above our flag. Why is it that a certain group is fighting so persistently to prevent the change suggested by the American Legion and other patriotic orders? Why is it that the Roman Catholics here do not want this custom changed? I assert that there is not another government on the earth that flies its church pennant above its national standard. Challenge that statement, any of you. I assert that Great Britain, the mother country, never furnished us such a custom. Great Britain to-day, in flying her religious pennant, flies it, not above the Union Jack, but alongside of it, or below it; and the chaplain himself admits that when it is flown at the peak, it is at the stern of the ship. Why should our flag be pulled down when you want to give notice to a passing ship that you are holding religious service?

Senators, the national flag code, indorsed by the American Legion and by 126 patriotic societies of America, real Americans, indorse the proposition contained in my flag amendment. I want the RECORD to show that it was said here before this vote is taken. In that flag code you will find this provision: "No pennant or banner should fly above the United States flag." That is in the United States flag code, and a resolution was introduced in the House the other day to adopt that code with that provision in it.

Another statement is made by the chaplain in his letter to the junior Senator from Missouri [Mr. HAWES]; that Senator is the one who first had printed in the RECORD a letter on this subject, the same letter that has been read to-day. In that letter the chaplain told the Senator from Missouri, and Senators heard it read here, that frequently when a ship is operating by itself, it does not fly the pennant. It has religious service without hoisting the pennant at all. Then, I ask, what good excuse can be given for pulling our flag down when the chaplain does decide to fly the pennant when another ship comes in sight, a foreign ship, from Italy, or Spain, or some other country? Why pull our flag down from its seat of sovereignty, in order to fly a Roman cross, a cross at least, admittedly a Latin cross, which never has been adopted, as the chaplain has said, by the church people of America as a religious pennant. It has not become the church pennant of America. No church pennant has ever been agreed upon by the religious denominations of the United States. The chaplain admits that. Now, we are asked to pull our flag

over

down to fly a pennant, a Latin cross if you please, that has never been adopted as the church pennant of America.

Senators, when Admiral Farragut ordered the church pennant displayed, he did not say, "Hoist it above the Stars and Stripes." I challenge anyone to show that in his order. He said, "Hoist it," when religious services were held. That is all right. I am not objecting to that. I am willing and the millions I speak for are willing to fly a church pennant during religious services on American battleships, but we want it flown on a staff all its own, where it will not be necessary to lower the United States flag.

A retired naval officer suggested to me, "Why, Senator, if you have to pull the flag down when you have a religious service on board ship, take your flag down off the Senate every morning when your chaplain prays. You let the flag up there continue to fly to the breeze." He says that there is no good excuse for pulling our flag down in order to display a pennant. He insists that the pennant should be flown somewhere else on the ship.

I have shown you some of these things before, and I am going to show them to you again from time to time, because I am fighting a battle here that may take some time to finish. I have just begun to fight. This right of our American flag to fly alone is going to be recognized, and you are going to be asked why you did not vote to recognize that right and fly that pennant at another place on the ship. You will be asked why you did not vote to sustain the position of the American Legion, the National Flag Conference, the national flag code committee, and the Secretary of the Navy, who expressed his willingness to fly the pennant at another place on our ships. I do not apologize or beg leave of any Senator for demanding proper respect and recognition for the American flag. Senators, this is a simple thing that I am asking you to do for our flag.

There is no denying the fact that there is an outside and insidious influence at work here to prevent the passage of a measure to cease flying the cross above the American flag. Senators, that is the best beloved flag in all the world. It represents all that we hold dear. Let us here declare that hereafter that flag shall fly on its own staff, in its own right, with no other flag or pennant above it.

Mr. President, I am surprised at the stand a good many Senators have taken upon this question. I have received letters from their States expressing dissatisfaction and disappointment at the failure of their Senators to vote to permit the American flag to fly first and uppermost on its own staff. I trust that these will now give their support to my amendment.

The VICE PRESIDENT. The Senator's time on the amendment has expired. He has 10 minutes on the bill.

Mr. HEFLIN. I am willing for a vote to be had.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is necessarily absent from the city attending the funeral of a relative. I transfer that pair to the junior Senator from New Mexico [Mr. LARRAZOLO] and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is absent, but I am authorized to vote on this question. I vote "nay."

Mr. BRATTON (when Mr. LARRAZOLO's name was called). I previously announced the necessary absence of my colleague [Mr. LARRAZOLO] on account of illness. If he were present and voting, he would vote "nay" on this question.

Mr. MCKELLAR (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. PHIPPS (when his name was called). On this vote I have a pair with the junior Senator from Georgia [Mr. GEORGE], which I transfer to the junior Senator from New Hampshire [Mr. KEYES] and vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the junior Senator from New Hampshire [Mr. KEYES] is absent on account of illness. If present and permitted to vote, he would vote "nay."

I also wish to announce the absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] on account of illness.

Mr. GERRY. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. If present, he would vote "nay."

Mr. TRAMMELL. I desire to announce that my colleague [Mr. FLETCHER] is unavoidably detained from the Senate.

Mr. WAGNER. I wish to announce that my colleague [Mr. COPELAND] is necessarily absent from the city. If present, he would vote "nay."

Mr. HARRISON. I desire to announce that my colleague [Mr. STEPHENS] is necessarily absent on official business. He has a general pair for the day with the senior Senator from Massachusetts [Mr. GILLETT].

The result was announced—yeas 7, nays 70, as follows:

YEAS—7

Black	Harris	Mayfield	Trammell
Brookhart	Heflin	Sheppard	

NAYS—70

Ashurst	Edge	McMaster	Smith
Barkley	Fess	McNary	Smoot
Bayard	Frazier	Metcalf	Steck
Bingham	Gerry	Moses	Steiwer
Blaine	Glass	Norbeck	Swanson
Blease	Glenn	Norris	Thomas, Idaho
Borah	Goff	Nye	Tydings
Bratton	Gould	Oddie	Tyson
Broussard	Greene	Overman	Vandenberg
Bruce	Hale	Phipps	Wagner
Burton	Harrison	Pittman	Walsh, Mass.
Capper	Hastings	Ransdell	Walsh, Mont.
Caraway	Hawes	Reed, Mo.	Warren
Couzens	Hayden	Reed, Pa.	Waterman
Curtis	Johnson	Sackett	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Shortridge	
Dill	King	Simmons	

NOT VOTING—18

Copeland	Howell	McLean	Shipstead
Edwards	Keyes	Neely	Stephens
Fletcher	La Follette	Pine	Thomas, Okla.
George	Larrazolo	Robinson, Ark.	
Gillett	McKellar	Robinson, Ind.	

So Mr. HEFLIN's amendment was rejected.

Mr. TYDINGS. Mr. President, I hold in my hand an authentic drawing of the seven different kinds of crosses, Latin, Patriarchal, Papal, Greek, Maltese, St. Andrews, and Pattee, and also a small cut of the church flag. In order that the RECORD may reflect the real fact and inasmuch as all the drawings are simple and can be easily reproduced, I ask unanimous consent to have these seven crosses printed in the RECORD immediately following my remarks.

Mr. SMOOT. Mr. President, I have no objection to having that done, but under the rule I do not know whether it could be done. Under the joint rule of the Senate and the House, I am very doubtful whether it can be done.

Mr. MOSES. Mr. President, it may be done by order of the Joint Committee on Printing.

Mr. SMOOT. Then let it go to that committee. I think the rule would require that.

Mr. MOSES. In behalf of the chairman of the Joint Committee on Printing, I may say that it will receive prompt attention.

Mr. SMOOT. I have no objection to having it printed in the RECORD, only I want Senators to know what the rule is.

Mr. HEFLIN. Mr. President. I have no objection if I am given consent by the Senate to print in the same RECORD the flag code of the United States—it is not long—with cuts or pictures of the flag in different positions as it appears in the flag code. I have no objection if that arrangement is agreed to, so that all of this information may appear together in the same RECORD.

Mr. MOSES. Both requests should go to the Joint Committee on Printing.

Mr. HEFLIN. Oh, no.

Mr. MOSES. They have to go to that committee anyway under the rule.

Mr. TYDINGS. Mr. President, I renew my request and ask unanimous consent that the crosses referred to be printed immediately following my remarks.

Mr. HEFLIN. Mr. President, unless Senators will give unanimous consent to print the cuts of the American flag and the American Flag Code indorsed by the American Legion, the National Flag Conference, the Flag Code Commission, and 126 patriotic societies, I will object. If I can get consent to print this American Flag Code, as I have suggested, I am willing for the Senator from Maryland to print in the RECORD the crosses he has mentioned.

Mr. MOSES. Mr. President, under the rule the request has to go to the Joint Committee on Printing, anyway. The Senator from Maryland [Mr. TYDINGS] can withhold his remarks for revision until the committee can pass upon both requests. Therefore I ask that they be referred to the Joint Committee on Printing.

Mr. HEFLIN. I object to consent being given to print that list of colors and crosses unless my request is granted.

The VICE PRESIDENT. Objection is made.

Mr. HEFLIN. Mr. President, I send to the clerk's desk and ask to have read in my time a short newspaper article from Canada, together with the writing on the side of the sheet.

Mr. REED of Pennsylvania. Mr. President, who has the floor?

The VICE PRESIDENT. The Senator from Alabama has the floor. Without objection, the clerk will read, as requested.

The Chief Clerk read the newspaper article, as follows:

ROMAN CATHOLICS IN OTTAWA WARNED—CONTINUED PUBLIC SCHOOLS SUPPORT WILL MEAN REFUSAL OF SACRAMENTS

OTTAWA, February 18 (C. P.).—Archbishop Forbes, in a pastoral letter read in all Roman Catholic churches in the Ottawa diocese, announced the refusal of the sacraments to all Roman Catholics who continue to pay school taxes in favor of public schools. The announcement affects 1,346 Roman Catholics assessed as public-school supporters in the capital.

The lengthy pastoral letter reviews the obligation of Catholics to support their own schools. The paragraph which refers in particular to Ottawa diocese reads:

"It can not be permitted under any pretext whatsoever, or under any consideration, that Catholics of this diocese pay their school taxes in favor of public schools in preference to the separate schools, where separate schools exist. To act counter to this discipline renders one unworthy of absolution. It is very painful to witness the large number of Catholics who act thus. We conjure them to return to their duty, whatsoever be the material loss they might sustain. Their action is not only in disobedience to the church of whose laws they can not be ignorant; it is direct cooperation in teaching opposed to the faith; and it is an injustice they commit with regard to their fellow Catholics, whose burden they increase."

Mr. HEFLIN. In longhand writing, on the sheet on which the newspaper article was pasted, appeared the following:

In due course we shall deal with your American public-school system in like manner.

Mr. President, that is a direct Roman Catholic attack upon the public-school system of Canada. Catholics are denied the sacrament if they patronize the public school and pay taxes levied upon them by the government for the support of public schools. The Roman church authority in Canada has defied civil authority and demanded that the citizen of Catholic faith shall refuse to obey the mandates of the Canadian Government. That bold and drastic order was announced by a Roman Catholic archbishop named Forbes. He demands of Catholics that they must refrain from patronizing public schools and that they must refuse to pay taxes along with other citizens levied by the Canadian Government for the support of the public-school system. That clipping was sent to me by some one. I do not know who sent it, but he wrote on the side:

This is what we are going to do for your public-school system in America in due time.

Mr. REED of Missouri. Who wrote it, may I ask the Senator?

Mr. HEFLIN. I do not know who wrote it. I think some Catholic wrote it.

Mr. REED of Missouri. Oh, pshaw!

Mr. HEFLIN. It sounds like some other communications that I have had from Catholics. The Bible speaks about "people" that perish because of lack of knowledge. Italy is a fine example. The Italian people did not know what Mussolini's mission was when he was secretly placed in power by the Pope's lieutenants. They did not know that when he was killing off Protestant leaders and destroying Freemasonry in Italy that he was preparing to deliver the Italian Government and its liberty-loving people into the hands of the Roman Catholic Pope. They did not know that the landmarks of liberty planted deep in the soil of Italy by that great Italian patriot, Garibaldi, were so soon to be removed. Italian leaders have been murdered and Italian liberty is now bound in chains. Secret underground work of the most dangerous and despicable character has brought about Italy's undoing and downfall. The same thing is happening right here. Catholic textbooks taught in parochial schools right here in the United States contain the un-American and deadly doctrine of "union of church and state." I brought that to the attention of the Senate once before, but none of you have condemned it.

I have an amendment here now to the bill in the Senate to furnish free schoolbooks in the District of Columbia, and my amendment provides that it shall apply to public-school children only. I wonder how some Senators will vote on that?

I have another amendment to the same bill, and I shall delight in giving all Senators an opportunity to go on record on that. That amendment provides that no schoolbook that contains language contrary to the position of the United States on the "separation of church and State" shall be taught in any school in the District of Columbia. Let us see how Senators will vote on that. Mr. President, I and other Americans have pointed out time and again things that are being done in the United States to the free institutions of the Government of the United States by the un-American activities of certain Roman Catholics. These things were winked at and went on unchecked in Italy until the crash came and the Government of Italy fell.

I saw Senators vote the second time just a little while ago to compel the pulling down of the United States flag on our battle ships that this cross shall fly above it. Senators, I do not know what it is going to take to wake you up to a full realization and keen appreciation of the dangers that are stalking all around us. Italy—poor, unfortunate Italy—slept and awoke in Roman Catholic chains. Wake up, America; your danger is from within. The Senator from Virginia [Mr. SWANSON] and the Senator from Maine [Mr. HALE] both voted against my flag amendment. Were they in good faith when they voted for a like provision on the cruiser bill, or have they changed?

Mr. SWANSON. Mr. President, does the Senator want to know how I feel about it?

Mr. HEFLIN. Yes.

Mr. SWANSON. If the Senator's proposal is brought up in regular form as a resolution, I am willing to vote that the United States flag shall not be superseded, but I am not willing to vote to put that sort of an amendment on every appropriation bill that may possibly come here.

Mr. HEFLIN. It has not been put on a single one of them yet.

Mr. SWANSON. No; it has not, and I am not going to vote to put it on any appropriation bill.

Mr. HEFLIN. Well, I am glad to hear the Senator say he will vote for it as a separate measure. I have such a measure pending before the Committee on Naval Affairs now. I am going to tell the Senator about it. He is on that committee and the Senator from Maine [Mr. HALE] is chairman of that committee. I am expecting that measure to be reported out. The American people are with me in this matter and some of you Senators are going to find that out. In due time we are going to vote on that measure in this body. Every time this flag question is discussed and every time a vote is had upon it, it helps the people back home in the States to get a better understanding of the situation here. I trust that they may be aroused and become interested enough to ask why Catholic influence can keep that cross flying over the United States flag.

Who is it that is fighting a change in this ridiculous and objectionable system of flying this cross above the Stars and Stripes? Any Protestant? No. Any Jew? No. Any Protestant Italians? No. Who is it? Is it the same group that secretly had the picture of the Catholic rosary printed upon our dollar bill in 1917? [Laughter.] Yes; and some Senators did not know it was on there until I exhibited it to them here in the Senate. There it was as plain as the nose on a man's face.

It was a clever piece of work to slip that Catholic design in and have it printed on the currency of the country, and we Senators did not know it until it was shown to us. Now they have put the Roman cross, or the Latin cross, above our flag, and we have found that out and they do not want us to take it down. They are boasting that they are going to capture America, and when foreign vessels passing our vessels upon the high seas on Sunday see the cross flying above our flag they think that it is only a question of time when the Catholics will control America. So the Catholics do not want the cross disturbed. One of their Senators here the other day referred to "God's authority on earth," and some of you did not know what he was talking about. He was evidently talking about the Pope. They think he is God's authority on earth. I do not accept that doctrine. I am willing for every church to worship as it chooses, but I am against the pernicious and dangerous political activities of the Roman Catholic hierarchy, and that question has got to be met squarely by the people of the United States. Let us lay the facts before the people of the country. Let the people know the truth. Will you, who voted to continue a custom that certain Catholics want continued, tell the people back home why you will not vote to change it for those Americans who want it changed?

Mr. BINGHAM. Mr. President, I rise merely to call the attention of the Senator from Alabama to one fact which he has overlooked. Every day when we have adjourned on the previous day the Chaplain of the Senate comes into the Chamber; and the Vice President, representing the power of the people and the flag of the United States, steps down on a lower step and permits the Chaplain to occupy the place on the higher step and offer prayer. Thus far the Senator from Alabama has offered no objection, and I am very much surprised that he has not, though I presume in the near future he will do so.

Mr. HEFLIN. Mr. President, the Senator from Connecticut has said——

The PRESIDENT pro tempore. The Senator from Alabama can not be recognized. He has already spoken on the bill.

Mr. HEFLIN. Well, Mr. President, I suggest the absence of a quorum. I can do that. [Laughter.]

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	Mayfield	Smoot
Barkley	Gerry	Metcalf	Steck
Bayard	Glass	Moses	Steiwer
Bingham	Glenn	Neely	Stephens
Black	Goff	Norbeck	Swanson
Blaine	Gould	Norris	Thomas, Idaho
Blease	Greene	Nye	Thomas, Okla.
Borah	Hale	Oddie	Trammell
Bratton	Harris	Overman	Tydings
Brookhart	Harrison	Phipps	Tyson
Broussard	Hastings	Pittman	Vandenberg
Bruce	Hawes	Ransdell	Wagner
Burton	Hayden	Reed, Mo.	Walsh, Mass.
Capper	Heflin	Reed, Pa.	Walsh, Mont.
Caraway	Johnson	Robinson, Ind.	Warren
Couzens	Jones	Sackett	Waterman
Curtis	Kendrick	Schall	Watson
Dale	King	Sheppard	Wheeler
Deneen	McKellar	Shortridge	
Edge	McMaster	Simmons	
Fess	McNary	Smith	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed——

Mr. HEFLIN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Alabama will be stated for the information of the Senate.

The CHIEF CLERK. On page 31, at the end of line 26, it is proposed to strike out the figures "$500" and insert in lieu thereof "$600."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. HEFLIN. Mr. President, I offered that amendment for the purpose of affording me an opportunity to reply to the very brilliant remarks of the Senator from Connecticut [Mr. BINGHAM] about the Vice President stepping aside to permit the Chaplain to step up to his desk where he sits or stands and offer prayer. That is all right. The fact is, however, that there is scarcely room enough up there for two good and stalwart Americans like the Vice President and our splendid Chaplain. Hereafter when the Chaplain steps up there to offer prayer, according to the way the Senator from Connecticut speaks and votes on this question, the United States flag which is still above the Chaplain when he prays in the Senate should be pulled down.

Is it the desire of some Senators to pull our flag down when religious services are being held? Have we a conflict here already between the American flag and the Roman flag, and have we an alien government within the American Government?

These are questions that should concern us. Will the time ever come when Protestant and Jewish churches all over the country will have to take down the United States flag and fly the Roman cross when they hold religious services? Will our public schools have to remove the Stars and Stripes in order to put up the banner of a Catholic parochial school?

I can not give my consent to have the American flag pulled down from its place of national sovereignty every time on Sunday somebody wants to give notice to a passing ship that religious service is being held.

O Mr. President, Judge Rice, of my State, a very able and distinguished man, once said, "When you play with the deep feeling of State or national sentiment you are playing with fire." There is, thank God, a nation-wide sentiment of profound respect and deep devotion for that flag. Most Americans love it and would be willing to die for it. We can not show it too much respect. We can not exalt it above its deserts. Is it not entitled to fly undisturbed at the top of its own staff? The South, the land of Lee, calls on the North, the land of Grant, to unite in settling this question for all time—that no flag or emblem shall require Old Glory to be pulled down to give it room above it.

This smart Roman trick that has been put over us in our Navy, which puts this cross above our flag, makes us the only country in all the world where the flag of national sovereignty is lowered to put a pennant or banner above it. I deny that the custom of flying a pennant or banner above our flag came from the mother country. Great Britain does not fly a pennant above her flag, and Great Britain does not lower the Union Jack to fly a pennant above it. The pennant is flown alongside of it or below it. If England ever did fly a cross above her flag it was before she broke away from Catholic rule and before she became a Protestant country. We now are the only country that lowers the flag on a ship to put a banner or a pennant above it, to give notice to passing ships that religious services are being held thereon.

Senators, again I express my deep regret and grave concern about the vote just recorded in the Senate against the rights of our American flag.

The opposition to the United States flag's right to be first and uppermost on its own staff on American battleships can not longer be disguised.

Why did you Senators vote to-day against giving to our national flag the recognition it deserves and is entitled to? Of what political influence is it that they are afraid? I want the people back home in the States of those who voted that way to ask them, "Are you afraid of the Catholic influence and the Catholic vote? We know they will punish you if you do not do their bidding at Washington, but we Protestants and Jews and others are getting tired of your political fear of and truckling to Roman Catholics who are seeking to control America, we want you to stand for what is right. If the Catholic suggests something that is good for America vote for it, but if he is wrong dare to say so. But above all things be a statesman, and a true American, and do not permit anybody to make you prove recreant in your respect, devotion, and unyielding obligation and loyalty to the red, white, and blue—the American flag."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments adopted as in Committee of the Whole. With the exception of the amendment on which a separate vote was reserved by the Senator from Maine [Mr. HALE], without objection, the amendments will be concurred in. The question now recurs on concurring in the amendment adopted as in Committee of the Whole, upon which a separate vote was reserved by the Senator from Maine.

Mr. HALE. That is the amendment relative to the marines in Nicaragua.

Mr. HEFLIN. What is that amendment about?

The PRESIDENT pro tempore. It is the amendment proposed by the Senator from Washington [Mr. DILL].

Mr. KING. I suggest the absence of a quorum, so that all Senators may be here.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Simmons
Barkley	Frazier	Mayfield	Smith
Bayard	Gerry	Metcalf	Smoot
Bingham	Glass	Moses	Steck
Black	Glenn	Neely	Steiwer
Blaine	Goff	Norbeck	Stephens
Blease	Gould	Norris	Swanson
Borah	Greene	Nye	Thomas, Idaho
Bratton	Hale	Oddie	Thomas, Okla.
Brookhart	Harris	Overman	Trammell
Broussard	Harrison	Phipps	Tydings
Bruce	Hastings	Pittman	Tyson
Burton	Hawes	Ransdell	Vandenberg
Capper	Hayden	Reed, Mo.	Wagner
Caraway	Heflin	Reed, Pa.	Walsh, Mass.
Couzens	Johnson	Robinson, Ark.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Dale	Kendrick	Sackett	Waterman
Deneen	King	Schall	Watson
Dill	McKellar	Sheppard	Wheeler
Edge	McMaster	Shortridge	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. HALE obtained the floor.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Washington?

Mr. HALE. If the Senator will allow me, I merely wish to state that I have asked for a separate vote on this amendment, and I ask for the yeas and nays when the vote comes.

Mr. JONES. Mr. President, on yesterday afternoon, when this amendment was before the Senate, I voted for it. I should like to see the marines out of Nicaragua just as soon as is possible, consistent with the policies of the country and with what seems to be the wise thing to be done down there. I thought about this question, however, considerably during the evening, and I feel satisfied that we can depend upon the President of the United States—either the present President or the President who is to be inaugurated within a few days—to do the wise thing, the proper thing, and the patriotic thing. I do not

have personal knowledge with reference to the conditions in Nicaragua. So, Mr. President, I propose to change my vote if there is a roll call on this amendment and vote against its adoption.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. REED of Pennsylvania, Mr. BINGHAM, Mr. BRATTON, and other Senators called for the yeas and nays, and they were ordered.

Mr. HARRISON. Mr. President, I should like to get some light on this proposition. I do not see the chairman of the Committee on Foreign Relations [Mr. BORAH] here. He voted to bring out the marines. The distinguished senior Senator from Virginia [Mr. SWANSON], the ranking member of the minority on the Foreign Relations Committee, voted to bring out the marines. I do not now recall how the distinguished chairman of the Naval Affairs Committee [Mr. HALE] voted on that proposition.

Mr. HALE. I can very quickly tell the Senator. I voted "nay."

Mr. HARRISON. The Senator has voted "nay" so much that that may be just a habit.

Mr. HALE. Not on this bill, Mr. President.

Mr. HARRISON. But I am wondering if the State Department has raised any objection to this proposition. Of course, if no one on the other side can give us that information, we can not have it. It may be that the Senator from Washington, who now changes his vote, has been caused to change his mind by word coming through some grapevine route that goes up to the residence of the President elect.

Mr. JONES. No, Mr. President; I have not seen the President elect since he came back from the South.

Mr. HARRISON. Then this is no direction to anyone to change his vote?

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. ASHURST. Mr. President, I simply desire to know how the question arises.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, proposed by the Senator from Washington [Mr. DILL]. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN]. Not knowing how he would vote, I should be disposed to withhold my vote; but I transfer the pair to the Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. PHIPPS (when his name was called). On this question I have a pair with the junior Senator from Georgia [Mr. GEORGE], which I transfer to the junior Senator from New Hampshire [Mr. KEYES], and will vote. I vote "nay."

The roll call was concluded.

Mr. NYE. The senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent to-day. I understand that it is possible now to pair him. If present, he would vote "yea." He stands paired with the junior Senator from New Mexico [Mr. LARRAZOLO].

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, that he has a pair with the junior Senator from New Jersey [Mr. EDWARDS], who is also unavoidably absent, and that if my colleague were present and voting he would vote "yea."

Mr. HARRISON. My colleague [Mr. STEPHENS] is attending a hearing before a committee of the House of Representatives. He is paired with the senior Senator from Massachusetts [Mr. GILLETT]. If my colleague were present and voting, he would vote "yea."

The result was announced—yeas 32, nays 48, as follows:

YEAS—32

Barkley	Dill	McKellar	Robinson, Ark.
Black	Frazier	McMaster	Sheppard
Blaine	Gerry	Mayfield	Simmons
Borah	Glass	Neely	Swanson
Bratton	Harris	Norris	Trammell
Brookhart	Harrison	Nye	Walsh, Mass.
Capper	Heflin	Overman	Walsh, Mont.
Caraway	King	Pittman	Wheeler.

NAYS—48

Ashurst	Fess	Metcalf	Smith
Bayard	Glenn	Moses	Smoot
Bingham	Goff	Norbeck	Steck
Blease	Gould	Oddie	Steiwer
Broussard	Greene	Phipps	Thomas, Idaho
Bruce	Hale	Ransdell	Tydings
Burton	Hastings	Reed, Mo.	Tyson
Couzens	Hawes	Reed, Pa.	Vandenberg
Curtis	Johnson	Robinson, Ind.	Wagner
Dale	Jones	Sackett	Warren
Deneen	Kendrick	Schall	Waterman
Edge	McNary	Shortridge	Watson

NOT VOTING—15

Copeland	Gillett	La Follette	Shipstead
Edwards	Hayden	Larrazolo	Stephens
Fletcher	Howell	McLean	Thomas, Okla.
George	Keyes	Pine	

So the amendment made as in Committee of the Whole was nonconcurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment. If no further amendment be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HALE. I ask that the clerks be authorized to correct the totals and any clerical errors.

The VICE PRESIDENT. Without objection, it is so ordered.

APPROPRIATIONS FOR THE WAR DEPARTMENT

The PRESIDENT pro tempore laid before the Senate the following action of the House of Representatives relative to certain amendments of the Senate to House bill 15712, the War Department appropriation bill:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
February 21, 1929.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 16, 28, 29, and 54 to the bill (H. R. 15712) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 41 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

"Two million one hundred forty-seven thousand two hundred and eighty-one dollars, and in addition thereto there is hereby made available for this purpose the sum of $224,750 of funds received during the fiscal year 1930 from the purchase by enlisted men of the Army of their discharges and the total sum made available in this act for the Organized Reserves shall remain available until December 31, 1930, and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps who shall be found by such agency as the Secretary of War may designate not qualified to perform combat service as an aviation pilot."

That the House recede from its disagreement to the amendment of the Senate No. 52 and concur therein with an amendment as follows:

In line 6 of the matter inserted by said amendment strike out "$25,000" and insert in lieu thereof the following: "$15,000."

That the House recede from its disagreement to the amendment of the Senate No. 55 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska $85,000, said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute two-thirds of the cost of said work."

That the House recede from its disagreement to the amendment of the Senate No. 56 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton in the State of South Dakota $85,000, said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute two-thirds of the cost of said work."

That the House recede from its disagreement to the amendment of the Senate No. 57 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That as a contribution in aid from the United States, in view of the unprecedented conditions obtaining in Conway levee district No. 1, Conway County, Ark., in the reconstruction of the levee along the left bank of the Arkansas River in the said Conway levee district No. 1, as provided under the terms of section 7 of the flood control act, approved May 15, 1928 (45 Stat. 537), authority is hereby granted to the Secretary of War, upon the recommendation and approval of the Chief of Engineers, to relocate all or any part of said levee when in the opinion of the Chief of Engineers such relocation shall be deemed practical and feasible: *Provided*, That the total expense occasioned to the United States by reason of the provisions of this paragraph shall not exceed $20,000."

That the House recede from its disagreement to the amendment of the Senate No. 58 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the Chief of Engineers of the United States Army, under the direction of the Secretary of War, is authorized and directed to make an examination and survey of the Conduit Road from the District of Columbia line to Great Falls, Md., of Cabin John Bridge, and of land contiguous to that part of such road and to such bridge, for the purpose of making recommendations for improving and widening that part of such road and such bridge, and, upon the completion of such examination and survey, to report to Congress the results thereof, together with estimates of the probable cost of carrying out such recommendations, and together also with recommendations as to the amount, if any, which justly should be advanced therefor by the Government of the United States. There is hereby appropriated the sum of $3,000 to carry out the provisions of this paragraph."

That the House recede from its disagreement to the amendment of the Senate No. 59 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"Upon the filing with the Comptroller General of the United States of evidence establishing to his satisfaction that John W. Stockett has been released by the other party thereto of all claims and demands whatsoever under a certain agreement dated April 11, 1927, and expressly released of the obligation as therein stipulated for the payment of 40 per cent of the amount involved for assistance and expenses in securing compensation from the United States, the sum of $50,000 is hereby appropriated for the payment as hereinafter specified in full settlement of all claims and demands whatsoever arising out of the use by the United States of the Stockett priming device and/or the Stockett breech mechanism on guns, and thereupon there shall be paid under this appropriation the sum of $45,000 to the said John W. Stockett, and the sum of $5,000 shall be paid to and retained by the other party to said agreement as compensation for his services: *Provided*, That if the evidence of release aforesaid is not filed with the Comptroller General of the United States upon his request within the time specified by him this appropriation shall lapse and revert back to the Treasury and be as if no appropriation had been made."

That the House recede from its disagreement to the amendment of the Senate No. 60 and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"For the relief of the following States as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Missouri, $258,418; Mississippi, $628,000; Louisiana, $967,582; Arkansas, $1,800,000; in all, $3,654,000; to be available immediately and to remain available until expended: *Provided*, That such portion of the sums hereby appropriated as will be available for future construction shall be expended by the State highway departments of the respective States with the approval of the Secretary of Agriculture for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That any sum hereby appropriated for any State shall become available when the State shall have actually expended or shall have made available for expenditure a like sum from State funds for the purposes contained herein: *Provided further*, That where any roads or bridges shall be or shall have been constructed of a more expensive type than those which were damaged or destroyed, the appropriation contained herein shall not be used to defray any part of the increase in cost occasioned thereby."

Mr. REED of Pennsylvania. I move that the Senate agree to the amendments of the House to Senate amendments Nos. 41, 52, 55, 56, 57, 58, 59, and 60 to the bill.

The motion was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On February 20, 1929:

S. J. Res. 110. Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes.

On February 21, 1929:

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley;

S. 2439. An act for the relief of Arthur Waldenmeyer;

S. 2821. An act for the relief of Capt. Will H. Gordon;

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; and

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes.

On February 23, 1929:

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads for the calendar year 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 23, 1929.*

(NOTE.—Report accompanied similar message to the House of Representatives.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 924) for the relief of Joe D. Donisi.

The message also announced that the House had disagreed to the amendments of the Senate to the amendments of the House to the bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. FURLOW, and Mr. McSWAIN were appointed managers on the part of the House at the conference.

PROPOSED NICARAGUAN CANAL

Mr. EDGE. I move that the Senate proceed to the consideration of Order of Business 785, Senate Joint Resolution 117, authorizing an investigation and survey for a Nicaraguan canal.

Mr. REED of Missouri. Mr. President, there is a matter of high privilege that I gave notice on yesterday I should call to the attention of the Senate to-day.

Mr. EDGE. Will the Senator permit a vote to be taken on my motion, so that I can lay the joint resolution temporarily aside for his matter of high privilege?

Mr. REED of Missouri. Very well, if that is the understanding.

Mr. DILL. Mr. President, I think if we are going to take up the other matter it should be taken up at this time, rather than take up the Nicaraguan measure and then lay it aside.

Mr. EDGE. Mr. President, there is not any business before the Senate.

Mr. DILL. There will be.

Mr. EDGE. The motion is in order. I should like to have the question put, and then of course I will lay the joint resolution aside for the matter of high privilege in which the Senator from Missouri is interested.

Mr. DILL. That requires unanimous consent.

Mr. EDGE. It does not require unanimous consent for a privileged matter. It comes up anyhow.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. REED of Missouri. Mr. President——

Mr. EDGE. I gladly temporarily lay aside the unfinished business for the purpose indicated by the Senator from Missouri.

The VICE PRESIDENT. The unfinished business will be suspended for a question of privilege.

SENATOR FROM PENNSYLVANIA

Mr. REED of Missouri. Mr. President, I should like very much to arrest the attention of Senators for a few minutes. In view of the fact that so many Senators left the Chamber immediately after the vote on the naval appropriation bill, without notice that this matter was coming up at this time, I think it is only fair to them to raise the question of lack of a quorum, so that we may have a full attendance.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McMaster	Shortridge
Barkley	Fess	McNary	Simmons
Bayard	Frazier	Mayfield	Smith
Bingham	Gerry	Moses	Smoot
Black	Glass	Neely	Steck
Blaine	Glenn	Norbeck	Steiwer
Blease	Goff	Norris	Stephens
Borah	Gould	Nye	Thomas, Idaho
Bratton	Hale	Oddie	Trammell
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Phipps	Tyson
Bruce	Hastings	Pine	Vandenberg
Burton	Hawes	Pittman	Wagner
Capper	Hayden	Ransdell	Walsh, Mass.
Caraway	Heflin	Reed, Mo.	Walsh, Mont.
Couzens	Johnson	Reed, Pa.	Warren
Curtis	Jones	Robinson, Ark.	Waterman
Dale	Kendrick	Robinson, Ind.	Watson
Deneen	King	Schall	Wheeler
Dill	McKellar	Sheppard	

The PRESIDING OFFICER (Mr. McNARY in the chair). Seventy-nine Senators have answered to their names. There is a quorum present.

ADDITIONAL DISTRICT JUDGES

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri yield to me to submit a request for unanimous consent?

Mr. REED of Missouri. I yield.

Mr. ROBINSON of Arkansas. I will preface my request with a brief statement.

A number of bills on the calendar providing for additional judges and a new circuit to be known as the tenth circuit, which appear to be necessary, have been held up for some time, and no action has been taken on them. I understand that at this time they may be disposed of, and I will state that it is my purpose to ask for the immediate consideration of Orders of Business 1513, 1514, 1515, 1516, 1517, 1518, and 1874.

I ask that the unfinished business be temporarily laid aside, and that these bills be considered, beginning with Calendar No. 1516.

Mr. KING. Mr. President, I was out of the Chamber for a moment; I would like to know what these bills are.

Mr. ROBINSON of Arkansas. I just stated they provide for the appointment of additional judges and for the creation of the tenth circuit. It is represented that the condition of business in these various districts makes this action indispensable. My attention has been called to it by a number of lawyers and judges who are familiar with the condition in these various districts. The congestion of the dockets is alarming.

Mr. KING. Mr. President, I shall not object to the consideration of the bills, although I am opposed to some of them, but I want to submit a very few words concerning the same.

Mr. EDGE. Mr. President, I was out of the Chamber when the Senator from Arkansas made his first request. I understand from the Senator from Utah that he proposes to discuss the matter.

Mr. KING. Very briefly.

Mr. EDGE. I shall be willing to have the unfinished business laid aside if these bills can be passed without debate.

Mr. KING. I shall not take five minutes.

Mr. ROBINSON of Arkansas. I think, in view of that, there should be no objection.

Mr. HEFLIN. Mr. President, we will have to have some night sessions real soon, as there are quite a number of bills on the calendar which ought to be considered. I am interested in the Nicaraguan resolution, if the Senator from New Jersey is going to insist on its consideration. How long will it take to consider these bills?

Mr. ROBINSON of Arkansas. I think it will take only a few minutes—probably not over five minutes.

Mr. EDGE. Assurance has been given that it will take no more than five minutes.

Mr. ROBINSON of Arkansas. No one wants to discuss the subjects involved in these bills except the Senator from Utah, and he has just stated that he will speak very briefly. I myself do not desire to take further time of the Senate.

The PRESIDING OFFICER. The present occupant of the chair will state to the Senator from Arkansas that heretofore an order was made temporarily laying aside the unfinished business. It will not be necessary to repeat that order.

The Senator from Arkansas asks unanimous consent for the immediate consideration of seven bills on the calendar. The clerk will state the first bill.

ADDITIONAL JUDGE FOR SOUTH CAROLINA

The bill (H. R. 12811) to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the United States District Court for the Eastern and Western Districts of South Carolina, who shall, at the time of his appointment, be a resident and a citizen of the State of South Carolina.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, I voted against this bill as I have not received sufficient information showing that another judge is needed in South Carolina.

ADDITIONAL JUDGE FOR PENNSYLVANIA

The bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I may as well now state my general objection to these bills.

Mr. President, a few years ago there was great agitation for an enormous increase in the number of Federal judges. The propaganda in favor of this increase swelled like a mighty tide and invaded the committee rooms of Congress. It was represented that litigants could not procure the trial of their causes; that justice was being denied the people; that the courts were overwhelmed with work and were unable to properly function. It was my opinion then that much of the sentiment back of the demands for additional judges was fictitious and manufactured, in part, by organizations which exert considerable influence in our political life. Congress responded to the propaganda and passed a bill creating, as I now recall, more than 26 additional judges.

Notwithstanding the solemn declarations that the situation throughout the country imperatively required the immediate appointment of this number of additional judges, many of them were not appointed for more than a year. Factional quarrels in the Republican Party delayed the appointments; political considerations seemed to control and determine these important appointments. It was not creditable to the administration that the judiciary was made a political football and that partisan politics and political considerations played no unimportant part in the selection of persons for these judicial places. My information is that some of these appointments were not satisfactory to the people and weakened the Federal judiciary.

It is regrettable that our judicial system can not be removed from politics and that the judges are not selected because of their great ability and their fitness for office.

It is unnecessary to state that the judiciary is perhaps the most important branch of our Government whether State or National. If the people lose confidence in their judges, then our political system is in danger.

Mr. President, since the passage of the act providing for this large number of judges we have passed further measures adding to the large list of Federal judges throughout the country. In my opinion many of these appointments were unnecessary and wholly unjustifiable. Numerous bills are now pending in Congress for additional circuit and district judges. There seems to be a concerted movement backed by rather powerful forces for the creation of additional judicial districts to be followed by the appointment of additional judges.

The Senator from Arkansas has called up for consideration a number of bills providing for additional judges. One of these measures divides the eighth circuit and creates an additional circuit with four circuit judges. Perhaps a few additional judges are required in some parts of the country, but in my opinion there is no necessity for the appointment of all the judges provided for in the bills which we are now acting upon. It is said that the Volstead Act is responsible for the claimed congested condition of the courts, and creates an imperative necessity for a large number of additional judges.

Mr. President, the future will show a diminution in the number of prosecutions under the Volstead Act. Moreover there is reason to believe that subordinate tribunals with judicial powers can be created to try misdemeanors and most of the cases arising under the Volstead Act. There are eminent lawyers who believe that Congress may set up tribunals with authority to try minor offenses. If this view should prevail and tribunals of limited jurisdiction should be provided, then the Federal district courts would be relieved of a considerable part of the work which they are now performing.

Mr. President, it is interesting to note the expedition with which cases are disposed of in the English courts. A judge there will dispose of a half dozen criminal cases within a day, most of them being felonies. We have much to learn in the United States in the matter of judicial procedure. Reforms are

needed in our criminal law and in our criminal procedure, both in our State and Federal courts.

The records brought to the attention of the Judiciary Committee, of which I am a member, show that some of our judges possess executive ability of a very high order. I do not wish to indulge in comparisons or to criticize our courts, but it is a fact which can not be ignored that in some districts the cases are disposed of in a most expeditious manner. I remember when the Judiciary Committee was considering the bill a few years ago providing for more than 25 judges, attention was drawn to the fact that one of the large States constituted but one district with but one district judge, and that he had no difficulty in disposing of all matters brought to his attention. The record shows that the circuit court of the ninth circuit has three judges. The docket in the circuit shows a very large number of cases disposed of, and, so far as I am advised, there is no request for an additional judge. We are about to divide the eighth circuit and give to it and the tenth circuit, which is to be carved from it, a considerable increase in the number of judges.

As I have stated, there may be need for a few additional judges, but there is no necessity for providing so large a number as are given by the pending bill as well as other measures recently passed by Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional judge of the District Court of the United States for the Middle District of Pennsylvania, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation and allowances as the present judge of said district.

SEC. 2. This act shall take effect upon its approval by the President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE FOR SOUTH DAKOTA

Mr. ROBINSON of Arkansas. I now ask that the Senate proceed to the consideration of the bill (H. R. 8551) to create an additional judge in the district of South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the District of South Dakota, who shall reside in said district and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. When a vacancy shall occur in the office of the existing judge for said district such vacancy shall not be filled unless authorized by the Congress.

SEC. 3. This act shall take effect upon its approval by the President.

The PRESIDING OFFICER. The amendment previously offered by the Senator from South Carolina [Mr. BLEASE] is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. ROBINSON of Arkansas. I now ask that the Senate proceed to the consideration of the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, three additional judges of the District Court of the United States for the Southern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE FOR THE NINTH JUDICIAL CIRCUIT

Mr. ROBINSON of Arkansas. I now ask unanimous consent for the immediate consideration of House bill 8295, for the appointment of an additional circuit judge for the ninth judicial circuit.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, after line 5, to insert a new section, as follows:

SEC. 2. When a vacancy shall occur, due to the death, resignation, or retirement of the present senior circuit judge of said circuit, such vacancy shall not be filled unless authorized by Congress.

So as to make the bill read:

Be it enacted, etc., That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the ninth judicial circuit.

SEC. 2. When a vacancy shall occur due to the death, resignation, or retirement of the present senior circuit judge of said circuit, such vacancy shall not be filled unless authorized by Congress.

Mr. KING. Mr. President, I would like to ask the Senator from Montana a question. This does not provide for another judge, so that when the present incumbent, who may be ill, ceases to act, there will be only three circuit judges?

Mr. WALSH of Montana. The present senior judge, Judge Gilbert, is now approaching 80 years of age; he still does work, however. But upon his death or retirement no successor will be appointed.

Mr. KING. May I say that in the ninth circuit, with three judges, more cases are disposed of than in almost any other circuit in the United States. This indicates what judges can do when they work. I want to compliment the judges of the ninth circuit for their excellent and able service and the great ability which they have exhibited.

Mr. WALSH of Montana. I desire to say that the bill as it came from the House contemplated four permanent judges, but I think they can get along very well with three.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK

Mr. ROBINSON of Arkansas. I ask unanimous consent for the immediate consideration of House bill 14659, to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 5, after the word "Senate," to strike out the words "two additional judges" and to insert the words "an additional judge" in lieu thereof, so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York."

CREATION OF NEW JUDICIAL CIRCUIT

Mr. ROBINSON of Arkansas. Now, I ask unanimous consent for the present consideration of House bill 16658, to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States and to create a tenth judicial circuit.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I want to express my disagreement with the committee with respect to that bill. I am in

favor of a division of the eighth circuit and the creation of the tenth. I am not in agreement with the committee in recommending five judges for the eighth, and four for the tenth. As I stated a moment ago, the ninth circuit, which has more business than either of these circuits will have, manages to get along with three judges. By this bill we provide five judges for the eighth circuit after having withdrawn five States therefrom, and propose to give to the new circuit four judges. In my opinion, four judges would be ample for the ninth circuit, and three for the tenth.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 4, line 6, after the words "St. Louis," to insert the words "Kansas City," so as to make the bill read:

Be it enacted, etc., That section 116 of the Judicial Code, as amended (U. S. C., title 28, sec. 211), is amended to read as follows:

"SEC. 116. There shall be 10 judicial circuits of the United States, constituted as follows:

"First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico.

"Second. The second circuit shall include the districts of Vermont, Connecticut, and New York.

"Third. The third circuit shall include the districts of Pennsylvania, New Jersey, and Delaware.

"Fourth. The fourth circuit shall include the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

"Fifth. The fifth circuit shall include the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

"Sixth. The sixth circuit shall include the districts of Ohio, Michigan, Kentucky, and Tennessee.

"Seventh. The seventh circuit shall include the districts of Indiana, Illinois, and Wisconsin.

"Eighth. The eighth circuit shall include the districts of Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri, and Arkansas.

"Ninth. The ninth circuit shall include the districts of California, Oregon, Nevada, Washington, Idaho, Montana, Hawaii, and Arizona.

"Tenth. The tenth circuit shall include the districts of Colorado, Wyoming, Utah, Kansas, Oklahoma, and New Mexico."

SEC. 2. Section 118 of the Judicial Code, as amended (U. S. C., title 28, sec. 213; 45 Stat. L. 492; Public, No. 664, 70th Cong.), is amended to read as follows:

"SEC. 118. There shall be in the sixth, seventh, and tenth circuits, respectively, four circuit judges; and in the second and eighth circuits, respectively, five circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. Each circuit judge shall receive a salary of $12,500 a year, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code."

SEC. 3. Section 126 of the Judicial Code, as amended (U. S. C., title 28, sec. 223; U. S. C., Sup. I, title 28, sec. 223), is amended to read as follows:

"SEC. 126. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit in Boston, and when in its judgment the public interests require in San Juan, P. R.; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, N. C.; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in St. Louis, Kansas City, Omaha, and St. Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; in the tenth circuit, in Denver, Wichita, and Oklahoma City, provided that suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States; and in each of the above circuits terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate, except that terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, and in Montgomery on the third Monday in October. All appeals and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting. All appeals and other appellate proceedings which may be taken or prosecuted from the district court of the United States at Beaumont, Tex., to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals at the terms of court held at New Orleans, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting."

SEC. 4. Any circuit judge of the eighth circuit as constituted before the effective date of this act, who resides within the eighth circuit as constituted by this act, is assigned as a circuit judge to such part of the former eighth circuit as is constituted by this act the eighth circuit, and shall be a circuit judge thereof; and any circuit judge of the eighth circuit as constituted before the effective date of this act, who resides within the tenth circuit as constituted by this act, is assigned as a circuit judge of such part of the former eighth circuit as is constituted by this act the tenth circuit, and shall be a circuit judge thereof.

SEC. 5. Where before the effective date of this act any appeal or other proceeding has been filed with the circuit court of appeals for the eighth circuit as constituted before the effective date of this act—

(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect of the case shall be had in the same manner and with the same effect as if this act had not been enacted.

(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, or other proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the circuit court of appeals to which it would have gone had this act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in said court.

SEC. 6. This act shall take effect 30 days after its enactment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ROBINSON of Arkansas. Mr. President, unquestionably selections for the judiciary should be free from partisan politics. I think it my duty to say that in at least one instance which has come within my observation the present incumbent of the White House, although a Republican, filled a vacancy which arose in the State of Arkansas by the appointment of a prominent Democrat solely, as I believe, for the reason that the appointee was preeminently qualified for the position.

Mr. KING. Mr. President, may I say to my friend from Arkansas that out of the 25 or 26 judges provided for a few years ago, one Democrat only was appointed, as I recall, and that was because there could not be found a suitable Republican lawyer in the entire State.

JUDGE FRANCIS A. WINSLOW

Mr. WALSH of Montana. Mr. President, the measure on the calendar next preceding the last one referred to by the Senator from Arkansas [Mr. ROBINSON] is a joint resolution which came from the House. When it was reached on being reported on the last call of the calendar an objection was made to its consideration by the Senator from South Carolina [Mr. BLEASE]. The joint resolution, it seems to me, merely asks of this body a courtesy for the House of Representatives. It relates to an investigation of the conduct of a Federal judge in the State of New York. It does not seem to me the merits of the matter are before us at all. The House is desirous of carrying on an investigation during the recess, but is powerless to do so, except upon the adoption of such a joint resolution as this. The House, having asked this of us, it seems to me that the Senator from South Carolina should give his consent. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district in New York.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana for the present consideration of House Joint Resolution 425?

Mr. GLASS. Mr. President, I would like to inquire of Senators who have had longer observation and more experience than I if it is usual for one House or both Houses of Con-

gress to investigate a Federal judge? I had supposed that the method of dealing with matters of that kind was by impeachment.

Mr. NORRIS. That is what this is.

Mr. WALSH of Montana. This looks to a possible impeachment. The ordinary procedure is for the House to refer to the Judiciary Committee charges in this kind of a matter. If the Judiciary Committee feel that there is a basis for an impeachment, they so recommend and prepare the articles of impeachment. This is preliminary—looking to the possible impeachment or the advisability of impeachment.

Mr. GLASS. Then it is not unusual?

Mr. WALSH of Montana. No; it is the regular procedure, except——

Mr. NORRIS. It is unusual in that the ordinary impeachment takes place while Congress is in session. The House desires, in the interest of the expedition of business, that the committee shall do its work during the recess. The House not being a continuing body, the joint resolution must be passed in order that they may have authority to do it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York, which was read, as follows:

Whereas certain statements against Francis A. Winslow, United States district judge for the southern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

Resolved, etc., That LEONIDAS C. DYER, CHARLES A. CHRISTOPHERSON, ANDREW J. HICKEY, GEORGE R. STOBBS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, and FRED H. DOMINICK, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Francis A. Winslow, United States district judge for the southern district of New York, and to report to the Committee on the Judiciary of the House whether in their opinion the said Francis A. Winslow has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however*, That the total expenditures authorized by this resolution shall not exceed the sum of $5,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

POINTS OF HISTORIC INTEREST IN THE NATIONAL CAPITAL

Mr. JONES. Mr. President, on yesterday afternoon the senior Senator from Minnesota [Mr. SHIPSTEAD] had to leave the Chamber because he was not feeling well and requested me to report for him a resolution from the Committee on Printing and ask for its immediate consideration. I now submit the report and request the immediate consideration of the resolution. From the Committee on Printing I report back favorably, without amendment, the resolution (S. Res. 312).

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 312) submitted by Mr. MOSES on January 28, 1929, was read, considered, and agreed to, as follows:

Resolved, That the pamphlet, Points of Historic Interest in the National Capital, with accompanying illustrations, be printed as a Senate document, and that 10,000 additional copies be printed for the use of the Senate document room.

CONSIDERATION OF THE CALENDAR

Mr. SMITH. Mr. President, may I make an inquiry of the Chair? I do not see the majority leader [Mr. CURTIS] here, but I want to know if any arrangement has been made by which we can consider the calendar in the near future.

Mr. EDGE. Mr. President, I can supply second-hand information for the Senator from South Carolina. The Senator from Kansas remarked earlier in the morning in my presence that he hoped to secure unanimous consent for an evening early next week for that purpose.

Mr. KING. Mr. President, I can say to the Senator from South Carolina that I talked with the Republican leader and can assure him that there will be at least two evenings and perhaps one day that will be devoted to the calendar.

Mr. SMITH. There are some matters of importance on the calendar which I am very anxious to have considered and I merely wanted to know if any time had been set aside for a call of the calendar, because I do not want to interfere now with other plans, but I do want to have those matters considered before final adjournment.

SENATOR FROM PENNSYLVANIA

Mr. REED of Missouri. Mr. President, I had announced to the Senate that I intended to call attention to the report of the committee on the Vare case this afternoon. Because of the desire of Senators to have the Nicaraguan canal matter considered I have agreed to postpone the Vare question until Monday, at which time I shall ask the attention of the Senate. I very earnestly invite Senators to read the report of the committee between this time and Monday noon.

PROPOSED NICARAGUAN CANAL

Mr. EDGE. Mr. President, as the Senator from Missouri [Mr. REED] prefers to wait until a later date to present the privileged matter to which he referred, I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. EDGE. Mr. President, I have spoken on various occasions on the subject matter of the pending joint resolution and I shall take only a few moments now to restate the object and, in my judgment, the great importance and necessity for expediting its consideration.

The joint resolution provides simply and alone for information. It does not establish any policy at all. It provides that Congress and the country shall be informed through an investigation to be made by the Board of Engineers as to the practicability and feasibility of taking advantage of the right of way which we purchased from the Government of Nicaragua to construct an interoceanic canal across the isthmus at that point; likewise to be given all information as to the feasibility and practicability of increasing the facilities of the Panama Canal. It has been suggested that it might be possible to install a third set of locks at Panama and thus increase the facilities of the Panama Canal approximately one-third.

Mr. KENDRICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Wyoming?

Mr. EDGE. I yield.

Mr. KENDRICK. I desire to ask the Senator whether or not the right to build a canal granted by the Government of Nicaragua is a perpetual right?

Mr. EDGE. Yes; it is a right given to the United States under what is known as the Bryan-Chamorro treaty, which was negotiated and ratified by the Senate in 1914, according to my recollection.

Mr. KENDRICK. I wonder if the Senator has any maps showing the line of the proposed Nicaraguan canal?

Mr. EDGE. The Isthmian Canal Commission appointed in 1899, as I recall, for the purpose of considering the same general questions, submitted a report to Congress which appears in Senate Document No. 54, volume 7, report 1899–1901. In that report they proposed a route across Nicaragua and at the same time discussed the feasibility of our taking over the Panama Canal, which then had been partially constructed by the French. In the report to which I have referred at length on a previous occasion in the Senate, the commission recommended that the Government proceed with the construction of the Nicaraguan canal, but Congress in its wisdom decided to buy the rights of the French in the uncompleted Panama Canal and complete the same, which, of course, the Senator well knows has been done.

We are now facing this situation which justifies and, in fact, requires the inquiry that I am proposing as chairman of the Committee on Interoceanic Canals. The last report of the Gov-

ernor of the Panama Canal Zone covering the activities up to June 30, 1928, made it perfectly clear that within 10 to 20 years based upon the present business the maximum facilities of the canal would be reached.

Mr. KENDRICK. That would mean even though the facilities of the locks as they are now constituted should be doubled?

Mr. EDGE. No; that means the present facilities. The maximum of the present facilities of the Panama Canal, with the two locks and the water supply now available, based on the business of the past, would be reached in from 10 to 20 years. I might say, supplementing that statement, that a newspaper report from Balboa on February 2 states that the toll collections averaged over $80,000 daily and a total of $2,500,000 in January, which constituted a new month's record for the Panama Canal traffic and exceeds by almost $60,000 in receipts the record made in December, 1928. In other words, the record in January, 1929, demonstrates that the increase in traffic is even going beyond the estimates of the governor in his last report.

Mr. KENDRICK. I was rather surprised to have the limitation of time when we would reach the complete capacity of the Panama Canal placed so far away, because I had reason to believe, from personal inquiries and investigations, that it would reach its full capacity within 5 to 10 years.

Mr. EDGE. I have attempted to be generous in my estimates, but with the continuation of business as demonstrated in January, the Senator's prediction is quite possible of fulfillment.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. EDGE. I yield.

Mr. DILL. By the placing of additional locks at the canal and keeping them open it is estimated the capacity can be doubled or trebled, is it not?

Mr. EDGE. I think it is estimated, and naturally I would so assume from a layman's standpoint, that it would increase the traffic approximately one-third.

Mr. DILL. My understanding is it can easily be doubled and can probably be trebled, and that the only question is a matter of water supply.

Mr. EDGE. I was about to remark that that is a very important matter. At the present moment we have authorized an expenditure of $12,000,000 to build dams to carry out what is known as the Alhajuela project, in order to insure sufficient water to operate the present facilities of the canal. If we add a third line of locks, the question of whether we can have furnished through any mechanical devices, dams or otherwise, a sufficient water supply to operate the third lock in the canal is a most serious question. The Governor of the Panama Canal Zone, in a personal conference which I had with him a month or so ago while in Washington, stated that it is most important that a very careful investigation of all these possibilities be had to determine our future policy.

Mr. DILL. Is it not a fact that Secretary Davis of the War Department said the facilities could be quadrupled?

Mr. EDGE. They could not be increased at all if we could not get the necessary water.

Mr. DILL. Oh, well, but the fact remains that the water can be obtained up there.

Mr. EDGE. The fact remains on the testimony of the Governor of the Canal Zone himself that he does not know—and no one apparently knows, without a very careful engineering investigation—whether it can be accomplished, and he has asked that the investigation be made.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. EDGE. Certainly.

Mr. McKELLAR. The Senator from New Jersey is entirely right about the fact that it is absolutely necessary to have an investigation before it can be determined whether or not the canal can be enlarged at all. In addition to the lack of water supply, the danger of slides will be vastly increased, so many engineers claim, if the canal shall be broadened so as to provide for increased traffic.

The Senator from Wyoming [Mr. KENDRICK] is exactly right when he says that the Panama Canal will be used to its utmost capacity in six or seven years; it will be but a very short time until that happens; and it is absolutely necessary that something should be done at once to provide increased canal facilities.

Mr. EDGE. I am inclined to that opinion, but I did not intend to make any statement that could be seriously questioned as to the future facilities of the canal.

Mr. President, if this be correct—and it is, and can not be successfully disputed—we know perfectly well that it will require at the minimum from 10 to 15 years to construct a new canal. It will require a number of years, even though it were practical, to install third locks; and during the time the third locks were being installed it is well known, as happens in reconstructing any large public enterprise, that the present facilities of the canal to a great extent would be more or less put out of business during the time of construction. So we are faced with a very important decision—an imperative decision, in my judgment—if we are to continue interoceanic canal facilities, of deciding what policy we shall adopt in order to accommodate the world traffic and the commerce of our own country.

The joint resolution, as I have repeatedly said, simply provides for securing the information necessary. We paid $3,000,000 for a right of way across Nicaragua. It is inconceivable to me that Congress should be denied the technical information that would result from an investigation by the engineers as to what it would cost to build the Nicaraguan canal; as to its practicability, either as a sea-level waterway or one with locks, and, in fact, all information relative to the subject. We are certainly not afraid to have information. The mere fact of having information in the possession of the Senate is no criterion as to what the Senate will do, so far as its future policy in building a canal or increasing canal facilities is concerned.

I might point back to the results following the report of the Isthmian Canal Commission, to which I referred a few moments ago. That commission clearly and positively recommended the construction of the Nicaraguan canal, but, I repeat, Congress in its wisdom, after almost years of debate, which was led by the late distinguished Senator from Alabama, Mr. Morgan, decided to complete the Panama Canal at an estimated cost higher than that of the then proposed Nicaraguan Canal.

Mr. KENDRICK. Mr. President——

Mr. EDGE. I yield to the Senator from Wyoming.

Mr. KENDRICK. I should like to ask the Senator if he will not give us some information as to what the right of way across the isthmus includes. I understood him to state a moment ago that it cost the Government $3,000,000.

Mr. EDGE. It cost the Government $3,000,000, which has already been paid.

Mr. KENDRICK. How much territory does that right of way include?

Mr. EDGE. I shall be very glad to enlighten the Senator. The treaty providing for the right of way across Nicaragua provides that the United States may utilize any part of Nicaragua. It is not specified that we shall use any particular section, but the Canal Commission, after making its investigation as to a practical waterway, recommended that the United States Government should enter from the Atlantic through the San Juan River, which is the boundary line between Nicaragua and Costa Rica. This investigation occurred several years before we purchased the right of way.

Mr. KENDRICK. As a result of that recommendation, was the line of the canal limited to the particular tract along the boundary line?

Mr. EDGE. The line of the canal is in no way limited. It may be changed by negotiations, which are provided for in the treaty between Nicaragua and the United States.

Mr. DILL. Mr. President——

Mr. EDGE. I yield to the Senator from Washington.

Mr. DILL. What percentage of the $3,000,000 ever went to the Government of Nicaragua?

Mr. EDGE. I can not answer that question.

Mr. DILL. That goes to the very heart of the manner in which we secured the treaty and the treaty rights. I think the Senator ought to tell us what happened about that.

Mr. EDGE. The treaty was negotiated by the Secretary of State, Mr. Bryan, under the administration of President Woodrow Wilson. The treaty is known as the Bryan-Chamorro treaty.

Mr. DILL. I know all about that, and I know how Chamorro got his position down there, too; but I asked the Senator from New Jersey what became of the $3,000,000? Who got it?

Mr. EDGE. If I may be permitted, without in any way criticizing the Senator from Washington, I desire to say that I can not feel that there is any justifiable reason why any troubles or misunderstandings—if they do exist or have existed—should be loaded on this information-seeking joint resolution. Whatever was done with the money—and I do not know—the fact remains that we have the right of way under a treaty legally entered into and ratified by the Senate of the United States. We are now facing the important decision to which I have referred; and it seems to be only common business sense that the Senate be given the information as to whether it is practicable to build a canal or whether it is not.

Mr. DILL. But the fact is, as the Senator knows, that less than one-third of that money ever went to the Government of Nicaragua.

Mr. EDGE. I have no knowledge whatever on the subject, or I should be very glad, indeed, to give it to the Senator from Washington.

Mr. DILL. The Senator, in other words, does not want to discuss that phase of the question. I will undertake later to do so.

Mr. EDGE. The Senator, of course, can discuss, if he likes, any phase of Nicaraguan relations, but the question does not relate to the subject matter of the pending joint resolution.

Mr. DILL. It relates directly to this whole subject, because it goes to the very treaty rights themselves, and I wanted the Senator to tell us something about that phase of the subject.

Mr. McKELLAR. Mr. President——

Mr. EDGE. I yield to the Senator from Tennessee.

Mr. McKELLAR. I happened to know the late W. J. Bryan very well; we were friends through a long period of years; I thought of him very highly; I think he was an absolutely honest man, as honest as any man in this country, and I do not believe he would have been connected with any shady transaction in connection with the purchase of a right of way over the isthmus of Nicaragua. I should like to hear if there is anything that reflects upon that treaty or the procurement of that treaty. If the Senator knows of anything of that kind, I think he ought to disclose it to the Senate.

Mr. EDGE. Mr. President, I was just going to suggest that the Senator from Washington in his time can discuss that subject, and I am sure the Senate will be glad to listen to anything he may have to say.

Mr. DILL. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. DILL. I made no reflection on Mr. Bryan. I was trying to get some information from the Senator from New Jersey about how these treaty rights were secured and what was done with the money which we paid for those rights. The Senator from New Jersey does not want to discuss that question.

Mr. EDGE. I am very sorry, but my investigation and my conception of my responsibility as chairman of the Interoceanic Canals Committee have not led me into any research of that kind. My impression of the committee's duty is that it should try to secure for Congress necessary information relative to canal construction, and later it will be for the Congress to decide the policy to be pursued. The right of way is ours, and I assume it was secured entirely openly and above board. So far as the disposition of the money is concerned, I have not the slightest knowledge and have never made the slightest investigation.

Mr. KENDRICK. Mr. President——

Mr. EDGE. I yield to the Senator from Wyoming.

Mr. KENDRICK. Does the Senator know whether the present Government of Nicaragua or any previous government is protesting against our right to build a canal on account of the manner in which the money was disposed of which was paid for the right of way?

Mr. EDGE. I thank the Senator for propounding that question. On the contrary, I am sure that it will interest the Senator to hear a very brief letter which I have received from the present President of Nicaragua. In acknowledging a note of congratulations he writes from Managua, Nicaragua, to me as follows:

> Allow me to present you my appreciation for your kind personal congratulations and the gratitude of the Nicaraguan people for the great service your country has just rendered to Nicaragua—

I probably should have read this letter during the debate on the naval appropriation bill—

> I am ready and willing to cooperate with the Government of the United States in the survey and construction of the Nicaraguan canal. I consider the canal a great service to Nicaragua and humanity.
>
> Very sincerely yours,
>
> J. M. MONCADO.

That letter was written before Mr. Moncado was inaugurated, he being President elect at the time. The former President whom he succeeded, President Diaz, as is well known, has issued various public statements in which he urged the United States to take advantage of the right of way to construct the Nicaraguan canal. Of course, we can not do that until the necessary information shall have been secured.

Mr. President, I am not going to take any further the time of the Senate. I repeat, summarizing, this joint resolution commits the Senate to absolutely no future canal policy; it merely provides for the securing of information just as in the case of an ordinary resolution submitted to the Senate requesting information from a department. In this case, however, of course, it is more or less of an international question; it is likewise an engineering question, and can only be handled by having our engineers go down and make an investigation. I trust Congress will not be denied the information for obtaining which the joint resolution provides.

Mr. DILL. Mr. President, I want to ask the Senator a question about the information which is to be secured. The Senator said that the route of the canal had not been determined. Is it the purpose of the joint resolution to have the engineers finally determine the route of the proposed canal?

Mr. EDGE. The joint resolution provides simply that the engineers shall investigate the proposed canal as suggested under the former report of the Isthmian Canal Commission.

Mr. DILL. However, that report——

Mr. EDGE. If the Senator desires a complete answer, I will endeavor to give it to him. I understand that the Senator from Utah has prepared an amendment in which he proposes that the engineer commission shall have the further power of investigating or recommending, if in their judgment it is wise, any other possible route. I am disposed to accept the amendment, because there is no reason, following my thought, that we should not have all the information that can be obtained.

Mr. DILL. Then it is proposed that the engineers shall determine what route they will recommend?

Mr. EDGE. Most assuredly.

Mr. DILL. Then are they going to tell us what particular lands it will be necessary to purchase, who owns them, and what it will cost in order to acquire the lands which will comprise this route?

Mr. EDGE. If we do not adopt the joint resolution, of course, we will not get any information. If we shall adopt the joint resolution, I assume that we will receive all the information that a board of engineers would think would be helpful in deciding our future program.

Mr. DILL. The Senator is chairman of the committee which has reported the joint resolution. I wanted to know what information it was his intention to secure. I wanted to know something specific about it. Is the Senator going to leave it entirely to the board to say just how much information shall be obtained, or has he any word from the War Department as to what particular information they are going to get?

Mr. EDGE. The Senator can read the text of the resolution. I think it is all set forth there.

Mr. DILL. I understand about that.

Mr. EDGE. The Senator has asked me a question.

Mr. DILL. I have read the resolution.

Mr. EDGE. The Senator may not be familiar with the joint resolution. It is quite complete. Referring first to the Panama Canal the joint resolution provides:

> SEC. 3. The Chief of Engineers, under the direction of the Secretary of War, shall also make an engineering survey and an investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

Then in connection with the proposed Nicaraguan canal the joint resolution provides:

> That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, a full and complete investigation and survey for the purpose of revising and bringing down to date the report of the Isthmian Canal Commission transmitted to the Congress December 4, 1901—

Twenty-seven years ago—

> and for the purpose of collecting the additional information and data necessary in order to ascertain (1) the most practicable route—

It does include an investigation as to the most practicable route—

> for an interoceanic ship canal by way of the San Juan River and Great Lake of Nicaragua or by way of any route over Nicaraguan territory, including a suitable harbor at each of the termini thereof; (2) the feasibility and approximate cost of the construction and maintenance of such canal; and (3) the cost of acquiring all private rights, privileges, and franchises, if any, pertaining to such route. The investigation and survey shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

If the Senator from Washington can add any language to that section that would insure the receipt of information not covered by the section I can not imagine what it can be.

Mr. DILL. Does the Senator think $150,000 will be sufficient to cover all these purposes?

Mr. EDGE. Personally, I doubt it.

Mr. DILL. As the Senator originally introduced the joint resolution it provided an appropriation of $500,000.

Mr. EDGE. I originally introduced the joint resolution calling for an appropriation of $500,000. As I have said, personally

I doubt whether the work can be done with $150,000, but the Secretary of War, as the Senator knows, through a supplementary estimate, said that $150,000, he thought, would be sufficient to undertake the work. It may cost more and probably will.

Mr. DILL. He said that was all that could be used now.

Mr. EDGE. It probably will cost more, but whatever it may cost, I submit that we should have the information.

Mr. DILL. Does not the Senator think the wiser course would be first to determine what it will cost to enlarge the Panama Canal and the feasibility of such enlargement before we enter upon the expenditure of the immense sum necessary to get all the details provided for in the pending joint resolution?

Mr. EDGE. No; I do not. I think it would be very unbusinesslike for the Senate of the United States to determine upon a possible enlargement of the Panama Canal, at a cost of hundreds of millions of dollars, without having before it a complete statement of the facts concerning the possibility of a Nicaraguan canal.

Mr. FESS. Mr. President——

Mr. EDGE. I yield to the Senator from Ohio.

Mr. FESS. I have read the joint resolution, and I do not find anywhere in it a requirement that the commission shall make any recommendation. Even though there were a mandatory requirement that the commission should make a recommendation, that would not mean anything until the Congress had accepted or approved it. So I see no particular objection to the joint resolution on that ground. The commission could not bind Congress or the country in any way.

Mr. EDGE. I have repeatedly stated that, of course, the commission could not bind Congress in the slightest degree. The commission is simply directed to furnish necessary information. Shall Congress have it, or shall they refuse to have it? That is all there is in this joint resolution.

Mr. BURTON obtained the floor.

Mr. FESS. Mr. President, will my colleague yield to the point of no quorum?

Mr. BURTON. I do not care about a quorum.

Mr. FESS. I think the Members of the Senate would like to hear the Senator. I make the point of no quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Simmons
Barkley	Frazier	Mayfield	Smith
Bayard	Gerry	Moses	Smoot
Bingham	Glass	Neely	Steck
Black	Glenn	Norbeck	Steiwer
Blaine	Goff	Norris	Stephens
Blease	Gould	Nye	Swanson
Borah	Greene	Oddie	Thomas, Idaho
Bratton	Hale	Overman	Trammell
Brookhart	Harris	Phipps	Tydings
Broussard	Harrison	Pine	Tyson
Bruce	Hastings	Pittman	Vandenberg
Burton	Hawes	Ransdell	Wagner
Capper	Hayden	Reed, Mo.	Walsh, Mass.
Caraway	Heflin	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Curtis	Jones	Robinson, Ind.	Waterman
Dale	Kendrick	Sackett	Watson
Deneen	King	Schall	Wheeler
Dill	McKellar	Sheppard	
Edge	McMaster	Shortridge	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, there is a quorum present.

HOUR OF DAILY MEETING BEGINNING TUESDAY

Mr. CURTIS. Mr. President, will the Senator yield to me in order that I may present a proposed unanimous-consent agreement?

Mr. BURTON. I yield.

Mr. CURTIS. I send the proposed agreement to the desk and ask to have it stated.

The PRESIDING OFFICER. The proposed agreement will be stated.

The legislative clerk read as follows:

Ordered, by unanimous consent, That beginning Tuesday, February 26, 1929, the hour of daily meeting of the Senate be 11 o'clock a. m. for the remainder of the present session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. May I ask if the proposal has the approval of the minority leader, the Senator from Arkansas [Mr. ROBINSON]?

Mr. CURTIS. Yes; it has.

Mr. ROBINSON of Arkansas. I think it will be necessary to make some such arrangement as that proposed.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. HEFLIN. What is it, Mr. President?

The PRESIDING OFFICER. That the hour of daily meeting, commencing with Tuesday, be 11 o'clock in the morning. The Chair hears no objection, and it is so ordered.

UNIFICATION OF RAILROADS

Mr. FESS. Will my colleague yield to me for a few moments?

Mr. BURTON. I yield.

Mr. FESS. Mr. President, earlier in the week I announced that to-day I would make a report on the bill (S. 5817) to authorize the unification of carriers engaged in interstate commerce and for other purposes, on which occasion I would address the Senate on that subject at some length.

While it is a matter of transportation we are discussing now, though it is water transportation instead of land transportation, I think I ought, in the interest of expediency, and out of great regard for my friend the author of the pending resolution, to forego taking the time to address the Senate, but I must ask the privilege of submitting the report, as I had announced I would make it to-day.

Mr. EDGE. I have no objection to that, of course.

Mr. FESS. I ask unanimous consent that I may submit the report of the Committee on Interstate Commerce on railroad unification.

Mr. EDGE. I appreciate very much the Senator's consideration.

Mr. KING. Mr. President, I suggest to the Senator, in view of the importance of this matter, that he give us his views orally in regard to it at an early date.

Mr. FESS. I thank the Senator for the suggestion, because that is precisely what I want to do. I do not think I ought to take the time of the Senate this afternoon, however. I announce that at the earliest convenient moment I shall address the Senate on the unification of railroads.

Mr. KING. I hope the Senator will.

Mr. FESS. I submit the report (No. 1884) and ask that it be received and printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

[S. Rept. No. 1884, 70th Cong., 2d sess.]

Mr. FESS, from the Committee on Interstate Commerce, submitted the following report (to accompany S. 5817):

The Committee on Interstate Commerce, to whom was referred the bill (S. 5817) to authorize the unification of carriers engaged in interstate commerce, and for other purposes, having considered the same, report favorably thereon (S. Rept. 1884) with amendments and recommend that, as amended, the bill do pass.

I. POLICY OF RAILWAY UNIFICATIONS

There are virtually no differences of opinion upon the basic question of policy involved in the bill. Everyone familiar with present-day railroad problems, either from the point of view of the carrier, the shipper, or the public, believes that the carriers and their properties should be consolidated into a limited number of strong, efficient, and well-balanced systems capable of giving the public the service it demands at rates reasonable to the carrier, the shipper, and the public; capable of being operated in a manner to promote the highest efficiency and to render the most dependable service; capable of assuring continued service to the communities that are dependent upon the railroads and of protecting the public that has invested in them; and capable of solving satisfactorily many of the perplexing transportation problems of the present and of meeting the problems of the future as new transportation conditions and necessities arise.

This policy has already been established by the Congress, has been recommended repeatedly by the President, and is indorsed by the Association of Railway Executives, representing primarily the strong carriers, the American Short Line Railroad Association, representing, as the name indicates, the smaller carriers, the National Industrial Traffic League, representing shippers throughout the country, and by economists, transportation experts, and various civic organizations. In addition, the Interstate Commerce Commission has for several years favored legislation along the general lines of that now proposed in order to more effectually carry out the policy and to improve the existing conditions.

In the course of the consideration of the subject by the committee during the sessions of the present Congress and in previous years, extensive public hearings have been held. Representatives of the various organizations above enumerated and others directly or indirectly interested in legislation affecting railroads have been heard. The committee has had the benefit of their testimony on many different aspects of the transportation problem. None of the persons who appeared and testified before the committee has expressed any opposition to the policy of voluntary unifications of railroads. On the contrary, the consensus of opinion seems to be that such a policy is desirable, from the standpoint of the carriers, the shippers, and the public, as well as economic-

ally sound, but that additional legislation, which will permit that policy to be carried out effectively and properly, is necessary.

MESSAGES OF THE PRESIDENT

The need for a more flexible legal machinery for carrying into effect the congressional policy of voluntary unifications has been stressed by both President Harding and President Coolidge. In his address on "The Transportation Problem" at Kansas City, Mo., June 22, 1923, President Harding referred to the consolidation of all the railroads into a small number of systems under rigorous Government supervision as being "a rational, justifiable step, full of promise toward solution"; but he also stated that it is "being seriously proposed that the next step be to further amplify the provisions for consolidation so as to stimulate the consummation."

President Coolidge, in his message to the Congress on December 3, 1924, said, in part:

"In my message last year I emphasized the necessity for further legislation with a view to expediting the consolidation of our railroads into larger systems. * * *

"The consolidations need to be carried out with due regard to public interest and to the rights and established life of various communities in our country. It does not seem to me necessary that we endeavor to anticipate any final plan or adhere to any artificial and unchangeable project which shall stipulate a fixed number of systems, but rather we ought to approach the problem with such a latitude of action that it can be worked out step by step in accordance with a comprehensive consideration of the public interest. Whether the number of ultimate systems shall be more or less seems to me can only be determined by time and actual experience in the development of such consolidations."

In his subsequent messages to the Congress President Coolidge has also urged the passage of legislation to clarify the existing law. In December, 1926, he stated:

"This principle [of railroad consolidations] has already been adopted as Federal law. Experience has shown that a more effective method must be provided. Studies have already been made and legislation introduced seeking to promote this end. It would be a great advantage if it could be taken up at once and speedily enacted. The railroad systems of the country and the convenience of all the people are waiting on this important decision."

In his annual address to the Congress on December 4, 1928, President Coolidge said:

"In previous annual messages I have suggested the enactment of laws to promote railroad consolidations with a view of increasing the efficiency of transportation and lessening its cost to the public. While consolidations can and should be made under the present law until it is changed, yet the provisions of the act of 1920 have not been found fully adequate to meet the needs of other methods of consolidation. Amendments designed to remedy these defects have been considered at length by the respective committees of Congress, and a bill was reported out late in the last session which I understand has the approval in principle of the Interstate Commerce Commission. It is to be hoped that this legislation may be enacted at an early date."

The bill referred to in the message of the President last quoted is the so-called Parker bill (H. R. 12620, 70th Cong., 1st sess.), which is identical in many respects with the bill which this report accompanies. The differences between the two bills are noted elsewhere in this report.

RECOMMENDATIONS OF THE INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission has repeatedly urged that paragraphs (4) to (8), inclusive, of section 5 of the interstate commerce act be amended and clarified. In its annual report for 1921 the commission made the following recommendation:

"7. That paragraphs (4) to (8), inclusive, of section 5 of the interstate commerce act be so amended or supplemented as clearly to provide whether and, if so, how voluntary consolidations of carriers may be effected pending ultimate adoption by us of a complete plan of consolidation (p. 58)."

Similar recommendations were made, or adopted by reference, in the commission's annual reports for the years 1922 to 1924, inclusive.

During the period covered by the reports above referred to the commission was proceeding with the tentative plan for consolidation provided for by paragraph (5) of section 5 of the interstate commerce act. This plan was published on August 3, 1921, in 63 I. C. C. 455, as No. 12964, Consolidation of Railroads. The hearings held upon the tentative plan were completed on December 4, 1923, and it was thought at that time that the complete plan could be prepared. In its annual report for 1924 the commission stated that the work of preparing the complete plan was progressing, but in its annual report for 1925 the commission made the following statement:

"In our last report it was noted that the work of preparing the complete plan of consolidation was progressing. On February 4, 1925, we addressed a letter to the chairman of the Senate Committee on Interstate Commerce, in which the majority of the commission expressed doubt as to the wisdom of the provisions of the law which now require us to adopt a complete plan to which all future consolidations must conform. They further stated that they had been impelled to the belief that results as good, and perhaps better, are likely to be accomplished with less loss of time if the process of consolidation is permitted to develop, under the guidance of the commission, in a more normal way. A proposed amendment to section 5 of the interstate commerce act was attached to the letter (p. 13)."

The substance of the amendment to section 5 above referred to was stated in the recommendations of the commission in its annual report for the year 1925, as follows:

"5. That paragraphs (2) to (6), inclusive, of section 5 of the interstate commerce act be amended (a) by omitting therefrom the existing requirement that we adopt and publish a complete plan of consolidation; (b) by making unlawful any consolidation or acquisition of the control of one carrier by another in any manner whatsoever, except with our specific approval and authorization; (c) by giving us broad powers upon application, and after hearing, to approve or disapprove such consolidations, acquisitions of control, mergers, or unifications in any appropriate manner; (d) by giving us specific authority to disapprove a consolidation or acquisition upon the ground that it does not include a carrier or all or any part of its property which ought to be included in the public interest and which it is possible to include upon reasonable terms; (e) by modifying subparagraph (b) of paragraph (6) so that the value of the properties proposed to be consolidated can be more expeditiously determined; and (f) by providing that in the hearing and determination of applications under section 5 the results of our investigation in the proceeding on our docket known as No. 12964, Consolidation of Railroads, may be utilized in so far as deemed by us advisable (p. 72)."

The recommendations above quoted have been repeated in identical language in each annual report of the commission since 1925 and have been embodied in the proposed legislation.

II. NECESSITY FOR THE LEGISLATION

In the administration of the existing law with respect to railway unifications certain difficulties have been encountered which were not contemplated at the time of the enactment of the transportation act of 1920. It has been discovered, for example, that the provisions which were intended to promote voluntary unifications of railroads, recognized by the Congress in 1920 as economically sound and desirable, have had an opposite tendency, due to the fact that some of the conditions imposed at that time were not sufficiently flexible to permit the congressional policy to become operative.

One of the chief obstacles to unifications since the enactment of the transportation act has been the provision imposing upon the Interstate Commerce Commission the duty of preparing and adopting a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. While this provision, which now forms a part of paragraph (4) of section 5 of the interstate commerce act, was intended to form the basis for future unifications and to pave the way for unifications in harmony with the plan, the practical result has been just the opposite. The commission has found it almost impossible to carry out fully the mandate of Congress. Although the commission did prepare a tentative plan in 1921 grouping into 19 systems the Class I carriers, it has never allocated to such systems upwards of 39,000 miles of railroad belonging to the Class II and Class III carriers which forms an important part of the total railway mileage in the United States and it is extremely doubtful whether such an allocation would, if made, serve any very useful purpose. Other obstacles to the completion of the commission's plan are the necessity of making the systems of approximately equal earning power with relation to the values of their properties and of preserving competition "as fully as possible." The railroads, in the absence of the complete plan of the commission, have been unable to proceed with effective regroupings of their properties in the manner contemplated by the Congress at the time of the enactment of the transportation act, and the public has failed to realize the benefits that might reasonably be expected from unifications. There is thus in the present law a clearly expressed desire on the part of the Congress to accomplish a certain result, but an effective method of accomplishing the result is lacking.

Your committee is of the opinion that legislation is necessary in order to remove the uncertainty that surrounds the whole question of railway unifications and to provide a more definite and workable basis for future unifications that will be in the public interest. This opinion is shared by both the Republican and the Democratic members of the committee. Considerable time has been devoted to the discussion and consideration of the various problems involved, and the policies incorporated in the bill have been decided upon only after careful and painstaking study on the part of the members of the committee of the different aspects of the railway unification problem. In all its deliberations the committee has been primarily concerned with the proper and adequate protection of the public interest, and under the provisions of the bill no unifications are to be permitted except those that are determined by the Interstate Commerce Commission to be in the public interest. For the guidance of the commission in making its determinations, definite and clear-cut standards and methods of procedure have been laid down.

OUTLINE OF EXISTING LAW

The existing congressional policy with respect to railway unifications is contained in paragraphs (2), (4), (5), (6), and (8) of section 5 of the interstate commerce act.

Paragraph (2) of section 5 provides that the commission may approve the acquisition of control by one carrier of another carrier or carriers, in any manner not involving the consolidation of such carriers into a single system for ownership and operation, whenever the commission is of opinion, after hearing, that such an acquisition of control will be in the public interest. It was contemplated that this paragraph would be of temporary or limited application.

Paragraphs (4), (5), and (6) of section 5 were intended to provide the permanent basis of railway unifications. These paragraphs are so closely interrelated that they may be treated as a unit and their main provisions briefly summarized as follows:

1. The duty is imposed upon the commission of preparing and adopting a complete plan for the unification of all the railway properties in the continental United States into a limited number of systems.

2. All unifications must be in harmony with and in furtherance of such plan and must be approved by the commission.

3. Each unification must be of such a nature as to unite the railway properties of the carriers who are parties to it into one corporation for ownership, management, and operation.

4. The stocks and bonds of the corporation which is to acquire the properties of two or more carriers pursuant to unification must not exceed the value of such properties as determined by the commission under section 19a of the interstate commerce act.

5. If the commission finds, after a public hearing, that such a proposed unification will promote the public interest, it may authorize and approve it with such modifications and upon such terms and conditions as the commission may prescribe and thereupon the unification may be effected regardless of State laws.

Paragraph (8) of section 5 relieves a carrier seeking to acquire control of another under paragraph (2), and the carriers that are parties to a unification under paragraphs (4), (5), and (6), of section 5, from the prohibitions and restraints imposed by State and Federal laws (including the antitrust laws), in so far as may be necessary to enable them to carry out the orders of the commission under those paragraphs.

DEFECTS OF EXISTING LAW

During the period of more than eight years that the provisions of existing law with respect to railway unifications have been in force very little has been accomplished in the way of carrying out the policy adopted by the Congress. Experience has shown that none of those provisions, with the exception of paragraph (2) of section 5, is capable of effective administration and application. Some of the outstanding defects of the existing law are as follows:

1. Paragraph (2) of section 5 was intended to be applicable only in the cases of acquisitions of control by one carrier of another carrier (through stock ownership or lease) which do not involve a true or substantial unification contemplated by the transportation act. Accordingly, its provisions are wholly inadequate as a means of bringing about such unifications not only from the point of view of the carriers desiring to effectuate the congressional policy of voluntary consolidations, but also from the point of view of the supervision and control by the commission, the protection of minority interests and the interests of other carriers, and, what is of primary importance, the protection and promotion of the interests of the public.

2. The unifications contemplated by the Congress at the time of the enactment of the existing law can not be brought about, for the commission has found it impossible to comply fully with the requirements that it prepare a complete plan for the consolidation of all the railway properties in the United States into a limited number of systems, and the completion of the plan is a prerequisite to the approval of any such unification.

3. Only one type of unification is provided for, namely, a corporate consolidation into one corporation for ownership, management, and operation of the properties of the carriers that are parties to the unification.

4. No provision is made for a procedure under Federal law to be followed by the carriers in bringing about a proposed unification.

5. Unifications under State law are not prohibited.

6. The requirement that the securities of the new corporations shall not exceed the value of the properties sought to be consolidated as ascertained by the commission under section 19a is a condition which has materialy hindered the commission in its preparation of its complete plan.

7. No provision is made for determining the rights and remedies of dissenting stockholders or of the carriers who are not originally joined in a proposed consolidation.

8. Inadequate provision is made for safeguarding the interests of the public.

III. OUTLINE OF THE BILL

The main purposes of the bill are as follows:

(1) To authorize voluntary railroad unifications, but only to the extent that they promote the public interest.

(2) To set up definite and specific standards to be taken into consideration by the Interstate Commerce Commission in determining whether or not a proposed unification will promote the public interest.

(3) To enable the carriers to carry into effect such a unification which has been approved by the commission by establishing a uniform and effective procedure.

(4) To safeguard the interests of all who might be directly or substantially affected by such a unification, especially carriers that are not originally joined in the plan of unification.

(5) To establish an efficient system of supervision by the commission in all cases of proposed unifications.

(6) To provide adequate protection for all dissenting stockholders of the carriers who are parties to a proposed unification by establishing a procedure whereby they may receive just compensation for their stock.

(7) To remove the defects of existing law which have prevented the promotion of the policy of voluntary unifications.

(8) To relieve the commission of the duty of preparing a complete plan for the unification into a limited number of systems of all the railway properties in the continental United States and to substitute a provision directing the commission to make a study of transportation facilities and to prepare one or more tentative plans to be available for its use in passing upon petitions for unification.

(9) To permit the commission under certain circumstances to authorize the acquisition by condemnation of a carrier which was not a party to the the plan if the commission determines that it is in the public interest that such carrier be made a party to a unification.

(10) To prohibit all unifications, including consolidations, mergers, acquisition of properties, and acquisitions of securities, under State or Federal law, except as specifically provided in the bill.

(11) To provide appropriate relief from State and Federal taxation in order to encourage and make possible unifications that will be in the public interest.

IV. DIFFERENCES BETWEEN SENATE AND HOUSE BILLS

The bill which your committee is now reporting out and the bill (H. R. 12620) reported out near the end of the last session by the House committee are identical in almost all respects. There are, however, six substantial differences between the two bills. The first of these relates to the method of acquiring securities; the second, to the type of corporate consolidation to be permitted; the third, to the provisions to be made with respect to voting bonds; the fourth, to the proceedings under paragraph (2) of section 5; the fifth, to carriers not parties to a plan of unification; and the sixth, to the preparation by the commission of a plan of unification. These differences are briefly discussed in the following paragraphs.

ACQUISITION OF SECURITIES

Section 202 (2) of the Senate bill prohibits all unifications (through corporate consolidation, corporate merger, acquisition of properties, or acquisition of securities, directly or through holding companies or other agencies) that are not in accordance with the provisions of the bill or with an order of the commission under paragraph (2) of section 5, but it further provides that the prohibition shall not extend (a) to an acquisition by a carrier of shares of capital stock issued by another carrier in an amount not sufficient to constitute control of such other carrier but that no such shares, except those acquired pursuant to subscription rights, shall be voted on any question relating to unification without the approval of the commission, or (b) to an acquisition by a carrier of additional shares of capital stock issued by another carrier of which control has been previously lawfully acquired. The acquisitions of stock under both (a) and (b), however, are subject to the ordinary provisions of law, State or Federal, applicable thereto, and unless such acquisition is permitted the carriers must go before the commission either with an application under paragraph (2) of section 5 or with a plan under the provisions of the bill.

The House bill, on the other hand, provides that no securities may be acquired by a carrier except securities issued by a Class II or a Class III carrier without first presenting a petition to the commission for the approval of the plan for such acquisition. It is further provided that even where securities of a Class II or a Class III carrier are acquired the privilege of voting such securities shall not be exercised in any manner until the commission has made an order approving the acquisition. If the commission refuses to approve any such acquisition, the securities involved must be sold or otherwise disposed of by the carrier which has acquired them in the manner prescribed by the commission.

TYPE OF CONSOLIDATION PERMITTED

Section 203 (2) (c) of the Senate bill provides for a corporate consolidation under the provisions of the bill. Under this provision two or more carriers who wish to consolidate their properties, franchises, and other assets into a new corporation may present their plan to the commission and must proceed in accordance with the provisions of the bill in the same manner as if the plan called for a corporate merger or for any other type of unification. The provisions of State law relating to the machinery or procedure for carrying out the consolidation

are inapplicable and the carriers are relieved from all restraints and prohibitions of State law.

The House bill permits a corporate consolidation of two or more carriers, but only if such consolidation is to be effected under State law. This means, in effect, that if two or more carriers wish to unite their properties, rights, and franchises, and form a new corporation, they must petition the commission for the approval of a plan for the consolidation, but that after the approval of the commission is obtained, they must resort to the provisions of State law relating to that type of unification. If a consolidation is not permitted under the State law, or if conditions are imposed which prevent the proposed consolidation, the carriers must resort to some other method of unification.

VOTING BONDS

Under both the Senate bill and the House bill the holders of all voting securities of the carriers involved in a unification are entitled to vote upon the question of the adoption of the plan of unification approved by the commission.

The Senate bill provides, however, that if any such carrier has outstanding voting bonds, the trustee of the mortgage securing the bonds is to be held responsible for finding out who the bondholders are and of filing a certificate showing that a majority of such bondholders dissent from the proposed plan. The House bill makes no provision for getting the holders of voting bonds together at the meeting to vote upon the plan of unification.

PARAGRAPH (2) OF SECTION 5

The Senate bill merely amends in certain respects paragraph (2) of section 5 which provides for acquisition of control through purchase of stock, leases, etc., not amounting to a consolidation, so that even after the passage of the bill applications may be made under it in the same way that they may now be made.

The House bill provides that no application shall be made under paragraph (2) of section 5 after the bill becomes law but leaves it in force as to pending cases on the condition that the commission shall apply the provisions of section 202 in determining the public interest under the paragraph.

CARRIERS NOT PARTIES

The Senate bill contains a provision which permits the commission to authorize a carrier which is a party to a plan of unification to acquire by condemnation the properties, rights, and franchises of another carrier which is not a party and which has been insisting upon unreasonable terms, if the commission determines that it is in the public interest that such carrier should be made a party to the unification.

There is no provision in the House bill corresponding to this provision.

COMMISSION'S PLAN OF UNIFICATION

The Senate bill contains a provision directing the commission to complete a comprehensive study of the transportation facilities of the railroads and to prepare a plan or plans for their unification into systems. The plans are to be tentative but available for use by the commission in passing upon petitions for unifications and are to be completed before any order of the commission is entered approving a plan of unification. This provision is intended to give the commission a working basis for its consideration of petitions and is in fact a substitute for the more rigid provisions of existing law.

There is no provision in the House bill corresponding to that above mentioned. The House bill merely repeals all the provisions of existing law relating to the preparation by the commission of a complete plan of consolidation.

As many of the provisions of the Senate bill, particularly those relating to the legal machinery for carrying out a unification (including the joint agreement and petition, consent of carriers, order of the commission, etc.), are identical to the corresponding sections of the House bill (H. R. 12620) reported out near the end of the last session, a copy of that part of the House Report (No. 1264) containing a detailed analysis of the House bill is set out in the following pages.

APPENDIX

II. DETAILED ANALYSIS OF THE BILL

STRUCTURE OF THE BILL

The bill proposes to add a new title to the interstate commerce act. The mechanical structure of the bill is designed to keep the laws relating to carriers in one place and also to make the provisions of existing law relating to the procedure of the commission applicable to the provisions of the bill.

DEFINITIONS

Section 201 contains definitions of some of the terms used in the bill.

Section 201(1) defines the term "interstate or foreign commerce" in the usual manner. The definition does not change existing law, but is used in order to prevent repetition.

Section 201(2) defines the term "carrier." Inasmuch as this term is used throughout the act, the definition is of considerable importance. As a result of the definition the provisions of the bill will apply to a common carrier engaged in the transportation in interstate or foreign commerce of passengers or property wholly by railroad or partly by railroad and partly by water, within the continental United States, if the carrier is subject to the present interstate commerce act. This definition is based upon the provisions of section 1(1)(a) of the interstate commerce act. Consequently, a carrier is included within the definition if it is engaged in transportation by railroad, even though also engaged in other transportation; for example, by motor bus.

By reason of the fact that certain railroad companies have leased all their properties and consequently are not actually engaged in transportation, and by reason of the fact that many terminal companies, although not engaged in transportation, own terminal facilities, such as passenger and freight depots, yards, and grounds, which should properly be subject to the provisions authorizing the unification of carrier properties, such companies are included within the definition. A terminal corporation is one which owns properties to supply terminal facilities for one or more railroad companies, usually operating such properties either in whole or in part, under operating agreements with the railroad companies; and, consequently, companies, such as packing, mining, warehouse, lumber, and elevator companies, etc., which own terminal properties merely as an incident to the carrying on of their other business, are not included within the definition and, therefore, are not subject to the provisions of the bill. In order to permit the organization of a new corporation, the definition includes such a corporation, if it is organized to effect a unification and also for the purpose of engaging in transportation as a carrier. It will be noted that sleeping-car and express companies are excluded from the provisions of the bill.

Section 201(3) contains an all-inclusive definition of securities.

Section 201(4) defines the term "voting securities" to mean all outstanding securities, whether shares of stock, bonds, certificates, notes, or other evidences of interest or indebtedness, issued by a carrier, if such securities have voting privileges. Unissued stock and stock acquired by the issuing carrier and held in its treasury, of course, are excluded, as well as all securities, such as preferred stock, in respect to which no privilege of voting has been conferred. In other words, your committee felt that all securities having voting privileges with respect to any question involved in a proposed unification should continue to have the voting privilege under the bill, but that no greater voting privilege should be conferred.

PROTECTION OF THE PUBLIC INTEREST

Section 202(1) authorizes a unification of carriers or of property of carriers, but only if the Interstate Commerce Commission is of opinion that the unification will promote the public interest. This paragraph requires the commission to give due consideration, among other matters, to the maintenance of competition between carriers and the prevention of any undue lessening of existing competition, the preservation and improvement of the service afforded by the necessary weak or short lines, the promotion of economy, the affording of better service, the securing of a simplified and more effective regulation of carriers, and the ultimate establishment of a number of strong and efficient systems well balanced within themselves and with other systems.

The paragraph does not require the commission to find that each of the above will result from a proposed unification. It is intended rather to give to the commission an indication of what the Congress expects will result in the future from unifications. For example, it is conceivable that a proposed unification may not produce economies, and certainly the immediate establishment of all the strong and efficient systems ultimately to be created is not expected. Nevertheless, the unification, if otherwise proper, may be approved by the commission. Furthermore, the paragraph merely requires that the commission shall give due consideration to the above factors. It does not mean that greater consideration should be given to any one of them than to any of the others. It means that a sound balancing of all the factors involved in any proposed unification will result in the opinion that the unification will promote the public interest.

It will also be observed that the paragraph does not require a specific finding as to the actual existence of any of the factors. Inasmuch as the commission will have to make a forecast of the consequences to result from the proposed unification based upon all the information and facts available, and inasmuch as the commission will be expected to use a sound discretion in making its determination under this paragraph, it will be exercising a legislative, rather than a judicial, function and will be acting as an agency of the Congress.

It may be well to point out again that unifications are not to be authorized merely to satisfy the desire of human nature to attain gigantic size to obtain control. On the contrary, unifications are to be authorized only when the public will not be deprived of any of the advantages which it now possesses (at least unless a satisfactory substitute is provided), and when it will be assured that favorable consequences will result from the unification. Every effort has been made to protect the public interest and to make it the paramount test. If the Interstate Commerce Commission is not satisfied that a proposed unification will really promote the public interest, the plan should be disapproved.

Maintenance of competition: The paragraph requires the commission to give due consideration to the maintenance of competition between car-

riers. It will be observed that this does not require the maintenance of existing competition, but merely that there must be competition after a unification if there is competition before unification. It is obvious that competition between two strong carriers after a unification will prove much more effective than any existing competition between a strong and a weak carrier. Consequently, the public interest will be materially promoted if, in such case, the existing competition is replaced by effective competition between carriers of substantially the same strength.

Undue lessening of existing competition: Due consideration must also be given to the prevention of any undue lessening of existing competition. This provision does not mean that there can be no lessening of existing competition, and, obviously, the substitution of effective and substantial competition described above could not be accomplished without some elimination of the existing competition between the strong and the weak carriers. It is only undue lessening that the commission must prevent. If the public interest unquestionably requires the lessening of existing competition, it is obvious that such lessening will not be "undue." Again, the primary purpose of competition among railroads is to promote efficiency, economy, and better service. Competition which requires duplication and increases costs has a contrary effect and may well be eliminated.

The real advantages to the public of substantial competition, it is believed, can be gained only through unification resulting in competitive systems of approximately equivalent earning power, financial strength, and efficiency. Such a result would in itself amply justify the enactment of the bill.

Preservation of weak or short lines: The paragraph requires the commission to give due consideration also to the preservation and improvement of the service afforded by the necessary weak or short lines. The weak-line problem is undoubtedly one of the most serious problems now confronting us. A large percentage of the lines now owned by weak roads must continue to be operated. As stated above, continued abandonments will produce disastrous results to the communities which have developed in reliance upon the continued operation of the line. Although it is not expected that unifications will entirely remove the weak-line problem, it is certain that we may expect a very substantial percentage of the weak lines to become parts of strong and efficient systems.

The promotion of economy: There is, admittedly, much difference of opinion as to the substantial effect of the economies to be realized. It is undoubtedly true that many of the savings in overhead expenses will be counterbalanced, to some extent at least, by increased expenses, for example, in the case where a weak line, now operated with a minimum of expense, becomes a part of a system. It is also true that overhead expenditures constitute but a small percentage of railroad expenses. The testimony before the committee is convincing, however, that real economies will come from unifications. Large systems can make more economical use of their equipment, for a small road does not have sufficient traffic or sufficiently diversified traffic to make the most efficient use of all the equipment required to handle peak loads and of the different types of cars required to handle different commodities. There will be more direct routing and less back hauling of freight. Direct lines will be available for commodities demanding a fast service. The cost of switching will be reduced to a minimum. Methods and equipment and practices may be standardized. A substantial and forceful purchasing power will be concentrated in one agency. Shops and equipment will be utilized to the maximum extent.

In this connection it may be pointed out that it has been alleged, and considerable testimony has been introduced tending to prove, that in one of the proposed mergers now pending there will result an aggregate saving through economies of $10,000,000 a year. It may well be that the distribution of this amount among all the shippers in the territory served may of itself not appreciably be felt in rate reductions. Even assuming that no reduction by reason of the saving should be forthcoming, the saving of this amount and the improvement of the service resulting therefrom would prove very substantial and worth while.

Better service: The strengthening of credit facilities and the economies effected will permit additions and betterments, better equipment, and improved roadbeds. A system will be in a position to make direct and fast shipments. A sufficient number of cars of the proper type will be available to meet the demand. It will be able to give regular, adequate, and satisfactory service. Each system will connect directly with another system. The operation of solid trains to and from large centers and important gateways will be facilitated. The operation of terminals at large centers will be simplified. The number of junction points will be reduced to a minimum. A simplified movement of freight or passenger traffic will result in a minimum number of transfers and the maximum operation of through trains. Uniform service can be afforded throughout the year, for even though there should be a crop failure in part of the territory served by the system, for example, conditions might well be normal in other parts of its territory.

A simplified and more effective regulation: A reduced number of carriers will greatly simplify the duties of the Interstate Commerce Commission and also the duties of the carriers in handling matters before the commission. Our present railroad tracks and facilities are owned by about 1,900 and are operated by about 1,000 separate railway companies. Each of these companies has its own individual problems before the Interstate Commerce Commission and the commission must consider each of them.

A more effective regulation of carriers is one of the most important results to be expected from unifications. No system of rate making can be based upon the condition or position of an individual railroad. It must be based upon the condition and position of the railroads as a whole within a given territory. But each railroad should obtain similar financial and operating results. Similar results, however, can be obtained only if the railroads themselves are similar in character. So long as the units of our transportation system are so greatly lacking in uniformity as at present, it is obvious that uniform results can not be obtained.

Unification offers the only means other than Government ownership by which railroad units of a substantially uniform character may be created. Public regulation under present conditions is extraordinarily difficult, and its complexities are constantly increasing. If we are unable to make it more effective, efficient, and fair, public regulation may fail. And if it fails, the continuation of private ownership will become impossible.

The ultimate establishment of systems: The ultimate goal of unifications is the establishment of a limited number of systems which will be able to render, and to continue to render, to the public the service demanded at rates which are reasonable to the public and which will yield to the carriers a fair return upon the value of their railway properties. It is not expected that the immediate establishment of the systems contemplated is possible. Years will undoubtedly elapse, during which unifications will be effected from time to time, before the ultimate goal is reached. The commission must, however, keep the ultimate end in mind and must consider whether any proposed unification will tend to bring about the ultimate establishment of a strong and efficient system.

A carrier which is "strong" is in a position to obtain the necessary funds for additions and betterments and equipment at the lowest possible cost. An efficient system is one neither so large as to be unwieldly or unmanageable, nor too small to secure economies derived from large-scale operations; one that can make the best possible use of its rolling stock, yards, and terminals, so as to avoid the congestion of transportation on the one hand and idle facilities on the other; one that will be in a position to meet the transportation demands made upon it at the lowest possible costs. A well-balanced system is one that has a reasonable opportunity to originate well-diversified and dependable traffic which assures a continuity of revenue, so that the depression in a single industry will not too greatly affect its total traffic; one which will have facilities, equipment, tracks, yards, and terminals adequate to the public needs. A system well balanced with other systems is one which will become competitively important in freight transfer and delivery, which will be able to give service comparable to that afforded by competitors, and which will be able to hold its own with other systems serving the same territory.

Other factors in the public interest: The Interstate Commerce Commission, in passing upon an application under paragraph (2) of section 5, has given consideration to practically all the factors enumerated in section 202 (1) in determining the public interest. The commission has also considered factors in addition to those specifically mentioned, which it will also consider under the provision in the section that it give due consideration to "such other factors as may be in public interest." One of the very important factors which it has considered in the past and will consider under this provision is the financial set-up of the proposed unification, involving such things as the amount of bonds and stock, the issuance of no-par-value stock, the amount of stock having voting privileges, the size of the corporation controlling the carriers involved in the unification, etc. (See Nickel Plate Unification, 105 I. C. C. 425, 444–445; Unification of Southwestern Line, 124 I. C. C. 401, 437–439.) The purpose of this general provision is to make it possible for the commission to consider, among other things, all the factors controlling an interpretation as to public interest under paragraph (2) of section 5 which are not specifically enumerated in section 202. A second important consideration is the fairness of the terms from the point of view of the stockholders. (See Nickel Plate Unification, supra, pp. 445–448.)

NEW LAW IS EXCLUSIVE

It is uncertain whether the present law constitutes the exclusive method by which unifications may be effected. Except for the question of the possible violation of the antitrust laws, the better view seems to be that unifications may be effected under authority of State law. In any event your committee is convinced that there should be but one law authorizing unifications and that that law should be a Federal statute. Consequently, the bill provides, in section 202 (2), as to the future, that no consolidation, merger, or acquisition of voting securities may be effected except in accordance with the provisions of the new bill. It should be pointed out that the committee has specifically decided to make this provision only of future application. The validity of acts done in the past must be determined under the law applicable thereto, wholly without regard to the provisions of the new bill.

It will be observed that the prohibition does not affect the provisions of paragraphs (18), (19), and (20) of section 1 (relating to extensions of line), the provisions of paragraph (4) of section 3 (relating to joint use of terminals), the provisions of paragraph (2) of section 5 (authorizing acquisitions of control), the provisions of paragraph (15) of section 1 (relating to car service and use of terminals), or the provisions of section 20a (relating to security issues), of the interstate commerce act, whether the order of the commission under any of these provisions is entered before or after the new bill becomes law. Neither does the prohibition interfere with the formation of subsidiary corporations, and the acquisition of all or any part of the securities thereof, for the construction, operation, and ownership of branches, extensions, or terminals, or equipment, or facilities to be used in connection therewith. This provision is of the utmost importance in order to care for present practices, established primarily because of the existence in mortgages of an "after acquired property" clause. The exemption, however, is limited to cases of proposed construction, operation, and ownership. It does not apply to acquisition through purchase or lease, for example, for the committee believed that purchases or leases should be effected under the provisions of the bill.

TYPES OF UNIFICATION AUTHORIZED

Section 203 (1) provides that in order to bring about a unification two or more carriers may agree on a plan therefor to be carried out under authority of the bill.

Paragraph (2) of this section enumerates the types of unification which may be included in the plan. The first of these, described in subdivision (a), is an acquisition by or transfer to a carrier of all or a part, or of the right to operate all or a part, of the properties or franchises of one or more carriers. This acquisition or transfer may be by purchase, sale, exchange, lease, or otherwise, and includes all transactions by which the ownership or possession of properties or the right to operate properties may be transferred from one carrier to another without change in the corporate organization of either of the carriers. Of course, a carrier corporation, after disposing of all its properties, may dissolve, but such dissolution is not contemplated as a part of a plan under this subdivision. It is further provided that, if desired, any remaining assets of any carrier may be disposed of. No corporate merger or consolidation is here contemplated.

Subdivision (b) provides that the plan may include a corporate merger of one or more carriers into another. The term "merger" is here used in a strict, legal sense and is intended to include only a transaction whereby the properties, franchises, and other assets of one or more carriers are taken over or absorbed by another carrier, accompanied by the termination of each merging carrier and the continuation of the acquiring or continuing carrier without any change in, or interruption of, its corporate existence. The effect of such merger upon the title to the property, and upon the rights, privileges, powers, immunities, exemptions, and franchises of each of the corporations, and upon their debts, liabilities, and duties, is specifically set forth in section 211 hereinafter discussed.

By the terms of subdivision (c) of section 203 (2) a corporate consolidation of two or more carriers may be included in the plan, but only if such consolidation is to be effected under State law. Again, the term "consolidation" is used in a strict sense to describe the type of corporate combination wherein the properties, franchises, and other assets of two or more carriers are united and passed to a new corporation, the consolidated corporation, whereupon the corporate existence of each of the constituent companies is terminated, and, generally, the stockholders of the constituent corporations become the stockholders of the consolidated corporation. A unification of this character requires the creation of a new corporation, and can be effected only under statutory authority. The corporation laws of most of the States contain provisions for this form of combination. Usually, the same provision which authorizes the consolidation creates the new consolidated corporation. The procedure prescribed ordinarily requires a joint agreement setting forth details of the organization of the new company, to be submitted for approval to the stockholders of each constituent company, and, when duly filed with the proper State officer, constituting the charter of the new corporation. It is not desirable to have in the bill any provision which might be construed as creating a corporation under Federal law. It is hardly within the power of Congress to provide for the creation of a new corporation under the laws of any of the States. Therefore, it seems desirable that a combination of this type be carried out under the laws of the State or States creating the corporations involved.

Finally, by the terms of subdivision (d) of this paragraph, the plan may provide for the acquisition by a carrier of securities of another carrier (whether or not one of the petitioning carriers) by purchase, exchange, lease, or otherwise, or the approval by the commission of an acquisition of securities of class 2 or class 3 carriers under the provisions of paragraph (2) of section 205, hereinafter referred to.

CONSOLIDATION AND MERGER DISTINGUISHED

The term "consolidation" is frequently used in statutes and judicial decisions, in a loose sense, to include corporate combinations which result in either (1) the creation of a new corporation and the dissolution or extinction of all of the combining corporations, or (2) the continued and enlarged existence of one of the corporations and the dissolution or practical extinction of the others. Thus, in the case of Central Railroad & Banking Co. *v.* Georgia (1875), 92 U. S. 665, the Supreme Court held that a statute providing for "consolidation" did not necessarily work a dissolution of both companies and the creation of a new one. Usually, however, when the questions involved in a case make it important to determine whether, under a particular statute, the combining corporations have all been extinguished and a new corporation created, it is found that the courts apply the term "consolidation" to such a combination, and distinguish as a "merger" the case where one of the combining corporations continues to exist and absorbs into it the properties, franchises, and other assets of the others, which thereupon go out of existence. So, in the case of Atlantic & Gulf Railroad Co. *v.* Georgia (1878), 98 U. S. 359, the Supreme Court, in holding a combination to be a strict consolidation, said:

"The consolidation provided for was clearly not a merger of one into the other, as was the case of Central Railroad & Banking Co. *v.* Georgia. * * * That generally the effect of consolidation, as distinguished from a union by merger of one company into another, is to work a dissolution of the companies consolidating, and to create a new corporation out of the elements of the former, is asserted in many cases, and it seems to be a necessary result."

A more recent Federal case pointing out the distinction is Lee *v.* Atlantic Coast Line R. Co. (1906), 150 Fed. 775. (See also, a valuable note on consolidation in 89 Am. St. Rept., at page 604, and cases there cited.) It may be said that the later and better considered authorities limit the term "consolidation" to combinations of two or more companies creating a new corporation and extinguishing the old ones, as distinguished from a merger by one company absorbing another without the creation of a new corporation. It is in this sense that the terms are used in the bill.

JOINT AGREEMENT AND PETITION

Section 204 provides the machinery by which two or more carriers which propose a unification may present to the commission the plan of unification that has been agreed upon.

Section 204 (1) provides that if the boards of directors of two or more carriers have authorized a joint agreement proposing the plan of unification and this agreement has been executed by the carriers, they may then petition the commission for its approval of the proposed plan. The commission may by regulations prescribe the details to be included and may by special order require the carriers to include in the petition details of the plan in addition to those included by the carriers. Such petition or plan may be amended at any time by leave of the commission.

Section 204 (2) provides for the contents of the joint agreement. This includes the terms and conditions of the plan and the methods by which it is to be effected. There is also to be a statement of the proposed financial set-up, and of the securities involved in carrying out the plan, together with the terms on which such securities are to be issued, and a statement of the rights, privileges, powers, and immunities granted or denied under the plan to different classes of stockholders. Finally, the joint agreement may contain such other provisions and details as the boards of directors may deem necessary or appropriate or as the commission may require.

Section 204 (3) provides the manner in which a joint agreement may be authorized by the board of directors.

Section 204 (4) requires that a duly executed copy of the joint agreement be filed with the commission as a part of the petition.

ACQUISITION OF SECURITIES BY A CARRIER

Section 205 authorizes a carrier to petition the commission for the approval of a plan to be effected by an acquisition of securities of another carrier, and authorizes the acquisition of securities issued by a class 2 or a class 3 carrier upon the condition that the securities can not be voted until the acquisition has been approved by the commission.

Section 205 (1) authorizes a carrier which proposes to bring about a unification through the acquisition of securities of another carrier to submit to the commission a plan which has been adopted by a majority of the directors of the petitioning carrier. The petition must include the plan and the terms, methods, and purpose of the proposed acquisition, and the issue of any new securities that may be involved in the plan, in such detail as the commission may require. This paragraph is intended to apply primarily to the case of a carrier classified by the commission as a class 1 carrier, and it sets up the only method by which, after the date of the enactment of the bill, the voting securities of any such carrier may be acquired by another carrier (except as to applications pending under paragraph (2) of section 5). If any such acquisition is attempted by any other method it will be unlawful and will fall within the prohibition of section 202 (2).

Section 205 (2) authorizes any carrier to petition the commission for the approval of an acquisition of securities of a class 2 or a class 3 carrier if the acquisition has been authorized by the vote of a majority of the directors of the acquiring carrier. No restriction is imposed upon the act of acquiring such securities, but the privilege

of voting in respect to such securities is to be withheld until such time as the commission, upon petition of the acquiring carrier, has granted its approval to the acquisition. If the commission refuses to approve the acquisition, then it may require the carrier which has obtained the securities to sell or otherwise dispose of them.

PROCEDURE OF THE INTERSTATE COMMERCE COMMISSION

Section 206 of the bill prescribes the notice to be given and provides for a public hearing upon a petition. Here again the interests of the public are protected by requiring notice to be given to the governor of each State in which any part of the line of any carrier a party to the plan is located, and to the railroad commission, public service or utilities commission, or other regulatory agency of the State, and by giving a specific right to the governor or the commission, or other representative, to be heard. The section also gives any person having an interest in the proposed unification an opportunity to be heard before the commission, so that organizations of shippers, chambers of commerce, and other community organizations, and the stockholders, or bondholders and other creditors, of the carriers involved may be heard. In order that the hearings may not be unnecessarily prolonged, and in order that the right to cross-examine witnesses may be kept within reasonable limits, the right of persons having an interest in the proposed unification to be heard is subject to rules to be prescribed by the commission.

Section 20a and paragraphs (18), (19), and (20) of section 1 of the interstate commerce act require similar notice to the governors of the States. In order to avoid duplication of hearings section 206 (2) authorizes action under the above provisions in any proceeding upon a unification under the new bill. The nature and effect of the action, however, is governed by the provisions just referred to.

Primarily for the purpose of giving weak or short lines an opportunity to become parties to any proposed unification, section 206 (3) permits the filing with the commission of an intervener's petition. In order that the filing of a petition may not unduly interrupt the proceedings, it is provided that the intervener's petition must be filed prior to or at the time the original petition is called for hearing, unless the commission grants a request after such time upon a showing of good cause for a failure to file theretofore. In any such case, of course, the commission permits the filing of the petition upon such conditions as have been prescribed, such as requiring the intervener to accept the record of the commission previously made.

The provisions of existing law, or of any future amendment thereto, relating to the procedure of the commission, are applicable to its procedure under the provisions of the new bill. (See sec. 12 and sec. 17 of the interstate commerce act.)

ORDER OF THE COMMISSION

Section 207 (1) of the bill provides that if, after the hearing, the commission is of opinion that the proposed unification will promote the public interest and finds that those provisions of the bill which are conditions precedent to the entry of the order have been complied with, the commission shall enter an order approving the plan or (in the case of a petition seeking the approval of the commission of an acquisition of securities issued by a class 2 or a class 3 carrier, effected under section 205 (2) of the bill) the acquisition of securities. It is again pointed out that the paragraph does not require a finding by the commission upon the public interest but merely requires that the commission be of the opinion that the proposed unification will promote the public interest. (Compare the Chicago Junction Case (1924), 264 U. S. 258.) The determination of the public interest must be made, of course, in accordance with the provisions of section 202.

The conditions precedent to the entry of the order are, briefly, in the case of a plan presented under section 204, that a plan has been agreed upon, that the plan provides for one of the various methods of unification, that a joint agreement has been entered into proposing the plan duly authorized by the boards of directors and executed by the carriers, and that the joint agreement contains the provisions required; and, in the case of a petition under section 205 for the approval of a plan for unification through the acquisition of securities, or for the approval of an acquisition theretofore made of securities issued by a class 2 or class 3 carrier, that the petition is properly presented, and that the plan or acquisition has been duly adopted or authorized by the board of directors; and, finally, that in all cases the requisite notice has been given and the public hearing held at which the parties or persons have been afforded a reasonable opportunity to be heard.

The approval of the commission may be made upon such terms and conditions as it may prescribe in the public interest. If the commission finds, upon objection of a stockholder, bondholder, or holder of any other security issued by a carrier a party to the plan, who has appeared before the commission, that the terms and conditions of the plan are unfair or unreasonable as to him, whether by reason of the fact that the compensation offered him in the case of an exchange of securities, for example, is inadequate or is less than the "just compensation" to which he is entitled, or by reason of the fact that he has been discriminated against and that other holders are given more favorable terms than those offered him, then the commission is authorized to approve the plan upon such terms and conditions as it finds to be fair and reasonable.

Section 207 (2) deals with the situation where a carrier not joining in the original petition is to be made a party to the plan, either upon its petition or upon the initiative of the commission. In order that the unification may be entirely voluntary, the paragraph provides that the original petitioners may report back to the commission and obtain a revocation or modification of the condition, if the new carrier is insisting upon unreasonable terms; or, if the new carrier so requests, the commission may prescribe the terms upon which it may be made a party to the proposed unification if the carriers elect to carry out the plan.

Section 207 (3) is another provision intended to protect the interests of weak and of short carriers, and requires that the carriers and the commission shall give due consideration to the inclusion in the plan of short and of weak carriers in the territory involved.

ISSUANCE OF SECURITIES

Section 207 (4) makes it certain that the provisions of section 20a will be applicable to the issuance of securities in connection with a unification. Section 5 (6) (b) of the present law imposes a condition which would, if carried into the new bill, practically prevent unifications, as it provides that the par value of the outstanding stock and bonds must not exceed the value of the consolidated properties as determined by the commission.

The director of finance of the Interstate Commerce Commission, Mr. Mahaffie, discussed the matter thoroughly and in detail in the executive sessions of the committee. Since the enactment of the transportation act of 1920, containing the provisions of section 20a, giving complete jurisdiction to the Interstate Commerce Commission over the issue of securities, there has been no overcapitalization, and the commission has been gradually "squeezing out the water" accumulated prior to that time. Your committee feels that section 20a has been ably administered, is proving very effective, and that no additional safeguards are necessary, except the imposition of one condition, namely, that there should be no capitalization of intangible values resulting from the proposed unification. Although the commission has consistently refused in the past to permit an issuance of securities based upon a capitalization of intangible values, your committee feels that any possibility of a reversal of this practice should be specifically prevented.

CONSENT OF CARRIERS

After the order of the commission has been entered, section 208 requires that the carriers must consent to the order before it becomes effective. This obviously is in line with the policy that unifications should be voluntary. In the case of an order authorizing or approving an acquisition of securities, whether under section 205 or under section 203 (2) (d), the consent of the carriers is given by the boards of directors. If the plan provides for unification through any of the other methods (whether or not the acquisition of securities is involved) the holders of the voting securities, as well as the boards of directors, must consent to the order in so far as it involves a unification by such other methods. A favorable vote of a majority of the board of directors of each carrier and a majority of the holders of voting securities is sufficient to grant the consent.

Section 208 (3) requires that, if the consent of the holders of the voting securities is required, such consent must be given at a special meeting. Notwithstanding the fact that voting bondholders, for example, are included, the paragraph provides that the special meeting is to be called and held and conducted in the manner prescribed for a special meeting of stockholders. The right to vote is not fixed in the bill but will be determined under the provisions of the State law, the articles of incorporation, the by-laws, the terms of the bond, etc. For example, if a mortgage provides that the bondholders, or any specified percentage of them, must consent to a disposition of a substantial portion of the assets of the corporation, such bondholders will have the right to vote upon so much of the plan as relates to the disposition of assets, or, if the plan includes such a disposition and no separate vote is taken on that portion of the plan, then upon the plan as a whole.

The method by which their vote is cast will be governed without regard to the provisions of the bill, in the same manner as though the specific question were presented in the ordinary course of business at a special stockholders' meeting. The bill in this respect differs materially from prior bills upon the subject.

Section 208 (4) requires the certification of the consent of the carriers, in order that the commission may be duly advised upon the action taken. This paragraph also provides that the certification shall be prima facie evidence of the facts certified. It is pointed out, however, that in section 210 (3) the certification by the commission, following the certification as to the consent of the carriers, is conclusive evidence that the applicable provisions which are conditions precedent have been complied with.

EFFECTIVE DATE OF COMMISSION'S ORDER

Section 209 provides that the order of the commission shall become effective upon the expiration of 30 days from the date on which the commission certifies that the carriers have consented, except to the extent that the order is suspended or set aside by a court of competent jurisdiction upon suit begun prior to the expiration of the 30-day period. Because of the tremendous importance attached to an order of the com-

mission it is imperative that once an order of the commission has become effective there be no method by which the order itself can be invalidated. Consequently it is provided that any suit for an injunction must be instituted prior to the 30-day period. The jurisdiction of the courts over such a suit is fixed by the provisions of the urgent deficiency appropriation act of October 22, 1913, commonly known as the district court jurisdiction act. Wide publicity will be given to the proceedings of the commission upon a proposed unification and ample opportunity to appear before the commission will be afforded. Accordingly the 30-day period is clearly adequate.

EFFECT OF COMMISSION'S ORDER

Section 210 (1) is a grant of Federal power to each carrier designated in the order of the commission to do anything necessary or appropriate to carry into effect the plan as approved. Although this power will be derived from a Federal law, it does not mean that the carrier becomes a Federal corporation, nor does it mean that the carrier is an instrumentality of the United States.

If the plan has provided for a consolidation (and the provisions requiring that the plan can provide only for a consolidation to be effected under State law have been previously explained), it will be observed that no corporate power to carry out the consolidation will, in legal effect, be derived from this paragraph. If no power exists to consolidate under the State law, the commission can not approve. If power does exist, then the commission's order will merely authorize the carriers to proceed with the consolidation in accordance with State law.

Section 210 (2) grants immunity from the antitrust laws of the United States; from the provisions of paragraph (12) of section 20a prohibiting interlocking directorates; from any other Federal restraints or prohibitions; and (except in the case of a corporate consolidation) from all restraints or prohibitions of State law or any decision or order of any State authority. The exemption is granted, however, only in so far as may be necessary or appropriate to enable the carrier and its officers, directors, and agents to enter into and carry into effect the plan, or in accordance with the plan to hold, maintain, and operate any properties and exercise any franchises. The paragraph obviously does not affect such provisions as the commodities clause (paragraph (8) of section 1 of the interstate commerce act) any more than it relieves carriers from complying with the provisions of the law relating to rates. In any event, should the plan appear to provide for the transportation by a carrier of coal, for example, mined by it and intended for sale, adequate protection undoubtedly will be obtained in the order of the commission.

Section 210 (3) provides that the entry of the order of the commission and the certification under section 209 shall be conclusive evidence that the carriers, their boards of directors, and the holders of voting securities have complied with the provisions of the title applicable to them. The purpose of this provision is to make the finding of the commission final, subject to court "control" in any case in which the commission's action is not in accordance with law, or in which it has acted arbitrarily or without evidence.

Section 210 (4) is intended to meet the situation arising by virtue of certain conveyances to carriers with a specific prohibition upon any disposition by such carrier of the property conveyed and a provision providing for reversion to the grantor if a disposition is attempted.

EFFECT OF UNIFICATIONS

Effect of combinations generally: It may be stated broadly that the disposition of a substantial part of its assets by a railroad corporation, or the merger or consolidation of such a corporation with another, can not be effected in the absence of statutory authority. Aside from the technical legal considerations applying to corporations generally, a paramount reason for this rule is found in the fact that the property and business of railroad corporations are affected with a public interest, and, without legislative sanction, public policy will not permit transactions materially affecting the organization or conduct of such properties or business. The statutes authorizing the sale of railroad properties and the consolidation or merger of railroad corporations ordinarily make express provision as to how far the rights, powers, franchises, privileges, immunities, and exemptions of a corporation will pass with a transfer of the properties. Usually it is provided, and in the absence of express provision a presumption arises, that all rights, powers, franchises, and privileges necessary to the operation of the properties pass with them upon a transfer. (Tennessee v. Whitworth (1885), 117 U. S. 139.) In the case of consolidation it is perhaps not strictly accurate to speak of a transfer of such rights, powers, etc., as it has been held that the new corporation takes them by grant and not by transfer, and that in such cases the reference in the statutes to "all the rights, etc., of the constituent companies" is merely descriptive. (Shields v. Ohio (1877), 95 U. S. 319.) But the effect is the same.

Generally speaking, the extent to which these intangible assets are transferred is not so great upon a sale of properties as in other forms of combination, but all franchises and powers necessary to the enjoyment of the property are as a general rule held to pass. (Morgan v. Louisiana (1876), 93 U. S. 217.)

In merger and consolidation the rights, franchises, etc., acquired by the continuing or consolidated company depend upon the language of the statute authorizing the combination and the intention of the legislature, and if there is no provision in the statute a presumption arises that all righs, franchises, and privileges, other than those which are personal or exclusive, are transferred with the property subject to the same burdens and restrictions as in the hands of the merging or consolidating companies.

Both in merger and in consolidation, exclusive rights and privileges under the charter of a merging or constituent corporation, which are to be strictly construed against the corporation, are held to pass only when a transfer of such rights or privileges has been authorized, originally or subsequently, by the statute under which the combination takes place or by charter, and every doubt as to the authorization will be construed against the company. (See Rochester Railway Co. v. City of Rochester (1906), 205 U. S. 236.) Nor does an exemption enjoyed by a continuing company extend to property acquired from a merging company unless expressly so provided. (Central Railroad, etc., Co. v. Georgia (1875), 92 U. S. 665.) The law in effect at the time of a consolidation controls, for, as has been noticed, the statute makes a new grant, and can not do so in violation of a general restriction in effect at the time. For example, if a constitutional prohibition against exemptions from taxation has intervened before a consolidation is effected, the consolidated company can not acquire any such exemption as may have been enjoyed by a constituent company. (Keokuk & Western R. R. Co. v. Missouri (1894), 152 U. S. 301.) In the case of a merger, in similar circumstances, a transfer of the exemption might be possible.

The same general rules apply in combinations of companies incorporated under the laws of different States. However, when two or more such corporations merge the corporation which continues in existence acquires no new rights, powers, or privileges in the State of its incorporation but succeeds to the franchises of the merging corporations and may exercise their powers in the States of their creation, subject in each case to the restrictions and burdens under which the merging corporations existed. The extent to which the powers, privileges, and immunities of the merging corporations pass to the continuing corporation depends in each case upon the intention and language of the statute under which the merger is effected.

The same is true in the case of a consolidation of corporations of different States. Such consolidation requires the authorization of the legislature of each of the States concerned. While there has been some difference of opinion as to whether a single new corporation is created or the old corporations merely continue in existence under a common name and direction, the great weight of authority is to the effect that a new consolidated corporation is created just as in the case of a consolidation of two corporations of the same State. This corporation is a domestic corporation in each of the States concerned, has a domicile in each of them, and is subject to the control and regulation of each to the extent that its business is conducted therein. "It is a single corporation with two parents who live apart and independently, each having absolute control in his own domain. It owes allegiance and is subject alike to each, and is dependent upon each alike for future favors." (Attorney General v. N. Y., N. H. & H. R. R. Co., 198 Mass. 413.) The consolidated corporation can not exercise in one State powers given to it only by its charter in another State which other corporations in the first state are not permitted to exercise.

The distinction between merger and consolidation is here apparent as in the case of merger the continuing corporation does not become a domestic corporation in the State in which the merging corporation was organized. (Lee v. Atlantic Coast Line R. Co. (1906), 150 Fed. 775.)

In the Delaware Railroad Tax case (1873), 18 Wall. 206, a leading case in the United States Supreme Court, it is stated that a corporation formed by the consolidation of corporations of different States will, in its relation to each of the States, stand as a separate corporation governed by the laws of that State as to its property therein and subject to taxation in conformity with such laws.

For a more detailed statement of the effects of consolidation, both of domestic corporations and of corporations of different States, reference may be made to the note, heretofore referred to, in 89 Am. St. Rept., at page 604. This note has been frequently cited and quoted in the cases. As consolidation, though authorized by the bill, is to be carried out under State law, the bill makes no attempt to state its effect, which must depend in each case upon the law of the State or States in question. It has been discussed here mainly for purposes of comparison.

Effect of corporate merger under the bill: Section 211 states the effect of a corporate merger carried out under the bill. Paragraph (1) provides that upon the effective date of the order of the commission approving the plan the following (except as restricted or limited in the plan as approved) will result:

(a) The merging corporations shall be held to be merged into the continuing corporation.

(b) The continuing corporation shall have all the rights, privileges, powers, immunities, exemptions, and franchises of each of the merging corporations. Such a provision, as observed above, will entitle the continuing corporation to exercise all powers and franchises and to enjoy all the rights, privileges, immunities, and exemptions theretofore exer-

cised or enjoyed by each of the merging corporations in the same territory and in respect to the same property as in the case of such merging corporation. Exemptions from taxation are included.

(c) The title and right of each merging corporation in all property, real and personal, and in all choses in action shall be held to be transferred to and vested in the continuing corporation.

(d) All debts, liabilities, and duties of each merging corporation will be enforceable against the continuing corporation to the same extent as if originally incurred or contracted by it.

Paragraph (2) of this section provides that the rights of creditors and all liens upon properties of each merging corporation shall be preserved unimpaired and that each merging corporation shall be deemed to continue in existence so far as necessary to preserve such rights and liens.

Under paragraph (3) the continuing corporation will stand in the shoes of each merging corporation in any action or proceeding pending by or against it.

DISSENTING STOCKHOLDERS

Sections 212 and 213 provide for the protection of the legitimate interests of minority stockholders. It should be noted that there are other provisions heretofore referred to relating to protective measures available to all stockholders. Sections 212 and 213 are concerned with minority stockholders only and deal with three main questions: First, the basis of selection of minority stockholders to be protected; second, the extent of the protection to be afforded; and third, the machinery for making that protection available.

The dominating purpose of these sections is to afford certain stockholders the opportunity to refrain from going along, against their will, with the new plan, to withdraw from the enterprise, and to liquidate their holdings. Obviously, however, this opportunity need not be afforded to all stockholders. Those who favored the adoption of the plan may be dismissed from further consideration. They cast their lot with the new plan. They stand by their own decision and if they desire to get out may do so only by a sale of their stock in the open market or otherwise. Nor is the committee satisfied that the opportunity should be given to every stockholder who opposed the adoption of the plan.

Basis of selection of minority stockholders: In determining the basis of selection of those who, from among the total number opposing the plan, should have the opportunity to dispose of their stock, two factors have been observed: The effect upon their holdings of stock, and the time when they became stockholders.

Selection as affected by the plan: Paragraph (1) of section 212 specifies the classes of stockholders (from the standpoint of the effect of the plan) who may, if they meet the requirements of paragraph (2) of that section, become dissenting stockholders within the meaning of the bill and as such be entitled to its benefits. The most usual case in which a stockholder may desire to withdraw from the enterprise and liquidate his holdings is where the corporate transaction involves the disposition of all, or substantially all, of the properties, franchises, and other assets of the company. When the holders of a majority of the stock of a corporation have power to take such a step the right of dissenting minority stockholders to receive payment in cash for their shares is almost universally recognized by the courts and is expressly stated in the statutes of a number of the States. Accordingly the first class of stockholders specified in the paragraph (in subdivision (a) thereof) as entitled to become dissenting stockholders includes those holding shares issued by a carrier a party to a plan which involves the disposition of all, or substantially all, of the properties, franchises, and other assets of such carrier.

Less frequently, an acquisition by his company of properties, franchises, or other assets gives rise to a situation which in justice requires that a dissenting stockholder be entitled to withdraw from the enterprise and liquidate his holdings. The basis of such a right is the extension or alteration of the business and purposes of the company to such a degree as to amount to a material change in the enterprise upon which the stockholder embarked, to which he should not be forced to submit. The extent of change necessary to give rise to such a right is a matter of degree, and has been the subject of somewhat varying judicial decision. It has seemed best therefore to leave the question largely to the law of the State by which the corporation was created, to which law it must be assumed the stockholder looked when he entered into the contract by purchasing his share. It is therefore provided, by subdivision (b) of paragraph (1) of section 212, that the holder of a share in a carrier corporation which proposes to acquire properties, franchises, or other assets may become a dissenting stockholder for the purposes of the bill only if he would have been entitled to obtain payment for his share if the same plan were being carried out under the law of the State of incorporation of his company.

It is to be expected that many plans will include both disposition of properties and acquisition of properties by the same carrier. The plan would then fall within the terms of both subdivisions. But the acquisition might be such as would not, under the State law, give rise to any right on the part of a dissenting stockholder. In order to make it clear that in such cases the minority stockholders' rights are not dependent upon the State law, it is provided that the provisions of subdivision (b) shall not be held to limit the application of the provisions of subdivision (a).

For the purposes of this section it is immaterial whether the disposition or acquisition referred to is effected through a corporate merger, sale, exchange, or lease, or in any other manner, except through a corporate consolidation, which, under the bill, is left to State law, and in which, therefore, the rights of stockholders must depend entirely upon that law.

Conditions to be met by stockholders: Not all of the stockholders identified as above are given the opportunity to dispose of their stock. An element of time must be considered. The bill specifically provides that a stockholder shall be entitled to the privilege only if he was registered as such upon the date of the entry of the order of the commission approving the plan. The purpose of this limitation is to discourage speculation in the stocks of carriers parties to a plan of unification. Purchasers of such stocks subsequent to the date of the entry of the order of the commission will be on notice of the pending unification. If they purchase after the entry of the order and before the closing of the books they may, of course, vote at the special meeting, but no reason is perceived why they need be given a special opportunity to dispose of their stock. Of course, there will be purchases in this intervening period intended for bona fide investment, and there may be other acquisitions—e. g., by legacy—free from any speculative element, as to either or both of which some possible hardship may be entailed by withholding the opportunity to dispose of the stock. But on the whole and after due consideration of the administrative difficulties attendant upon segregating the several methods of acquisition, the committee concluded that the more feasible course was to exclude all stock acquired after the date of the entry of the order of the commission.

The mere fact, however, that the stockholder was registered on that date is not enough to entitle him to dispose of his stock to the carrier. Certain conditions must be satisfied, namely: He must have continued to be registered as a stockholder until the closing of the books for the special meeting called to pass upon the adoption of the plan; he must have voted against the adoption of the plan at the meeting or prior to the meeting have given the carrier a written protest against the adoption of the plan; and he must have given the carrier, within 60 days after the special meeting, written notice that he does not consent to the adoption of the plan. If all the foregoing conditions are satisfied, the stockholder is classed as a dissenting stockholder.

Again, however, the bare fact that a stockholder has qualified as a dissenting stockholder does not of itself entitle him to dispose of his stock to the carrier. At this point the petitioning carriers have the privilege to withdraw and abandon their petition proposing the plan. This is specifically provided in paragraph (3) of section 212—that they may withdraw and abandon the petition "proposing a plan as to which there is a dissenting stockholder." The reason for this provision is to make it plain that the carriers may desist from carrying their plan into operation if the number of dissenting stockholders would impose upon the carriers too heavy a financial burden. This privilege to the carriers is designed to be the equivalent, under the condition specified, of the privilege of the condemnor in ordinary condemnation proceedings to abandon the condemnation if the cost is excessive. True, at this particular juncture in the unification proceedings, the exact cost of purchasing the dissenting stock is not known (for the purchase price is determined subsequently in the condemnation proceedings), but the maximum probable cost can be estimated once it is known what stockholders have dissented and how much stock they have.

If the plan is not abandoned but comes into operation on the effective date of the order of the commission, the dissenting stockholder is at once entitled to sell his stock to the carrier which is to carry on the business. But the privilege does not necessarily include all the stock owned by the dissenting stockholder; it includes only the stock which was registered in his name continuously from the date of the entry of the order of the commission up to the date when he qualified as a dissenting stockholder by giving the required written notice. Nor is it merely a personal privilege of the dissenting stockholder; it is a privilege which attaches to the share itself (see par. (3) of sec. 212), to that irrespective of who may be the holder subsequently to the dissenting stockholder himself the carrier is required to purchase the stock.

Extent of the protection: Just compensation must be paid for the stock. The bill proceeds on the basis that (in all cases where the stockholder and the carrier can not agree as to the price) the stock shall be taken by eminent domain. On the basis of eminent domain the Constitution (fifth amendment) requires that just compensation shall be paid. The language of the bill, then, is the language of the Constitution. In the last analysis it is a matter of judicial determination whether the value fixed for any share of stock constitutes just compensation. (Monongahela Navigation Co. *v.* United States (1893), 148 U. S. 312.) Higher than this just value, the

committee would not go; lower than this, even if the committee thought the bill should be so framed, the Constitution would not permit the price to be fixed.

The committee was impressed with the suggestion made in the public hearings on the bill (see p. 318) that the value should be determined without appreciation or depreciation by reason of the unification itself. An examination of the statutes of several States discloses that they attempt to meet the situation in several ways, the most frequent of which is to specify a given date as of which the value shall be determined, e. g., the date of the sale, merger, stockholders' meeting, etc. But the committee concluded not to write any rigid rule into the bill. Considerations of the character mentioned above are implicit in the term "just compensation." Other considerations also may enter. As an additional matter and to make sure that the dissenting stockholders shall have the fullest protection in respect to the valuation of their stock in condemnation proceedings, provision is made for taxing the costs and (subject to the approval of the commission or the court) the expenses incurred in the condemnation proceedings upon the carrier involved.

The desirability of inserting this provision can hardly be exaggerated. It removes a long-standing reproach to the law. Hitherto the small stockholder's remedy has been illusory. He has been burdened with the payment of those counsel fees which are not taxable against the corporation and in practice, where the holding of stock is small, their amount renders the right to institute proceedings nugatory. In effect he has had a right without a remedy—a right to just compensation for his stock but no reasonable opportunity to enforce it. In the public hearings the grounds of reason and justice on which this provision in the bill is based were admitted on all hands. Counsel for the railroads accepted it. Your committee is of the opinion that this is one of the most important safeguards provided in the bill for the small stockholder. His right to just compensation will for the future exist not only in theory but also in fact.

Machinery for making the protection available: In general, the machinery and the methods are those for condemnation proceedings. Appropriate jurisdiction is conferred upon Federal courts. The carrier is under a duty to institute the proceedings. The method of enforcement, however, is not by penalty, but by giving the stockholder himself the privilege to institute the proceedings if the carrier fails to do so. The value of the stock, the just compensation to be paid, is fixed in the first instance by the commission. The report of the commission is not binding upon the court but is to be given the effect of the report of a master in chancery.

TAXATION

In order to enable the carriers which have obtained the commission's approval of a plan of unification under this title to carry out the plan without being unduly burdened by transfer taxes, section 214 provides that no tax shall be levied by the United States or by any State in respect to any issue, sale, delivery, or transfer of any security, or any agreement to sell, or memorandum of sale of, any security involved in the proposed unification. It is to be noted that this exemption extends only to securities and that the provisions of State laws relating to grants, assignments, transfers, or other conveyances of any interest in real or personal property (other than securities) are not affected by the bill.

The section also provides that gain from the sale or other disposition of property or income from any distribution in connection with the unification shall not be taxed by a State or any political subdivision thereof except to the extent that moneys are received from time to time from such transaction. This in effect does not relieve the carriers from State income taxes but merely postpones the time for the collection of the taxes, as in the case of the provision relating to Federal taxation. It is further provided that a unification shall be held to be a reorganization as that term is used in Part I of Title II of the revenue act of 1926. The effect of this latter provision is to subject the carriers which have entered into a plan of unification approved by the commission, to Federal taxation to the same extent that they would be taxed if they were parties to a reorganization as above referred to. Briefly, the legal effect is that gain will be recognized only to the extent that cash is received, with an appropriate adjustment of the basis upon which gain from a future sale is computed, and depreciation and depletion allowed.

APPLICATION OF EXISTING LAWS

As heretofore explained, paragraph (2) of section 5 of the present law is the provision under which the commission has been considering and approving or disapproving applications of carriers for control of other carriers, through lease, purchase of stock, or in any other manner not involving the consolidation of the carriers into a single system for ownership, management, and operation. Applications under this paragraph have varied from a short-term experimental lease of a carrier in the hands of a receiver to a lease for 999 years of all the properties of a carrier and the acquisition of the stock issued by such carrier. In fact, some applications have provided for corporate mergers, but none of these has been approved.

The committee considered very carefully the policy which should be applied to the applications under this paragraph and has reached the following conclusions:

(1) No applications should be received under this paragraph after the new bill becomes law. (See sec. 3 (2) of the bill.)

(2) The standards prescribed in the bill for the determination of the public interest should be considered by the commission in connection with pending applications the consideration of which is continued under paragraph (2) of section 5. (See sec. 3 (2) of the bill.)

(3) Many of the pending applications propose acquisitions of control involving carriers of importance, affecting more than a small territory, or presenting substantial problems of policy. The further consideration of these applications, because of their nature, should continue under the new bill rather than under the present law. In order to meet this situation it is provided that the commission may require that further or supplemental proceedings upon the application be had under the new bill, if the commission believes that the public interest will be promoted more effectually by proceeding under the new bill rather than under the present law. It will not be necessary, however, that entirely new proceedings be instituted under the new bill. (See sec. 215 (1) of the bill.)

(4) Many of the pending applications propose short-term leases, or leases of carrier property where control through stock ownership is already vested in the lessee carrier, or other acquisitions of control which may well be authorized under the present law. Under the bill the commission is authorized to continue the consideration of these applications under the present law, subject, however, to the provision that its determination of public interest must be made in accordance with provisions of the new bill. Obviously it was impossible to describe with accuracy the classes of cases which should be subjected to the provisions of the new bill and those minor cases the consideration of which could continue under the present law. Consequently it was necessary to place upon the commission the responsibility of determining whether or not the public interest required the transfer. (See sec. 215 (1) of the bill.)

In order that the evidence produced before the commission in proceedings under paragraph (2), (4), or (5) of section 5 prior to the enactment of the bill may be preserved and made available in future proceedings under the bill it is specifically provided in section 215 (2) that all such evidence, and abstracts or written materials based upon such evidence, shall be preserved and shall be available to the commission. If any evidence is so used, however, it is provided that it be made a part of the record in the proceedings by reference or otherwise.

REMEDIES OF STOCKHOLDERS EXCLUSIVE

Section 216 provides that the remedies afforded by the bill shall constitute the exclusive remedies of stockholders of any carrier in opposition to the exercise of any authority or power under the bill. As hereinbefore stated, such remedies are ample to protect the rights of dissenting stockholders who are not in accord with a plan of unification.

REGULATIONS

Section 217 grants to the commission authority to prescribe such rules and regulations as it may deem necessary for carrying out the provisions of the bill. It was thought that such a provision was necessary in view of the fact that the general grant of authority to the commission to make rules and regulations under sections 12 and 17 of the interstate commerce act might not cover all matters contemplated by the bill.

REPEALS

Section 3 of the bill provides for the repeal of paragraphs (4), (5), and (6) of section 5 of the interstate commerce act. These are provisions relating to consolidations which were added by the transportation act of 1920, for which the new bill is a substitute.

Paragraph (2) of section 5 of the interstate commerce act is amended by section 3 (2) of the bill so as to provide that no future applications shall be made under that paragraph. This amendment is necessary in in view of the policy adopted by the committee to make all future unifications subject to the provisions of the bill.

SHORT TITLE

The act may be cited as the "railway consolidation act of 1928."

SEPARABILITY OF PROVISIONS

Your committee felt that the bill should be treated as a unit, as it might become impossible to administer in the event that certain provisions were held unconstitutional. Therefore the usual section dealing with the separability of provisions which was included in former bills was omitted.

PROPOSED NICARAGUAN CANAL

The Senate resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. BURTON. Mr. President, I do not rise to oppose this joint resolution, provided its purpose be restricted to obtaining information or to investigation. There are, however, certain criticisms which I wish to make upon it which in its original form was, as I think, quite open to objection.

It is of vital importance that there be a careful examination of the Panama route, which, in accordance with the latest re-

ports made, furnishes the best promise for an enlargement of facilities.

There is another route which was only casually examined by the Isthmian Canal Commission, created by the act of March 3, 1899, which is certainly worthy of further attention. That is known as the San Blas route—a route across the Isthmus from the Bay of San Blas, some miles east of the existing Panama route, and extending to the River Bayamo, which empties into the Bay of Panama. This route is only 30 miles in length. It would make possible a sea-level canal, which all the projectors of any of these enterprises have maintained was the object most to be desired. It presents a very serious difficulty, in that for 5 miles ships would have to go through a tunnel; but that has been declared feasible by competent engineers. There would also be necessary, on both sides of this tunnel, very deep cuttings for about 3 miles on one side and 2 miles on the other; but it would have the manifest advantage which I have mentioned of a sea-level route and of a shorter distance.

If facilities for traffic across the Isthmus are to be enlarged—and I think at some day they must be—we should enter upon no undertaking except after the most careful consideration.

I must contradict statements which have been freely made in the newspapers, and to an extent on this floor, as to the urgency of immediate action. Whatever inference may be formed from the annual report of Colonel Burgess, I wish to call attention to his testimony before the Appropriations Committee of the House so recently as December 11 last.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. I do.

Mr. McKELLAR. I desire to ask the Senator a question. I am very much interested in what he says about a new route, about 30 miles, did he say, from the present Panama route?

Mr. BURTON. It is not that distance from the present Panama route. The 30 miles to which I referred was the distance across the Isthmus.

Mr. McKELLAR. How far did the Senator say it is from the Panama Canal?

Mr. BURTON. I think about 20 miles; something like that.

Mr. McKELLAR. Has the Senator investigated to see whether the provisions of the Clayton-Bulwer treaty and, afterwards, the Hay-Pauncefote treaty of 1901 would apply to the new canal if one were dug there?

Mr. BURTON. I do not think that after the Hay-Pauncefote treaty of 1901 or 1902 was ratified any objection could be made to the construction by the United States of any canal across any isthmus in that locality.

Mr. McKELLAR. Even though it were that close to the present Panama Canal? The Senator may be right; I do not know; but I think a question would be raised about it.

Mr. BURTON. At any rate, it is perfectly clear that in view of the agreement having been made for the Panama Canal, as a logical sequence permission for another canal in the neighborhood would be readily granted; so I do not think there is any possible obstacle in that direction, although I have not considered that subject.

In regard to the time within which there must be further facilities, I wish to read from the testimony of Colonel Burgess, Governor of the Canal Zone, given on December 11 last. Mr. BARBOUR, chairman of the subcommittee, asked him this question:

Governor, what can you tell us with respect to the ratio of your present traffic to the total capacity of the canal? Your traffic is increasing quite materially, according to these figures you have given us, except that there has been a slight decrease during the first five months of this fiscal year.

That would be from July 1, 1928, to December 1, 1928.

Colonel BURGESS. Yes, sir; we are taking through 19 ships per day in 1928. We can take about 54 through. That is roughly about 40 per cent of our capacity.

Mr. TABER. You mean you can take 54 ships through in one day?

Colonel BURGESS. Yes, sir.

Mr. TABER. And you are now taking 19?

Colonel BURGESS. Yes, sir.

Mr. TABER. That is your average?

Colonel BURGESS. Nineteen includes the Navy and Army ships, which occupy the canal just as much as the commercial ships.

Mr. TABER. And 54——

Colonel BURGESS. Is the maximum capacity of the locks.

Mr. CLAGUE. That is 24-hour service?

Colonel BURGESS. Twenty-four-hour service; yes, sir.

Mr. BARBOUR. According to your figures for 1928, you took care of 17.63 ships.

Mr. TABER. That is, 17.63 commercial ships.

Colonel BURGESS. Those are the ships that pay tolls, but the Navy ships occupy the locks just the same as the others.

Mr. BARBOUR. I understood you to say in connection with the first figures that you have given us for 1928 that the average was 17.66.

Colonel BURGESS. That is commercial ships; yes, sir.

Mr. BARBOUR. I understood you to say including——

Colonel BURGESS. No, sir; it was 19 including the Navy ships.

Mr. BARBOUR. That is, excluding.

Colonel BURGESS. Yes, sir; excluding, the figure is 17.63.

Then a question was asked as to when the traffic was at the peak.

Colonel BURGESS. It has peaks in the winter months, December, January, February, and March, and occasionally October is among the peak months.

Mr. TABER. How high up is that?

Colonel BURGESS. The difference is not very marked. There is a difference of about an average of just one lockage per day.

Mr. TABER. About one lockage per day?

Colonel BURGESS. Yes, sir; that is the difference between the peak and the average.

Mr. TABER. What is the peak that you have put through in a day?

Colonel BURGESS. We have put through 35 commercial ships. On one occasion we combined the number of commercial ships with a great many Navy torpedo boats and submarines and the total went up to 53.

Mr. TABER. Is that 12-hour service, daytime service?

Colonel BURGESS. No, sir; that was practically continuously during the night.

Then the question was asked—and this is pertinent to this inquiry—when an increase in lockage facilities would be needed.

Mr. BARBOUR. Have you made any estimate of the time when you will have to increase the lockage facilities?

Colonel BURGESS. As nearly as we can tell, the increase will not be more than 10,000,000 tons per decade. We are transmitting 30,000,000 tons now. We can take 60,000,000 before we need the third locks. That indicates a period of about 30 years before we will need the third locks.

Mr. TABER. How is the water supply?

Colonel BURGESS. The water supply will be ample when we get Alhajuela completed.

The report of the hearing gives a great deal of other detail as to the time during which boats pass through the canal, and mentions the fact that at night fogs are somewhat of an obstacle, though unquestionably this disadvantage could be overcome by an efficient system of lights.

Mr. President, I was very familiar with the controversy in regard to the selection of a route, and it may not be without interest to the Senate to give somewhat the history of the matter.

Prior to the year 1899 the opinion of the people of this country seemed to be almost unanimous in favor of the Nicaraguan route. A number of surveys had been made. President Grant sent General Comstock, with whose work as an engineer he had been familiar while in the Army, and General Comstock reported favorably on the Nicaraguan route. Divers reports were made, but they were all more or less superficial and incomplete, differing very widely in the estimate of cost, differing also as to the exact route to be chosen across Nicaragua.

Senator Morgan, that great Senator from Alabama, was the untiring advocate of the Nicaraguan route, and in an issue of the CONGRESSIONAL RECORD, I think for February 6, 1902, he quoted a vast array of authorities, beginning with Alexander von Humboldt, which seemed to be conclusive in favor of the Nicaraguan route.

There was also another reason why that was preferred. De Lesseps had commenced the Panama Canal. It was known as a French enterprise. So long ago as the administration of President Hayes, the warning was issued that whatever canal was constructed should be under the control and management of the United States. So the Panama route was regarded as an alien enterprise.

In the year 1899 a river and harbor bill was framed carrying an appropriation, as it passed the House, of somewhat less than $40,000,000. To that bill the Senate added an amendment appropriating $10,000,000 cash and making an authorization of $115,000,000 for the construction of a Nicaraguan canal.

The House, while favoring the Nicaraguan canal, did not believe in provision by the Senate for such a disproportionate amount of the total. If the question had been left to a vote, undoubtedly, whatever the preference might have been for the Nicaraguan route, or the desire for a speedy completion of a canal, that amendment would have been voted down. The two Houses by their conferees entered into consideration of the

subject. The Senate conferees were Senators Frye, White, and Elkins. The House conferees were Mr. Reeves of Illinois, General Catchings, who recently died in Mississippi, and myself. As is true of many other bodies in which I have served, I am the sole survivor of that conference.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the junior Senator from Ohio yield to his colleague?

Mr. BURTON. I yield.

Mr. FESS. I remind the Senate that my colleague, who now has the floor, was at the time to which he refers the chairman of the House Committee on Rivers and Harbors.

Mr. BURTON. That is true. A compromise was drawn up by me between the disagreeing votes of the two Houses, the House making no provision for any canal and the Senate authorizing the expenditure of $125,000,000 for the Nicaraguan route.

The argument was made that we had never had a thoroughly adequate survey of the Nicaraguan or any other route. The proposition urged by the Senate was that a commission be appointed to investigate all routes, for whose work $1,000,000 should be appropriated, and who should report on the best and most feasible route, to be controlled, managed, and owned by the United States.

I remember a dramatic incident which followed the presentation of that compromise. The Senate conferees refused to agree without the approval of Senator Morgan. They sent for him to come to the committee room, and I can remember most distinctly his standing at the door of the room of the Committee on Commerce when the proposition of compromise was placed before him. He nodded his head and said, "That is all quite all right."

The commission was thus agreed upon. They entered upon their work; they went to Europe, and spent considerable time in Paris. The commission, I may say, included some of the very leading engineers of the United States. It was presided over by Admiral J. G. Walker, and included Mr. Albert Noble, a great engineer, the constructor of the tunnel leading to the Pennsylvania Station in New York City; General Ernst, who was one of the most famous of the engineers of the Engineer Corps of the Army; General Hains, another member of the Engineer Corps; Mr. Morrison, who had been educated as a lawyer but who, by reason of his facility in the trial of a case in which engineering principles were involved, was advised to take a course in engineering, and became an engineer. He was the trusted adviser of some of the leading organizations engaged in transportation and other enterprises in the United States. There was also on the commission Professor Burr, of Columbia University; Mr. Haupt, of Pennsylvania; and ex-Senator Pasco, of Florida, who was the legal adviser of the commission of nine. Prof. Emory R. Johnson, of the University of Pennsylvania, was the economic adviser.

That commission divided into subcommittees and investigated particularly the Nicaraguan and the Panama routes. Some hundreds of engineers and others were engaged to make surveys. The examination of the Panama route, and especially of the Nicaraguan route, was far and away more thorough than any examination that had ever been made before.

While the commission was making the investigations the House became somewhat impatient, and a bill was brought forward by Mr. Hepburn, of Iowa, committing the Government to the Nicaraguan route. That bill was passed, I think, on the 1st day of May, 1900, with only 35 negative votes. I was one of the 35, and with me were Mr. Moody, afterwards a Justice of the Supreme Court; Mr. Hitt, chairman of the Committee on Foreign Affairs; Senator GILLETT, now a member of this body; and Mr. Cannon, chairman of the Committee on Appropriations. There was vigorous opposition to the passage of the bill making committal to the Nicaraguan route.

After the measure had passed the House it was held back under the influence of the administration. I can now tell what could not easily have been told then. It was held back by the influence of Secretary Hay and President McKinley, because it was thought that it was in violation of the Clayton-Bulwer treaty, and also that it was not quite in accordance with that comity which should exist between the United States and Great Britain.

In 1902 another bill was passed committing the Government to the Nicaraguan route.

Mr. McKELLAR. That was in the House?

Mr. BURTON. That was in the House. That again was delayed under the influence of the administration. I think there were only two negative votes against that measure in the House.

After the first vote in the House three reports were made by the Isthmian Canal Commission. They were somewhat belated, and there had been a good deal of impatience because earlier action was not taken by that body. The first report was merely preliminary and not of special significance. The second report was distinctly favorable to the Nicaraguan route.

I cite the language to my good friend the Senator from New Jersey of an extract from the report which I think explains in a measure the reason why the Nicaraguan route was selected:

> After considering all the facts developed by the investigations made by the commission and the actual situation as it now stands, and having in view the terms offered by the new Panama Canal Co., this commission is of the opinion that the most practicable and feasible route for an Isthmian canal to be under the control, management, and ownership of the United States is that known as the Nicaraguan route.

Mr. President, as I was in frequent communication with the chairman of the commission, Admiral Walker, and know something of the history of that report, I think I should state it to the Senate. All during this time a majority of the commission thought that from an engineering and commercial standpoint the Panama route was the better of the two. That was especially true of Mr. Morrison, one of the ablest members of the commission, who did not think the Nicaraguan route was even feasible.

The new Panama Canal Co., as it was called, had been formed after the first one had gone into bankruptcy. The later company, however, was in financial difficulties like the first, and the commission entered into negotiations with its officers to see on what terms the new Panama Canal Co. would sell out its franchise and accept compensation for the work which it had done on the Isthmus, which was very considerable. The new Panama Canal Co. adhered very strictly to the figures of $119,000,000. The Isthmian Canal Commission thought that figure altogether too high and regarded it as exorbitant. It was the earnest desire of the members to make the most favorable bargain possible, and most of them thinking the Nicaraguan route was feasible and not desiring to pay this exorbitant figure, and, still further, not being able to acquire the complete title of the French company, for their offer was not to sell out entirely at first, but to invite the United States to become a stockholder in the company and join with them, still maintaining the corporate existence of the company as a French organization, expressed themselves more vigorously than ever in favor of the Nicaraguan route. I think I can give an explanation of that report in 1901. That causes me to criticize the provision contained in the pending joint resolution on page 4, lines 17 to 22, which read as follows:

> That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, a full and complete investigation and survey for the purpose of revising and bringing down to date the report of the Isthmian Canal Commission transmitted to Congress December 4, 1901.

I do not think that would be quite fair or adequate to meet the situation because that was the report which was friendly to the Nicaraguan route made under the circumstances which I have detailed.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. Certainly.

Mr. EDGE. I fully concur in the Senator's suggestion as I understand it. I think the language was incorporated when the resolution was drafted more for the purpose of permitting the engineers to utilize, as far as they in their professional judgment thought wise, the borings or surveys or facts from the standpoint of topography, depths of river, and so on, that were contained in the Isthmian Canal report, but certainly there was no intention that the conclusions of the Isthmian Canal Commission should in any way influence the further survey.

Mr. BURTON. Of course, there were three reports. I would suggest this amendment: In line 21, page 4, change the word "report" to "reports," and in line 22, strike out the words "transmitted to the Congress December 4, 1901," so that it may read "for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission."

Mr. EDGE. That is quite satisfactory.

Mr. BURTON. I make the motion that the amendment be adopted.

Mr. ROBINSON of Arkansas. Mr. President, may we have the amendment stated again?

Mr. BURTON. I will state it gladly. On page 4, line 21, strike out the word "report" and insert the word "reports,"

and in line 22, strike out the words "transmitted to Congress December 4, 1901."

Mr. McKELLAR. Would it not be better to merely strike out the words "December 4, 1901," because all three of the reports were actually transmitted to Congress, as I understand.

Mr. BURTON. But the word "transmitted" rather seems to point to one report; not necessarily, perhaps. We would have to change the word "report" to "reports."

Mr. McKELLAR. Yes; and then strike out the words "December 4, 1901."

Mr. BURTON. "The reports from the Isthmian Canal Commission transmitted to Congress." I think that would be satisfactory. Change the word "report" to "reports" and strike out the words "December 4, 1901."

Mr. EDGE. I accept the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, line 21, strike out the word "report" and insert in lieu thereof the word "reports," and in line 22 strike out the words "December 4, 1901," so as to make the sentence read:

That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to the Congress—

And so forth.

The amendment was agreed to.

Mr. BURTON. Mr. President, I think now, in justification of the selection of the Panama route, I ought to read extracts from the official report of the commission as made in February, 1902.

Mr. HAWES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. I yield.

Mr. HAWES. In that portion of the joint resolution just mentioned there is a reference to the form of the commission. As an authority on this subject, did not the Senator find in his investigations that on both the Panama Commission and the Nicaraguan Commission the Government always used civil engineers in making their investigations?

Mr. BURTON. The Isthmian Canal Commission was one which was to examine all routes. It was not the Panama route nor the Nicaraguan route. A number of prior reports were made. I have referred to one personally transmitted to President Grant, which was made by General Comstock, a member of the Engineer Board of the United States. There were two reports on the Nicaraguan route made only a short time before the Isthmian Canal Commission was constituted. One was called the Ludlow Commission. Its report was rejected. The next commission was made up of Admiral Walker, General Hains, who was an engineer of the Army, and a third member whose name I have forgotten at the moment. That, I believe, answers the question of the Senator from Missouri as to ignoring the engineers of the Army. I think the selections were very far from involving anything like discrimination against the Army engineers. Those were selected who, it was thought, would do the best work.

I wish to read now from Senate reports, volume 5, Report 783, the conclusions of a minority of the Committee on Interoceanic Canals, which led them to favor the Panama route:

The advantages stated by the commission concerning the Panama Canal are:

1. It is 134.57 miles shorter than the Nicaragua from sea to sea (being 49.09 miles by Panama as against 183.66 miles by Nicaragua).

2. It has less curvature, both in degrees and miles, being but 22.85 miles of curvature as against 49.29 on the Nicaragua, and but 771 degrees for Panama as against 2,339 degrees for Nicaragua.

3. The actual time of transit is less, being but 12 hours of steaming by Panama, as against a minimum of 33 hours of steaming by Nicaragua; that is, of one day of daylight as against three days of daylight (for the canal must be navigated by day exclusively at first, and, to a great extent, always, especially by large ships, which chiefly will use it. The commission's plan does not provide facilities for navigation by night).

4. The locks are fewer in number, being but 5 on the Panama to 8 on the Nicaragua.

5. The harbors are better, those of the termini of the Panama being good and already used by the commerce of the world, while at the termini of the Nicaragua there are no harbors whatever.

6. The Panama route traverses a beaten track in civilization, having been in use by the commerce of the world for four centuries, while the Nicaragua route passes through an unsettled and undeveloped wilderness.

7. There already exists on the Panama route a railroad perfect in every respect and equipped in a modern manner, closely following the line of the canal, and thus greatly facilitating the construction of the canal, as well as furnishing a source of revenue, and included in the offer of the Panama company.

8. The annual cost of maintenance and operation of the Panama Canal would be $1,300,000 less than that of the Nicaragua (which sum capitalized is the equivalent of $65,000,000).

That capitalization is computed on rather a low rate of interest, but it is based on the fact that some of the bonds issued for the construction of the Panama Canal were issued at 2 per cent and they had the privilege of being used as security for national-bank notes, and hence were floated at a very low rate.

9. All engineering and practical questions involved in the construction of the Panama are satisfactorily settled and assured, all the physical conditions are known, and the estimates of the cost reliable, while the Nicaragua involves unknown and uncertain factors in construction, and unknown difficulties to be encountered, which greatly increase the risks of construction and render uncertain the maximum cost of completion.

In addition to these facts stated by the commission are the two following, not referred to by them, but which have become of controlling importance, namely:

10. It is recognized that a sea-level canal is the ideal. The Panama Canal may be either constructed as a sea-level canal or may be subsequently converted into one. On the other hand, no sea-level canal will ever be possible on the Nicaragua route.

11. No volcanoes exist on the line of the Panama Canal nor in its neighborhood. On the other hand, the Nicaragua route traverses an almost continually volcanic tract, which has been during the last three-quarters of a century probably the most violently eruptive in the Western Hemisphere. The active volcanoes, Zapatera and Ometepe, rise actually from the waters of Lake Nicaragua.

12. At Panama earthquakes are few and unimportant, while the Nicaragua route passes over a line of well-known crustal weakness. Only five disturbances of any sort were recorded at Panama during 1901, all very slight, while similar official records at San Jose de Costa Rica, near the route of the Nicaragua canal, show for the same period 50 shocks, a number of which were severe.

13. As a practical matter, the masters of vessels prefer the Panama route for safety, convenience, and shortness of transit, for its less curvature and risks, and for the lower insurance rate by that route.

In the same report there is set forth at very considerable length a more elaborate treatment of the subject of volcanoes and earthquakes in the Nicaragua region. Angelo Heilprin, one of the most famous geologists of that day, is quoted at length. Indeed, Members of the Senate will have noticed that in the last day or two an earthquake has been recorded in Guatemala which is not a very great distance from the Nicaraguan route.

These considerations led to the selection of the Panama route. In considering a conditional measure—which I will explain in a few moments—the question was elaborately argued by Senator Hanna in the spring or early summer of 1902. I remember listening to him as he presented his argument. He was crippled by rheumatism, and nearly all the time had to sit in a chair, not being able to rise, but he made one of the most elaborate and forceful arguments ever made in this body. The result was that the membership, which at first had been altogether friendly to the Nicaraguan route, was turned in favor of Panama, on the crucial vote 42 against 33, though on the final vote the majority was much larger.

The Nicaragua Canal Co. of America, which had been incorporated to build the canal, was largely represented here. That company was formed in the early eighties but later failed. There were divers Senators who advocated subsidizing that company. Among them was Senator Morgan, who made a very able speech in this Chamber. Indeed, if anyone wishes to find a well-constructed argument in favor of governmental subsidies to private enterprise, I would recommend that he read that speech of Senator Morgan. Senator Sherman, of Ohio, who was more conservative in this regard, published an article in the Forum Magazine also favoring the giving of a subsidy to or guaranteeing the bonds of the company.

The result was the passage of the bill to the effect that President Roosevelt should proceed with the construction of the Panama Canal provided proper arrangements could be made as to acquisition of the necessary title for its location and on reasonable terms. If he were unable to proceed in that regard, then he was instructed to proceed with the construction of a canal along the Nicaraguan route. It will be noted, Senators, that this was giving to President Roosevelt almost unprecedented authority in the prosecution of a great public work.

I may say before passing to the subject of the treaty that Senator Morgan again acquiesced in the passage of that bill.

He was again, I may say, circumvented. He was so serenely confident that no arrangement could be made for the construction of the canal along the Panama route that, in view of the alternative under which the Nicaraguan route was to be adopted, he consented to the passage of the bill. It passed both Houses by a very large majority.

Just briefly I may dwell upon what followed. A treaty was negotiated with the executive department of Colombia, but the legislative body refused to ratify it, and for a time it seemed as if the selection of the Nicaraguan route would become necessary. While that treaty was pending, in October or November, 1903, a revolution occurred at Panama, under which that Province threw off the yoke of Colombia. The United States recognized the revolutionary government at an early date, and then proceeded to make a treaty with the Government of Panama under which the necessary rights were granted to the United States. That was the treaty under which we entered upon the Isthmus and constructed the canal.

The United States Government, and particularly Mr. Roosevelt, have been very much blamed for having instigated that revolution. I do not think investigation will justify that accusation. It is evidently true that our diplomatic officials on the Isthmus knew that something of the kind was brewing. I may relate one incident, a bit humorous in character, which occurred. On the day of the insurrection the Assistant Secretary of State of the United States sent a cablegram to our consul on the Isthmus, saying:

Understand that a revolution has occurred on the Isthmus. Please send us details.

The singular feature of the case is that that cablegram arrived from four to six hours before the revolution occurred. So it is perfectly evident that it was known that something was likely to occur, but I do not believe there was any instigation on the part of any official of the United States. President Roosevelt took a very stalwart ground in favor of asserting our rights there, and of protecting Panama and recognizing the new government. After delays we went ahead with the canal.

It was my good fortune, as I think, to be associated with another phase of this question. There was delay in the decision as to whether the canal should be a sea-level canal or a lock canal. De Lesseps had said that the reason why he selected Panama rather than Nicaragua as the site of an interoceanic canal was because it was possible to construct a sea-level canal on the Panama route but was not possible on the Nicaraguan route.

A commission of engineers was appointed, made up largely of representatives from abroad, chosen by President Roosevelt, to go down to the Isthmus and examine into the question of whether the canal should be of the sea-level or lock type. I think there were 13 members of the commission, including the leading German engineer on canals, the engineer who had charge of the Manchester Canal, and others. They decided by a vote of 8 to 5 in favor of the sea-level canal. The members of the commission from the United States were for the most part in the negative on that proposition. One of the members told me at one time the reason which in his mind explained that decision was this: He said the members gathered together and called at the White House on President Roosevelt for his instructions. The President stated to them, "Now, gentlemen, I want the very best canal." They interpreted that to mean that he wished a sea-level canal and brushed aside all considerations of engineering, of expense, of difficulty, and thus decided in favor of a sea-level canal, though probably it was contrary to their best judgment as to what was the most desirable plan. Be that as it may, our engineers on the Isthmus afterwards concluded that the lock plan was best, three locks with a lift of 28½ feet each at Gatun and corresponding locks on the Pacific side.

The chief engineer was Mr. Stevens, who had a prominent part in the control of the railways, I believe, in Siberia during the Great War. He said that the force there were discouraged and unless the decision was for a lock plan he feared the force would disintegrate. At the request of certain executive officers and engineers placed in contact with me, I took up the cause of the lock plan. It had been discussed for a long while here in the Senate, and I think the dominant opinion was in favor of the sea-level canal. I think the Senator from Indiana [Mr. WATSON] will remember that discussion in 1906.

Mr. WATSON. Yes; I remember it very well.

Mr. BURTON. Also, the Senator from Nebraska [Mr. NORRIS] was a Member of the House at that time. The question was discussed at very considerable length, and almost immediately after the discussion a vote was taken on it and by a very large majority the lock plan was adopted. Soon after the Senate acquiesced.

This is, to an extent, a digression from the remarks I have been making, but it is an important part of the history of the canal. Originally it had been intended that there should be a sea-level canal. I do not think at that time that would have been feasible. It would have required at the Culebra Cut so considerable a depth that it would have taken years to provide for the slides which occurred, and which impeded progress through the channel. It would also have left the Chagres River as an almost uncontrollable torrent, and thus an almost insuperable obstacle to the building and operation of the canal. The adoption of the lock plan and the creation of a great lake above by the Gatun Dam makes the Chagres River, which otherwise would have been destructive, a constructive influence. It also provides a most excellent channel for a very considerable portion of the canal.

The rest of the history of this great enterprise is probably familiar to all of the Senators. In many ways it may be said to be the greatest engineering work ever undertaken in the world. It seemed impossible; and undertakings by private companies, one after another, failed completely. The Government of the United States declared it to be its policy that there be a canal controlled and owned by the United States; and that led, as I think, inevitably to the conclusion that the Government itself must take up the work.

The original cost is said to have been about $242,000,000; but to that must be added interest during the long years in which it was under construction, fortifications, reparations, and improvements, so that the cost now may be counted as approaching double that sum.

I think Colonel Burgess gives an estimate as to that. He charges to military phases $113,000,000 and to commercial activities $273,000,000; but that includes a great deal of incidental property, such as coaling places, facilities for the repairs of ships, and so forth. Mr. Barbour asks him this question:

So at the present time you charge about $242,000,000 for actual canal investment?

That question he answered in the affirmative; and then it is stated that the capital investment would be figured at about $386,000,000.

The canal now, contrary to all prognostications and expectations, is a paying institution.

Mr. President, to sum up what I have said in rather a long way——

Mr. KING. Mr. President, before the Senator reaches the conclusion, may I ask a question?

Mr. BURTON. Certainly.

Mr. KING. I was not quite clear, from the statement made by the Senator—perhaps he did not feel it necessary to go into that question—why, in the light of this report made by Rear Admiral Walker and signed by Samuel Pasco, Alfred Noble, George S. Morrison, Peter C. Hains, William H. Burr, and O. H. Ernst, in which they recommended the construction of the canal over the Nicaragua route, that was not taken in preference to the Panama route.

Mr. BURTON. I have partly dwelt on that already. I am quite familiar with the circumstances existing at that time. A majority of the members of the commission of nine perhaps thought the Nicaraguan route feasible. They regarded the Panama route as impossible because it could not be controlled, managed, and owned by the United States. The French company held to their ownership tenaciously and for a long time refused to make any offer of sale. Finally they did make an offer which was regarded as altogether unreasonable—$119,000,000.

Thus, as far as the Panama route was concerned, the commission were against a stone wall. It could not be acquired and owned by the United States and they were directed to recommend a canal so owned and controlled. The possible price at which they could acquire the Panama route was altogether unreasonable, they thought. They afterwards bought it for $40,000,000. I do not know to what extent the report in favor of the Nicaraguan route may have been colored by a desire to obtain more favorable terms. I do not want to ascribe that motive to Admiral Walker and his associates, but possibly that had something to do with it.

Mr. KING. If the Senator will pardon me, I have made quite an exhaustive research of all the reports, going back for 150 or 200 years, because there were some investigations that went back to the seventeenth century.

Mr. BURTON. Oh, before that; with Balboa about 1517. That is, the proposal was made in 1517 that there might be a canal there.

Mr. KING. Yes; but there were some surveys away back 150 or 200 years ago?

Mr. BURTON. Yes.

Mr. KING. And it seemed to me, from all of the researches which I have made and the reports which I have read—and I have examined perhaps 15 or 20—that Panama furnished a far better location for a canal than Nicaragua; and I was a little surprised at the report of Admiral Walker recommending Nicaragua, in the face of what seemed to me to be superior opportunities for the construction of a canal over the Isthmus of Panama.

Mr. BURTON. The Senator can see the restraints under which they labored in making that report. In the first place, the Panama Canal was ruled out because the United States could not own and control it.

Mr. KING. There were political considerations.

Mr. BURTON. Yes.

Mr. KING. Another question: Why was not the San Blas route selected, rather than the present route?

Mr. BURTON. I think that at a very early date the members of the commission concluded that it was too much of an undertaking to engage in the building of a canal which had not even been surveyed. Their predilection for the Panama route was very strong. Part of it had been dug already.

Mr. KING. That was largely because of the French work which had been done there?

Mr. BURTON. Yes. Of course, in our final location, we did not follow the French route. A good deal of their work was abandoned, and especially their machinery. If the Senator has ever been down there, he has probably seen the graveyard where so many dredges were left to rot, and all of that was charged in in the $119,000,000.

Mr. KING. One other question, and then I shall not interrupt the Senator further. Does not the Senator think, if a survey is to be made with a view to determining whether there is another practical or feasible route for a canal, that the authorization should be to examine the Isthmus of Panama to see if there may not be a canal constructed there that would be far more feasible and practical than the one in Nicaragua?

Mr. BURTON. I think so.

Mr. McKELLAR. That is provided in the present joint resolution.

Mr. BURTON. Is there anything besides the Panama route and routes across Nicaragua?

Mr. McKELLAR. No; it is the enlargement of the present route and the Nicaraguan route. I think that would take in, though, a route 20 miles from the Panama Canal. I am quite sure it would.

Mr. BURTON. I question that a little. I do not say that is the best route, but there are certain obvious advantages—it is at sea level and shorter—but, of course, it would have to go under that great tunnel, 200 feet high, at least, and probably more than that. They had figures, however, on the construction of that tunnel back in 1902, and the very highest estimate that was made for the construction at that time was $36,000,000.

Mr. McKELLAR. How large would it have been; does the Senator recall?

Mr. BURTON. About 5 miles in length.

Mr. McKELLAR. I mean, large enough to take through all ships?

Mr. BURTON. The original plan that they surveyed there was only for a 35-foot depth.

Mr. McKELLAR. I desire to say that the Senator has given us not only a remarkable demonstration of facts connected with this subject, but a remarkable demonstration of memory of these things that happened a great many years ago; and I want to thank him for the splendid contribution he has made to this debate.

Mr. BURTON. The Senator from Tennessee is very complimentary, and I thank him.

Mr. EDGE. Mr. President, further for the Senator's information, the Senator from Utah [Mr. KING] has suggested an amendment which will permit the engineers to investigate any other possible or practical route; so that, with the suggestion made by the Senator, if the joint resolution passes, we will be able to receive for the first time information as to that route.

Mr. BURTON. I think that ought to be done.

Mr. EDGE. I am somewhat familiar with the section the Senator speaks of.

Mr. BURTON. The San Blas route?

Mr. EDGE. Yes.

Mr. KING. If the Senator will pardon me, the only difference between the Senator and myself, if we are to pass the joint resolution at all, is this: I think the paramount object should be to make a survey of the Isthmus of Panama with a view to determining the most feasible route there of a canal that will parallel the present canal—when I use the word "parallel," I mean within a reasonable distance of it—and make the isthmian canal in Nicaragua a subordinate consideration. In other words, I think the best place for another canal, if we are to build one, is through the Isthmus of Panama rather than up in Nicaragua.

Mr. McKELLAR. Mr. President, will the Senator yield further?

Mr. BURTON. I yield.

Mr. McKELLAR. In reference to the question asked by the Senator from Utah, I have no objection whatsoever to the enlargement of the inquiry. I think the more facts we get the better it will be; but there is one consideration that we shall all have to make about the matter, and that is this:

As the Senator knows, we were under a very restricted treaty obligation—I mean, restricted so far as America was concerned—in the Clayton-Bulwer treaty of 1850 and again in the Hay-Pauncefote treaty of 1901. I am not at all sure that another Panama route would not be subject to all of the restrictions in that treaty, and I know the enlargement of the present Panama route would be; whereas if we have a Nicaraguan canal, we can build it as a purely American enterprise, without the necessity of any treaty with any nation other than those three, one of which it would be built through, another one of which it adjoins, and another one of which claims some kind of interest there. Of course, it is necessary to get that information; but we shall have to consider that particular feature when we come to pass upon the matter finally.

Mr. BURTON. On the other hand, Mr. President, I can hardly conceive of our building a canal there without an international agreement. Certainly we should have to make treaties with the country or countries through which the canal should go.

Mr. McKELLAR. That is provided for in the joint resolution.

Mr. BURTON. And, then, suppose we were to go ahead in a foreign land with the construction of a canal: What assurance would we have that it would not be made the subject of attack? What regulation would exist for the ships of other countries going through it?

Take the Suez Canal, which was opened in 1869: We might say that that did not require any treaty, but really it did, and a treaty was made in regard to it. I do not quite think the way would be clear to build a canal, either in Panama or Nicaragua, without a treaty.

The Senator from Tennessee no doubt has in mind that we might build a canal where we would allow our boats to go through free of tolls, and charge tolls to other countries.

Mr. McKELLAR. I have not that in mind. I think what has been done in Panama has been very wisely done. I think that all nations ought to be treated absolutely alike, in so far as the use of the canal is concerned, but I do think that if America desires to protect any canal she may buy or build, she ought to have the right to protect it in any manner she sees fit.

I agree with the Senator that, so far as the uses of the canal are concerned, it ought to be used upon terms absolutely fair to all nations, including our own.

Mr. BURTON. But query: Whether we could protect it any better if we went ahead on our own initiative than we could under an agreement with other nations, by the terms of which it was to be protected against attack, and regulations made as to the passing and repassing of warships through it; that is a very essential part of any agreement like that.

Mr. McKELLAR. That might be more easily arranged after the canal was built, or at least after it was begun. If we build this other canal, I do not want our Government to have to get the permission of another nation or other nations, as we did on the occasion in 1901.

Mr. BURTON. At the same time, there would be a treaty.

Mr. McKELLAR. Yes; I think probably that is so.

Mr. BURTON. Briefly to summarize, I think all three at least of the routes that have been suggested should be examined carefully. Frankly speaking, by partiality or predilection would be for the enlargement of the Panama Canal as the simplest way of providing facilities for the future. I do not agree with those who regard the provision for additional facilities as immediate or urgent, because the Governor of the Canal Zone has said that at the present rate of increase it will be 30 years before additional facilities will be required. That is in very flat contradiction to what has been said in some quarters, but I have no doubt that his information is the best in regard to that.

We can hardly expect that in the future the traffic will increase at the same rapid rate that it has increased since the canal was opened in 1914. There is a slackening in the percentage of increase in practically all transportation agencies, and that will be true of the canal. The biggest item that goes through there is crude oil, next to that is lumber, and next to that grain, and then different articles.

It is a source of great rejoicing that the Panama Canal brings us not only into closer touch, by water transportation, with our own Pacific coast, and creates a new bond between the regions of the Pacific and those of the Atlantic, but it also brings us nearer to the west coast of South America. Perhaps some Senators may not have had their attention called to the fact that in going from New York to Buenos Aires the shortest mileage is not by the Atlantic all the way but to go through the Panama Canal, go down to Valparaiso, cross over the Andes, and go by rail to Buenos Aires. That is very materially a shorter route, though not an all-water route, than to go by the Atlantic exclusively.

We of course stand ready to build another canal, or to enlarge the present one. The results of this great enterprise have been so far-reaching, so splendid, that we should by no means shrink from making such additions or such new construction as may be necessary.

Mr. HAWES obtained the floor.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Missouri yield to the Senator from Washington?

Mr. HAWES. I yield.

Mr. DILL. The Senator from Missouri is about to present another phase of this matter, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. EDGE. Before the clerk calls the roll——

Mr. DILL. I make the point, Mr. President.

Mr. EDGE. Will the Senator withhold that a moment? I really feel it will be rather difficult to get a quorum at this time, Saturday afternoon.

Mr. DILL. The Senator from Missouri is going to discuss a new phase of this subject.

Mr. EDGE. The Senator and I have had a thorough understanding as to his amendments, and I am proposing to accept them.

The PRESIDING OFFICER. Does the Senator from Washington insist on his point?

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Shortridge
Barkley	Frazier	Mayfield	Simmons
Bayard	Gerry	Moses	Smith
Bingham	Glass	Neely	Smoot
Black	Glenn	Norbeck	Steck
Blaine	Goff	Norris	Steiwer
Blease	Gould	Nye	Stephens
Bratton	Greene	Oddie	Swanson
Brookhart	Hale	Overman	Thomas, Idaho
Broussard	Harrison	Phipps	Trammell
Bruce	Hastings	Pine	Tydings
Burton	Hawes	Pittman	Tyson
Capper	Hayden	Ransdell	Vandenberg
Caraway	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ark.	Warren
Dale	Kendrick	Robinson, Ind.	Waterman
Deneen	King	Sackett	Watson
Dill	McKellar	Schall	Wheeler
Edge	McMaster	Sheppard	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, there is a quorum present.

Mr. HAWES. Mr. President, I desire to send to the desk a communication from the American Engineering Council and ask that it be read by the clerk.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

AMERICAN ENGINEERING COUNCIL,
Washington, D. C., February 20, 1929.

Senator HARRY B. HAWES,
United States Senate, Washington, D. C.

DEAR SENATOR HAWES: I wish to assure you that American Engineering Council, which represents officially 44,000 professional engineers and is the organ through which these engineers express themselves on all public questions of an engineering nature, support your amendment of January 28 on the Edge resolution (S. J. Res. 117).

The civilian engineers welcome an opportunity to serve their country along with other professions. It seems wise since Senate Joint Resolution 117 authorizes a commission to bring existing data up to date and to report on the feasibility and desirability of constructing an interoceanic canal through Nicaragua, a thing which has been a controversial subject for some time, it would seem wise to have upon this commission eminent civilian engineers so that the decision of the commission would have additional weight and be respected as the final decision of all classes of experts who are qualified to pass upon this subject.

It has been the history of many governmental undertakings, most notably and recently the Boulder Canyon Dam project, that once a qualified and impartial investigating commission has reported upon a project that its legislative path has been materially smoothed.

Your position is prompted by wisdom and foresight and American Engineering Council assures you of its support.

Yours sincerely,

B. R. VAN LEER,
Assistant Secretary.

Mr. HAWES. Mr. President, last year in the discussion of the flood-control legislation I made inquiry about the different engineering societies in the United States. I found that we have over 200,000 civilian engineers and a great national organization of 44,000 engineers, and that each State in the Union has a school for the instruction of engineers. It occurred to me that in carrying on the great work of flood control, the primary investigations of the Army engineers should be supplemented by the advice of civilian engineers.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. FESS. I recall that in the discussion of the flood-control question that matter was considered favorably. Is there any objection to including civilian engineers with the Army engineers in the pending question?

Mr. HAWES. It is not in the joint resolution, and I shall in a few moments propose an amendment to that effect.

Mr. FESS. I should think such an amendment would be acceptable. I do not see any objection to it.

Mr. HAWES. I will submit my amendment now, and if there is no objection to it I shall be glad to discontinue the discussion.

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The CHIEF CLERK. The Senator from Missouri offers the following amendment:

On page 4, line 19, after the words "Chief of Engineers," insert "and such civilian engineers as the President deems advisable" and on page 5, line 16, after the words "Chief of Engineers," insert "and such civilian engineers as the President deems advisable."

Mr. EDGE. Mr. President, will the Senator yield?

Mr. HAWES. Certainly.

Mr. EDGE. I have no objection to the amendment. Of course, as indicated, it leaves it entirely optional with the President whether he shall appoint them, and then, of course, the limit of money which is to be expended is fixed in the appropriation. I agree thoroughly with the Senator from Missouri that civilian engineers would be necessary certainly for any completed project. Whether it is deemed necessary in the preliminary surveys I am not so positive; nevertheless, I am entirely satisfied to leave it to the judgment of the President.

Mr. BURTON. Mr. President, I was called out of the Chamber momentarily. What is the proposed amendment?

Mr. EDGE. It is the amendment of the Senator from Missouri and provides that the President shall have power to appoint civilian engineers with the Army engineers.

Mr. BURTON. That right has always been exercised.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, the pending joint resolution provides for an expenditure of $150,000 to bring down to date the engineering information originally compiled by the Isthmian Canal Commission in 1901 relative to the construction of a Nicaraguan canal. I shall vote for the resolution because I believe that the facts thus ascertained will be worth the price.

I can not allow this occasion to pass, however, without directing attention to the fact that the necessity for the construction of the Nicaragua canal will probably be long delayed. In the report made by the Senator from New Jersey [Mr. EDGE] upon the bill we are told that—

It has been indicated by the annual reports of the Panama Canal Commission that if the business of the canal continues to increase as it has during recent years, the capacity of the present canal will be taxed to its maximum capacity in 10 years or at the outside 15 years.

I might point out so far as one misstatement therein is concerned that there is no such thing as the Panama Canal Commission. That commission ceased to exist years ago and we now have only a Governor of the Panama Canal whose statements before the House Committee on Appropriations were read to the Senate by the Senator from Ohio [Mr. BURTON]. The most significant part of that testimony I wish to repeat. The chairman of the subcommittee of the House Committee on Appropriations asked the following question:

Mr. BARBOUR. Have you made any estimate of the time when you will have to increase the lockage facilities?

Colonel BURGESS. As nearly as we can tell, the increase will not be more than 10,000,000 tons per decade. We are transmitting 30,000,000 tons now. We can take 60,000,000 before we need the third locks. That indicates a period of about 30 years before we will need the third locks.

Thus if the Alhajuela Dam, the name of which has been changed to the Madden Dam in honor of the late chairman of the House Committee on Appropriations, the construction of which has been authorized and is now in progress, with an ample water supply for the use of the present locks, it will be 30 years before it will be necessary to add a third lock to the Panama Canal.

In the last annual report of the then Governor of the Panama Canal, Gen. M. L. Walker, this statement was made.

The traffic through the Panama Canal in the fiscal year just closed was greater than in any preceding fiscal or calendar year. This statement, made last year, is repeated for this. Traffic in the fiscal year 1928 was greater than that in the fiscal year 1927 by 18 per cent in number of commercial transits, 12 per cent in net tonnage, 11 per cent in tolls, and 7 per cent in cargo carried.

The growth of traffic has brought to the front considerations of the possibility of its exceeding the capacity of the canal, with the corollary of considering ways by which the capacity may be increased. Present traffic is considered to be between 45 and 50 per cent of that which the canal can handle, as constructed at present. The first move to provide for future increases and to assure sufficient depth of water in the cut and over the upper sills of the locks has been begun in the development of a supplementary water supply. A résumé of the essentials of this project is presented in a section devoted to additional storage at Alhajuela. It is believed that this, with the eventual construction of a third flight of locks, paralleling the present twin flights will increase the present capacity of the canal by about 70 per cent.

If the present capacity of the Panama Canal is 60,000,000 tons, as stated by Colonel Burgess, and if General Walker is correct in his estimate that the third locks will increase the capacity 70 per cent, or over 40,000,000 tons, the total capacity of the canal will then be 100,000,000 tons. If, as Colonel Burgess says, 30,000,000 tons are now being transmitted through the canal, and the rate of increase is 10,000,000 tons per decade, it will be 70 years before there will be any need for construction of the Nicaraguan canal.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. DILL. The Senator surely has heard the chairman of the committee [Mr. EDGE] say so often that it will only take 10 to 15 years to have the canal facilities exhausted or used to their maximum. There must be something wrong here.

Mr. HAYDEN. I am quoting the words of the present Governor of the Panama Canal and his immediate predecessor who submitted this annual report on August 27, 1928.

Mr. DILL. I know, but I am quoting the chairman of the committee, upon whom I am supposed to rely for information on this subject.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. HAYDEN. Certainly.

Mr. EDGE. I do not want to take the time of the Senator, but the figures appearing in the RECORD are absolutely taken from the same report from which the Senator himself is reading. Some supplementary information has been received from the new governor, Governor Burgess, who has only been there three months, and from various testimonials of engineers who have realized the rapidly increasing, the unprecedented increasing transit since last June, when the report was made.

I think the Senator was not in the Chamber at the time when I read the report which was submitted in January, which was that the greatest number of transits in any month since the canal had been opened occurred in January, far in excess of any month in the year before; and the estimate, of course, is necessarily more or less guesswork on the part of those engineers. We can not visualize commercial traffic for 5 or 10 or 15 or 20 years. The fact remains that in each cycle of five years since the canal has been operated the traffic has more than doubled. In other words, the traffic in the second five years was double that of the first five years, and the traffic in the third five years was double that in the second five years. I do not say that we may expect that average to continue, but I do say that this is a red flag of warning. It is coming along with such rapidity that surely there can not be any reasonable objection to getting all the information in order to be prepared for a final decision on the part of Congress as to our future canal policy. That is all the joint resolution provides.

Mr. HAYDEN. I am going to vote for the Senator's resolution, but when he says the present Governor of the Canal Zone has only been there three months, I remind him that it has been the unvarying custom since the Panama Canal was completed to advance the engineer of maintenance to the governorship, and Col. Harry Burgess, who has occupied that position for the past four years, has recently been promoted to be Governor of the Panama Canal. His testimony before the House Committee on Appropriations last December, which was read to the Senate by the Senator from Ohio [Mr. BURTON] states positively that it will be 30 years at the present rate of growth before it will be necessary to add a third flight of locks. General Walker, his immediate predecessor as governor, makes a statement which leads to the conclusion that on the same basis it will be 70 years before it will be necessary to construct the Nicaraugua canal to take care of the traffic.

Governor Walker in his annual report for 1928 stated further:

The total net revenue from combined Panama Canal and Panama Railroad operations in the fiscal year was $20,621,314.82, the best showing for any year to date.

The increasing revenues have been made the occasion for proposals that the tolls be reduced, either on all traffic or on special classes of vessels. Policy in this respect is for determination by Congress. It is pertinent, however, for the administration of the canal to point out that heavy expenditures are yet due to be made for additions and replacements in the plant, for the adequate quartering of employees, for suitable retirement of employees grown old or disabled in this exacting service; that tolls at Panama are lower (by approximately a third at present) than the tolls at Suez; that reductions will benefit foreign vessels in foreign trade as well as United States vessels in domestic trade.

Then I direct the attention of the Senate to this final remark:

That the intercoastal lines are competing severely with the railroads, and a lowering of tolls may cripple the internal transportation system of the United States while reducing the Government's revenue, with offsetting benefits accruing only to limited special interests.

The Panama Canal tolls should not be lowered and I therefore heartily agree with everything Governor Walker has said except that last statement. The intercoastal steamship lines operating through the Panama Canal are not to any great degree competing with the transcontinental railroads of the United States, but the traffic through that canal is being used merely as an excuse by the railroads for making applications to the Interstate Commerce Commission for the privilege of carrying freight from one coast to another at a less rate than the railroads are willing to carry the same freight to intermediate points. I want to give notice here and now on behalf of all the Senators and Congressmen who represent the great interior regions of the United States affected by the long-and-short haul issue which so frequently comes before the Interstate Commerce Commission, that if another canal is to be constructed through Nicaragua we intend to see to it that the second canal shall not be used as an excuse for further violations of the fourth section of the interstate commerce act which prohibits charging more for a long haul than a short haul in the same direction over the same railroad line.

Mr. DILL. Mr. President, will the Senator indicate just how he is going to see to that?

Mr. HAYDEN. Of course, neither the Senator from Washington nor I may be Members of the Senate 70 years from now when the Nicaragua canal is built.

Mr. DILL. How can it be done? That is the question I meant to ask.

Mr. HAYDEN. It could be quickly done by the passage of the Gooding bill, which is pending before the Senate, and is upon its calendar at this moment, with a favorable report from the Committee on Commerce.

Mr. BRUCE. Mr. President, the Senator, of course, is aware of the utter futility of the efforts on the part of anybody in this body or in the other House to bring about the passage of the Gooding bill.

Mr. HAYDEN. I have not given up hope, I may say to the Senator. The fact that the Senate of the United States once passed that bill by a very large majority, the fact that the same issues are from time to time being raised before the Interstate Commerce Commission, to the great embarrassment of the intermediate regions, makes it necessary, in my judgment, that Congress shall fully and finally determine whether a railroad company shall be allowed to charge more for a long haul than for a short haul over the same line and in the same direction.

Mr. BRUCE. Mr. President, will the Senator allow me the liberty of saying that I think he must be endowed with a highly

sanguine temperament to think the Gooding bill will ever be passed by the Congress.

Mr. HAYDEN. In any event I have been an advocate for many years of a rigid long-and-short-haul section as a part of the act to regulate commerce. The practice of charging more for a short than for a long haul results in wasteful transportation, especially where the competition which is met by such a rate is between railroads, for if commodities are hauled over the long line when they could just as well move over the short line it can mean nothing else than wasteful transportation and the lowering of the revenue of any particular group in which the various railroads may be located. The railroads should not be permitted to violate the fourth section to meet water competition or any other form of competition.

If we have another transportation system which can transport property more cheaply than the railroads it ought to be used and fostered for that purpose. The only purpose a railroad can possibly have in reducing rates to meet water competition is to take business from the water line, and if it is allowed to charge more to intermediate points than to the competitive point it simply means that they are making up out of the intermediate points their losses incurred in meeting the competition to put the boats out of existence.

The fourth section of the transportation act should be amended so as to prevent the railroads from making discriminatory rates to interior points in order that they may drive the Panama Canal and river boats out of business and thus secure a monopoly of the transportation business of the United States.

The policy of the railroads in the past has been to make exceedingly low rates to water points, with the result that there is no private capital invested to-day in water transportation on our inland waterways. While making these low rates to water points and thus driving the boats out of business, the railroads recouped their losses by charging unreasonably high and discriminatory rates to interior points, thus throttling the development of the interior.

To-day the transcontinental railroads are attempting to apply this same principle to the Panama Canal traffic. They are asking to impose upon the people of the interior West a burdensome and discriminatory freight rate in order that they may make a rate so low to the Pacific coast points as to drive the Panama Canal boat service out of business.

The Panama Canal was built by the people of the United States to serve the entire country, and the steamship service through it should not be destroyed by any decision of the Interstate Commerce Commission granting relief to the railroads from the provisions of the fourth section of the transportation act.

Mr. President, I desire to read to the Senate brief extracts from the testimony given by Mr. Mark W. Potter as receiver of the Chicago, Milwaukee & St. Paul Railroad, at a hearing in New York City in July, 1926, before Commissioner Cox, of the Interstate Commerce Commission, in which he discussed this issue. Mr. Potter then said:

> I haven't any doubt but that the effect of the Panama Canal has been to develop the coast as a whole, promote the prosperity of the coast, and I think by and large the railroads have been compensated through benefits from the canal which quite take care of any debits.
>
> * * * * * * *
>
> But considering it by and large, I do not believe the Panama Canal is a detriment at all.
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> * * * * * * *
>
> I do not hesitate to say that if I had been the sole receiver of the St. Paul property I should have withdrawn application for fourth-section relief.
>
> * * * * * * *
>
> I think that there is no necessity for fourth-section departure. I think they can get a fair rate to intermountain territory that will give them all the business, and give them a fair look into the coast business on that rate. I don't think there should be fourth-section departures except where they are necessary, and I do not believe this is one of those cases.

I have here, Mr. President, a table showing the total tonnage transported through the Panama Canal each year since its construction. I direct the particular attention of the Senate to the figures for 1920 to 1928. In 1920 the tons of cargo carried were 11,236,119, and there has been an increase every year, except in 1925, until the total in 1928 was 29,401,581 tons. That tonnage, I believe, is equivalent to about 2 per cent of the total tonnage carried by the transcontinental railroads. I ask to have that table inserted in the RECORD and also additional tables showing the intercoastal tonnage passing through the Panama Canal and the character of the commodities carried by ships from coast to coast.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibits A, B, and C.)

Mr. SMITH. Mr. President, I presume the figures to which the Senator has just referred represent the total tonnage that has passed through the canal as of the dates which he has given. May I ask him does he know what per cent of that was tonnage coming through the Panama Canal destined to Atlantic ports of the United States?

Mr. HAYDEN. One of the tables shows that the Atlantic to Pacific traffic is much less than that from the Pacific coast to the Atlantic seaboard.

The other tables show the character of the tonnage, whether manufactured goods, general cargo, sulphur, tobacco, oil, and so on. I am sure that the Senator from South Carolina will find the tables to be very interesting.

Mr. SMITH. I was interested because I have seen the development of an industry due to cargoes brought to the eastern seaboard from Washington and Oregon. Those cargoes are discharged at Atlantic ports and carried far into the interior by the railroads. I am sure they would never have come to the Atlantic ports as they did if it had been necessary for them to be carried by our railroad systems.

Mr. HAYDEN. Does the Senator from South Carolina refer to lumber?

Mr. SMITH. It may be called lumber, but I have in my mind all kinds of wood, even logs. I was informed to-day that vessels bring to certain Gulf ports, for instance, logs which are then shipped to the interior, cut into lumber, and distributed over the East and Southeast. This character of cargo would not have been brought to the eastern section at all if transportation had been restricted to the railroads, no matter what freight rates, within reason, might have been charged, because a good deal of this freight, I have been informed, comes to South Atlantic ports almost in the form of ballest. The railroads subsequently derive revenue from it after the cargo is discharged at the southern ports when they carry it to the interior.

Mr. HAYDEN. A comparison of the figures that I have placed before the Senate with the total tonnage carried by the transcontinental railroads would show how insignificant is the quantity of freight passing through the Panama Canal compared to the total amount of freight carried from coast to coast by the great transcontinental railroad systems. Therefore the railroads are not justified in using the Panama Canal, and would not be justified in using a new Nicaraguan canal as a reason for asking the right to carry freight at a lower rate to Pacific coast terminals in order to meet water competition.

Although the traffic through the Panama Canal has more than doubled in the past eight years, I have before me a statement of the dividends by the various transcontinental railroad systems which shows that if the Panama Canal traffic is competing with the railroads their stockholders have never known the difference. The Union Pacific Railroad Co., for example, has paid from 1920 to 1927 upon all of its common stock a 10 per cent annual dividend, amounting to $22,229,160, and on its preferred stock a 4 per cent dividend, amounting to $3,891,740. Those payments in the identical sums have been made on the 31st of December of each year for the past eight years.

I shall include in the RECORD further tables showing the dividends paid upon the common and preferred stock of all the remainder of the transcontinental railroad lines. In no instance has there been any reduction of dividends by reason of competition with ships passing through the Panama Canal.

The PRESIDING OFFICER. Without objection, the tables will be printed in the RECORD.

(See Exhibit D.)

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. I should like to ask the Senator whether all of the transcontinental railroads are earning the full amount which under the transportation act they would be warranted in retaining.

Mr. HAYDEN. They are not. I happened to look that up a few days ago with particular reference to the Southern Pacific Railroad Co. At no time has that railroad system earned the full 5¾ per cent allowed under the transportation act.

Mr. KING. Has the Santa Fe system earned it?

Mr. HAYDEN. I am not so sure with respect to the Santa Fe system. The figures which I have here merely give the dividends paid and not the total net income of the railroads in proportion to the amount of capital invested, which is the basis for earnings as provided in section 15a of the transportation act.

Mr. KING. Do the figures which the Senator is inserting in the RECORD show the freight tonnage which has been carried

every year by the transcontinental railroads since the Panama Canal has been constructed?

Mr. HAYDEN. No. It would be very interesting to compare the tonnage of freight carried by the transcontinental railroads and the tonnage of freight which has passed through the Panama Canal, particularly with respect to the various classes of commodities. I have not that information at hand.

Mr. KING. My information is, if the Senator will pardon me, that there has been an increase in the tonnage carried by the railroads during the past 10 or 15 years measured by the amount of tonnage prior to that time.

Mr. HAYDEN. I have no doubt that the Senator from Utah is correct in that statement, and, therefore, although the traffic through Panama Canal has more than doubled during the past eight years, nevertheless the effect upon the railroads has been comparatively slight. Just as Mr. Potter pointed out, the construction of the Panama Canal so stimulated business on the Pacific coast that the reaction was that the railroads were compelled to carry a greater tonnage of freight than ever before.

Mr. President, the railroads desire to make low rates to terminals which have water communication. They have to do so, they claim, in order to compete with shipping and get their share of business. In some cases they have made rates so low that they get most of the traffic, thus nullifying the expenditure of millions of the taxpayers' money in the improvement of waterways. So as to recoup for the low rates charged for long hauls, the railroads charge higher rates for hauls to interior points that have no alternative means of communication. Thus the freight rate from Chicago to San Francisco is in many cases lower than the rate from Chicago to Denver, only half the distance.

Manifestly such discrimination is unfair to inland communities. It has done much to hold back the development of the Rocky Mountain section and many parts of the South. These regions are great producers of raw materials; certain parts of them have easy access to coal, while others are near potential water powers; but industry remains stagnant because of high freight rates. The chief trade is in raw materials, which are the only excuse for the existence of any population in these sections. The manufacturing districts of the country are increasing marvelously in population and wealth. Other sections are comparatively at a standstill, largely because of freight-rate discrimination.

Meanwhile the railroads supplying these regions cry out that they are poor, and blame the Panama Canal for their condition. This seems a queer way of regarding the situation. Would they be poor if they assisted in the building of the States they traverse? If their rights of way were dotted with factories supplying them with freight and taking from them raw materials, would they be poor? If industry were attracted to them by cheap factory sites, abundant and inexpensive electric power, healthful living conditions, opportunities for employees to own their own homes and gardens, would not the earnings of the railways serving these communities improve? But such development is made impossible by high and discriminatory freight rates.

My father once called on the late Collis P. Huntington, who was then the president of the Southern Pacific Railroad Co., to urge better freight rates to aid in the development of the then Territory of Arizona. Mr. Huntington told him that so far as the Southern Pacific Railroad Co. was concerned, Arizona was merely a stretch of unproductive country which kept the world together; it was a distance that had to be traversed in order to carry the products of the Pacific coast to the East, and vice versa; but that his railroad expected to gain no business or profits from that area, and was not interested in its development.

I am glad to say that the attitude of the transcontinental railroads has changed somewhat of recent years. The gradual increase in population and wealth in the intermountain country, an advancement which has occurred in spite of serious handicaps, has at last made some of the leading officials of these great railway lines realize that there is business which can be developed there that is worth while. That is the point I want to emphasize in concluding my remarks upon this joint resolution.

The transcontinental railroad companies should not continually appear before the Interstate Commerce Commission seeking the privilege of making a low rate through to the Pacific coast, lower than they are willing to stop off freight in the intermediate regions, and allege the Panama Canal as an excuse for so doing. Anyone engaged in business in the intermountain country at the present time has no assurance that any day some transcontinental railroad company which carries his freight may not file an application before the Interstate Commerce Commission to be permitted to change a rate situation which will utterly ruin his business. This sword of Damocles perennially hangs over his head. We want to make business conditions certain. We ask for the enactment by Congress of legislation that will absolutely prohibit any railroad company from using the Panama Canal, in particular, as an excuse for granting a lower through rate than to the intermediate territory. If that is done, business will prosper along the entire lines of these railroads, and in the end they will gain more business and make more profit than would be possible if they follow the foolish and the unwise course, as we believe, of asking the privilege of carrying commodities through to the Pacific coast at cost or less than cost, and then seek to recoup themselves by overcharging those who live in the areas between.

EXHIBIT A

Commercial traffic through Panama Canal, years 1914–1928

Calendar year	Number of commercial ships	Tolls	Tons of cargo
1914 [1]	350	$1,508,737.56	1,758,625
1915 [2]	1,154	4,297,467.11	4,893,422
1916 [2]	1,217	3,671,162.68	4,774,822
1917	1,960	6,107,696.63	7,443,610
1918	2,070	6,317,455.39	7,284,159
1919	2,130	6,973,095.30	7,463,151
1920	2,814	10,295,362.21	11,236,119
1921	2,783	11,261,098.80	10,707,005
1922	2,997	12,573,407.77	13,710,556
1923	5,037	22,966,838.18	25,160,545
1924	4,893	22,809,416.34	25,892,134
1925	4,774	21,380,759.70	23,701,277
1926	5,420	23,901,540.04	27,586,051
1927	6,085	26,231,022.94	29,102,538
1928	6,334	26,375,962.41	29,401,581
Total	50,018	206,671,023.06	230,115,595

[1] Canal opened to traffic Aug. 15, 1914.
[2] Canal opened to traffic for approximately 8½ months only.

EXHIBIT B

Intercoastal tonnage passing through Panama Canal, by direction of movement, years 1920–1928

Year	Atlantic to Pacific (tons of 2,240 pounds)	Pacific to Atlantic (tons of 2,240 pounds)	Total (tons of 2,240 pounds)
1920	416,819	644,833	1,061,652
1921	893,396	1,050,722	1,944,118
1922	1,916,887	2,013,787	3,930,674
1923	2,926,094	9,968,751	12,894,845
1924	2,680,376	9,626,549	12,306,925
1925	2,821,006	7,688,926	10,509,932
1926	2,656,107	8,266,500	10,922,607
1927	2,725,481	8,182,983	10,908,464
1928	2,915,213	6,848,098	9,763,311

EXHIBIT C

Coast-to-coast movement of principal commodities via Panama Canal, calendar years 1926, 1927, and 1928

Commodity	1926, tons	1927, tons	1928, tons	Increase or decrease 1928 over 1927
ATLANTIC TO PACIFIC				
Manufactured goods [1]	1,052,510	1,300,825	1,530,538	229,713
General cargo	1,021,711	695,434	613,733	[2] 81,701
Metals	97,943	110,494	13,310	[2] 97,184
Sulphur	87,166	77,178	90,084	12,906
Paper	44,130	62,915	64,327	1,412
Oils	34,888	63,018	72,954	9,936
Canned goods	27,520	46,033	65,701	19,668
Coal	27,264	31,846	37,032	5,186
Tobacco	20,409	17,623	28,697	11,074
All other	242,566	320,115	398,837	78,722
PACIFIC TO ATLANTIC				
Oils	4,534,719	4,399,127	2,791,677	[2] 1,607,450
Coconut	42	15	112	97
Cottonseed	50	20		[2] 20
Crude	3,254,858	[3] 2,807,728	[4] 692,457	[2] 2,115,271
Lubricating	81,169	72,689	48,271	[2] 24,418
Refined	1,197,738	1,505,249	1,946,798	441,549
Olive		[5] 2		[2] 2
Vegetable	20	434	533	99
Wood		435	446	11
Other	842	[5] 12,555	[6] 103,060	90,505
Lumber	2,361,533	2,380,620	2,446,760	66,140
General cargo	445,975	236,337	111,699	124,638

[1] Iron and steel, machinery, railroad materials, textiles, tinplate, etc.
[2] Decrease.
[3] Includes 1,151,737 tons of gas and fuel oil.
[4] Includes 313,154 tons of gas and fuel oil.
[5] Includes 11,972 tons of kerosene.
[6] Includes 102,444 tons of kerosene.

Coast-to-coast movement of principal commodities via Panama Canal, calendar years 1926, 1927, and 1928—Continued

Commodity	1926, tons	1927, tons	1928, tons	Increase or decrease 1928 over 1927
PACIFIC TO ATLANTIC—con.				
Canned goods	422,361	502,836	593,966	91,130
Fish	125,034	119,292	124,990	5,698
Fruit	220,271	269,859	317,422	47,563
Meat	4,318	2,251	2,598	347
Milk	3,076	11,622	9,722	[1] 1,900
Vegetable	45,247	56,621	63,467	6,846
Other	24,415	43,191	75,767	32,576
Fruit	95,552	119,377	147,892	28,515
Metals	79,518	109,203	116,497	7,294
Antimony	685	168	486	318
Copper	65,232	92,013	101,916	9,903
Iron	278	149	480	331
Lead	8,708	4,912	2,138	[1] 2,774
Scrap	3,679	5,021	4,930	[1] 91
Tin	62	141	1,060	919
Zinc	32	411	4,753	4,342
Other	842	6,388	734	[1] 5,654
Flour	59,988	49,543	79,420	29,877
Beans	49,048	58,808	77,881	19,073
Ores	30,635	25,997	24,339	[1] 1,658
Wool	27,860	36,944	40,635	3,691
Skins and hides	22,451	22,293	26,411	4,118
Paper	16,201	25,660	47,874	22,214
Cotton	14,990	26,509	25,417	[1] 1,092
Sugar	5,683	62,355	88,208	25,853
All other	99,986	127,374	229,422	102,048

[1] Decrease.

EXHIBIT D

Dividends declared, years 1920–1927

GREAT NORTHERN RAILWAY CO.

Year ended—	Common stock		Preferred stock	
	Amount	Rate	Amount	Rate
		Per cent		*Per cent*
Dec. 31, 1920			$17,462,916	7
Dec. 31, 1921			17,462,974	7
Dec. 31, 1922			13,097,264	5¼
Dec. 31, 1923			12,473,605	5
Dec. 31, 1924			12,473,618	5
Dec. 31, 1925			12,369,145	5
Dec. 31, 1926			12,445,855	5
Dec. 31, 1927			12,447,355	5

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO.

Dec. 31, 1920				
Dec. 31, 1921				
Dec. 31, 1922				
Dec. 31, 1923				
Dec. 31, 1924				
Dec. 31, 1925				
Dec. 31, 1926				
Dec. 31, 1927				

NORTHERN PACIFIC RAILWAY CO.

Dec. 31, 1920	$17,360,000	7		
Dec. 31, 1921	17,360,000	7		
Dec. 31, 1922	12,400,000	5		
Dec. 31, 1923	12,400,000	5		
Dec. 31, 1924	12,400,000	5		
Dec. 31, 1925	12,400,000	5		
Dec. 31, 1926	12,400,000	5		
Dec. 31, 1927	12,400,000	5		

SOUTHERN PACIFIC CO.

Dec. 31, 1920	$18,209,281	6		
Dec. 31, 1921	20,639,196	6		
Dec. 31, 1922	20,662,854	6		
Dec. 31, 1923	20,662,854	6		
Dec. 31, 1924	20,942,854	6		
Dec. 31, 1925	22,342,854	6		
Dec. 31, 1926	22,342,854	6		
Dec. 31, 1927	22,342,854	6		

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Dec. 31, 1920	$13,441,110	6	$6,208,685	5
Dec. 31, 1921	13,518,420	6	6,208,685	5
Dec. 31, 1922	13,605,660	6	6,208,685	5
Dec. 31, 1923	13,909,245	6	6,208,685	5
Dec. 31, 1924	14,525,594	6¼	6,208,640	5
Dec. 31, 1925	16,268,665	7	6,208,640	5
Dec. 31, 1926	18,011,736	7¾	6,208,640	5
Dec. 31, 1927	23,240,950	10	6,208,640	5

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. EDGE. I will yield to the Senator from Washington [Mr. DILL] if he desires. He advised me that he wished to address the Senate at this time. I do not want to take the floor from him.

Mr. DILL. Does the Senator care to make any remarks?

Mr. EDGE. I will propose a unanimous-consent agreement, understanding that this is what the Senator from Washington will agree to, and having discussed it with some other Senators—that when the Senate concludes its business this afternoon it adjourn until Monday at 12 o'clock, and that at 3 o'clock——

Mr. DILL. Had not the Senator better wait until the Senator from Utah [Mr. KING] comes in?

Mr. EDGE. I will present the unanimous-consent request in this form, because, while I did not ask the Senator from Utah about it at this time, some time back I asked him if he was satisfied to have a limitation of debate go into effect a day ahead, and he said he was; so I assume he will take the same position now.

I ask unanimous consent that when the Senate adjourns to-day it adjourn to meet Monday at 12 o'clock, and that beginning at 3 o'clock on Monday addresses on the joint resolution or amendments thereto shall be limited to 10 minutes.

Mr. McMASTER. Mr. President, should not a quorum be called?

Mr. EDGE. Not on a limitation of debate; only on setting a time for a vote.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The present occupant of the chair desires to announce that if no one else does he will suggest the absence of a quorum, because in the past controversies have arisen because quorums have not been called for when limitations on debate have been made.

Mr. McMASTER. I think the Senator had better call for a quorum.

Mr. EDGE. I will withhold the request for the moment if the Senator from Washington is prepared to take the floor.

Mr. DILL. I am prepared to do so.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. DILL. Mr. President, in the light of the reversal to-day of the vote last night on keeping the marines in Nicaragua, I suppose it is more desirable to pass this joint resolution to-day than it was yesterday; for, now that we are to permit the marines to stay in Nicaragua, there should be something to have them down there for; and if we place a lot of engineers down there, working on a right of way, we will have an excuse to keep the marines there for many years to come.

I thought possibly there was a chance to get the marines out of Nicaragua, and that we might treat Nicaragua as one nation should treat another, but the claim was made through the press and by officials of the Government that the amendment withdrawing the marines from Nicaragua was in effect torpedoing the Navy bill, and we were told that if the amendment remained in the bill it would be knocked out in conference; that the House would never agree to it; or, if they ever did agree to it, that the President would veto the bill.

I have wondered what there is about keeping the marines in Nicaragua that is so sacred to this administration. I do not know whether there is some peculiar purpose back of it or whether it is just a habit that this Government has gotten into by reason of having kept the marines down there for so many years. The truth of the matter is that the history of our record in Nicaragua is one that in my judgment is not only inconsistent but is untenable, and in no connection have we been so unreasonable, in no connection is our record so indefensible, as it is in connection with securing the rights for a Nicaraguan canal toward which the pending joint resolution is directed.

I desire to call attention first to the way we have treated Nicaragua. I think our record in that country for the past 20 years is the most disgraceful of any record we have made in connection with any part of the world.

As I said yesterday, in 1907 President Roosevelt induced the Central American governments to enter into a treaty by which they agreed with one another that no one of them would interfere in the internal affairs of another when a revolution was going on. Within two or three years of that time this Government did interfere in a way that we had bound Central American countries not to interfere, by taking the side of one of the revolutionary parties in Nicaragua. We indorsed the side of the revolution. By the help of the United States marines a conservative government was set up in place of the liberal government, and our marines were never withdrawn from then until January 1, 1925. Not only that, but the United States

Government recognized the Estrada government in 1911, although it was a revolutionary government and the people had not yet voted to support it.

I have here a description by Walter Liggett of how we secured the treaty with Nicaragua upon which the Senator from New Jersey bases his joint resolution, known as the Bryan-Chamorro treaty. I want to read a part of this:

> The Bryan-Chamorro treaty, whereby the United States paid Nicaragua $3,000,000 for the exclusive right to construct a transisthmus canal and also for the privilege of establishing a naval base in the Gulf of Fonseca, was negotiated by Diaz in 1913.
>
> Before the Bryan-Chamorro treaty was ratified, Costa Rica, Salvador, and Honduras protested vigorously to the United States against its provisions. Salvador and Honduras both had as much claim to the Gulf of Fonseca as Nicaragua; and the northern boundary of Costa Rica borders the San Juan River, to which Nicaragua signed away exclusive canal rights. A prior treaty between Costa Rica and Nicaragua also forbade Nicaragua to make any canal rights without first consulting Costa Rica.

That leads me to remind the Senate of how Diaz came to be able to negotiate this treaty. I tried to get the Senator from New Jersey [Mr. EDGE] this afternoon to discuss that phase of the subject. He pretended not to know anything about it. He said that it was not important; that it made no difference how we got these rights; that we have them now. He reminded me of the Irish politician I heard in a play some years ago. When discussing with another politician the subject of money he said: "I have noticed in this world that if you have money, people never ask you how you got it, but 'Have you got it?'" So the philosophy of the Senator from New Jersey here to-day regarding our rights in Nicaragua, he says, is, "It makes no difference how we got them; the point is, we have them."

Mr. EDGE. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield to the Senator from New Jersey.

Mr. EDGE. I can not permit that statement to go unchallenged—at least, in the way in which the Senator has presented it.

Mr. DILL. Will the Senator state his position, then?

Mr. EDGE. In answer to the Senator's question, I said very frankly that I was not familiar with the transaction beyond what history records. I was not in public life at the time; and now the Senator uses rather offensive language in saying that "the Senator from New Jersey pretends not to know." I do not know; and, if that is not sufficient for the Senator, I certainly have no further explanation to make.

Beyond that, I still insist that so far as my duty is concerned as chairman of the Interoceanic Canals Committee in asking for this survey, it is not a part of that duty for me to try, in some unknown way or method, to ascertain what may have surrounded this transaction at the time it was entered into by the Secretary of State, William Jennings Bryan, and the President of the United States, Woodrow Wilson, who were in charge of our foreign affairs at that time. I would not consider it at all a part of the responsibility of the chairman of the Interoceanic Canals Committee in asking for a survey.

Mr. DILL. The Senator begs the question. The Senator is chairman of this committee, and he came here as the sponsor of this joint resolution, and he objects to my saying that he pretended not to know about this matter, and says that he is ignorant. I think it is worse to be ignorant in a case like this than it would be to pretend ignorance. It seems to me it is the Senator's business, as chairman of the committee, to know the facts about the matter.

I am not blaming the President who came into office in 1913, and the new Secretary of State who came on the scene at that time. This revolution had been fomented largely at the instigation of American capitalists down there; and it is a matter of common knowledge to-day that a clerk of the United States Steel Corporation was in reality placed in charge of the Government of Nicaragua, and that the Government that existed in Nicaragua when this treaty was made was a government of our own choosing and not of the choosing of the people of Nicaragua; and, that being the fact, we paid $3,000,000, and about 30 per cent of it went to Nicaragua, and the rest of it went to pay American claimants.

Mr. EDGE. Mr. President, it required two parties to conclude that transaction—one, the President of Nicaragua and his representative, Chamorro; the other, the President of the United States and his representative, the Secretary of State. Does the Senator mean to imply that one party to this contract was either dumb as to the transaction or was knowingly a party to it at the same time that he attempts to insinuate that the Senator from New Jersey 14 years afterwards should know something that I am quite sure the Secretary of State and the President of the United States—I will defend them—did not know when they took part in the transaction?

Mr. DILL. Mr. President, if the Senator had read a statement of the facts at all as they are recorded in history, he would know that what I have stated is true. He would know that Chamorro was a president not by the will of the people but by the influence of the American forces that were in Nicaragua.

I want to call attention to the kind of a government it was, who the officials of it were when this treaty was made, and how completely it was under the domination of this one man and his friends.

The President of Nicaragua was Diego Chamorro. The minister of the interior was Rosendo Chamorro. The president of the congress was Salvador Chamorro. The director of internal revenue was Dionisio Chamorro. The councilor of the treasury was Augustin Chamorro. The chief of the northern army was Carlos Chamorro. The chief of the Managua Fortress was Frutus Chamorro. The chief of police at Managua was Fidelfo Chamorro. The chief of police at Corinto was Leandro Chamorro. The minister at Washington was Emiliano Chamorro. The consul at San Francisco was Fernando Chamorro. The consul at New Orleans was Augustin Bolanas Chamorro.

The brothers-in-law, the cousins, and nephews of the Chamorro clan who held office in addition to those are too numerous to mention. That is the kind of a government that was set up in Nicaragua, with whom we made the treaty upon which the Senator comes here and talks about our rights in Nicaragua. I think the $3,000,000 ought to be written off, as the $25,000,000 we paid to Colombia was written off. I think we have no legal rights in Nicaragua.

I do not need to make a speech here about the lack of necessity for this resolution. The Senator from Ohio [Mr. BURTON], venerable Senator that he is, was here in the days when the Panama Canal was built and gave reasons more clear than any I could give. The Senator from Arizona [Mr. HAYDEN] has quoted here from officials who were before the Committee on Appropriations, showing an average of 19 ships a day going through the Panama Canal, with present facilities for 54, and if we put in an additional lock we will not have to have an additional canal, and the facilities, with an additional lock, would not be exhausted for 70 years.

What is the purpose and what is the reason for wanting to get a lot of engineers down into Nicaragua? If we are going to build another canal in Nicaragua that is going to be better than the Panama Canal, it must be a sea-level canal and will cost at least a billion dollars and perhaps a billion and a half.

It is estimated that to enlarge the Panama Canal will probably cost $100,000,000, and that is a legitimate and natural expansion, when it shall be needed, but the Senator from New Jersey rushed in here with his resolution last December; and I want to call attention to the history of this resolution. It is a very interesting history. The resolution was introduced on the 20th of March and referred to the Committee on Foreign Relations. April 9, 1928, it was reported by the committee with amendments. On May 28 it was ordered printed, showing the amendments agreed to. December 10, 1928, certain amendments offered by Senator MCKELLAR were placed in it. Then, on January 7, it was ordered reprinted. It has been thrashing around that committee for some reason or other, and when we come to read it we have to go through two or three sets of resolutions to find out what is actually proposed. They keep changing the resolution from time to time to meet the changing needs of those who are back of this proposal.

The truth of the matter is that the real purpose back of all this is to give an excuse for keeping the marines in Nicaragua. There is no need for it: the arguments of the Senator from New Jersey have fallen flat here in the face of the facts that are produced by those who claim to be the friends of the resolution, namely, that it will be 30 or 40 years before we even need to enlarge the Panama Canal, and 70 years before the canal's facilities will be completely utilized, when a third lock shall have been put in.

I hold in my hand an editorial appearing in the New Republic, the publication of January 23, 1929, and I want to read from it:

> Despite the return of the American electoral mission from Nicaragua and the withdrawal of some of our marines, the future of this so-called Republic remains uncertain. Is the American Government openly to assume some permanent responsibility in this country, such as Doctor Cumberland recommended in his recent report? Is it to adopt a hands-off policy and allow the Nicaraguans to work out their own destiny?

Or will it, while professing to regard Nicaragua as an independent State, find some indirect and surreptitious means for perpetuating its control? Such are the choices confronting President-elect Hoover.

Unfortunately, signs point in favor of the last-named course. We make this statement because of the renewed zeal displayed in official and other quarters in behalf of the construction by the United States of the Nicaraguan canal. Such an enterprise will mean the occupation of the heart of the Republic by the United States and will make Nicaragua an American protectorate for all time. At the time of President-elect Hoover's recent visit to Corinto, the press published enthusiastic accounts of the Nicaraguan engineering project—a project which is being advocated by the New York Herald-Tribune and by President Moncada, whose sympathies with the State Department are well known. Senator EDGE a few days ago revived his bill authorizing a survey of the route.

Proponents advocate the construction of this canal upon economic and strategic grounds. They declare that the Panama Canal will soon be utilized to capacity.

Just as the Senator from New Jersey has been claiming here, in the face of the evidence given before the Committee on Appropriations by men who know what they are talking about, who are not giving hearsay reports. The same kind of arguments are being used by the Senator from New Jersey here. These same people who are wanting to start some work down in Nicaragua argue that the Panama Canal will soon be utilized to capacity and that another canal is therefore necessary for expanding commercial needs. They argue that should the Panama Canal be taken by a future enemy our naval communications between the East and West would be cut, with disastrous consequences.

The only reason why the Panama Canal is so vulnerable is the fact that it is a lock canal. If we should build another lock canal, we would have two lock canals to defend, instead of one. The only kind of a canal that would be of any more real value, so far as military defense is concerned, would be a sea-level canal. When the question was up the other day, the Senator from New Jersey did not dare stand here and attempt to defend building a sea-level canal at this time, and he will not do so now.

What are these arguments worth? In the first place, there is no present economic need for another canal.

The evidence shows there will be no need for it for 30 years to come, and if we put another lock in the Panama Canal, it will be 70 years. Yet there is legislation here proposing to reapportion the Congress, legislation to carry out the Constitution regarding the census, and all of this legislation must wait while the Senator from New Jersey presses for a survey of the Nicaraguan canal route.

Weeks ago I offered to let the resolution go through, as far as I was concerned, if the Senator would confine it to a study of the situation in Panama. I am perfectly willing to spend whatever money is necessary to ascertain the facts as to Panama. I object, under the color of trying to get information, to finding a new reason for keeping American boys down in Nicaragua, who are being killed under the guise of being needed there.

A year ago we wanted to take them out, and they said then we had an agreement to hold an election. That election has been held. Now we keep them there because they say that the rulers of Nicaragua want to keep them there. Are we to become the policemen of the world? Is every country that may want soldiers of some kind to be at liberty to call upon this country to furnish soldiers at its need? No; and as the time approaches when there is no longer a defense, much less a reason, for keeping those marines there, they come along with a resolution to investigate and survey the Nicaraguan canal route. Then we must have our engineers there, and we must have our marines there to protect our engineers. Then those of us who would stand up here and propose that the marines come out of Nicaragua would be held up as unwilling to protect the lives of men down there trying to get a treaty for a new canal. Thus the marines are to be used in the future, as in the past, not to protect American life and property that would legitimately be there, but to enable those who have made loans in that country to collect those loans out of the revenues of the Nicaraguan Government, and to exploit the territory there.

I believe that that is the principal result that will come out of this, because the American people can not for many, many years to come be led to sanction the expenditure of the millions and hundreds of millions of dollars it will take to build a new canal in Nicaragua when the need is no greater than it is now, with an average of 19 ships a day going through the Panama Canal, with a capacity of 54 without spending an extra dollar.

Yet we are told we must rush this resolution through in these closing days of the session, that all other business must be held up, and all other business must stand aside in order that the resolution to survey the canal district may be passed.

I want to read further from this editorial:

What are these arguments worth? In the first place, there is no present economic need for another canal. The Panama authorities estimate that the existing canal will not reach its capacity until 1960.

This agrees absolutely with the testimony read here by the friends of the resolution, as against the statement of the Senator from New Jersey, who is trying to enthuse us into passing it on the theory that we may need it in 15 or 20 years.

Last April Secretary of War Davis declared that the traffic through the canal could be quadrupled by building additional locks and by opening the canal to traffic after 6 o'clock in the evening. The cost of building a third set of locks at Panama would be $100,000,000, in comparison with a cost of constructing the Nicaraguan canal of a billion dollars. From the economic standpoint the advocates of the Nicaraguan route have failed to make a case.

The strategic argument stands on no better ground. It is all very well for the military men who draw up plans of strategy and chart out war games to discuss the possibility that the Panama Canal will be captured by "the enemy" and to demand the annexation of territory in order to ward off such an eventuality. But to those who are aware of the realities of international life, such possibilities and such policies can only be fantastic. The strategic argument could be used to justify the construction of naval bases in Haiti and Santo Domingo and the annexation of all foreign territory in the Caribbean which now is a potential "menace" to our "security." It was Lord Salisbury who once said that if the military men had their way they would annex Mars in order to protect their communications! Once we succumb to the strategic complex we will be tempted to annex half the earth. As far as the Panama Canal is concerned, many strategists already feel that this canal is impregnable. Obviously the construction of a new canal would simply increase our problem of defense and give our militarists another argument for increasing the Navy. It is certainly less difficult and less costly to defend one canal than two.

I overlooked a moment ago calling attention to what was said about this treaty with the Nicaraguan Government when it was made, and I want to quote an authority that even the Senator from New Jersey, I think, would not dispute, Mr. Elihu Root. I read from the issue of Current History of November, 1928. He said:

In the first place, in entering into that treaty the United States Government, instead of practicing its teachings by indorsing and upholding constitutional procedure, encouraged Nicaragua to violate a provision of its own constitution, which prohibits the negotiation of treaties which in any way impair the territorial integrity or the national sovereignty of the country.

That is a fact; this treaty was made in violation of the Nicaraguan constitution, and was made because it was made by officials who were under the dominance of the American leaders themselves down there.

In the second place, the treaty was negotiated with a puppet government. On that point Elihu Root expressed the opinion, based on official records, that the Nicaraguan Government at that time did not represent "more than a quarter of the people of the country," and was maintained in power by virtue of the force applied by the United States.

In the third place, the United States Government entered into the treaty with the full knowledge that a provision of the Cañas-Jéréz treaty of 1858 between Costa Rica and Nicaragua, inhibited the latter country from signing any such treaty as the Bryan-Chamorro treaty. A decision to that effect had been handed down in 1888 by President Cleveland, in arbitrating a dispute concerning the Cañas-Jéréz treaty. In that decision President Cleveland said that—

"Nicaragua remains bound not to make any grants for canal purposes across her territory without first asking the opinion of Costa Rica."

Furthermore, in case construction of a canal by Nicaragua should involve injury to the natural rights of Cost Rica, as, for example, in the San Juan River, which is a part of the internatinoal boundary between the two countries, President Cleveland held that in such cases Costa Rica's consent was "necessary." The United States Government knew from the outset that Nicaragua never attempted to secure the consent of Costa Rica nor even consulted her before signing the Bryan-Chamorro treaty.

Finally, and in the fourth place, in signing the Bryan-Chamorro treaty, the United States Government ignored the diplomatic protests of Costa Rica and Salvador to the effect that Nicaragua was incompetent to sign the treaty because of the violation of their rights. Subsequently these protests were upheld in formal decisions of the court, but they were ignored by Nicaragua, who was sustained by the United States in flouting the formal decision of the court. Such action resulted in the dissolution of the court, which under the guiding influence of

Elihu Root had been established in 1908 to settle all disputes that might arise between the Central American States.

Thus we not only had no right to make the treaty, and our treaty rights are based upon the concession of a government that did not represent the people, but by insisting upon it we destroyed the very court we had helped to establish.

In his message to Congress of January 10, 1927, President Coolidge said that one of the three reasons for our recent intervention in Nicaragua was to protect the rights of the United States acquired by the Bryan-Chamorro treaty.

That reason still exists, but it is getting pretty weak, and the Senator from New Jersey now comes here with a joint resolution to bolster up the reason by having a group of American engineers establish stations down there and negotiate with the people who own those lands that will be necessary to buy in order to establish this route.

The article goes on to say:

Instead of defending it by armed force, would it not be appropriate for the United States to abrogate the treaty—charging the $3,000,000 invested in it to the same fund as the $25,000,000 paid to Colombia a few years ago—and then negotiate a new treaty by legal methods that would offend neither the majority of Nicaragua's citizens nor its neighbors? Nothing short of such action will ever fully atone for the unfortunate moral effect of the Bryan-Chamorro treaty.

I am not going to take any more time to read from this particular publication, but I am going to offer an amendment at this time providing for the striking out of sections 1 and 2 in order that the joint resolution may be made to provide simply for a study of the Panama Canal route. I think before we have a vote on the amendment I should like to have a quorum.

Mr. EDGE. Will the Senator defer asking for a quorum until I submit another unanimous-consent request for a time to vote?

Mr. DILL. There ought to be no agreement to limit debate without a quorum being present.

Mr. EDGE. As the Senator well knows, the rule does not require a quorum when the time to vote is not fixed.

Mr. DILL. I think it is a very bad interpretation of the rule, because, in effect, it is closing debate, and I have never, when I have been present, permitted any such agreement to be made without having a quorum called.

Mr. EDGE. It has been done many times. The request is usually made for an agreement with those who show sufficient interest in the measure to remain in the Chamber. I have discussed it with the Senator from Washington [Mr. DILL], and he said he was willing to agree to limit debate after 4 o'clock on Monday. The Senator from Utah [Mr. KING] said the same thing. I have discussed it with the Senator from South Dakota [Mr. MCMASTER]. Those three Senators have been particularly interested in the joint resolution.

Mr. DILL. There is this to be said about it. The Senator from Missouri [Mr. REED] announced that he was going to take up the Vare case on Monday. That is a privileged matter and it might result in no one getting to say anything more on the pending joint resolution before the limitation on debate would apply.

There is another phase of the subject I shall want to discuss for possibly an hour or perhaps not longer than half an hour. I do not want to be placed in a position where I can not present the other argument, not that it is going to affect a vote, but I want to put my views on record.

Mr. EDGE. Would the Senator be willing to permit unanimous consent putting the matter over until Tuesday so we can finally dispose of it then? The Senator knows perfectly well that next week the second deficiency bill will be before us and other matters will be pressing, and I do not feel that I have any right in fairness to the Senate, to ask for a vote later than 2 o'clock on Tuesday. I really think it should be not later than 4 or 5 o'clock on Monday.

Mr. DILL. If the Senator from Missouri does not take very much time on Monday, the Senator from New Jersey will get a vote on Monday afternoon, so far as I am concerned.

Mr. EDGE. Then the Senator is not willing to enter into any unanimous-consent agreement?

Mr. DILL. I do not think there should be a unanimous-consent agreement made with the condition now existing. The Senator knows that the matter which the Senator from Missouri is going to bring up is a privileged matter and takes precedence over everything else.

Mr. EDGE. If I fix the hour at 5 o'clock on Monday, will that suit the Senator? Surely, the Senator will not object to that?

Mr. DILL. If the Senator will make some sort of an agreement whereby there shall be an hour or two of time to discuss the joint resolution before the vote is taken, that is another question, but to agree to such a proposition as he has submitted, with the Vare matter coming up on Monday as a privileged matter, might preclude any discussion on the joint resolution at all.

Mr. EDGE. Of course, the Senator from New Jersey can not assure the Senator from Washington as to what other Senators who may obtain the floor may or may not discuss.

Mr. DILL. So far as I know there is no one else who desires to talk unless it is the Senator from South Dakota [Mr. MCMASTER].

Mr. EDGE. I think I can meet the Senator's objection by adopting the suggestion of the Senator from Arkansas [Mr. CARAWAY] just made to me sotto voce, that we enter into an agreement for a 10-minute limit, beginning at 5 o'clock, with the understanding that the Senator from Washington shall have one hour before that time for the discussion he desires to present.

Mr. DILL. Oh, that is not the way to make a unanimous-consent request. There may be other Senators who want to discuss the question. I do not think I can agree to that.

Mr. EDGE. But the other Senators will speak for themselves.

Mr. DILL. Why does not the Senator want a quorum before submitting his request for a certain time to vote? Then if nobody else objects he may be assured that I shall not object.

Mr. EDGE. I am afraid we may have difficulty in getting a quorum to-night.

Mr. DILL. I do not think an agreement ought to be entered into without a quorum being present. I have always believed so.

Mr. EDGE. Then my own desire is to continue to-night.

Mr. DILL. I am perfectly willing, but I want a quorum here when a vote is had on my amendment.

Mr. EDGE. If a quorum responds, will the Senator agree to the proposition that he himself has made and which I have remade, providing that he shall have an hour and that the limitation on debate shall begin at 5 o'clock Monday afternoon?

Mr. DILL. I will work out an agreement with the Senator if I can. I do not want an agreement in the form the Senator proposes.

Mr. EDGE. There is no use calling a quorum unless I have some understanding with the Senator.

Mr. DILL. I am perfectly willing, if there is a quorum present, to go on to-night, though I really think we ought to adjourn now.

Mr. EDGE. Very well. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Glass	Mayfield	Shortridge
Black	Glenn	Moses	Simmons
Borah	Goff	Norbeck	Smith
Bratton	Gould	Norris	Smoot
Bruce	Hale	Oddie	Steck
Burton	Harris	Overman	Steiwer
Capper	Harrison	Phipps	Thomas, Idaho
Caraway	Hastings	Pine	Trammell
Couzens	Hawes	Pittman	Tydings
Curtis	Heflin	Ransdell	Tyson
Dale	Jones	Reed, Pa.	Vandenberg
Dill	Kendrick	Robinson, Ark.	Warren
Edge	King	Robinson, Ind.	Waterman
Fess	McKellar	Sackett	Watson
Frazier	McMaster	Schall	
Gerry	McNary	Sheppard	

Mr. JONES. I desire to announce that the Senator from Illinois [Mr. DENEEN], the Senator from Wisconsin [Mr. BLAINE], and the Senator from Montana [Mr. WALSH] are detained on official business in the Committee on the Judiciary.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

Mr. EDGE. Mr. President, I desire to submit another proposed unanimous-consent agreement.

Mr. MCKELLAR. Why not vote now?

Mr. EDGE. I would be delighted to vote right now, but I understand there are one or two additional speeches to be made. I have no desire to cut them off, and neither have I any desire to keep the Senate here any later, although I think the joint resolution could readily be passed this afternoon.

I make this proposition after consultation with the Senator from Washington [Mr. DILL] and others: That at the conclusion of the debate on the Vare election case on Monday, with the understanding that it will be concluded on that day, there shall be two hours given to general debate on the joint resolution, and that at the end of two hours a vote shall be taken thereon.

Mr. HARRISON. Mr. President, as I understood, the Senator was going to propose to limit debate to 10 minutes on the joint resolution and any amendment thereto after two hours' general debate.

Mr. EDGE. That was the first proposition. The proposal I am now making is that we shall vote at the end of two hours' debate and not have the 10-minute continuation. After a call of the roll, of course, we can make such an agreement.

Mr. ROBINSON of Arkansas. Is the Senator proposing to limit debate on any matter which may arise touching the seat of the Senator elect from Pennsylvania;

Mr. EDGE. No; quite the contrary. My request is that at the conclusion of the debate on that question immediately following it, there shall be two hours' general debate upon the pending joint resolution.

Mr. ROBINSON of Arkansas. Provided the debate closes on the Vare election case?

Mr. EDGE. Whenever the debate closes on that question.

Mr. ROBINSON of Arkansas. Suppose the debate on the Vare case does not close at all on Monday?

Mr. SHORTRIDGE. The proposition is altogether too indefinite.

Mr. EDGE. I recognize its indefiniteness, but it seems rather difficult to provide for it. My understanding of the purpose of the Senator from Missouri is that he is not going to ask for action upon the Vare resolution, but simply desires to make a statement in connection therewith.

Mr. WATSON. I should like to ask the Senator from Arkansas, if I may, whether or not there is to be debate on the Vare case? My understanding is that the Senator from Missouri merely desires to make a statement.

Mr. ROBINSON of Arkansas. It is a privileged matter.

Mr. WATSON. Certainly.

Mr. ROBINSON of Arkansas. And in the event a resolution should be presented in connection with it, it would supersede any ordinary business of the Senate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. EDGE. I yield.

Mr. NORRIS. I just came into the Chamber, and do not know what the pending request is. I will not, however, agree to any unanimous-consent agreement that will limit consideration of the report on the Vare case of any action that may be taken on it at this time.

Mr. EDGE. I had no intention of limiting debate on that subject.

Mr. NORRIS. The report as I have read it rather puts it up to the Senate whether the Senate shall take any action. The committee expresses its opinion. It will be in order when the report comes up for any Member of the body to offer a resolution relative thereto.

Mr. ROBINSON of Arkansas. And the resolution would be privileged.

Mr. NORRIS. And the resolution would be privileged. I think at this time, at least, I would not consent to any limitation of debate.

Mr. EDGE. I am not proposing a limitation of debate on the Vare case, but I propose that after the disposition of the Vare case two hours be given for debate on the pending joint resolution and that we shall then vote.

Mr. HARRISON. Mr. President, will not the Senator from New Jersey frame his request for a unanimous agreement so as to provide that following the discussion on the Vare report general debate upon the joint resolution shall not run longer than three hours, after which time no speeches shall be longer than 10 minutes on the joint resolution or on any amendment thereto?

Mr. EDGE. Of course, if there were any extended debate on the Vare report that would make the session run beyond the hour of 6 o'clock, at which time we have already agreed to recess in order to have an evening session. So I am afraid the Senator's suggestion would be impracticable.

Mr. HARRISON. I think we are going to have a session on Tuesday. I have never heard any suggestion that we are going to take a holiday on that day.

Mr. EDGE. Agreeing to the suggestion of the Senator from Mississippi, then, would mean that the general debate upon the joint resolution would run over until Tuesday.

Mr. HARRISON. It would mean that, if many Senators desired to speak.

Mr. EDGE. I think that would be asking a little too much of the Senate.

Mr. HARRISON. I object, Mr. President.

Mr. EDGE. I am not desirous of making a proposal that is unfair to other business.

Mr. DILL. I may say to the Senator from New Jersey that I do not think there will be more than two hours' discussion.

Mr. HEFLIN. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington [Mr. DILL], which the clerk will read.

The LEGISLATIVE CLERK. It is proposed to strike out sections 1 and 2, on pages 4 and 5.

Mr. EDGE. I give notice that we will stay here so long as we can hold a quorum in order to try to conclude the consideration of the joint resolution to-night.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the amendment.

Mr. EDGE. Let the amendment be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all of sections 1 and 2 on pages 4 and 5.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The joint resolution is in the Senate and still open to amendment.

Mr. HARRISON. Mr. President, are we going to run on longer to-night?

Mr. EDGE. We are going to continue in session so long as I can hold a quorum in order to try to complete the consideration of the bill.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Bingham	Gerry	Moses	Smoot
Black	Glass	Neely	Steck
Blaine	Glenn	Norbeck	Steiwer
Blease	Goff	Norris	Stephens
Borah	Gould	Nye	Swanson
Bratton	Greene	Oddie	Thomas, Idaho
Brookhart	Hale	Overman	Trammell
Broussard	Harris	Phipps	Tydings
Bruce	Harrison	Pine	Tyson
Burton	Hastings	Pittman	Vandenberg
Capper	Hawes	Ransdell	Walsh, Mass.
Caraway	Hayden	Reed, Pa.	Walsh, Mont.
Couzens	Heflin	Robinson, Ark.	Warren
Curtis	Johnson	Robinson, Ind.	Waterman
Dale	Jones	Sackett	Watson
Deneen	Kendrick	Schall	Wheeler
Dill	King	Sheppard	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

Mr. EDGE. Mr. President, I desire to submit another request for unanimous consent. I ask unanimous consent that upon the conclusion of its business to-day the Senate adjourn until 12 o'clock on Monday; that at 2 o'clock p. m. on Monday next, when the unfinished business, being Senate Joint Resolution 117, is laid before the Senate, debate shall be limited to not more than two hours, and that after the hour of 4 o'clock p. m. on that day no Senator may speak more than once or longer than 10 minutes on the joint resolution or on any amendment thereto.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

Mr. McKELLAR. Mr. President, I desire to ask the senior Senator from Utah a question. The revenue act of 1926 creating the Joint Committee on Internal Revenue Taxation provides that the joint committee shall report from time to time. Has the committee reported at any time recently?

Mr. SMOOT. It has reported, but not at the present session of Congress. It reported at the last session of Congress.

Mr. McKELLAR. Is it going to submit a report at this session of Congress?

Mr. SMOOT. I do not know whether or not the report of the joint committee is ready.

Mr. McKELLAR. I have been informed that the joint committee has the report ready, but that it has not been submitted to Congress.

Mr. SMOOT. If the Senator will call my attention to the matter on Monday morning I will see the chairman of the joint committee.

Mr. McKELLAR. I will do so. I thank the Senator.

COMMITTEE ON NARCOTIC TRAFFIC

Mr. KING. Mr. President, a joint resolution creating a joint congressional committee to be known as the committee on narcotic traffic was referred to the Committee on the Judiciary. That committee considered the joint resolution, and instructed me to report it to the Senate and ask for its consideration.

The committee were unanimous in recommending the passage of the joint resolution. It deals with an important question. A great evil exists in our country growing out of the narcotic traffic, and it is important that data be obtained in order to determine what additional legislation by Congress is needed to destroy, if possible, this great evil which is affecting the health and, indeed, the morals of our country. It is believed that an investigation, comprehensive in character, made by a proper committee, will furnish sufficient information and adequate data to enable Congress further to legislate upon this matter, and to bring about, so far as possible, a suppression of this terrible evil.

I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. I hope there will be no objection to it.

Mr. ROBINSON of Arkansas. I concur in that request.

Mr. McKELLAR. Mr. President, what is the request?

Mr. KING. To consider a joint resolution creating a joint congressional committee to be known as the committee on narcotic traffic. It is unanimously reported by the Judiciary Committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 209) to create a joint congressional committee to be known as the committee on narcotic traffic, which had been reported from the Committee on the Judiciary with an amendment, on page 3, line 2, after the words "sum of," to strike out "$50,000" and insert "$25,000," so as to make the joint resolution read:

Resolved, etc., That there is hereby established a joint congressional committee to be known as the committee on narcotic traffic, and to be composed of two Senators appointed by the President of the Senate and three members elect of the House of Representatives for the Seventy-first Congress appointed by the present Speaker of the House of Representatives.

The committee is authorized and directed to conduct an investigation and make a study of existing laws, rules, regulations, control, and policing of the traffic in opium, narcotics, and habit-forming drugs; to ascertain the amount of habit-forming drugs and narcotics required for medical and legitimate purposes; the system of distribution of habit-forming drugs; importation, smuggling, and unlawful sale of habit-forming drugs; the source and method of unlawful importation of opium, its derivatives, and habit-forming drugs; and to report to the first session of the Seventy-first Congress, and not later than December 31, 1929, its findings and recommendations for the amendment and revision of existing laws necessary to prevent and curtail the unlawful sale, traffic, and use of habit-forming drugs.

For the purposes of this resolution the committee, or any subcommittee thereof, is authorized to select a chairman and to hold such hearings while Congress is in session and during any recess or after adjournment of Congress, to sit at such times and places, to employ such clerical, stenographic, and other assistance, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to have such printing and binding done as it deems advisable.

For the purpose of carrying out the provisions of this resolution the sum of $25,000 is hereby authorized to be appropriated. All expenses of the committee shall be paid upon vouchers to be approved by the chairman of the said committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.;

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchase, to enlarge the functions of the General Supply Committee, to authorize the erection of a public warehouse for the storage of Government supplies, and for other purposes;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 9168. An act for the relief of Simon A. Richardson;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 10191. An act for the relief of G. J. Bell;

H. R. 10374. An act authorizing the acquisition of land and water rights for forest-tree nurseries;

H. R. 11285. An act to establish Federal prison camps;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; and

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad.

THE PROBLEM AND POLICY OF PROHIBITION

Mr. JONES. Mr. President, I have here an address by Mr. James M. Doran, Commissioner of Prohibition, delivered before the department of economics, sociology, and government at Yale University on February 20, 1929. It is a very careful and conservative address, dealing with the situation respecting the enforcement of the prohibition law. I ask that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

THE PROBLEM AND POLICY OF PROHIBITION

ADDRESS BY JAMES M. DORAN, COMMISSIONER OF PROHIBITION, BEFORE THE DEPARTMENT OF ECONOMICS, SOCIOLOGY, AND GOVERNMENT, YALE UNIVERSITY, FEBRUARY 20, 1929

Now that the shouting and tumult attending our quadrennial national election has died, the political captains and kings have departed from the public platform, and the strange bedfellows of politics have slowly repaired to their usual living quarters and bedchambers, it is well to give some earnest thought to prohibition observance and enforcement, having in mind that we are dealing with a paramount governmental question affecting all of us.

The duty of observance of the law needs no comment; it is upon us all. Education and enlightenment are essential to the building up of a spirit of law observance. It is gratifying to see that many organizations primarily interested in prohibition law enforcement are now turning a portion of their efforts toward educational work.

The question of details of enforcement by lawfully constituted authority, Federal, State, and municipal, is paramount, and its wise determination and solution is essential to the future of our Government. Believing, as I do, that the eighteenth amendment and the national prohibition act is not only good law, but offers the best method for the suppression of alcoholism, which is a curse to the modern industrial state, and earnestly wishing to bring about further improvement in enforcement conditions, I urge a calm, deliberate, and painstaking consideration of this problem by our thoughtful people.

Why is prohibition not better enforced? Why is it that liquor can be obtained in every city and town throughout the land? Why does not the Government do something about it? How is it that speakeasies remain open and do business after many complaints have been made against them? Why is prohibition enforcement in the Treasury Department, where they handle money and taxes, instead of the Department of Justice, where they prosecute criminals? Why does the Government poison alcohol to enforce prohibition? These and questions of like character come to my desk continually and they have been broadcast throughout the land. They have been discussed by hundreds of thousands of people, and about as many replies and answers have been made. The people want their Government to be effective in controlling the lawless minority. I am confident that if they know more

of the working details of their Government—Federal and local—that public opinion expressed through political action will keep our affairs straight. I am going to take up some of these questions and do a little plain talking in an endeavor to show a few of the salient facts and attempt to make an analysis of the situation with respect to prohibition enforcement, that will be of some constructive benefit.

Every method of controlling so-called beverage liquor has been tried out in the United States. We have had our State dispensary, our local option, our jug laws, and our local bone dry laws. The moonshiner, the bootlegger, the speak-easy proprietor, and the tax evader are not new with us, nor have they been created by the eighteenth amendment, as some people imagine. They have always been with us to a greater or less degree since the control of intoxicating liquors was made the subject of excise or repressive legislation. With commerce moving so freely between the States under our modern transportation methods, it must be obvious that Federal authority needs to be brought to bear on the situation in order to supplement the State and local actions. This situation was apparent to Congress and the State legislatures, and the eighteenth amendment was adopted by 46 of the 48 States, the largest number of States ever ratifying any amendment to our Constitution.

There is nothing wrong with the policy of prohibition. The unfavorable symptoms are discussed by people who assume to be analysts of the situation, and these same people show a glaring ignorance of the make-up of our Government, and as a rule, are looking only at one or two small segments. Many people seem to think that the entire national policy of prohibition is centered in and relates to the suppression of the speak-easy and the local bootlegger by the Federal Government. Starting from that point, they immediately form a conclusion with respect to the entire subject and then unhesitatingly proclaim what the matter is and what ought to be done. Prohibition as a national policy is not, in my judgment, in nearly as much danger from bad people as it is from good people who are uninformed.

I. FEDERAL ENFORCEMENT

(A) THE DUTY OF THE FEDERAL GOVERNMENT

The Federal Government has certain broad and appropriate functions to perform, and I assert that it is performing them reasonably well. In the first place, it is the duty of the Federal Government to prevent smuggling of liquor. What has been done? The Coast Guard has been augmented by many vessels; rum row has been broken and scattered; treaty conventions have been entered into with many foreign nations in order better to deal with international illicit liquor traffic, and the total movement of illicit liquor internationally has been reduced to one-fourth of the quantity of three years ago. To be more specific, two years ago the total quantity of liquor moving in international traffic was 14,000,000 gallons; last year it was 5,000,000 gallons; it will be less the next year. This information is reasonably accurate, and we know whereof we speak. A substantial part of this liquor is seized, and, therefore, the amount that really goes into consumption is less in volume than the identified international movement.

The internal Federal enforcement should be primarily investigative rather than that of policing. It should aim to break up the large interstate and interdistrict conspiracies and center its efforts on the commercial operations dealing with manufacture, transportation, and distribution of commercial quantities of liquor. It should investigate collusive conditions where local officials are in conspiracy with these rings. This it is doing.

(B) WHY IT IS IN THE TREASURY DEPARTMENT

The underlying reason that prompted Congress to place the administration of the national prohibition act in the Treasury Department and create a Bureau of Prohibition to administer the national prohibition act and Revised Statutes relating to intoxicating liquor is plain enough when it is seen that the Coast Guard, the Bureau of Customs, and the Bureau of Internal Revenue, all having certain duties that relate to the suppression of illegal liquor traffic, are in the same department. As a matter of good business organization, it is essential that these activities, which are largely administrative, be coordinated as closely as possible. The Coast Guard operates on the high seas to prevent the introduction of illicit liquor into the United States. The Bureau of Customs protects the land and water borders and all ports of entry. The Bureau of Internal Revenue collects and covers into the Treasury all taxes levied on alcohol spirits and wines for other than beverage purposes. The national prohibition act is tied in, so to speak, with the Revised Statutes controlling distilled spirits and other liquors, and the tax statutes are a very effective weapon for source control. The national prohibition act would be very much weakened if it did not have the support of the Revised Statutes imposing taxes and penalties with respect to the manufacture and sale of liquor.

The Bureau of Prohibition is closely related in all its activities to these other bureaus and services in the Treasury Department. It conducts the investigative work with respect to domestic illicit liquor operations and must remain in the closest touch with the Coast Guard and Customs Services.

There has been considerable discussion about the feasibility and desirability of transferring the Prohibition Bureau to the Department of Justice. It is difficult to see how the prohibition machine could be divorced from the coordinate services already in the Treasury Department and still retain intelligent organization and centralized direction to control the illicit liquor traffic. This administrative feature alone constitutes a major question in considering Federal law enforcement. It is most gratifying to know that the President elect will cause an exhaustive inquiry to be made into these problems with a view to bringing about the most effective use of all the Federal agencies concerned.

The Bureau of Prohibition administers the permissive system created by the national prohibition act. It is essentially a scientific and technical problem. It covers the manufacture, distribution, and use of alcohol and intoxicating liquors for all scientific, medicinal, and industrial purposes. The Bureau of Prohibition likewise maintains the storekeepers and supervises the operations of the industrial alcohol plants, bonded wineries, and whisky concentration warehouses, and provides for the making of tax returns on which the Bureau of Internal Revenue collects the taxes. The taxes from nonbeverage liquors last year amounted to approximately $15,000,000, and are essential to source control of the material taxed. Few people, except those intimately concerned, have any idea of the essential importance of the business administration of the permissive system. It is not a criminal administration in any sense of the word.

If the only thing to do with respect to administering the prohibition act was the apprehension and prosecution in the United States courts of illicit liquor dealers, the problem would be comparatively simple. Unfortunately, that is only one of the many phases of the problem. The maintenance of reasonable permissive administration along cooperative lines is essential to the continued progress of science and industry in the United States. A separation of the permissive and enforcement functions might conceivably create newer and greater problems. The problem is difficult even in the same office. Only a few hundred of the 160,000 permits issued annually ever become the subject of civil or criminal litigation. In the last analysis, American science and industry can not function through the Federal grand jury, or do its daily business pursuant to court decree. We have learned one thing in this country in the last 25 years in relating government to business, and that is that only through cooperative understanding and wise direction and control can business itself function in a healthy manner and within the law.

(C) CONTROL OF ALCOHOL AND MEDICINAL SPIRITS

The Federal Government administers exclusively the so-called permissive system, namely, the supervision of the manufacture, storage, distribution, and use of all industrial alcohol and liquors for nonbeverage purposes. This is unquestionably a Federal function and is in accord with the necessary principle of securing uniform practice in commercial matters throughout the United States. All permits are issued subject to the limitations of the various State laws, and if they impose restriction greater than that imposed by the national prohibition act, the State restriction is respected accordingly. For the first few years of prohibition the administration of the permissive system was in the formative stage, and leaks from this system constituted the major problem of enforcement, both Federal and local. At the present time the permissive system is being administered in such a manner as to have reduced leakages and diversions to a minimum and has reached the point where diverted liquors are only a minor factor in law enforcement. In large sections of the country this factor is negligible.

The Bureau of Prohibition has revised the permissive regulations from time to time in order to take advantage of experience that it has acquired and has at the present time, in complete cooperation and harmony with the industrial and nonbeverage consumers of the United States, put in effect a reasonably rigid control that meets all commercial requirements and is effective, in so far as large-scale criminal operations are concerned, in preventing any breaks in the protective dikes. The Bureau of Prohibition has designated an industrial advisory council of 10 scientific and industrial leaders, who have cooperated with the bureau in working out permissive problems. This industrial advisory council has rendered invaluable aid in bringing about harmonious understanding between the bureau and the industrial users of alcohol and other nonbeverage liquors.

The Government does not poison alcohol to enforce prohibition. All countries who levy excise taxes on alcohol in a pure state have laws relieving it from tax when denatured to make it unfit for beverage or excisable use but suitable for use in sciences, art, and industries.

Industrial alcohol has assumed an importance in the scientific and industrial progress of the United States that was hardly conceived of when Congress passed the first tax-free denatured alcohol act, June 7, 1906. In the first year about 1,000,000 gallons of industrial alcohol were used in the arts and industries. Last year over 90,000,000 gallons were manufactured and distributed to thousands of individual manufactures engaged in thousands of different manufacturing activities. Without a large supply of industrial alcohol at a moderate cost, a great many of our essential industries would hardly exist, let alone prosper. Since the war the United States has had a wonderful development along chemical manufacturing lines, and to-day our industries con-

sume more industrial alcohol than do the industries of any other country.

Industrial alcohol is a necessary solvent in the preparation of hundreds of drugs and medicinal preparations. It is the solvent used in the preparation of flavoring extracts, both household and manufacturing extracts. It is employed as a solvent as well as a component part in the manufacture of many synthetic chemical compounds used medicinally and in the arts and industries. It is employed in the manufacture and purification of many of the so-called "coal tar" medicinal compounds. It is a necessary solvent in the manufacture of dyes. It is a necessary material for the manufacture of ethyl ether, both technical and anæsthetic grade. It is a necessary solvent for all manners and kinds of varnishes, shellacs, paints, lacquers, and miscellaneous protective coverings. Industrial alcohol, as such, and ethyl acetate, which is manufactured from alcohol, are widely used in the manufacture of lacquers which employ nitrated cotton as a base. The entire automobile industry employs millions of gallons of these cotton lacquers annually. It is used as a cleaning fluid, as a sterilizing agent in hospitals, and is employed widely as an antifreezing agent in automobile radiators. One of the principal grades of artificial silk requires large quantities of alcohol and ether made from alcohol.

These few above-mentioned necessary uses of alcohol merely illustrate its wide employment in all of our industrial operations. Its manufacture is regarded by the War Department as a key industry to our national defense.

The Government, in cooperation with scientists and technologists of the industries concerned, after a great amount of research work has selected the denaturants employed for the purpose of rendering industrial alcohol unfit for beverage purposes and still provide for its industrial use under reasonable commercial conditions. The denaturants are selected on account of certain necessary technical and manufacturing considerations. Many of the denaturants add to the utility of the industrial alcohol. As science advances, the employment of specific denaturants must be given continuous study, and at the present time the Industrial Alcohol Institute maintains a research fellowship in the Mellon Institute at Pittsburgh for this particular study. The term "poison alcohol," as applied to industrial alcohol, is not only unwarranted but there can be no good reason based on fact for the application of such a term. The manipulating of denatured alcohol and the production of a partially cleaned alcohol for illicit beverage purposes will not produce any so-called "poison liquor." Dr. Reid Hunt, of the Harvard Medical School, who was formerly connected with the United States Public Health Service, has found that symptoms of wood-alcohol or methanol poisoning are not apparent until its concentration in a mixture with ordinary ethyl or grain alcohol has reached about 35 per cent. The maximum content of wood alcohol in any formula authorized for industrial purposes is 10 per cent. Before a person could ingest a fatal dose or a fatal quantity of wood alcohol from a 10 per cent mixture, he would have had to take into his system several times the fatal quantity of ordinary ethyl or grain alcohol. A number of deaths recently occurred in New York City from the drinking of wood alcohol. There was not the slightest evidence adduced at any point, so far as I am aware, that these deaths were caused by industrial alcohol, either in the form in which it was denatured under Government supervision or after it had been manipulated by criminals. The United States grand jury in the southern district of New York inquired into this matter and made a presentment to the court, which shows conclusively that these deaths, so far as the facts are known, were due to straight wood-alcohol or methanol poisoning, and were not due to ordinary illicit liquor or denatured alcohol.

The sale and distribution of wood alcohol or methanol does not come within the purview of the national prohibition act or any other Federal statute of which I am aware. It is a matter coming wholly within the jurisdiction of the State under their poison or pharmacy laws. Any move to involve the industrial alcohol system of the United States by attempting to associate it with deaths from the drinking of wood alcohol is not only unwarranted and has no basis in fact but would be destructive to the progress of industry in this country.

Starting last year, after conference with the Department of Justice, the Bureau of Prohibition put in effect a quantitative control of the primary production of industrial alcohol to provide only for production sufficient to meet known legitimate needs with reasonable commercial tolerance to obviate price manipulating. Heretofore a permit for industrial alcohol allowed the manufacturer of that commodity to make as much as he pleased, and the Federal Government controlled only the distribution and consumption by the nonbeverage user. As a result, more alcohol was continually being produced than was needed for legitimate industry, with a consequent possible diversion, through thefts and other lawless acts, of the surplus not needed by lawful commerce. It was inevitable that this condition should prevail. This control policy on primary production has been successful even in its first year, and we do not have to deal, at the present time, with large surpluses of alcohol that would inevitably find their way into illicit trade. These conditions are not now in existence.

The price of alcohol in the United States at present is governed entirely by the cost of the raw material, namely, West Indian blackstrap molasses. It must necessarily fluctuate with the fluctuation of the price of raw material, inasmuch as over 90 per cent of all industrial alcohol is manufactured from molasses. The industrial advisory council of the bureau, which is in its make-up largely composed of consumers of industrial alcohol, is prepared to advise with the bureau at any time that may be necessary, in order to prevent the bureau's control policy reacting unfavorably from the consumer's viewpoint on the price of industrial alcohol. The manufacturers of industrial alcohol have cooperated in a straightforward fashion with the Bureau of Prohibition in bringing about this desirable result. The various consuming industries are organized nationally, and the Bureau of Prohibition has cooperated closely with all of them in working out their permissive problems in a manner that will assure to all legitimate people a full supply of necessary alcohol under fair administrative conditions, and that will permit of all reasonable commercial operations and still keep the trade free from the criminal element who ostensibly engage in legitimate business to cover up their illegal liquor business.

The analyses of seized liquors throughout the United States, which last year numbered 123,000 samples, show a cross section of illicit liquor in the country. In the Chicago and Great Lakes territory less than 2 per cent of these samples show legal origin; that is, they indicate diversion from permitted alcohol or other liquors. Throughout the South the percentage is negligible, and even in the Northeastern section it is much less than 10 per cent. The country-wide average is less than 5 per cent. Therefore, when I say that the permissive system does not furnish the major problem in enforcement, I am of the opinion that these figures substantiate the statement.

I want to make mention of the various groups that are cooperating with the Bureau of Prohibition in bringing about this very desirable condition: The Industrial Alcohol Institute, the American Drug Manufacturers Association, the American Pharmaceutical Manufacturers Association, the National Wholesale Druggists Association, the National Association of Retail Druggists, State retail druggists' associations, the Proprietary Association, the Paint, Oil, and Varnish Association, the American Manufacturers of Toilet Articles, the National Beauty and Barbers Supply Dealers Association, the American Medical Association, the American Chemical Society, and the Manufacturing Chemists Association. As will be readily seen, these and numerous local groups comprise the backbone of the professional and manufacturing interests of the United States that are concerned with the legitimate manufacture, distribution, and use of alcohol and medicinal liquors.

(d) Arrests, injunctions, etc.: The Bureau of Prohibition has about 2,000 field agents, including a force of special agents, which is approximately one-half of the number of persons employed. Last year this force made 75,000 arrests, seized 7,000 automobiles and trucks used in the transportation of liquors, secured evidence that resulted in the issuance of 4,268 permanent injunctions. By continuous pressure on large rings it has succeeded in lessening materially the size of the illegal traffic unit. In other words, the size of wildcat breweries and distilleries grows steadily smaller. We are taking the profit out of these large illegal operations and are steadily and inexorably breaking them and driving them out of business.

(e) The need for sympathetic prosecutors: The Department of Justice has recently received some additional funds, which were transferred by Congress from the appropriation for the Bureau of Prohibition by agreement of both departments, in order to employ additional special assistants to the Attorney General to endeavor to speed up and make more effective the administration of the law in prohibition cases in jurisdictions where that need was obvious. The Department of Justice and Bureau of Prohibition are not only in harmonious cooperation but are trying to facilitate the handling of prohibition cases in the Federal courts. Cooperation between the investigative and prosecuting branches of the Federal services is essential. When it is real the public sees the result, and that result is good. When it is lacking, it too frequently happens that the prohibition executives in the immediate locality are blamed for the state of affairs, and they justly resent that criticism when it is not well placed. During the past year the civil service has turned its microscope on the present personnel of the Bureau of Prohibition. Good will ultimately come from civil service with respect to prohibition enforcement when it is intelligently applied. I see no reason whatever why an intelligent application of the same civil-service principle and practice should not be had with respect to the staffs of the United States attorneys' offices throughout the country and scrutinize these employees with respect to character, performance, and capabilities. This would insure a corps of efficient prosecutors. The excellent work and hearty cooperation that exists between the great majority of all the United States attorneys and our field officers is noteworthy. Unfortunately, some United States attorneys and their assistants have been discharged in years past the same as prohibition executives, and underlying most of these changes in the past has been the apparent lack of this whole-hearted spirit of cooperation and sympathy with the purposes the law seeks to attain.

(f) Overburdened Federal court machinery: In some jurisdictions violators are arrested five or six times, and a trial has not yet been had on the first charge. In one jurisdiction evidence of violations has been secured against certain premises up to the eighth or ninth time,

and no injunction has yet been issued to close the place. In some jurisdictions, in so far as the Federal courts are concerned, hundreds of conspiracy cases involving 5 to 30 defendants have been pending from one to three years without trial. Prompt trial is the essence of effective administration of the criminal law. Inability to try offenders, particularly offenders against the liquor laws, promptly paralyzes the law. These conditions are obviously due to some real cause, which I will discuss later. Indifferent juries, overcrowded court dockets, poorly made cases, and indifferent presentation to the courts by the Government attorneys are some of the apparent causes. Overburdening of the Federal court system with business which should be handled elsewhere is the more proximate and underlying cause.

Our cases are now so numerous that the Federal court system is unable, in large centers, to cope successfully with the business. Our problem is one of continuous selection rather than volume.

It is of great importance that the various United States attorney's offices in the metropolitan centers be augmented to handle the large volume of business placed in their hands by the prohibition machine. By the same token, there should be a commensurate increase in the United States courts, so that those two units may be able to handle the burden now imposed upon them. To accomplish successful Federal enforcement, it is of paramount importance that there be perfect coordinate action between the Treasury Department, the Department of Justice and the Federal courts. The production of the prohibition machine should be expeditiously handled by United States attorneys, who should prosecute the cases before Federal courts without delay. To give you an example of the unsatisfactory condition to which I refer, on November 1, 1928, there were pending before the Federal courts 22,602 cases.

II. NONENFORCEMENT BY LOCAL GOVERNMENTS

(a) The duty of the local government: It seems to me that the essential distinction as to the function of the Federal and local Government is entirely lost sight of in these public discussions relating to enforcement conditions. Assertions with respect to enforcement or nonenforcement of prohibition range all the way from ordinary muddy thinking to the condition of Grover Cleveland referred to as "clotted ignorance." I assert that the Federal Government, by and large, has substantially fulfilled its obligation under the concurrent clause of the eighteenth amendment in the administration of the national prohibition act and supplement statutes; that in its proper sphere of action it has brought about noteworthy accomplishments, and further, that unsatisfactory conditions still obtaining in some localities are due almost without exception to the abject failure of local authority to assume its proper obligation and to enforce the criminal law. I am impressed with the fact that public discussion devolves almost entirely on the effectiveness or ineffectiveness of the enforcement of law by the Federal Government, and the facts upon which these discussions are based relate almost entirely to local retail sales situations that are distinctly and unquestionably the province of the State or local authority to handle.

The movement on the part of some local authorities to evade and sidestep their responsibilities took form as soon as the national prohibition act became law. Various considerations entered into this equation. In some rural counties there was a consideration of saving public funds by not incurring expenses incidental to the arrest and trial of liquor offenders. In other cases it was a convenient thing for weak-hearted officials, and even "good citizens," to say that "the great Federal Government has assumed this full responsibility and we no longer need to worry." In some cities, corrupt political machines, through the police department, made an unholy alliance with the underworld, and contributed in no small degree to the building up of illicit liquor rings. I have received thousands of pieces of mail from citizens in communities up to 3,000 miles away from Washington, who want some special men, absolutely unknown to any local official, to come into the county or the city and clean up two or three retail joints which are flourishing under the eyes of the local police authority. Usually the writers of these communications do not even wish their names to be known in any manner. While this shows to a certain extent a commendable spirit in desiring to have the prohibition law enforced, it is indicative of a local weakness and lack of initiative on the part of the good people in the community to move directly in their own place to require their own elected or appointed officials to perform their duty.

Now, what is the binding force of the eighteenth amendment to the Constitution on all of us? Let me quote some very plain words on this point: "That part of the prohibition amendment to the Federal Constitution which embodies the prohibition (of intoxicating liquors for beverage purposes) is operative throughout the United States, binds all legislative bodies, courts, public officers, and individuals within these limits." This is not the statement of an overenthusiastic public official or a zealot. It happens to be the expression of the Supreme Court of the United States in the now famous Rhode Island and New Jersey cases, in the opinion handed down June 7, 1920. To translate this final word as to the binding and effective force of the eighteenth amendment on all of us, and at the same time make it understandable and workable I would, for practical purposes, condense it into two words, namely, cooperation and coordination. It has obviously not become a complete reality as yet. Let me point out some of the instances where lack of cooperation gives rise to bad results. It may serve to throw some light on conditions in certain parts of the country where people can justly term the situation unsatisfactory.

(b) Corrupt local officials: There is much talk about corruption in the Federal service. Let me say that at no time has the Federal Government failed to take drastic measures to maintain a clean service, and, at the present time, the Federal Bureau of Prohibition, of which I have personal knowledge through its field agents, is as clean as any body of men of like number in any service throughout the land. Recent disclosures of conditions in police departments in some of our large cities should be enlightening to the general public, as to where some of the weaknesses in enforcement lie.

I would say that in some communities we not only fail to receive cooperation from the local officials but in many instances have secured their hearty opposition. One of the prohibition administrators, whose headquarters is in a large eastern city, told me that he was of the opinion that during the past year more speak-easies were raided by the local police for failure to pay graft than for the fact that they were obviously violating the State law as well as the Federal law. Let me call attention to the great public service that is now being rendered by Judge Monaghan in the city of Philadelphia in disclosing corruption in the police force with respect to its handling of the local liquor situation in that city. Judge Monaghan is performing an outstanding public service, and there are plain signs that similar movements will come in other large cities. This fearless State's attorney, formerly on the bench, has exposed conditions that have shaken the police department of that city to the bottom. Captains and police officials, who have accumulated large bank accounts running up into the hundreds of thousands of dollars on salaries of $3,000 or $4,000 a year, have gone to jail.

Judge Swanson, the new state's attorney of Cook County, is out to break organized crime and extortion in Chicago, and my prediction is that he will do it with the help of the good citizens.

The smug merchant, who drinks his highball in complacency in his club, is beginning to see the connection between liquor lawlessness that finances criminals and extortion rackets on business. How many other cities, large and small, need a cleaning, can be left to conjecture of the respective residents.

(c) Lack of local civic responsibility: People who urge much greater quantitative efforts on the part of the Federal Government, are seeking merely to create Uncle Sam as the police officer of every large city and the constable of every small town. We must keep clearly in mind the primary functions of the general Government as compared with the State and local governments. The necessity of maintaining local responsibility and performance in its proper sphere has been pointed out by every President of the United States for the last 30 years. States' rights can not be separated from States' responsibilities under the Constitution.

III. ENFORCEMENT THROUGH COOPERATION

Having indicated some things that have been done and some of the weaknesses that seem apparent in our present situation, I should like to point out that the obvious path to a better condition of enforcement lies along the line of cooperation and coordination of all agencies of Government—Federal, State, and municipal—and in addition thereto, direct conference and cooperation with the professional, scientific, and business interests directly affected by the administration of the law. In addition, it is quite apparent that observance could be promoted by the numerous unofficial agencies who should give their prime attention to the relation of the citizen to his own Government. All of these projects are necessary, and the latter especially, as the ultimate success of our prohibition policy must, in the last analysis, be based on a spirit throughout the country that makes for the observance of the law, and which creates a wholesome respect, regard, and friendliness for the law.

Some minor palliatives with respect to the existing law might be of some benefit; for example, the penalties under the national prohibition act might be increased. It is possible that the making of a liquor purchase a specific crime would aid in reducing the demand. However, as helpful as these minor changes might be, they would not materially improve the present situation, where the crying need is not more law, but better understanding of the present law and the functions of the Federal and State Governments with respect thereto, and a better coordinating of all their activities.

Complete responsibility in specific functions, a spirit of cooperation, and a coordination of the various functions, together with hard, daily work on the part of all officers and executives, will accomplish much. In my judgment, there is no quack remedy which deals with superficial symptoms that will change the situation overnight. People who are spending their time and energy on such a quest would do well to inform themselves first on the problem, as information is the first requisite to intelligent action, and no man's opinion on a specific subject is worth any more than the amount of information he may possess on the same subject.

Intelligent cooperation, and not further concentration of power in a Federal police force, is the pathway that will lead us to a more satisfactory enforcement of the eighteenth amendment.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. BRATTON in the chair). Under an order of the Senate heretofore adopted, the Chair refers to the appropriate committee the nomination of Roy Dee Keehn to be major general, reserve.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 25, 1929, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 23 (legislative day of February 22), 1929

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Maj. Gen. Roy Dee Keehn, Illinois National Guard, to be major general, reserve, from February 21, 1929.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 23, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God of our fathers, just as we realize that Thou art an earth-walking and an earth-loving Father, we have that satisfaction which comes from the very best elements of our immortal souls; we have that sweetness that comes from a love-bearing life. Oh, the largeness of it; its fullness transcends our comprehension. Enlarge the sense of our wonderful privilege, that we may break through all barriers of infirmity, and let it give stimulus, inspiration, and aspiration to all that is great and good in the being of man. Direct us in our high mission, so noble a calling, that all our labors may be radiant in the sight of all men. Bless our homes and let heaven rest all about them. In the holy name of Jesus, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1781) entitled "An act to establish load lines for American vessels, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. MCNARY, and Mr. RANSDELL to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to a bill of the following title:

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate Nos. 41, 52, 55, 56, 57, 58, 59, and 60 to the bill (H. R. 15712) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 14, 1929:

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor;

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks;

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union stationed in the United States; and

H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first class rate of postage is paid.

On February 15, 1929:

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for the purpose of promotion to chief warrant rank;

H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;*

H. R. 14458. An act authorizing the Rio Grande del Norte investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments;

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; and

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests.

On February 16, 1929:

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission;

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;

H. R. 10913. An act to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;

H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 15004. An act for the relief of Florence P. Hampton;

H. R. 15279. An act for the relief of the family of Wang Erh-Ko;

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 967. An act for the relief of George J. Illichevsky;

H. R. 2492. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;

H. R. 3949. An act for the relief of Frank F. Moore;

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A Brown Co., and Giles P. Dunn, jr.;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 7166. An act to allow credits in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 7392. An act for the relief of John I. Fitzgerald;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 8968. An act to allow credits in the accounts of William A. Schoenfeld;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10624. An act for the relief of William J. Casey;

H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;

H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;

H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 14572. An act for the relief of William D. Ghrist;

H. R. 15039. An act for the relief of Winston W. Davis; and

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

On February 18, 1929:

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 9716. An act for the relief of Charles H. Salley;

H. R. 11749. An act for the relief of H. A. Russell; and

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes.

On February 19, 1929:

H. R. 15809. An act to authorize a preliminary survey of Mud Creek in Kentucky with a view to the control of its floods;

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.;

H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes;

H. R. 10327. An act for the relief of Charles J. Hunt; and

H. R. 15092. An act to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.

On February 20, 1929:

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service;

H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service;

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 12538. An act for the benefit of Morris Fox Cherry; and

H. R. 15732. An act making an additional grant of lands for miners' hospitals for disabled miners of the States of Utah and Arizona, and for other purposes.

On February 21, 1929:

H. R. 8736. An act to provide for the commemoration of the battles of Brices Cross Roads, Miss., and Tupelo, Miss.;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; and

H. R. 16279. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

On February 23, 1929:

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy; and

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska.

FEDERAL RESERVE BOARD

Mr. McFADDEN. Mr. Speaker, I present a privileged resolution from the Committee on Banking and Currency.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 325

Resolved, That the Secretary of the Treasury be, and is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, of the following facts:

1. Did the Federal Reserve Board confer with Mr. Montagu Norman, governor of the Bank of England, during the month of February, 1929?

2. Were such conferences, if any, solicited by Montagu Norman or by the Federal Reserve Board?

3. What was the subject matter of such conferences and what agreement, if any, was entered into by the Federal Reserve Board and Montagu Norman, and what was said at such conferences?

4. Were notes made of such conferences, and, if so, what were they?

5. Did the Federal Reserve Board confer with any individuals other than Montagu Norman prior to and concerning the public statement issued by the Federal Reserve Board on February 6, 1929, and what was said at such conferences, if any?

Mr. McFADDEN. Mr. Speaker, this is a unanimous report from the Committee on Banking and Currency, and I move that the resolution be laid on the table.

The motion was agreed to.

Mr. McFADDEN. Mr. Speaker, I present another privileged resolution from the Committee on Banking and Currency.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 326

Resolved, That the chairman of the Federal Reserve Board be, and is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, of the following facts:

1. Did the Federal Reserve Board confer with Mr. Montagu Norman, governor of the Bank of England, during the month of February, 1929?

2. Were such conferences, if any, solicited by Montagu Norman or by the Federal Reserve Board?

3. What was the subject matter of such conferences and what agreement, if any, was entered into by the Federal Reserve Board and Montagu Norman, and what was said at such conferences?

4. Were notes made of such conferences, and, if so, what were they?

5. Did the Federal Reserve Board confer with any individuals other than Montagu Norman prior to and concerning the public statement issued by the Federal Reserve Board on February 6, 1929, and what was said at such conferences, if any?

Mr. McFADDEN. Mr. Speaker, this is also a unanimous report from the committee, and I move that the resolution be laid on the table.

The motion was agreed to.

Mr. McFADDEN. Mr. Speaker, I present another privileged resolution from the Committee on Banking and Currency.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 327

Resolved, That the President of the United States be, and is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, of the following facts:

1. Did the Federal Reserve Board confer with Mr. Montagu Norman, governor of the Bank of England, during the month of February, 1929?

2. Were such conferences, if any, solicited by Montagu Norman or by the Federal Reserve Board?

3. What was the subject matter of such conferences and what agreement, if any, was entered into by the Federal Reserve Board and Montagu Norman, and what was said at such conferences?

4. Were notes made of such conferences, and if so, what were they?

5. Did the Federal Reserve Board confer with any individuals other than Montagu Norman prior to and concerning the public statement issued by the Federal Reserve Board on February 6, 1929, and what was said at such conferences, if any?

Mr. McFADDEN. Mr. Speaker, this is also a unanimous report of the committee, and I move that the resolution be laid on the table.

Mr. O'CONNOR of New York. Will the gentleman yield for a question?

Mr. MAPES. May I ask the gentleman from Pennsylvania a question?

Mr. McFADDEN. I yield.

Mr. MAPES. It occurred to me from listening to the reading by the Clerk that he only read the resolution and not the report of the committee. There has been no indication from what the Clerk has read of what the report of the committee is.

At the conclusion of the reading of each resolution the gentleman from Pennsylvania has made the statement that it was a unanimous report. As I understand it, the report of the committee has been adverse to the resolutions, but that does not appear from what the Clerk has read. What does the gentleman say as to that?

Mr. McFADDEN. I will say to the gentleman that it is an adverse report. It is very brief, and if it is in order I see no reason why the Clerk should not read the report to the House.

Mr. MAPES. If the Clerk actually read the report of the committee, I did not hear it.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. McFADDEN, from the Committee on Banking and Currency, submitted the following report (to accompany H. Res. 327):

"The Committee on Banking and Currency, to whom was referred the resoultion (H. Res. 327) requesting information from the President of the United States, having considered the same, report it back to the House with the recommendation that the resolution do not pass."

Mr. McFADDEN. Mr. Speaker, since the report has been read——

Mr. TILSON. Mr. Speaker, a motion to lay a bill or resolution on the table is not a debatable motion. The gentleman has made the motion that this resolution be laid on the table. It is a privileged motion and is not debatable.

Mr. McFADDEN. I renew the motion——

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to ask the gentleman one question.

I understand these three resolutions were introduced by the gentleman from New York [Mr. BLACK] and I ask the gentleman, has he apprised the gentleman from New York, who is not now in the Chamber, as to the action he is taking with reference to these matters?

Mr. McFADDEN. I would say to the gentleman these are privileged resolutions. I am directed by the committee to act and the gentleman from New York [Mr. BLACK] knows of the adverse report.

The SPEAKER. The gentleman from Pennsylvania moves that the resolution be laid on the table.

The motion was agreed to.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Should not the reports on the other two resolutions be formally read or printed in the RECORD to show what they are?

The SPEAKER. Without objection, the reports will be printed in the RECORD.

Mr. TILSON. Mr. Speaker, it is not necessary that the report on every bill or resolution that is considered in this House be read. It is really not the usual practice for the reports to be read. These resolutions have been acted upon. Of course, by unanimous consent the reports can be printed, and I have no objection to that being done; but, in my opinion, it is not required.

Mr. MAPES. Mr. Speaker, my point is that there was nothing from what the Clerk read to show what the report was. The gentleman from Pennsylvania [Mr. McFADDEN] merely sent to the Speaker's desk to be read by the Clerk the resolution itself, or, at least, that was all the Clerk read.

The SPEAKER. The reports accompanying the resolutions were not read, because it did not seem to the Chair to be necessary.

Mr. SNELL. When privileged resolutions are brought up we do not read the reports.

Mr. MAPES. Perhaps the other Members knew what was going on, but I did not.

The SPEAKER. Without objection, the reports accompanying the resolutions (H. Res. 325 and H. Res. 326) will be printed in the RECORD.

There was no objection.

The reports are as follows:

Mr. McFADDEN, from the Committee on Banking and Currency, submitted the following report to accompany H. Res. 325:

"The Committee on Banking and Currency, to whom was referred the resolution (H. Res. 325) requesting information from the Secretary of the Treasury, having considered the same, report it back to the House with the recommendation that the resolution do not pass."

Mr. McFADDEN, from the Committee on Banking and Currency, submitted the following report to accompany H. Res. 326:

"The Committee on Banking and Currency, to whom was referred the resolution (H. Res. 326) requesting information from the chairman of the Federal Reserve Board, having considered the same, report it back to the House with the recommendation that the resolution do not pass."

By motion of Mr. McFADDEN, a motion to reconsider the vote by which the resolutions were laid on the table was laid on the table.

GEN. HUNTER LIGGETT AND GEN. ROBERT L. BULLARD

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill S. 3269, disagree to the Senate amendment, and agree to the conference asked for.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 3269, disagree to the Senate amendment, and agree to the conference asked for. The Clerk will read the title to the bill.

The Clerk read as follows:

An act (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, this is the bill to which the House attached the separate promotion list from the Air Service.

Mr. MORIN. This is a Senate bill. The Senate struck out all after the enacting clause and wrote another bill.

Mr. LAGUARDIA. Is there any hope of their coming to an agreement?

Mr. MORIN. I think there is.

Mr. SNELL. Reserving the right to object, I would like to ask the gentleman a question. There has been almost a universal desire on the part of the War and Navy Departments for a committee of investigation of the promotion list and the pay in the Army and Navy. I have understood that if that was granted there would be no more of this character of bills. If it is contemplated to start making additional promotions, I would like to have the gentleman explain.

Mr. MORIN. The promotion bill of the Senate is an amendment to a bill passed by the House.

Mr. SNELL. I understand that.

Mr. MORIN. The resolution the gentleman refers to does not include the promotion in the Army.

Mr. SNELL. Does it not include the whole subject of promotion and pay?

Mr. MORIN. It does not.

Mr. LAGUARDIA. The gentleman knows that under our system promotion has nothing to do with the pay in the Army.

Mr. SNELL. If somebody knows what this matter applies to, I would like to have them explain.

Mr. GARNER of Texas. Reserving the right to object, I would like to ask the gentleman if he has consulted with the ranking minority member of the committee before making this motion?

Mr. MORIN. I have just stated that I came from the committee, and it is the unanimous request of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER appointed the following conferees: Mr. JAMES, Mr. FURLOW, and Mr. MCSWAIN.

CLAIMS OF THE SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I present a conference report for printing under the rules.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Conference report on S. 710, conferring jurisdiction on the Court of Claims to hear and adjudicate and render judgment in claims which the band of Shoshone Indians may have against the United States.

The conference report was ordered printed.

AMENDING THE NATIONAL PROHIBITION ACT

Mr. MICHENER. Mr. Speaker, the bill S. 2901, an act to amend the national prohibition act, as amended and supplemented, has been passed by the Senate and is on the Speaker's table. H. R. 9588 has been favorably reported by the Judiciary Committee of the House. S. 2901 and H. R. 9588 were identical when reported to the Senate and to the House, respectively.

The Senate has amended S. 2901 in several particulars, so there is a very serious question as to whether or not the House bill as reported is substantially the same as the Senate bill as passed. A serious legal question is involved which the Speaker would be required to pass upon in holding the bills substantially the same. I therefore ask that S. 2901 be referred to the Committee on the Judiciary. In making the request, I state that the Committee on the Judiciary instructed the gentleman from Pennsylvania [Mr. GRAHAM], its chairman, to call up the bill S. 2901 and to take such action as he thought advisable to bring the bill before the House for a vote. I have been requested by the gentleman from Pennsylvania, Mr. GRAHAM, who is absent from the city, to appear here this morning. The question as to whether these bills are substantially the same is debatable, and in my judgment the bill should be referred.

The SPEAKER. The Chair will refer the bill to the Judiciary Committee.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to speak for one-half minute.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, if this matter had been brought up as a question of privilege, I intended to make the point of order against it. I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, if a motion had been made to call up S. 2901, the Jones bill, I had intended to make a point of order against the motion on the ground that the motion is not privileged, my contention being that Senate bill 2901 is not "substantially the same" as House bill 9588, as required under Rule XXIV, subdivision 2, and therefore Senate bill 2901 now on the Speaker's desk should be referred to the Judiciary Committee of the House.

It is interesting to note in passing and of some weight in support of my argument that, while the rule requires that the bills be "substantially the same," the almost invariable phrase used by Members making such a motion is that the bills are "similar" or "identical." The Speaker also invariably so refers to such a situation. He says "an identical bill, or a similar bill, is on the Speaker's table." I do not know the authority for such expressions as "identical" or "similar." There may well be a marked difference among all these expressions. It can not be gainsaid, however, that the common belief and understanding in the House is that the bills must be "identical" rather than "substantially the same." Has not the use of such words as "identical" or "similar" built up a custom and a practice in this House which, by common consent, modifies and limits the possibly more comprehensive language of the rule? "Substantially the same" may be broader and less confined than "identical."

The Standard Dictionary defines "identical" as "absolutely the same; the very same; uniform," and so forth.

"Similar" is nearer "substantially the same," but there may well be a difference between them.

The Standard Dictionary defines "similar" as "bearing resemblance; like, but not completely identical; of the same scope," and so forth.

37 Cyc. 507 defines "substantially" as "really, truly, essentially, in a substantial manner," and so forth.

The only judicial definition of "substantially the same" I have been able to find is contained in the case of Adams *v.* Edwards (1 Fed. Cas., p. 112), where the court said:

When we say a thing is "substantially the same" we mean it is the same in all important particulars.

The only precedents I can find on the matter are as follows. In the first session of the Fifty-first Congress, a motion was made to take from the Speaker's table and pass a Senate bill, "it being identical"—mark the word—with a House bill.

Mr. Speaker Reed said, reported in IV Hinds, section 3098:

This is a Senate bill which does not require reference to the Committee of the Whole House on the state of the Union, a bill substantially like which, not necessarily identically the same, is on file and has been reported by a House committee. Such bills can be called up without unanimous consent by the committee. The three requisites are: First, that the bill shall not require reference to the Committee of the Whole House on the state of the Union; second, that it shall be similar, substantially the same, as one that has already received the approval of the committee having it in charge; and, third, that it shall be called up at the request of the committee. There are two kinds of business which can be disposed of at once from the Speaker's table. First, House bills with Senate amendments not involving consideration by the Committee of the Whole House on the state of the Union, where the amendments do not require that; and, second, this class of Senate bills.

In the Fifty-fifth Congress, on a similar motion that bills were "substantially the same" it appeared that one bill contained the phrase "reading and writing" and the other bill "reading or writing." Mr. Speaker Reed said, reported in IV Hinds, section 3099:

In this case the rule is invoked which permits a committee to call up from the Speaker's table a measure which is "substantially" the same as one already reported by the committee. The object of the restriction is that no committee shall have it in its power to bring before the House a matter of which there has not been sufficient and reasonable notice. In other words, while it was desired under the rules to facilitate legislation, it was also desired that there should be nothing in the nature of a surprise to the House.

This bill having come over from the Senate, the question arising is, therefore, whether it shall be retained on the Speaker's table as being substantially the same as one already reported to the House. In order that it may be so kept upon the table the Chair must be notified that a committee has passed upon the subject and made a report to the House and asks that the bill be retained on the table for action. The next question to be considered is whether the bill upon the Speaker's table from the Senate is "substantially" the same as the House bill which has been reported. The reason it ought to be substantially the same is that the House may be notified of the subject that is to come up, that it may have due information as to what is to be brought before it, and if it is so informed by a bill having been considered and reported by its committee that is enough.

The rule does not say that the two measures shall be absolutely the same. It only requires that they shall be "substantially" the same.

To my mind this precedent is not controlling on the matter before us to-day because it was too minor a difference as compared with the many differences between the two bills before us.

The first point I would have made, therefore, is that when we apply the phrase "substantially the same" to this question we can not use it in any broad sense. It is necessarily limited by the practice and custom of this House. There has grown up a custom of applying this rule only to "identical" bills.

Let us, therefore, examine these two bills to see if they are "substantially the same" in the sense as heretofore applied in this body.

To do that intelligently it will first be necessary to trace the history of these bills in both bodies of the Congress.

H. R. 9588 was introduced on January 18, 1928, by the gentleman from New York [Mr. STALKER] and referred to the Judiciary Committee. On March 2, 1928, that bill was reported (Rept. 822) without amendment and placed on the House Calendar. That bill provides as follows:

That whenever a penalty or penalties are prescribed by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

On January 27, 1928, the senior Senator from Washington [Mr. JONES] introduced Senate bill 2901, identical in every word with H. R. 9588. On April 9, 1928, the Judiciary Committee of the Senate reported that bill with two amendments. First, after the word "prescribed," the committee inserted the words "in a criminal prosecution." Neither the Stalker bill nor the original Jones bill were limited solely to criminal prosecutions. The penalties referred to in the bills might refer to civil prosecutions in equity, for instance, as well. No such limitation ever was or is now in the Stalker bill.

The Senate committee recommended as its second amendment the addition of a section 2, to read:

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

No such provision ever was or is now in the Stalker bill.

On March 12, 1928, Mr. STALKER introduced another bill, H. R. 12002, the first section of which was identical in every word with his H. R. 9588.

This second bill, however, contained a section 2, which reads as follows:

SEC. 2. This act shall not in any way change or eliminate the minimum penalties now provided by law for second or subsequent offenses, nor change or eliminate the civil penalties now imposed because of law violations.

This bill was introduced 10 days after the House committee had reported H. R. 9588, at which date the Senate committee had not yet reported the Jones bill with a section 2 somewhat similar to section 2 of H. R. 12002, but it should be noted that Mr. STALKER still had in mind "civil penalties" as expressed in his section 2. It might have been helpful to have heard from the gentleman from New York [Mr. STALKER] what, if anything, prompted him to introduce his second bill and add section 2 to the text of his first bill. He may have heard that the Senate committee was about to add a section 2 to the Jones bill of somewhat similar intent. But while the minds of the gentleman from New York and the Senator from Washington started out in exact unison, Mr. STALKER's mind never met with the minds of the Judiciary Committee of the Senate. He never introduced a bill identical with the Jones bill as reported by the Senate committee.

He has had nearly a year in which to do it. His H. R. 12002, nearer like S. 2901, was never acted upon by the committee. If that bill, H. R. 12002, was now on the House Calendar and this motion were directed toward disposing of that bill, my point of order would carry less weight. But the bill on the House Calendar continues to be the mere skeleton upon which the measure S. 2901 as it comes to us was constructed.

It is also interesting to note that in nearly a year Mr. STALKER nor the Judiciary Committee of the House has never seen fit to report a bill with the amendments put on the Jones bill by the Senate committee, although they had knowledge of that committee's action.

Neither of the Senate committee amendments seemed to have interested Mr. STALKER. The first amendment, confining the law to criminal prosecutions, was never Mr. STALKER's intention, as gleaned from either of the two bills he introduced. Mr. STALKER would be my best witness in support of my point of order. I offer his handiwork, two bills, as evidence. And if this parliamentary question had arisen I would have asked him to explain to the House, and I know he would have done so frankly, just what attitude he took toward the Senate committee amendments. Whether he was ever willing up to a few days ago to adopt them as his wards. His mind, if one could look into its depths, would have been one source of guidance on this parliamentary question. Surely his conduct is not in accord with any claim of similarity between the bills in question. He might also have explained whether the two amendments put on in the Senate are consonant with his ideas or whether they do not in fact materially alter his intentions as expressed in either bill he introduced.

In the Senate there was added to S. 2901, as reported by the Senate committee with amendments, two additional amendments. The first one added a proviso to section 1, as follows:

That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor or attempts to commercialize violations of the law.

Did Mr. STALKER ever have such a provision in mind? It would have been of no importance to this question whether he is now willing to accept these amendments. The test, rather, is whether the intent and purpose of his bill is altered or modified or changed in the Senate bill before us.

The second amendment put on in the Senate added, in section 2, after the word "penalty," the words "for the first or any subsequent offense." Was that ever Mr. STALKER's idea? He knows best.

Therefore the Senate bill is in no wise "substantially the same" as the House bill. It ceased to be "substantially the same" the moment the Senate committee added its two amendments. It grew more dissimilar and lost any claim within reason of being "substantially the same" when the Senate added its two amendments. That nonlegislative, ridiculous "proviso" is in and of itself sufficient to mark the dissimilarity. That stands out as a carbuncle, a running sore, on the face of a measure enacted in the Congress of the United States, and which, if it becomes a law, will be printed in our statute books and go into the law libraries of our country to be jeered at as unworthy of a board of aldermen. I feel confident that in spite of the fanatic approach of some people toward legislation on the subject matter involved, going so far sometimes that rule and reason and justice are brushed aside—I feel as confident of my position on this matter as I ever did in arguing any point before a court of justice that my point of order would have been sustained.

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CELLER. Will the Judiciary Committee be empowered to hold public hearings on this bill, which has been referred in this manner?

The SPEAKER. That is a matter entirely for the committee itself to decide.

WORLD WAR VETERANS' ACT, 1924

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that I be given until Tuesday night next, at 12 o'clock, to file a minority report upon the bill H. R. 16845, to amend the World War veterans' act, 1924.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that he may have until midnight on Tuesday next to file a report upon the bill H. R. 16845. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I desire to propound a parliamentary inquiry. It is our hope to get this bill up on Monday next. If this extension of time be granted, would that interfere with our getting the bill up for passage on Monday?

The SPEAKER. The Chair thinks not. This is merely a matter of courtesy to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. Mr. Speaker, in answer to the gentleman's inquiry, I do not think there is any chance of getting the bill up on Monday next, but if it should come up on Monday next without a minority report, I could present the matter to the House verbally as well as by filing a written report.

Mr. RANKIN. Mr. Speaker, the gentleman from South Dakota knows, as the members of the committee know, that this bill is to take care of some disabled ex-service men who are totally and permanently disabled, who are not taken care of under the present law. I trust he will not object when the bill is called up on Monday.

Mr. JOHNSON of South Dakota. The gentleman from South Dakota will oppose the bill, because he does not believe in it.

JOE G. DONISI

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 924)

for the relief of Joe G. Donisi, with a Senate amendment thereto, and concur in the Senate amendment. If the House will permit, this bill was passed by the House granting relief to a boy whose right hand was blown off five years or more ago at a citizens' military training camp. The House unanimously granted a lump sum. The Senate has amended the bill to make the payment in monthly installments, through the United States Employees' Compensation Board.

The SPEAKER. Has the gentleman the authority of the committee to make this request?

Mr. ROY G. FITZGERALD. I have.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, is not this establishing a precedent. Has this ever been done before?

Mr. ROY G. FITZGERALD. The gentleman means so far as concerning the Senate amendment is concerned?

Mr. GARNER of Texas. Oh, no; so far as paying an obligation of the Government by the month instead of in its lump sum.

Mr. ROY G. FITZGERALD. Yes; I believe it has. The policy has been largely favored in the Committee on Claims lately, and in the last year or two the Claims Committee has limited amounts and the manner of payment very largely through the process followed by the United States Employees' Compensation Board.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate amendment was agreed to.

FEDERAL RESERVE BOARD

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent that the votes by which the resolutions I introduced respecting certain conferences between the Federal Reserve Board and Montague Norman, reported this morning by the Committee on Banking and Currency, were tabled, be vacated. The House tabled these resolutions under a misapprehension of the situation. I had an agreement yesterday with the chairman of the committee, the gentleman from Pennsylvania [Mr. McFADDEN] that no action would be taken on these resolutions until Tuesday of next week. I made that arrangement for his convenience. In my absence this morning I understand that he reported the resolutions and then moved to table them, and that the gentleman from New York [Mr. O'CONNOR] asked him if I were agreeable to that action, and that Mr. McFADDEN, the chairman of the committee, informed the House that it was all right. That is not so. I do not want to charge the chairman of the committee with bad faith, but he does not understand the situation. The agreement between Mr. McFADDEN and myself, as two gentlemen of this House, was that nothing would be done about these resolutions until Tuesday morning next. I made that agreement for his convenience. I now ask unanimous consent that the motion by which these resolutions were tabled be reconsidered.

Mr. SNELL. Mr. Speaker, I shall have to object to that.

Mr. LEHLBACH. Motions to reconsider the votes by which the resolutions were passed were agreed to and those motions have been laid on the table.

The SPEAKER. The gentleman from New York asks unanimous consent that the motions by which these resolutions were tabled be vacated. Is there objection?

Mr. STEVENSON. Mr. Speaker, I object.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for three minutes on this subject.

Mr. TILSON. Mr. Speaker, we can not take this matter up again now. We have important business before us. A great supply bill is pending here, and we wish to proceed with it. If the other matter shall come up at some other more opportune time, I shall not object.

Mr. CLAGUE. Mr. Speaker, I demand the regular order.

Mr. BLACK of New York. Mr. Speaker, if the leaders of the House do not want to play the game fairly with the rest of the Members on this floor——

Mr. TILSON. At some later date there will be no objection on my part.

Mr. BLACK of New York. If a gentleman's agreement does not mean anything to the leaders of the House, we should find it out right away.

Mr. ROY G. FITZGERALD. I think this is the proper time to settle the question. A Member of the House has been charged with bad faith.

Mr. TILSON. Mr. Speaker, I demand the regular order.

SECOND DEFICIENCY BILL, 1929

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17223, the second deficiency bill.

The motion was agreed to.

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17223, the second deficiency bill, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17223, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes.

The CHAIRMAN. The gentleman from Tennessee is recognized for half an hour.

Mr. BYRNS. Mr. Chairman, this bill carries the sum of $192,625,764.46. This very large amount is made necessary by the unusual circumstances which attended the consideration of the urgent deficiency bill, which Members will recall passed the House before the holidays and was sent to the Senate. The Senate adopted an amendment providing an appropriation of $24,000,000 to be placed in the hands of the President, to be allocated among the various agencies charged with the duty of enforcing the prohibition law.

That amendment was reported with the bill as it came from the Senate back to the House. The usual request for unanimous consent was made for a conference, and objection was made to the request because there were some who felt that the promise made by the gentleman from Indiana [Mr. WOOD] was not sufficiently positive to justify the House in believing that an opportunity would be given to vote directly upon that amendment.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. STEVENSON. Subsequent events have justified the notion that there was not a sufficiently definite promise made.

Mr. BYRNS. Undoubtedly. But, as shown by the gentleman from Alabama [Mr. BANKHEAD] on yesterday, the gentleman from Indiana did state a number of times that undoubtedly the House would have an opportunity to vote on the amendment. Therefore a rule was brought into the House and the bill sent to conference without opportunity for the House to vote directly on the amendment. There a difference arose between the majority of the House conferees and the Senate conferees with reference to that amendment. I state no secret when I say it, because it was stated on the floor of the Senate the other day by a distinguished Senator who was a member of the conference committee on the part of the Senate, that the statement was made to the House conferees that if they would bring that amendment back and permit the Members of the House to have a record vote on that amendment the whole proposition could be settled in 15 minutes.

But we are confronted with what I am sure is an unusual and unprecedented situation, and the House had been refused the right to cast a record vote upon the amendment by reason of the fact that the majority of the House conferees have declined to report the bill back to the House; and so far as I know and am advised, there is no parliamentary procedure by which the conferees can be compelled to bring that bill back. I say it is unusual and unprecedented. The House has never had an opportunity to vote upon that amendment directly. Its own conferees have denied to them that right.

Gentlemen know that frequently it occurs that where there are differences between the two bodies, the House and Senate conferees carry back to their respective bodies amendments in dispute for the purpose of getting a record vote and giving the Members the right to express themselves. Only the other day the gentleman from Michigan [Mr. CRAMTON], who was a member of this conference committee, brought back to the House the Interior Department appropriation bill containing a Senate amendment relating to condemnation proceedings respecting private lands in the national parks. Notwithstanding the fact that not more than 10 days previous there had been a positive vote cast directly upon that amendment, the gentleman requested the House to go upon record upon it again. Yet the gentleman now occupies the inconsistent attitude with reference to this amendment in the urgent deficiency bill as one of the con-

ferees, of refusing to permit the House to exercise its right, the right of its individual Members, to vote their convictions one way or the other upon that amendment and that, too, despite the fact that they had never been given that opportunity.

It has reached a rather startling pass when the House of Representatives, consisting of 435 Members, is to be denied their constitutional and their rightful prerogative of voting upon amendments on an appropriation bill by the action of its conferees refusing to return the bill.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. O'CONNELL. Is it not a matter of fact that the gentleman from Texas [Mr. GARNER] tried to exact such a promise from the gentleman from Indiana [Mr. WOOD]?

Mr. BYRNS. Yes. The gentleman from Texas endeavored to get the gentleman from Indiana to promise positively to bring the bill back. He was not satisfied with the answer he received, and therefore objected to the unanimous-consent request.

Now, what steps have been taken, gentlemen, in order to avoid permitting Members to go upon record upon the Senate amendment of $24,000,000 which was proposed merely to enable the President elect, when he comes into office, to carry out the pledges that he made to the people for the enforcement of this law? What induced it? They say it was offered in the Senate for the purpose of embarrassing the President elect. I deny it. Is it embarrassing to the President elect for the Congress to vote additional appropriations when it is admitted that present appropriations are inadequate? Is it an embarrassment to offer to him the tools with which to do the job he promised in the last election he would do? What brought about that amendment?

In the hearings before the House committee on the Treasury Department bill last November the admiral of the Coast Guard stated in response to a question from me that he had been unable to wholly prevent smuggling upon the Atlantic coast and was able to do little if anything on the Pacific coast because he did not have sufficient boats and sufficient funds with which to do the work. When he was asked as to how much he needed, he stated he could not say; that he did not know. Doctor Doran, the head of the Prohibition Unit, was quoted in the newspapers as saying that he needed an immense amount in order to effectually perform the duties of his position. Mr. Camp, the head of the Customs Division of the Treasury Department, went before the Budget last fall and asked that he be allowed 379 inspectors for the purpose of border patrol, but his request was cut to 150.

The Civil Service Commission was explaining that they were unable to conduct their investigations and examinations in order to put agents in charge of prohibition law enforcement under the civil service as required by law. And it was those facts which induced the distinguished Senator from Georgia [Mr. HARRIS] to offer an amendment placing $24,000,000 in the hands of the President of the United States, who is at the head of all these law-enforcement agencies, with the power in his discretion to allocate that sum as he saw fit to these various agencies and enable them to function as everyone wants them to function, whether he is wet or whether he is dry, because we all believe in the enforcement of our Constitution and its laws. But the House was never given an opportunity, as I said, to vote directly upon this amendment, and in order to prevent the House from voting upon the proposition the committee has lifted out of the urgent deficiency bill all the items carried therein, except those relating to prohibition, the tax refund amendment, and possibly two or three smaller matters, and placed them in this bill, aggregating, as I have said, over $191,000,000. And it is proposed to let the urgent deficiency bill die in the hands of the committee rather than report it back to the House.

Now, do they need the money? Does anyone deny that they need the money? Admiral Billard, of the Coast Guard, came before the deficiency committee in the hearings on this particular bill and he was reminded of the statement he made last November. He was asked whether or not he had any more information now as to the amount he needed than he had at that time, and his statement made upon February 8 was that more than two weeks before he had filed with the Secretary of the Treasury a proposal for more boats and more men to enable him to effectually discharge the duties resting upon him in preventing the smuggling of liquor from the seas. When asked to put it in the record he stated he could not do so, having already submitted it to his superior.

The record will show that the acting chairman of the subcommittee at that time was asked by me to call the Secretary, the Undersecretary, or the Assistant Secretary before the committee in order that this plan might be put in the hearings for the information of the Members of the House, but he refused to do so. No one knows, save those with whom it is filed, I presume, just what that plan was except as indicated in a general way by Admiral Billard. And what was the plan as indicated by him? He said it covered a 4-year period consisting, as he said, of the orderly building of boats and a building up of the personnel. Then he was asked the question as to whether or not he could effectually prevent the smuggling of liquor into the United States before that plan was completed, and he said he could not. Then he was confronted with the fact, and the people of the country are confronted with the fact, that it is to be four years from the time the appropriation is made—which will not be done until next December—before you can hope to have that effectual prevention of smuggling into the United States from the sea which was promised the people.

Now, as I have said, that was over two weeks before February 8. Why did not the Secretary of the Treasury send it up to Congress? Why was not that plan submitted to the Congress and to the people for their information? Why is that plan being held down there somewhere in the files of the department and kept secret from Congress? Why were we not given an opportunity to know what it was so that we might present for the consideration of the House amendments which would be sufficient to put it into operation? Why is it necessary to take four years to build the boats and to increase the personnel? Admiral Billard says it is only a question of appropriation, and that if given the money he can recondition boats within nine months from the time the money is given. Ah, gentlemen, there can be but one answer.

Mr. CRISP. Will the gentleman yield?

Mr. BYRNS. I yield to the gentleman.

Mr. CRISP. Did I understand the gentleman to say that Doctor Doran, when testifying before the Appropriations Committee, said he required additional funds, that he had made out a program as to how those appropriations should be used but that no recommendation was sent in by the Budget and, therefore, he could not furnish the Committee on Appropriations with a detailed statement.

Mr. BYRNS. I was referring to Admiral Billard, of the Coast Guard, rather than to Doctor Doran.

Mr. CRISP. But the statement as to Admiral Billard is correct, as I understand?

Mr. BYRNS. It is correct; but in order that there may be no doubt about it let me read to the committee just what the admiral said in response to questions. It will be found on page 221, and following pages, of the hearings, and I trust that Members on both sides of this Chamber will get a copy of these hearings and read this testimony of Admiral Billard. Admiral Billard stated:

Admiral BILLARD. I have submitted to the Secretary of the Treasury a plan covering additional resources for the Coast Guard, covering several years in the future, which, in my judgment, will meet our needs.

Mr. BYRNS. Does that plan cover the immediate needs with reference to boats needed and additional personnel?

Admiral BILLARD. It covers all the needs of the Coast Guard with respect to boats and personnel over a number of years. In other words, it covers what we think is a well-rounded plan.

Mr. BYRNS. How soon, if that plan were carried out, would you be enabled to do as effective work as might be possible in the prevention of smuggling?

Admiral BILLARD. If that plan were approved, and the necessary funds afforded, I should say in about four years.

Then he was asked questions as to whether or not he was having any difficulty or would have any difficulty in enlisting personnel, and he stated he would not.

Mr. MOORE of Virginia. May I ask the gentleman whether the admiral stated how much money he thought should be appropriated?

Mr. BYRNS. No; the admiral did not. He was asked repeatedly to say, and he said he was unable to state. He did not have the plan before him, but the plan he submitted and which was then in the Treasury Department showed how much money would be required for that purpose.

Mr. EDWARDS. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. EDWARDS. Has not the Secretary of the Treasury since then asked for additional funds?

Mr. BYRNS. He has asked for about $2,700,000, and I will come to that in a few moments.

Again, on this subject, I asked him—

If the plan which I understand you have proposed to the Secretary of the Treasury should be adopted and carried out as proposed, are we to understand that it would be four years before you would be in a position to effectively enforce this law?

Admiral BILLARD. In order to completely stop the smuggling of liquor from the sea, in order to completely stop it, the Coast Guard

resources would have to be increased. Now, the time that it would take to sufficiently increase the resources of the Coast Guard is dependent upon appropriations and the general methods followed. That is not for me to say.

Then he was asked:

Of course, that is not a question for you; but it is a question for you to use such appropriations as are made in the most effective and diligent manner. I want to say that I for one know that you are doing that, or, rather, that I have the fullest confidence in the fact that you are doing it. Now, if appropriations, or sufficient appropriations, were placed at your disposal to increase your personnel and to provide you with a sufficient number of boats to carry on this work, do I understand that it would be four years before we could expect that enforcement which you anticipate could be secured, if your plan should be carried out?

Admiral BILLARD. No, sir; I can not say that, because, I would like to explain. That plan that I submitted to the Secretary was predicated upon what seemed to me an orderly and regular increase in the Coast Guard forces. If there were placed at the disposal of the Coast Guard fully adequate appropriations, then the acquisition of those additional vessels would simply depend on the time it would take to build them.

Now, you gentlemen know that a majority of the boats used by the Coast Guard are patrol boats. They are comparatively small boats that can be constructed in a very short length of time. True, he has some cruising cutters used in the revenue service and also, to some extent, in this service, which he says takes 18 months to build; but the torpedo boats, and there are hundreds of them along the James River in Virginia, he says could be reconditioned in nine months.

Now, why are we not in a position to give him this money?

Mr. BANKHEAD. Right there and before the gentleman leaves that point, will he yield to state to the committee the efforts that the gentleman from Tennessee made to get placed in the record the recommendations that Admiral Billard had made to the Secretary? The gentleman will find it on page 224 of the hearings.

Mr. BYRNS. Yes. I will say in response to the question of the gentleman from Alabama that I asked him this question, Admiral Billard having stated:

I submitted it to the Assistant Secretary, who is my immediate superior, possibly two weeks ago. I do not recall exactly what day.

Mr. BYRNS. Are you at liberty to put that plan in the record or to furnish it to the committee?

Admiral BILLARD. I do not feel that I personally am at liberty to do that. If the committee desires it in the record, I hope very much they will address their request to the Secretary of the Treasury. I have no reason or right to state that my plan meets the approval of my superior officers.

And later on I asked the chairman in charge of the bill to summon the Secretary of the Treasury or the Undersecretary or the Assistant Secretary in order that he might bring that plan up and put it in the record, so that you gentlemen and the country could know just what he proposed to do.

Mr. BANKHEAD. What did he do?

Mr. BYRNS. And he declined to do it, as the record shows.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LINTHICUM. I have here an article taken from the Evening Sun, of Baltimore, of yesterday, in which it is stated that in October, 1927, Dr. James M. Doran, Federal Prohibition Commissioner, made a public statement and said in part:

The national prohibition law has fully justified itself as a salutary law. Rum row no longer exists.

Then in a speech at Baltimore he said:

We are no longer bothered by large imports from overseas.

Mr. O'CONNELL. Did he not also say it would cost $300,000,000 to enforce the law?

Mr. LINTHICUM. I think he said that on another occasion. Now, either Doctor Doran is wrong or Admiral Billard is wrong. Admiral Billard is asking for a very large appropriation to enforce the law, and Doctor Doran in this article says that rum row no longer exists.

Mr. BYRNS. Doctor Doran, the gentleman will recall, was quoted in the papers throughout the country not many weeks ago as stating that he would have to have $300,000,000 to enforce the law, plainly admitting he did not have the money, and the very fact that he has not sufficient money is verified by the fact that the Secretary of the Treasury now sends an estimate to Congress asking for $2,700,000 more. The question naturally arises as to why they waited seven years to make this request. Why did they wait until forced to do so by public sentiment which was aroused by the amendment of Senator HARRIS?

Mr. LINTHICUM. Why does he talk to the people that way when he knows he can not enforce the law even with $300,000,000?

Mr. BYRNS. I am not prepared to say he can not enforce it; but what I am contending, and I happen to be on different sides of the question from the gentleman from Maryland, but I am sure that he, as well as myself, wants to see this law enforced, if it can be enforced, and what I am contending is that Congress ought to make sufficient appropriations and that those in charge of the enforcement of this law ought to tell the Congress how much they need, so that we can have an honest enforcement of the law. [Applause.]

Mr. O'CONNELL. The gentleman can not even get his own committee to go along with him.

Mr. GREEN. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GREEN. Is it not a matter of fact that all these underlings when they find that their view is in conflict with their wet Secretary of the Treasury are immediately given orders by Mr. Mellon to be still and let him see that these wet leaders here in the Congress prevent the rest of us from even expressing ourselves on it? The whole trouble is that Mr. Mellon is wet and they are all afraid of him and dare not cross him.

Mr. BYRNS. I do not know what orders have been given, but I do know some of them are mighty still.

Mr. GREEN. Look over to the right of us and the gentleman will see to whom the orders have been imparted.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. BYRNS. For a brief question.

Mr. SCHAFER. It has been stated on the floor of the House that Doctor Doran indicated that $300,000,000 was needed to properly enforce the prohibtion law. Is the gentleman willing to vote an appropriation out of the Federal Treasury at this time of $300,000,000 to comply with Doctor Doran's request?

Mr. BYRNS. I will say to the gentleman that I think I have the reputation in this House of standing for economy, but I will vote for any sum, however large, if it is necessary to inforce this law as long as it stands on the statute books. [Applause.]

Mr. SCHAFER. Why does not the gentleman offer an amendment to increase the sum to $300,000,000?

Mr. BYRNS. If the gentleman will be patient an amendment will be offered. I will ask the gentleman from Wisconsin if he will vote for it.

Mr. SCHAFER. I will say to the gentleman that I will not vote for such a monstrosity—there are other provisions of the Constitution which are just as sacred as the eighteenth amendment.

Mr. BYRNS. There can be only one explanation of the gentleman's position, and that is that he does not believe in the enforcement of the law.

Mr. GILBERT. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. GILBERT. I would like to call attention to the fact that during the campaign the President elect was pictured as a genius for organization and big operations, that he had fed Europe, and so forth. Such a man would be peculiarly qualified to undertake the duties conferred upon the President by the amendment of Senator HARRIS. He could render no greater service, but those who put forth the claim now seem to be running from the opportunity to see them materialize.

Mr. BYRNS. I thank the gentleman for his statement.

Mr. CELLER. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. CELLER. Do I understand that the recommendation of the President for an extra appropriation of funds has been followed by the committee, and that one of the items is for an additional $150,000 for the Department of Justice? It seems to be notorious, and is so stated in the press, that the Department of Justice has used under-cover parties, spies, and courtesans to entrap men. I take it that the gentleman from Tennessee would not be in favor of such methods?

Mr. BYRNS. Not such methods as the gentleman describes.

Mr. CELLER. Is it not notorious that such methods are being used?

Mr. BYRNS. I am not prepared to say.

Mr. CELLER. The newspapers report that such is the situation throughout the country.

Mr. BYRNS. Let me say this: The gentleman says that the Appropriations Committee accepted this estimate. That is a mistake. These estimates were never seen by the Appropriations Committee until after the bill was prepared and sent to the Government Printing Office. Why were they not sent to the

committee before the hearings were closed and some of us given the opportunity to get the facts as to how much more was really needed? [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

TICKETS FOR INAUGURAL CEREMONIES

Mr. SNELL. Mr. Chairman, I ask unanimous consent to make a statement.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNELL. Mr. Chairman, I want to say to the Members of the House that the tickets for the inaugural ceremonies will be found at the Sergeant at Arms' office on Monday morning. There will be an envelope which will contain 7 tickets for the grand stand on the east front of the Capitol, also 1 guest ticket to the Senate gallery and a ticket for the Member himself, also 2 tickets for the stand by the House Office Building. It will be absolutely necessary for each Member to have that special ticket for himself in order to be admitted to the Senate. That is done for the protection of Members, and is important for Members to keep this in mind and not leave this special ticket for himself at home.

Mr. EDWARDS. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. EDWARDS. How about tickets for the stand on New Jersey Avenue near the House Office Building?

Mr. SNELL. There will be two of those tickets in the envelope.

Mr. GREEN. Will the parade pass the Capitol?

Mr. SNELL. The parade will go across the Capitol Plaza.

SECOND DEFICIENCY BILL, 1929

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I wish to call the attention of the committee to some of the more important items of this deficiency appropriation bill, but before doing so I shall first reply briefly to what was said here yesterday by the gentleman from Alabama [Mr. BANKHEAD], with reference to the conduct of the conferees on the first deficiency appropriation bill, which has failed. The gentleman from Alabama waxed up into righteous indignation over the conduct of the majority of the conferees. Having exhausted all of his own vocabulary, he borrowed a word from another, which he could hardly pronounce, and I dare say he could not define. I do not see anything extraordinary in the conduct of the conferees with reference to this first deficiency appropriation bill.

The gentleman stated a portion of what occurred in this House, but he did not state the whole truth. All of the questions that he read from the RECORD propounded to me by the gentleman from Texas [Mr. GARNER] and others were absolutely correct. He did not state, however, that all of this transpired during a colloquy upon this floor with reference to sending this deficiency appropriation bill to conference, by unanimous consent. The gentleman spoke of our act as being an unusual one, and possibly without precedent. Was not the conduct of the objectors on the Democratic side of the aisle with reference to sending that bill to conference by unanimous consent most unusual? It may have occurred before, but if so, I do not remember it. Whenever unanimous consent has been asked to send a bill of this character to conference, it has been granted. Gentlemen on the Democratic side of the aisle refused to follow the usual and ordinary custom, and that was a most unusual procedure; and in answer to what I said at that time with reference to bringing these disputed questions back to this House, had gentlemen on the Democratic side permitted the bill to go to conference under unanimous consent, it would have come back, and they would have been given an opportunity to voice their will and sentiment with reference to this particular amendment. But they elected to take another course. They elected to force this bill to conference through the rule route, another most unusual thing. When that rule was presented they claim they had no opportunity to vote directly on this question. They had two opportunities and availed themselves of one and neglected to avail themselves of the other. Mr. GARRETT, the gentleman from Tennessee, spent 10 minutes of time when that rule was being considered in explaining to the Members of this House what their vote would amount to, stating that the question would arise on the previous question, but if the previous question was sustained, it would be a vote against the $24,000,000 amendment, that if they desired that $24,000,000 amendment or any other amendment to be made, they should vote the previous question down. And now they say that there was not a direct vote upon the proposition! To the tune of 240 to 141, this House voiced its sentiment in adopting the previous question and saying that it did not want this amendment.

Again they had another opportunity. The rule provided that there should be one motion to recommit. Had they not been overwhelmed by the vote on the previous question, a motion to recommit would have been made, and I am informed that the motion was prepared; but the vote was so overwhelmingly against the proponents of this $24,000,000 appropriation that they dared not, or, at least omitted, to take advantage of their opportunity.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. CRISP. Did not the Speaker, in answer to a parliamentary inquiry made by myself, rule that a motion to recommit that rule providing for the sending of this bill to conference would not be in order.

Mr. WOOD. He did not. The gentleman from Georgia was trying to get unanimous consent to obviate the rule; but the consent that he asked for was out of order, and, of course, the Chair overruled it, and the gentleman will admit that the rule itself provided for a motion to recommit.

Mr. CRISP. I did not know that the gentleman from Indiana was in here at the moment, because I know the gentleman always wants to be accurate. There was some question as to whether a motion to recommit a rule from the Committee on Rules providing for the consideration of a bill was in order; but before the debate started I propounded a parliamentary inquiry to the Speaker, and the Speaker kindly heard me on it before he ruled; and then the Speaker ruled that the motion to recommit was not in order, the Speaker basing it on the very thing the gentleman has just cited—that if the House wanted to get a vote on the matter it would vote down the previous question, and then could amend the rule, but that if the previous question was ordered, and the rule came up, a motion to recommit would not be in order.

Mr. WOOD. Mr. Chairman, the gentleman may be correct, but what he states now emphasizes the fact that this body was well informed of the fact that if they wanted to amend this proposal, or if they wanted to adopt this amendment, they should vote the previous question down, so that no one here can say that he did not have an opportunity to vote upon the direct question.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I can not yield now. All that was said with reference to bringing this report back to this committee was wiped out by that direct vote. There was no necessity for it, because this body, by vote of 240 to 141, said, "We will not adopt this amendment." The gentleman from Alabama [Mr. BANKHEAD] yesterday asked whether the conferees thought gentlemen on the other side were invertebrates, that they would submit to our action here if any amendment were offered on this bill. He asked if we were silly enough to believe they would not resent it. I ask whether he thinks the conferees were silly enough not to know that this House has already voiced its sentiment with reference to the matter and that it would have been trifling with the intelligence of this House to bring it back.

The gentleman from Alabama further said that he believed in the orderly procedure in the House. I take it that if he is logical and consistent, he also believes in the orderly processes of government, applied as well to our executive departments as to the deliberations and conduct in this House?

If that be so, gentlemen ought to be supporting that consistent and orderly way of making appropriations when the estimates come here from the department, whose business it is to know and to present the facts with reference to the amounts of money they can use.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LINTHICUM. The gentleman feels that way about these large appropriations. What I do not understand is why he is not consistent with reference to all appropriations. I had a bill passed through this House twice, and it went to the Senate and was passed in the Senate, and it went to the President and was signed by him; and then an estimate came back to the committee for the amount of $372, and although it had been approved by the House and the Senate and the President the gentleman's committee refused to put it in an appropriation bill. Was that consistent?

Mr. WOOD. I will say to the gentleman that one of the purposes of the committee is to save the Treasury from some mistakes that the House sometimes makes and the Senate sometimes makes and mistakes which the President sometimes makes.

Now, then, gentlemen, we are going to give you an opportunity to say whether you are really the friends of prohibition, as you profess yourselves to be, an opportunity to see whether or not you will vote for the appropriations asked for in this

bill, submitted by the constituted authorities in the regular way, will be afforded.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. No; I do not yield. I sat here with all the patience of Job yesterday and listened to the gentleman's diatribe, purposely made to deceive, without interrupting him.

Mr. BYRNS. I understand there is nothing in this bill for prohibition. I understand the gentleman is going to offer an amendment.

Mr. WOOD. That is what I say. You will be given an opportunity to voice your sentiments and determine whether or not you are going to make appropriations in an orderly way, as the gentleman from Alabama insists they should be made. On February 21, 1929, the President transmitted to Congress supplemental estimates in connection with prohibition enforcement. These estimates were forwarded and are printed in House Documents Nos. 604, 605, and 606, as follows:

House Document No. 604, Department of Justice:	
Pay of special assistant attorneys	$121,600
Miscellaneous expenses of courts	28,800
Total	150,400
House Document No. 605, Civil Service Commission:	
Salaries	120,000
Traveling expenses	26,500
Contingent expenses	3,500
Total	150,000
House Document No. 606, Treasury Department:	
Bureau of Prohibition	1,719,654
Customs Service	707,860
Total	2,427,514

These supplemental estimates did not arrive until after the bill had been prepared by the subcommittee. Authority was given by the full Committee on Appropriations for their submission to the House as amendments to this bill when they should be transmitted. I will say to the committee that the subcommittee in considering this bill increased the sums to what we understood to be their demands. We asked them before they came to settle upon the final figure to consider well the amount they needed in order to complete the work they had on hand within the present calendar year, not in the fiscal year, and they told us that to do that, they would have to have force and money enough for traveling expenses and to make the examinations necessary to secure the right character of men.

I want to say right here that the gentleman from Tennessee stated that Admiral Billard said it was a question of ships necessary to decide this question and prevent smuggling. In my opinion ships without the right character of men are worth less than nothing, and in my opinion if this law is to be enforced, the personnel element is the one we have to look after. It is a question of men. If the appropriation already made had been properly applied and the business properly done by the right character of men, there would not be as much complaint to-day as there is.

Mr. GREEN. Will the gentleman explain further about that? Mr. Mellon appoints them. He must select them.

Mr. WOOD. Yes. He must select them, but he can not pick out the men of the character and caliber that he would like to have. He must appoint such men as apply. There are 5,000 of them waiting now who have filed applications. All must be examined, and in order that there may be no lack on the part of the Civil Service Commission, the increased appropriation was recommended by the subcommittee and will be augmented by the recommendation that comes from the Budget.

House Document No. 606 provides for the Bureau of Prohibition $1,719,654, you will notice, and for the Customs Service $707,860, making a grand total of $2,727,914.

Amendments will be offered to the bill for the purposes I have enumerated, and in order that they may appear collectively, because the activities to which they relate are under different departments and in different places in the bill, I shall set them forth here.

Under the Civil Service Commission there are three amendments—one for salaries, one for travel expenses, and one for contingent expenses, as follows:

On page 6, line 17, strike out "$121,500" and insert "$161,000."

On page 6, line 21, strike out "$32,000" and insert "$34,500."

On page 6, line 26, strike out "$3,000" and insert "$4,500."

Under the Department of Justice, on page 46, after line 6, insert the following:

"Special assistant attorneys: For compensation and traveling expenses of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1929, fiscal years 1929 and 1930, $121,600."

Mr. CELLER. Will the gentleman tell us about the relationship of the salary increases that you have incorporated in the bill?

Mr. WOOD. That item will be offered on page 46, after line 6.

The amendment for miscellaneous expenses, United States courts, will be offered on page 47, after line 3. Under the Treasury Department, on page 60, after line 6, an amendment will be offered providing for the sum of $707,860 for collecting the revenue from customs. On page 60, after line 23, an amendment will be offered which will give $1,719,654 to the Bureau of Prohibition. These amendments aggregate $2,621,414, which is $106,560 less than the sum submitted in the three estimate documents referred to. This difference is due to the fact that the $106,560, which is under the Civil Service Commission, had already been placed in the bill by the committee prior to the submission of the estimates. The bill, therefore, if amended as these amendments propose, will contain all of the money that the estimates submitted in House Documents 604, 605, and 606 ask for prohibition purposes under the Civil Service Commission, the Department of Justice, and the Treasury Department.

The bill as amended for the Civil Service Commission will carry a total of $200,000, to be used for civil-service examination of candidates for appointments under the Bureau of Prohibition. That sum, together with funds previously carried for the commission for the next fiscal year, will give an amount which the commission believes will enable them to recruit the necessary force to complete the character examinations of some 5,000 persons and make certifications to the Bureau of Prohibition, so that the task may be finished by the end of the calendar year 1929. It will also furnish what the commission believes to be the greatest amount which can be used in the shortest period of time consistent with effectively accomplishing the purposes to be sought.

The funds provided for the Department of Justice will place a special assistant to the Attorney General to furnish legal advice to the prohibition administrator in each of the 16 prohibition districts which are not now provided with such a special assistant. It will also furnish stenographic assistance to the special assistants so provided.

The appropriation for the Bureau of Prohibition will provide for 25 additional senior prohibition investigators, 75 special agents, and 270 prohibition agents, covering their salaries and travel and other incidental expenses. In addition, the amount recommended will grant $50,000 for dissemination of information in connection with appeals for law enforcement and observance, and $178,154 to cover increase of salaries incident to the classification and reorganization of the prohibition forces during the current year.

The additional appropriation for the Customs Service covers 5 additional special agents, 10 additional customs agents, 203 customs-patrol inspectors, 17 inspectors, and 36 guards, together with the necessary expenses incident to the operation of this additional force.

Now, gentlemen, this appropriation bill is divided into three parts and under three separate titles. The first title includes the items of real deficiencies and supplemental estimates. The second title includes what we will have to appropriate in order to comply with the provisions of the Welch bill. The third title includes all that was in the first deficiency bill as reported from the House, together with certain of the amendments made by the Senate, to which your conferees agreed.

Mr. CELLER. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. CELLER. Referring to the Welch bill, does the gentleman think it was fair for the Appropriations Committee to take that bill away from the Civil Service Committee, where it had been deliberated?

Mr. WOOD. I wish to say to the gentleman that I am glad he asked that question. It was not the purpose to take it away from the Civil Service Committee, but the fact being perfectly apparent to most of the Members of this Congress that there will be no legislative bill passed at this session, the committee felt that in order to protect the Treasury of the United States and, if you please, in order to protect those who are not sufficiently provided for as against those who have been more than abundantly provided for, it was necessary to put this limitation in this bill. If, perchance, any bill should be passed before this Congress adjourns, it will take the place of that which is contained in this bill. This is simply an emergency measure, and we would have been derelict in the duty we owe to the country had we not put this provision in the bill.

Mr. CELLER. I am raising this question not so much to take exception to the giving of relief to certain employees; we all

agree that should be done, but the bill which came out of the Civil Service Committee was a comprehensive bill; it was drafted after much deliberation and after a great many hearings, so it seems to me to be a pity that it should be shot to pieces in this way by the action of the Appropriations Committee.

Mr. WOOD. This action, I will say to the gentleman, has nothing to do with the bill to which the gentleman refers. As I have tried to tell the gentleman this action was taken because of the apprehension and the fear that this committee had that the bill the gentleman is now talking about will not be passed at this session. I wish some bill might be passed in order that this troublesome question might be definitely settled. We all know that the Welch bill as it has been construed by the Comptroller General does not represent the intent of this Congress. We all know it was never the intent of Congress that those in the higher grades should jump not only from one grade but jump from one grade clear into the top of the next grade. [Applause.] Under that interpretation of the bill hundreds have had their salaries increased all the way from $500 to $2,000 and $2,500, while the poor devil that we were led to believe this bill was intended to help only receives a little pittance of $60 or $120 at the most. I think if there ever was a bill that passed this House under false pretenses and, if you please, without regard to the desires and designs of the Members of this House, it was this bill, for we were all led to believe it was for the purpose of helping the poorly paid employees and not for the purpose of increasing the salaries of those who were already receiving very respectable salaries.

TITLE I

The appropriations recommended under Title I (pp. 2 to 103), the items submitted for consideration in the second deficiency bill, total $78,703,339.85. This sum is $2,634,340.51 in excess of the Budget estimates submitted. This excess is due practically entirely to increases made by the committee in the Budget estimates for public buildings and will be explained in detail later under this title.

The number of items contained under the title is large, but the bulk of them is due to new laws or treaties, to cover unforeseen emergencies, to carry out the judgments of Federal courts, to provide for the payment of claims allowed by the General Accounting Office, to provide appropriations for purposes the necessity for which had not arisen in time to present in connection with the regular annual bills, and to cover deficiencies in previous appropriations. The amount due to deficiencies actually incurred is small, and represents in the main what is termed "legal deficiencies."

A few large items constitute the greater part of the total under Title I. The following are the principal items:

Army and Navy pensions	$19,000,000.00
Railway transportation of mail, due to decision of Interstate Commerce Commission in increasing rates	15,000,000.00
Carrying mail by air under contract	1,000,000.00
Rental and other allowances to fourth-class postmasters	1,250,000.00
Fees to special-delivery messengers, Postal Service	750,000.00
Ocean mail contracts (Jones-White Act)	3,400,000.00
Marine Corps, additional expenses on account of expeditionary forces in Nicaragua and China	3,705,000.00
Public buildings construction under act of May 25, 1926 (Elliott Act), as amended	11,360,500.00
Army Air Corps, to cover contracts for new planes authorized by the War Department appropriation act for the current fiscal year	3,250,000.00
Army ammunition storage under the program adopted at the last session of Congress	1,050,403.00
National Home for Disabled Volunteer Soldiers, on account of increased population and on account of increases in compensation due to the Welch Act	1,199,100.00
Support of United States prisoners, including purchase of a building in New York to serve as a United States jail	1,284,875.00
Fighting fires in the national forests, to reimburse current appropriations for expenses incurred during the past season	1,200,000.00
Customs Service, to cover increased salaries under the Bacharach Act	900,000.00
Vocational education in agriculture and home economics under a new law	595,000.00
Establishing Weather Bureau stations and strengthening existing stations to provide more frequent weather reports to aviators along airways	350,000.00
Completing the Coolidge Dam and power plant, Gila River Reservation, Ariz	325,500.00
Enlargement of Avalon Reservoir, Carlsbad reclamation project, New Mexico	650,000.00
Continuing construction, Vale reclamation project, Oregon	560,000.00
Pay of classified employees of the Naval Establishment on account of the Welch Act	442,680.00
Bureau of Engraving and Printing and public debt service on account of new paper-currency program (small-sized notes)	309,500.00
National Guard, armory drill pay	675,000.00
Judgments and audited claims	3,964,593.48

The committee has effected a number of changes in the Budget estimates either by increase or decrease. The Budget estimates for the Civil Service Commission are increased from a total of $50,000 to $156,500. The amount covers examinations of candidates for appointments in the prohibition service. The committee ascertained that with the $50,000 to supplement the increases granted in the regular annual bill the examinations for this service would be dragged out over 21 months and have the effect of losing the opportunity of securing many persons who had passed the examination but who would not wait that length of time for final certification and appointment. The committee requested the Civil Service Commission to furnish an estimate of the amount of money required to dispose of the pending cases in the shortest period of time consistent with effectiveness, and has been told that a total of $156,500 is needed in lieu of the $50,000 recommended. With the sum of $156,500 the statement is made to the committee that the pending cases can be brought to completion by end of the present calendar year. The nature of the character examination given to applicants for prohibition work is such that to hasten that kind of investigation unduly would have the effect of undoing what was sought to be accomplished by placing prohibition appointees under civil-service regulation. The great problem in disposing of prohibition cases is the securing and training of examiners competent to make the character examinations and as the commission itself must recruit and train its own personnel before it can pass upon the prohibition personnel it will be seen that the task of making some 5,000 character examinations is one that can not be completed in an ordinary routine fashion.

The sum of $560,000, not included in the Budget estimates for this bill, has been recommended for the continuation of construction on the Vale reclamation project in Oregon. This amount was included in the estimates for the regular Interior Department appropriation bill for the next fiscal year and excluded therefrom pending a better understanding of the cooperation to be expected from owners of private land to be developed under the project. The Director of Reclamation believes that conditions are now satisfactory, and in that belief the committee has restored the amount of the previous Budget estimate.

An item of $60,000, not included in the Budget estimates, is recommended for the continuation and completion of the topographic surveys of the boundaries of the proposed Great Smoky Mountains National Park in Tennessee and North Carolina. Work is progressing during the present fiscal year under a previous appropriation of $65,000 and will be halted in an uncompleted state unless further funds are provided at this session. As these topographic surveys are essential to a determination of the boundaries of the park it is essential that the surveys proceed expeditiously so that the donors of the land for the new park may know the situation and the ultimate establishment of the park itself be not delayed by this factor preliminary to its consummation.

A provision is included in the bill authorizing those members of the Committee on Agriculture of the House of the Seventieth Congress, who are Members elect to the Seventy-first Congress, or a majority of them, between the adjournment of this Congress and the convening of the next Congress, to hold hearings and gather information in connection with the preparation of legislation for farm relief. This paragraph is similar to the action taken in the first deficiency bill, and now included in this bill, with reference to the Committee on Ways and Means.

In connection with the restoration of the Lee mansion, the Budget estimate has been increased from $61,500 to $90,000. The Budget recommendation contemplated only work on the mansion and the auxiliary buildings and contemplated nothing at this time for furnishings. The increase which the committee has placed in the bill, $28,500, will permit a start to be made on the acquisition of furnishings of the period as the act contemplated. Provision is also made that gifts may be accepted and that the entire scheme of restoration and refurnishing shall be subject to the approval of the Commission of Fine Arts.

I want to say in passing that a wrong impression has gone out all over the country with reference to the purpose of this restoration. Members have received telegrams protesting against it. The impression has gone out over the country that it is for the purpose of aiding the society known as the Daughters of Confederacy to reestablish this house and that the bill was introduced for that purpose in the first place.

As a matter of fact, the bill authorizing this expenditure and authorizing this repair and this refurnishing was introduced by the gentleman from Michigan [Mr. CRAMTON] and its main purpose was to repair and refurnish this house so that it will not be a wreck as it is fast coming to be, and at the same time perpetuate throughout time a type of colonial dwelling that is fast disappearing. The Government of the United States owns it and some sort of repair must be made there, and this is one of the lasting monuments, if you please, of an age that is gone, and in my opinion we would have been neglectful if we longer

delayed the improvement which, of necessity, must be made, and I regret that there is still a prejudice in this country, even though far-fetched as this is, that would stand in the way of keeping and preserving and protecting a memorial of this character. [Applause.]

Congress at the last session adopted a comprehensive plan, after mature consideration, for the removal and storage of ammunition supplies of the Army and Navy which are located near populous centers. The Budget estimates requested $1,402,344 for a continuation of such storage under the War Department. Involved in the War Department estimate was a proposal to change the plan of last session in so far as it related to storage in the Hawaiian Islands by transferring the storage from the Fort Shafter Gulch to Salt Lake Crater. The change involves an added cost to the storage plan in Hawaii of approximately $800,000. The committee did not feel inclined, with the rather limited information it received as to the cost of storage at this new point, to adopt and approve at this time a project of such increased magnitude. Accordingly, there has been eliminated from the estimate for the bill the sum of $351,941 which represents the amount included in the estimate toward this transfer from the gulch to the crater. If the storage at the crater ultimately is provided, it will mean an item later on to include something in the neighborhood of $1,150,000.

Special attention is directed to an appropriation of $48,000, pursuant to a Budget estimate, for repairs, improvements, and maintenance of the property of the Government at Mount Weather, Va. The purpose of this sum is to recondition and make habitable, for use of the President, certain of the buildings on the reservation to the end that he may have a secluded place adjacent to Washington where he may get occasional respite from the summer heat of the city and from the press of public business. The appropriation contains authority for the transfer of the property from the jurisdiction of the Department of Agriculture to the Office of Public Buildings and Parks and provides for the repeal of an existing statute which authorizes the sale of the property by the Secretary of Agriculture.

In connection with the construction of public buildings under section 5 of the act of May 25, 1926 (Elliott Act), as amended, the committee has increased the Budget estimates from $9,045,500 to $11,195,500, or by the sum of $2,150,000. At the time the Treasury appropriation bill for the next fiscal year was presented to the House the committee advised the membership that supplemental appropriations would be transmitted for this deficiency bill, aggregating about $12,000,000, in order to cover projects under study at that time but not ready for submission to Congress. The $12,000,000, together with the $23,000,000 carried in the Treasury bill would have constituted the amount of $35,000,000 then approved by the Budget for public-building allotments for the next year. The estimates when transmitted for this bill aggregated only $9,045,500. The difference between the approximately $12,000,000 and the amount of these Budget estimates represented deductions and alterations effected by the Budget in the recommendations of the Joint Departmental Committee on Public Buildings. The program of buildings submitted in the Budget estimates involved 96 projects, with total limits of cost of $46,760,500. These projects may be classified as follows:

84 new projects with aggregate limit of cost	$44,327,500
8 former projects involving increases in previous limits of cost	2,613,000
3 former projects modifying previous authorization without increasing the cost	
Total increase	46,940,500
1 former project involving reduction in the previous limit of cost	180,000
Total (96 projects) limit of cost	46,760,500

The Budget had eliminated entirely from the recommendations of the joint departmental committee the following four projects:

	Limit of cost	Estimate of appropriations
Cedar Rapids, Iowa, post office	$725,000	$250,000
New York assay office	3,765,000	1,500,000
Minneapolis, Minn., postal substation and office building	1,200,000	225,000
Rutland, Vt., post office, etc	330,000	50,000
Total	6,020,000	2,025,000

In addition to the foregoing eliminations there were further Budget changes in the joint committee's recommendations, either by reductions in the limits of cost of the new projects that were approved or by the elimination of increases requested in limits of cost of projects previously authorized. The following is the list of such further Budget changes:

Other Budget changes in recommendations of Joint Departmental Committee on Public Buildings

Project	Budget reductions in limits of cost of projects included in the Budget submission	Additional limits of cost of projects previously authorized eliminated from Budget submission	Reduction in appropriations for projects requested in the Budget submission
Altoona, Pa., post office, etc	$24,000		
Appleton, Wis., post office, etc	10,000		
Baltimore, Md., marine hospital	157,500		
Boston, Mass., immigration station	10,000		$10,000
Brockton, Mass., post office	20,000		
Carbondale, Ill., post office, etc	15,000		10,000
Corvallis, Oreg., post office, etc	15,000		
Denver, Colo., customhouse, etc		$150,000	
Dodge City, Kans., post office, etc	15,000		5,000
Framingham, Mass., post office	20,000		
Kokomo, Ind., post office	15,000		10,000
La Fayette, Ind., post office, etc	15,000		10,000
Little Rock, Ark., post office, etc	135,000		
Mason City, Iowa, post office, etc	35,000		
New York Appraisers Stores (old)	255,000		55,000
New York Marine Hospital	85,000		
New York Post Office Annex	500,000		500,000
Ogden, Utah, post office, etc	25,000		
Parkersburg, W. Va., post office, etc	15,000		
Peekskill, N. Y., post office	15,000		
Pomona, Calif., post office, etc	5,000		15,000
Portland, Me., post office, etc		100,000	
Prescott, Ariz., post office, etc	15,000		
Sabine Pass, Tex., quarantine station	25,000		
Sacramento, Calif., post office, etc	50,000		25,000
San Francisco, Calif., office building	50,000		
Sterling, Colo., post office, etc		105,000	
Urbana, Ohio, post office, etc	10,000		
Waterbury, Conn., post office, etc	50,000		50,000
Total	1,586,500	355,000	690,000

The committee went very fully into the joint departmental committee's original recommendations and into the changes made therein by the Budget. It held as extensive hearings as the lateness of the submission would permit with the representatives of the two departments and with the representative of the Bureau of the Budget. After considering the evidence, the committee has restored the four projects eliminated by the Bureau of the Budget, namely, Cedar Rapids, New York Assay Office, Minneapolis, and Rutland. There has also been restored all of the foregoing cuts in appropriations and limits of cost with the following exceptions:

The additional appropriations for Carbondale, Ill., Kokomo, Ind., Dodge City, Kans., and Sacramento, Calif., are deemed not essential at this time and the Budget eliminations in those cases are followed.

The deductions from the limit of cost for the New York Marine Hospital of $85,000 and for the quarantine station at Sabine Pass, Tex., of $25,000 are also followed.

The deductions of $5,000 in the limit of cost and $15,000 in the appropriation for the building at Pomona, Calif., are concurred in, as are also the deductions of $500,000 each in the limit of cost and appropriation for the New York Post Office Annex.

The Budget elimination of $150,000 additional cost in the case of the Denver, Colo., office building is also followed so that the building may be constructed of brick with stone trim instead of a stone-faced building as the departmental committee's recommendation provided.

A number of projects transmitted with the approval of both the departmental committee and the Budget have been modified by the Committee on Appropriations. The following indicate the changes which have been made in such cases:

The increase in the limit cost of the building at Bartlesville, Okla., from $175,000 to $300,000, to provide accommodations for courts, has been eliminated in the belief that the court business is not sufficient at this time to justify the proposed enlargement in the cost.

Provision is made at Clovis, N. Mex., for acquisition of a site either by donation or purchase instead of by donation only as the recommendation of the joint committee and the Budget provided.

In the case of Hamilton, Ohio, the committee has effected a change by putting the project in the alternative and leaving to the Secretary of the Treasury the determination of the purchase of a new site and erection of a new building at $350,000, or the acquisition of more land and remodeling and extension of the present building at a cost of $200,000. The sale value of

the old property is such that there is between the two proposals only a difference of $75,000. The departmental committee favors putting the project in the alternative.

In the case of Hoquiam, Wash., the limit of cost is increased from $100,000 to $135,000 so as to provide for additional space requirements of the Indian Service in accordance with additional data received from the Interior Department since the submission was made. The increase is based upon information furnished by the departmental committee and is concurred in by them.

In the case of the border-inspection station for immigration and customs at Derby Line, Vt., the committee has placed a requirement that postal facilities shall be included in the structure, if that can be done without increasing the limit of cost. Rental for postal facilities now paid is $1,500 per annum, and the station is only a short distance from the point where the inspection station must be located. It would be desirable to include the post office if it can be accomplished without adding to the cost of the inspection station.

The committee has also eliminated the proposal submitted for a change in the method of providing for additional facilities for Federal activities at Salt Lake City, Utah.

The limits of cost and appropriations recommended in the bill, after reflecting all of the changes effected by the Committee on Appropriations, are as follows:

Projects	Limit of cost	Appropriations recommended
88 new projects	$51,479,000	$11,195,000
7 projects involving increase in former limits of cost	2,693,000	
2 projects modifying previous authorizations without increasing the limit of cost		
Total	54,197,000	11,195,500
1 project involving reduction in previous limit of cost	180,000	
Total, 98 projects	54,017,000	11,195,500

The net effect of the committee's recommendations is to increase the Budget recommendations on limits of cost from $46,760,500 to $54,017,000, or in the sum of $7,256,500, and to increase the total of the recommended appropriations by $2,150,000.

The act of May 25, 1926 (Elliott Act), as amended, authorized $200,000,000 as the limit of cost for buildings outside of the District of Columbia. Prior to this bill there had been authorized 175 projects with total limits of cost of $121,283,000. The recommendations of this bill increase the number of projects to 263 and the total limit of cost to $175,300,000. This leaves $24,700,000 remaining in the $200,000,000 for additional projects yet to be submitted for authorization. However, in this connection there should be noted that wherever sales of existing public buildings and sites are consummated in places where it is not desired to erect the new building upon the old site, any excess of such sale receipts over and above the cost of the new project is to be credited to the $200,000,000 of authorization. It is estimated by the Supervising Architect's Office that such excesses on the projects already adopted and those provided for by this bill should approach the figure of $48,000,000. The possibility, therefore, exists that in addition to the $24,700,000 of unconsumed authorization in the $200,000,000, there will become available from time to time during the life of the public building program, additional authorizations resulting from the sale of old buildings and land which may aggregate $48,000,000 by the end of the program. The total of $24,700,000 remaining in the $200,000,000, plus the accretion possible from sales, now estimated at $48,000,000, indicate that between now and the completion of the program there would be available total authorizations under which limits of cost may be fixed by Congress for new projects or for modification of projects already adopted to the extent of $72,700,000. The accuracy of the $48,000,000 is dependent upon the relationship which the appraised value of the structures to be sold bears to the actual receipts from the sale when it finally is accomplished.

TITLE II

The committee recommends in Title II (pp. 103–152) of the bill the appropriations required on account of the act of May 28, 1928 (Welch Act), amending the classification act of 1923. As Congress adjourned on the day after this act became a law, no opportunity was presented at the last session to make the additional appropriations required for the fiscal year 1929, and, indeed, if opportunity had been presented to make the appropriations at that time, the estimated amount would have been very difficult to ascertain. As the rates in the act were mandatory, commencing on July 1, 1928, the appropriations for the fiscal year 1929, already made on the basis of the classification act of 1923, were available so far as they would go to cover the rates under the new law. The Government service is therefore in a position where additional appropriations are now necessary to restore to the previous appropriations the amounts necessarily expended since July 1 last under the new rates and to provide for the payment of the new rates until the close of the present fiscal year.

The amount recommended to be appropriated for this purpose under Title II is $17,364,196, consisting of $17,299,616 of Federal funds and $64,580 of Indian moneys. The total amount is distributed over the various appropriation accounts for every bureau, office, department, and establishment of the Government in detail. The estimates for this purpose were transmitted to Congress in House Document No. 524 and the appropriations in the bill are identical therewith. The sum appropriated in the bill does not represent the actual cost of the Welch Act. There will be found in the committee hearing entitled "Compensation Under the Classification Act of 1923, as Amended," on pages 47 to 63, a statement showing both for the District of Columbia and the field the gross cost of the increases, the amount of such increases absorbed in the regular appropriations, and the amount of the supplemental appropriations required to be made. The following is a departmental summary of this detailed statement:

Total cost and supplemental estimate of appropriations required for the fiscal year 1929 to meet the provisions of the act of May 28, 1928, amending the classification act of 1923

(1) Department	Cost of increases (2) Departmental service	(3) Field service	(4) Total	(5) Amount to be absorbed by existing appropriations	(6) Supplemental appropriation required
Library of Congress	$107,205.00		$107,205.00		$107,205.00
Botanic Garden	10,023.00		10,023.00		10,023.00
Government Printing Office	26,000.00		26,000.00		26,000.00
Executive Office and independent establishments	1,751,000.00	$3,096,192.00	4,947,192.00	$1,025,337.00	3,821,855.00
Department of Agriculture	845,497.87	1,682,199.33	2,527,697.20	480,878.34	2,066,818.86
Department of Commerce	788,513.00	569,277.00	1,357,790.00	52,914.00	1,304,876.00
Department of the Interior	566,917.00	927,685.69	1,494,602.69	309,585.36	1,185,017.33
Department of Justice	120,960.00	662,254.00	783,214.00	49,820.00	733,394.00
Department of Labor	93,300.44	427,760.00	521,060.44	3,266.90	517,793.54
Navy Department	283,708.00	27,650.00	311,358.00	34,348.00	277,010.00
Post Office Department	198,363.00	62,952.40	261,315.40	2,952.40	258,363.00
State Department	107,984.00	4,447.00	112,431.00		112,431.00
Treasury Department	1,630,750.00	3,360,614.00	4,991,364.00	184,002.00	4,807,362.00
War Department, including Panama Canal	327,857.00	1,914,892.00	2,242,749.00	616,440.00	1,626,309.00
District of Columbia	550,167.00	23,322.00	573,489.00	63,749.00	509,740.00
Total	7,408,245.31	12,759,245.42	20,167,490.73	2,803,293.00	17,364,197.73

NOTE.—The above figures differ slightly from the estimates for the reason that odd cents have been omitted in the estimates.

This summary shows that the total cost of the increase is $20,167,490.73, of which $2,803,293 will be absorbed by the regular appropriations made before the act was passed, leaving the deficiency at $17,364,196. The gross of $20,167,490.73 is not the whole cost of the Welch Act, however, for there are several other services benefiting by increases which have been permitted under other statutes in conjunction with the Welch Act. The classified employees of the Naval Establishment received increases, under a general statute, sympathetically induced by the enactment of the Welch Act and the total annual cost of these amounts, approximately, to $450,000. The employees of the National Home for Disabled Volunteer Soldiers have also been

granted increases in this bill and under the War Department bill for the fiscal year 1930, also sympathetically induced by the Welch Act, and these have an annual cost of approximately $1,414,820. Adding these sums to the gross cost of the Welch Act heretofore stated will give a total annual increase of about $21,582,310.

The committee has included as section 2 of Title II the following provisions relative to the allocation of the positions in certain grades of the professional and scientific service and in the clerical, administrative, and fiscal service:

The Personnel Classification Board, within 30 days after the enactment of this act, shall review the allocations of all positions which, on June 30, 1928, were allocated in grades 4, 5, 6, and 7 of the professional and scientific service, and grades 11, 12, 13, and 14 of the clerical, administrative, and fiscal service, of the compensation schedules set forth in the classification act of 1923 (covering salary rates from $3,800 to $7,500) (U. S. C. pp. 65–71, secs. 661–673), and which have not been allocated, with the approval of such board, to the grades of such compensation schedules as amended by the act of May 28, 1928 (covering salary rates from $3,800 to $9,000) (45 Stat. pp. 776–785). Such allocations shall be made by the board in such a manner as to reduce the total annual rate of compensation of the whole number of positions in all of such grades by not less than $500,000. The board, immediately upon completion of the review of the allocations herein directed to be made, shall certify their allocations to the heads of the executive departments and independent establishments who, within 10 days after the receipt of such certification, shall put such allocations into effect: *Provided*, That nothing contained herein shall operate to reduce the rate of compensation any person was receiving on June 30, 1928: *Provided further*, That the heads of the executive departments and independent establishments, who, pursuant to authority to adjust the pay of certain civilian positions in the field services to correspond as nearly as may be practicable to the rates established for similar positions under the classification act of 1923, as amended by the act of May 28, 1928, have made such adjustments in the field services, shall, within 60 days after the enactment of this act, readjust the compensation of such of the field positions as may be necessary to make the compensation thereof in conformity with the allocations herein directed for the departmental service in the District of Columbia: *Provided further*, That any balances under appropriations or portions of appropriations, including continuing appropriations, available during the period of the remainder of the fiscal year 1929 and the entire fiscal year 1930, respectively, which result from the compensation of positions under the provisions of this section at rates lower than those permitted for such positions from July 1, 1928, to the date of the enactment of this act, shall not be expended for any other purposes but shall be reserved and allowed to lapse at the close of the respective fiscal years: *Provided further*, That the Personnel Classification Board shall have sole jurisdiction finally to determine the grade, or subdivision thereof, to which shall be allocated any position which is subject to the compensation schedules of the classification act of 1923, as amended, and shall have authority to ascertain the facts as to the duties and responsibilities of any such position and to review and change the allocation thereof, whenever, in its opinion, the facts warrant.

This provision is recommended by the committee under strong conviction that the section is in order under the Holman rule, which provides for the incorporation of legislation in an appropriation bill if on its face it shows a reduction in expenditures or in the numbers or compensation of the persons paid out of the Treasury of the United States.

The paragraph is recommended not merely because it is believed to be in order but because the committee believes that it is very necessary remedial legislation to correct injustices growing out of interpretations of the Welch Act by a decision of the Comptroller General which has required the allocation of positions contrary to the intent of Congress in passing the law.

The legislation is directed to those positions in the grades of the professional and scientific service and the clerical, administrative, and fiscal service where the salary ranges are $3,800 and above and where many increases in compensation ranging as high as $2,000 per annum per individual were brought about by the comptroller's decision adversely to what the committee understood to be the intent of Congress.

The committee has been furnished with information, found on pages 11 and 12 of the hearing above referred to, showing that 2,805 positions in the departmental services in the District of Columbia, with salaries ranging from $3,800 and upward, were affected by this decision. The annual cost of the salary increases under these positions is estimated to be $780,600 in excess of what the cost would have been had not the Comptroller General's decision taken from the Personnel Classification Board the right to allocate these positions under its inherent authority in the classification act of 1923. The Comptroller General justifies his right of interpretation of the jurisdiction of the board by reference to certain provisions in the Welch Act. Without expressing an opinion as to whether or not the Comptroller General had that right, the very practical result remains that his decision took from the Personnel Classification Board a duty which the law placed upon it in 1923 and which the Welch Act did not remove or modify in specific terms.

The general situation brought about by the Comptroller General's decision may be tersely set forth by the statement that under it instead of the Personnel Classification Board being the allocating body, as the classification act of 1923 provided, the allocating power by his ruling was split three ways, partly to the heads of departments, partly to the Comptroller General, and partly to the board. The confusion and harm to any system of classification by such a diffusion of authority is readily apparent.

In addition to the excess cost of $780,600 in the District of Columbia it is estimated that the projection of this same ruling to positions in the field services has added approximately $1,250,000 to the field pay in these upper grades, giving a grand total of excess cost for the District of Columbia and the field of approximately $2,000,000.

The ruling of the comptroller has resulted in practically vacating one grade in the professional and scientific service and one grade in the clerical, administrative, and fiscal service by permitting some employees to jump one grade entirely. This has created great injustice in the way of increases to many employees, for while the employee receiving the maximum rate of grade 3 of the professional and scientific service was advanced only $100, the employee who received the minimum rate of grade 4 was advanced $800, the employee who received the minimum rate of grade 5 was advanced either $400 or $1,300 within the discretion of the head of the department, and the employee who received the minimum of grade 6 was advanced either $500 or $2,000 within the discretion of the head of the department.

The appropriations as contained in this act and in the annual appropriation acts are built upon the basis of the Comptroller General's ruling. The committee has accordingly incorporated in this section a paragraph providing for the recapture and return to the Treasury of the amount of the appropriations which will be impounded as the result of the allocations which the section directs the board to make.

The committee believes this legislation to be in the best interests of classification of the Government personnel in salary grades. The classification act of 1923 was the first real attempt to provide an equalization of pay in the Government service on the basis of like work. Progress was made steadily after the enactment of that act. Naturally, as with any new system, there was much to be learned and to be desired, and there is no doubt that the pay status of employees, both as to equality and adequacy, greatly improved under the classification act of 1923 as compared with the previous unscientific and discriminatory method. However, the situation brought about under the classification act of 1923 has been hindered rather than helped, so far as equality is concerned, by administration under the Welch Act. The practical vacating of one grade in each of these two very large services has resulted in a general agitation for a moving up in the strata of employees classified immediately below. The inequalities resulting from the skipping of grades also still remains. The situation may be summarized by a quotation from the hearings of a question from Chairman ANTHONY and the answer of Mr. Moffett, representing the Personnel Classification Board:

The CHAIRMAN. What is the status of the salary situation in the Government service to-day in consideration of the Welch bill, the classification act, the comptroller's decision, the departmental action under that decision, and is the purpose originally sought by the classification act of 1923, uniform pay for the same kind of work in the different departments, nearer to realization or further from it?

Mr. MOFFETT. Of course, prior to the passage of the Welch Act, the ideal of uniform pay, so far as the departmental service in particular was concerned and to a very great extent in the field service through the administrative action of the departments themselves, was very much nearer realization than it had ever been before. But with the introduction of the Welch Act and with the action taken, the result of the interpretation placed upon the Welch Act, the situation has been very much confused, I should say, and is less satisfactory than it was before.

The committee recommends the enactment of the proposed section to correct the inequalities brought about by the Comptroller General's decision, to restore what it believes to have been the intent of Congress under the Welch Act, to relieve the Treasury of the approximately $2,000,000 of unintended cost, and to restore the balance of the entire structure of classification in so far as it has been disrupted by the decision in question.

The subject is a highly technical one and those Members of the House who may care to go into its complicated details, will find the hearings with the Personnel Classification Board, the decision of the Comptroller General, and the letters passing between the board and the Comptroller General to be of more than passing interest and importance.

TITLE III

The committee recommends for inclusion under Title III of the bill (pp. 152–189), the contents of H. R. 15848, the first deficiency bill, as it passed the House of Representatives together with such of the Senate amendments as the conference committee had been able to agree upon. The total of the Budget estimates upon which these items were based was $101,878,792.61, the amount included under Title III is $95,622,807.61, or $6,255,985 less than the Budget estimates.

Aside from the pro forma matters of judgments and audited claims placed upon the bill in the Senate and several amendments relating to the expenses of the Senate, the following are the amendments which have been incorporated and added to the items of the former bill as it passed the House:

The sum of $8,400 is recommended for maintenance of the Senate Office Building.

Toward the new House Office Building authorized by the act approved January 10, 1929, the Senate pursuant to an estimate had incorporated $8,400,000 in the bill, to cover the complete cost of the structure. The committee recommends the sum of $2,100,000 which, in the judgment of the Architect of the Capitol, will be sufficient to acquire the site, demolish existing buildings, and provide adequate funds to carry on whatever construction may be possible during the coming year.

The appropriation for expenses of the United States Supreme Court Building Commission in obtaining preliminary plans and estimates of cost is increased from $10,000 to $25,000 to permit the procurement of models.

An appropriation of $10,000 is recommended as a supplemental amount for the Bureau of Foreign and Domestic Commerce to facilitate the procurement of customs statistics in connection with the pending revision of the tariff.

An item of $9,000, not recommended by a Budget estimate, included in the bill by amendment from the floor of the Senate, is incorporated in this bill for the restoration of storm damages and the replacement of forage destroyed by flood at the Haskell Indian Institute at Lawrence, Kans.

The sum of $700,000 for carrying on the building program abroad for housing representatives of the Government is included in the amount of the Budget estimate.

An item of legislation is included authorizing and directing the payment of salary to H. Theodore Tate for services rendered as Treasurer of the United States while serving under recess appointment. Mr. Tate's nomination was rejected by the Senate and for the time he served, from June 1, 1928, to January 17, 1929, he has not received any compensation. While contrary to the statute, the allowance follows the precedent of the past in similar cases.

The judgments and audited claims transmitted to the Senate after the bill had passed the House are incorporated in this bill as transmitted.

The CHAIRMAN. The time of the gentleman from Indiana has expired, all time has expired, and the Clerk will read.

The Clerk read as follows:

Committee on Agriculture: Those members of the Committee on Agriculture of the House of Representatives of the Seventieth Congress who are Members elect to the Seventy-first Congress, or a majority of them, after March 4, 1929, and until the meeting of the first session of the Seventy-first Congress are authorized, by subcommittee or otherwise, to hold such hearings and to sit at such times and places within the United States, to employ such expert, clerical, and stenographic services, and to gather such information, through Government agents or otherwise, as to them may seem fit in the preparation of a bill or bills for farm relief; and they are authorized to have such printing and binding done (notwithstanding any limitation in existing law as to number of copies of any document) and to incur such other expenses as may be deemed necessary; all such expenses (except for printing and binding, which shall be charged to the appropriation for printing and binding for Congress), not to exceed $2,500 to be paid out of the Contingent Fund of the House on the usual vouchers approved as now provided by law.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question relative to the authorization for the Committee on Agriculture to meet during the recess of the Congress. Is it not a new departure for the Committee on Appropriations to bring in such legislation?

Mr. WOOD. No; this is following the custom. I will state that we did the same thing in the other deficiency bill with reference to the Ways and Means Committee and without this authorization and without this provision for the necessary expenses they could not function at all.

Mr. SNELL. I agree with the gentleman that they have got to have some money if they are to function, but it is a question of the proper procedure in order to give that committee the right to sit after the adjournment of Congress. It does not seem to me this is the proper way to do it. I have no objection to the proposition, and I think they ought to have the authority.

Mr. WOOD. I will admit that this is legislation, but this is the custom that has prevailed ever since I have been here, and they tell me for 20 years before that.

Mr. UNDERHILL. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. UNDERHILL. The gentleman from Oregon [Mr. HAWLEY], chairman of the Committee on Ways and Means, introduced a resolution for this very purpose, which was referred to the Committee on Appropriations.

Mr. WOOD. As I have said, this is just exactly like that case except that it applies to the Committee on Agriculture instead of the Ways and Means Committee.

Mr. SNELL. But that did not come in on an appropriation bill.

Mr. WOOD. It is in this bill.

Mr. SNELL. If that has been the way it has been done in the House in the past I have missed it. I have always thought it was done in another way, which I think would be proper instead of doing it in this way.

Mr. BLANTON. Will the gentleman from Indiana yield?

Mr. SNELL. I have the floor.

Mr. BLANTON. I thought the gentleman was through.

Mr. SNELL. I will let the gentleman know when I am through.

Mr. BLANTON. All right.

Mr. SNELL. Did the gentleman say that was done this year with respect to the Ways and Means Committee?

Mr. WOOD. It was in the first deficiency bill and we have transferred it to this bill.

Mr. SNELL. I do not think this is the proper way to do it, but I am not going to make a point of order against it.

Mr. WOOD. I will say to the gentleman that the only excuse for doing it in this way is that it occurs as an emergency matter toward the end of a session when there is no opportunity, perhaps, for the proper committee to consider it.

Mr. SNELL. It would not take any time to put through a resolution of this character.

Mr. UNDERHILL. Will the gentleman yield?

Mr. SNELL. I will.

Mr. UNDERHILL. Then there is no necessity of the Committee on Accounts reporting the resolution which they have before them at this time.

Mr. WOOD. No; I think not, if this paragraph in the bill is passed.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. All of us here, excepting the chairman of the Rules Committee, know that this is legislation, and that it is subject to a point of order. But the chairman of the Rules Committee, who gets a little mean sometimes when somebody interrupts, could have made the point of order, but he neglected to do so. It is the usual custom for the Committee on Appropriations to insert legislation. They do it whenever they want to. The chairman of the Rules Committee knew that, but he wanted to call attention to it. Attention has been called to it, and it is to be passed, and the Committee on Appropriations during the interim while I am gone will make appropriations and insert legislation.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. What sort of an interim is that to be? [Laughter.]

Mr. BLANTON. Well, it is an interim. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

JOINT COMMITTEE ON PRINTING

For expense in compiling, preparing, and indexing the Congressional Directory for the first session of the Seventy-first Congress, $800, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

Mr. UNDERHILL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 3, after line 23, insert: "Architect of the Capitol, Capitol Building: For necessary expenditure for the Capitol Building under the jurisdiction of the Architect of the Capitol, including the same objects specified under this head in the legislative appropriation act for the

fiscal year 1929, to cover the purchase of and installation of incinerators, $2,500.

Mr. UNDERHILL. Mr. Chairman, I have explained the purpose of this amendment to the chairman of the committee, and I believe he is perfectly willing to accept it.

Mr. WOOD. Will the gentleman from Massachusetts state to the committee what this is designed to do?

Mr. UNDERHILL. At the request of the chairman, will state that the garbage from the House and Senate restaurants is becoming quite a problem; as we are to hold a session during the summer time, I feel it necessary that it should be taken care of in some other way than at present. At the present it sometimes remains in the basement of the Capitol adjacent to the kitchen as long as three days, a breeding place for flies. On Mondays, particularly, the garbage wagons are backed up against the Senate and the House for an hour or more. This is not only insanitary but annoying, and smelling to high heaven. This menace to health and comfort will be removed if the refuse is burned immediately rather than to have it accumulate and eventually removed, as is done now.

Mr. LAGUARDIA. Does the gentleman think that $2,500 is enough for the incinerators and the installation?

Mr. UNDERHILL. It is thought that with money avaliable in the general appropriation it will be sufficient.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

EXECUTIVE

Executive Office, salaries: For two additional secretaries to the President, at $10,000 each per annum, from March 4 to June 30, 1929, inclusive, $6,500.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph that it is legislation unauthorized on an appropriation bill. I make it against page 4, paragraph from line 11 down to 14. There is no law authorizing any additional secretaries to the President.

Mr. WOOD. This is the same item that was in the first deficiency bill.

Mr. BLANTON. Yes; but that went by and was overlooked. It was subject to a point of order, and it is subject to a point of order now.

Mr. WOOD. It was not made.

The CHAIRMAN. Does the gentleman from Indiana concede that it is subject to a point of order?

Mr. WOOD. In my opinion it is subject to a point of order; but it seems to be very inconsistent where we provide for a similar service in 1930 not to make it now.

Mr. BLANTON. The present President has made such a splendid record for economy that the incoming President ought not to break it up.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Executive Mansion: For the care, maintenance, protection, and repair of the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, comprising approximately 84.81 acres of land, including buildings and other improvements thereon and all machinery, tools, equipment, and supplies used or for use in connection therewith, and including the alteration, refurnishing, improvement, heating, lighting, electric power and fixtures for buildings and grounds, and including traveling expenses, to be expended by contract or otherwise as the President may determine, fiscal years 1929 and 1930, $48,000: *Provided*, That the care, custody, maintenance, and alteration of the premises are hereby transferred from the Secretary of Agriculture to the Director of Public Buildings and Public Parks of the National Capital: *Provided further*, That $2,000 of the appropriation "Salaries and expenses, Weather Bureau, 1930," shall be transferred to this appropriation: *Provided further*, That the act entitled "An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia," approved March 13, 1928 (45 Stat. 311), is hereby repealed.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order on the paragraph beginning on line 15, page 4, and ending with line 12, on page 5. It is legislation on an appropriation bill, and there is no authority for the appropriation. Clearly it is not in order.

The CHAIRMAN. Does the gentleman from Indiana, the chairman of the committee, concede the point of order?

Mr. WOOD. I do not think there is any doubt that it is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Protection of interest of the United States in matters affecting oil lands on former naval reserves: For compensation and expenses of special counsel and for all other expenses, including employment of experts and other assistants at such rates as may be authorized or approved by the President, in connection with carrying into effect the joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, approved February 21, 1924, fiscal years 1929 and 1930 (43 Stat. 15), $55,000, to be expended by the President.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: After line 13, page 6, insert: "For such inquiry into the problems of enforcement of law, including national prohibition, as the President may direct, fiscal years 1929 and 1930, $250,000. This sum shall be subject to the authority and direction of the President of the United States and shall be available for each and every object of expenditure connected with such purposes, notwithstanding the provisions of any other act."

Mr. LAGUARDIA. Mr. Chairman, I reserve the point of order on that. The last part of that sounds very much like legislation.

Mr. CRAMTON. Mr. Chairman, it is an appropriation that is not authorized by law. It is not legislation, but simply an appropriation to make a fund available for such inquiry into enforcement of law, including national prohibition, as the President may choose to direct.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

CIVIL SERVICE COMMISSION

Salaries: For an additional amount for personal services in the District of Columbia and in the field, fiscal years 1929 and 1930, $121,500.

Mr. WOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 6, line 17, strike out "$121,500" and insert in lieu thereof "$161,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. I rise at this time to congratulate the Committee on Appropriations on account of its foresight in appropriating a proper sum of money for carrying out the work of the Civil Service Commission. We have suffered long with reference to the lack of civil-service requirements in the Prohibition Department. I can testify to the fact that in New York under the prohibition administrator there are at the present moment employed in that service a great many felons, plug-uglies, thieves, and men with known criminal records. Major Mills, former prohibition administrator, in an article published in Collier's Weekly not so long since gave ample testimony to this fact. Yet despite what he said, and despite the persistent, periodical comment in this House, those men are still retained in the service of the New York office. I am almost sure that that same condition prevails in many other parts of the country.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. LAGUARDIA. The gentleman is misinformed as to that. Over 60 of them were released only a few weeks ago. I do not believe there are any in the force now who have not qualified under the civil service.

Mr. CELLER. I am very glad to get that information, and I am pleased to stand corrected, but the fact remains that for a long time, after protests were made, these men were retained in the service. Whether they have gone, recently, out of the service matters not. My point is still tenable, that they remained in the service after it was known that they were thieves, felons, and plug-uglies.

Mr. GREEN. Of what party?

Mr. CELLER. I refuse to yield to the gentleman from Florida. We know that General Andrews testified in a senatorial investigation that 1 out of 12 of the original appointees

in the Prohibition Unit were venal and were convicted for known graft, and that is only because this House and the other body failed to provide for civil-service requirements in all appointees in the Prohibition Unit, but listened rather attentively to the pleas of the Anti-Saloon League that this whole proposition of prohibition, particularly with reference to the appointing power, be a matter of political spoils, and the Republican administration during the time that it has been in office was directly responsible for those flagrancies. I am glad to call it to the attention of the committee this afternoon.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. And, furthermore, we know that in the first examination held by the Civil Service Commission it was proven that a great many of these people were nothing but ignoramuses, who were in the Prohibition Unit. Less than 25 per cent passed those examinations, and so few of those did qualify that they were compelled to conduct a second examination, and I am very glad to know now that the Appropriation Committee is appropriating a sufficient sum of money to carry out the intent of Congress in that respect. I yield to the gentleman from Michigan.

Mr. HUDSON. Does the gentleman contend that a civil-service examination will make a man entirely honest and efficient in his work? Does not the gentleman know that we have found in the customs patrol, even though they were there under civil service, great numbers of men who had to be removed because of their lack of integrity in that office to which they were appointed?

Mr. CELLER. I will answer the gentleman by saying that it is purely relative. Education gives a finer distinction. I think the gentleman will agree with me that a man educated is more likely to be better, as far as morality is concerned, than the man who is ignorant. Let us appoint intelligent rather than ignorant men in the Prohibition Unit or the Customs Service for that reason. We want to get the best kind of men to enforce this or any other statute.

The Clerk read as follows:

Traveling expenses: For an additional amount for traveling expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $32,000.

With the following committee amendment:

Page 6, line 21, strike out "$32,000" and insert in lieu thereof "$34,500."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Contingent expenses: For an additional amount for contingent expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $3,000.

With a committee amendment as follows:

On page 6, line 26, strike out "$3,000" and insert "$4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL ACCOUNTING OFFICE

Salaries: For an additional amount for personal services in the District of Columbia, in accordance with the classification act of 1923, as amended, fiscal years 1929 and 1930, $10,800.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 8, after line 11, insert:

"GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

"Notwithstanding the provisions of section 6 of the public resolution approved May 23, 1928 (45 Stat. 724), not to exceed $50,000 of the appropriation 'George Rogers Clark Sesquicentennial Commission, 1928–1931,' may be disbursed for expenses necessarily incurred for architectural services and traveling expenses and for such other expenses as may be necessary to be incurred in the preparation of plans and designs to be submitted for the approval of the National Commission of Fine Arts."

Mr. WOOD. Mr. Chairman, the committee has no objection to this amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISTRICT OF COLUMBIA

GENERAL EXPENSES

Board of Commissioners: For a special fund for the use of the Commissioners of the District of Columbia to be available for investigations and for such other purposes as the commissioners shall determine, fiscal years 1929 and 1930, $1,000: *Provided*, That the certificate of the commissioners shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 11, after line 2, insert: "Engineer commissioner's office: For a complete engineering investigation of the proposed Gravely Point airport site, including the employment of personal services without reference to the classification act of 1923 as amended, the preparation of preliminary plans and estimates of costs, and such other expenses as shall be deemed necessary for the purposes of this paragraph, $2,000, to continue available until June 30, 1930."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to St. Elizabeths Hospital by order of the executive authority of the District of Columbia under the provisions of existing law, and expenses of commitments to the District Training School, including personal services, fiscal year 1928, $348.75.

Mr. SABATH. Mr. Chairman, I would like to inquire of the chairman of the committee why these additional sums are required for this purpose. I had no chance to examine the hearings, but I am amazed that there should be this large additional sum required for the prisons in the District of Columbia.

Mr. WOOD. We are on the item with reference to writs of lunacy. Is that what the gentleman is talking about?

Mr. SABATH. No. I understand we are in "courts and prisons." On line 12, of page 14, the bill provides for the support of convicts in the District of Columbia. Of course, the amount is only $2 for 1926, but for 1928 it is $47,655.69.

Mr. WOOD. That is the amount due to the United States Treasury from the District of Columbia for the maintenance of prisoners. It shows that they are doing a good business here.

Mr. SABATH. An extremely good business. Is that the amount due the United States from the District of Columbia?

Mr. WOOD. Yes.

Mr. SABATH. I thought we were appropriating this amount.

Mr. WOOD. That is in order that the District of Columbia may satisfy its debt to the Federal Government.

Mr. SABATH. I do not quite grasp it.

Mr. WOOD. A man is convicted in the District of Columbia and is sent to a Federal prison instead of Occoquan. The District of Columbia is charged so much per day for the maintenance of that prisoner while he is there. The United States pays for his keep, and then the District of Columbia has to reimburse the Treasury by that amount.

Mr. SABATH. What has been the total amount appropriated for this purpose for 1928, if the gentleman has it at hand; otherwise I do not want to delay the consideration of the bill?

Mr. WOOD. Sixty-four thousand dollars plus this amount.

Mr. SABATH. That is about $112,000.

Mr. WOOD. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1929, and in the decoration with flags and flowers of the graves of the Union soldiers, sailors, and marines in the national cemeteries in the District of Columbia and in the Arlington National Cemetery, in Virginia, $2,000, to be paid to the treasurer of the Grand Army of the Republic Memorial Day Corporation.

Mr. WOOD. Mr. Chairman, I move that the figures "$2,000" in line 23 be stricken out and the figures "$2,500" be inserted.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Page 20, line 23, strike out "$2,000" and insert in lieu thereof "$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WEATHER BUREAU

San Juan (P. R.) Weather Bureau: For the erection of a building and approaches for use of the Weather Bureau at San Juan, Porto Rico, including the employment of architectural services under contract with a qualified person or firm selected by the Secretary of Agriculture, fiscal years 1929 and 1930, $45,000.

Mr. McDUFFIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 22, line 4, after the figures "$45,000," add a new paragraph, as follows:

"For fruit frost work in horticultural experiments in the Weather Bureau, $15,000."

Mr. WOOD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. McDUFFIE. I presume the point of order is that it is legislation on an appropriation bill?

Mr. WOOD. Yes.

Mr. McDUFFIE. My understanding is this is not legislation for they are already engaged, under the organic law, in furnishing weather reports and in making these experiments in certain sections of the country where a great deal of citrus fruit is grown. There is especially great need of extension in that particular section of which I have personal knowledge in Mobile County, near Mobile Bay. There and in surrounding sections is grown more than a million and a half dollars' worth of Satsuma oranges annually. From November 1 until May 1 it is very difficult each year to keep the frost from hurting those orchards at certain stages of their growth, and they put heating equipment, such as smudge pots, in them. There are several Government experts now engaged in this work on the west coast of California under our general law and under this bureau. This is called by the department "Fruit Frost Work in the Horticultural Experiments." We have been unable to get bureau experts to advise or teach us on the Gulf section in such experiments.

I will say to the gentleman that I dislike to disrupt his committee's program and usually do not make such an effort on this floor. This is quite a small amount, but it will mean a great deal to that industry, and appropriations for this kind of work have not been increased for a number of years. The Weather Bureau is doing this work now in other sections, and in view of the fact that it is such a small appropriation that will mean so much to a vast section of the Gulf coast, I hope the chairman will permit this small amount to go into the bill. I was going to ask the Senate to insert it, since it was brought to my attention only this morning by those who are engaged in the citrus-fruit industry in Mobile County and too late for me to be heard before your committee. I only ask it now because it is an emergency.

Mr. WOOD. Does the Agricultural Department make this estimate?

Mr. McDUFFIE. No, sir; I am sure your committee has had no estimate. The gentleman knows bureau chiefs can not talk very much about what they do as to their estimates sent to the Budget, and I could get no information on that point from the bureau. I can read a letter from the chief of the bureau addressed to Mr. Lloyd Abbott, an extensive grower, and other gentlemen interested in this work who now have $150,000 invested in orchard-heating equipment, in which the chief states the lack of funds with which to extend his work, also the need of having this work done in the Mobile district. Doubtless, he has not made this recommendation to the gentleman's committee. I did not talk with the chief of the bureau; however, knowing the circumstances as I do, I would assume an amount was recommended to the Budget Bureau, and probably an additional $15,000 for the extension of this work. I will say to the gentleman that this Satsuma orange industry, rather the Horticultural Development Co. of Mobile County, paid the expenses of a Government man from California to south Mobile County in order to teach them to do as they are doing in California, and in order to teach us the best way to save this very important and very large industry there on the Gulf coast from frost hazards. I will say to the gentleman, if he did not understand me, that our citrus fruit industry has invested $150,000 in this heating appartus in order to protect this fruit from frost at certain times of the year, paid the expenses of one of the Government experts from California now working under the Weather Bureau clear across the country in order to have the benefit of his knowledge and experience in this work. It only came to me this morning or I would have asked to appear before the standing committee long ago and asked that this bill, or the agricultural appropriation bill, carry this small appropriation.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DICKINSON of Iowa. I will say to the gentleman from Indiana that if he opens up the deficiency bill to this line of procedure there will be no use of holding hearings on the regular department bill. In the first place, there is no department estimate and no survey has been made. It would seem to me, from what I know about this type of work, that you have at least twice the amount of money you ought to have for it.

Mr. McDUFFIE. May I say to the gentleman that the whole State of Florida is involved as well as Alabama, and not only Florida, but the entire Gulf section, needs the extension of the work of this bureau.

The CHAIRMAN. The Chair would like to address an inquiry to the gentleman from Indiana. Did the Chair understand that the gentleman from Indiana made a point of order against this amendment.

Mr. WOOD. Mr. Chairman, I reserved the point of order for the purpose of having the gentleman from Alabama make a statement.

The CHAIRMAN. The Chair was not clear as to what the status was.

Mr. WOOD. Mr. Chairman, I do not think it is subject to a point of order, but I wish to say to the gentleman and to the committee that this is the first time I have ever heard of this item. We have made all sorts of appropriations for all kinds of bugs, and if there has been a bug discovered in this country for which we have not made an appropriation either for its eradication or defeat it has not been brought to my attention.

Mr. McDUFFIE. May I interrupt the gentleman to say that if the gentleman has bugs on his mind, this is not a question of bugs at all. [Laughter.]

Mr. WOOD. I understand that. We have exhausted the realm of bugs and I guess now we are getting into the realm of the weather. This is so extensive and indeterminate that I think we ought to know at least something about what this item is for before we commence appropriating for it.

Mr. McDUFFIE. Will the gentleman permit me to tell him what it is for?

Mr. WOOD. I have been listening to the gentleman and it occurs to me this matter ought to be presented to the committee by the Department of Agriculture or by somebody who knows about it.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. It is a very small amount and I can assure the gentlemen of the committee that it is needed, and I hope the committee will agree to it.

Mr. WOOD. I suggest to the gentleman to let the matter go over so we can investigate it further at a later time.

The CHAIRMAN. Does the gentleman withhold his reservation of a point of order?

Mr. WOOD. I do not think it is subject to a point of order and I withdraw it.

Mr. McDUFFIE. Mr. Chairman, the point of order having been disposed of——

The CHAIRMAN. The point of order was not under discussion because the gentleman reserved it for the purpose of discussing the merits of the amendment.

Mr. McDUFFIE. I beg the Chair's pardon. I did not hear the gentleman withhold it for that purpose.

The CHAIRMAN. The gentleman from Indiana withheld his point of order at the beginning in order that there might be discussion on the amendment as to its merit. Now the gentleman has withdrawn the point of order and the vote recurs on the amendment pending before the committee.

Mr. McDUFFIE. Mr. Chairman, a parliamentary inquiry. After that has been disposed of, under the rules am I not entitled to five minutes to discuss the merits of the amendment?

The CHAIRMAN. The gentleman is not, because the point of order was not under discussion, but the merit of the amendment was under discussion, the point of order having been reserved for the specific purpose that the amendment may be discussed, and it was fully discussed, and without unanimous consent the gentleman is not entitled to proceed.

Mr. McDUFFIE. I ask unanimous consent then, Mr. Chairman, to proceed for two minutes upon the merits of the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for two additional minutes.

There was no objection.

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I appreciate the fact that this request comes a little late. It came to me this morning, as a sort of S O S call. A vast industry not only in the part of the Satsuma orange territory I represent but the entire State of Florida is interested, also Georgia, south Texas, Mississippi, and Louisiana; in other words, the whole Gulf territory. According to a letter from the chief of the bureau there has been no addition to his funds for this type of work in many years.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. McDUFFIE. Yes; I yield to the gentleman for a question.

Mr. DICKINSON of Iowa. Everybody knows the remedy for this, they know how to do it, and what does the gentleman want this money for—to have them go down there so that the Government can do it for them?

Mr. McDUFFIE. I will say to the gentleman, let us not get excited about this thing.

Mr. DICKINSON of Iowa. I am not excited; but there is no research work involved in this; there is nothing new about it; it is as old as the hills; and the gentleman's people know how to do it, and why do they not set out their own pots?

Mr. McDUFFIE. They do; and there is such work involved. Let me use just a little of my own time, if you please. I see the distinguished gentleman needs a little information on this particular subject which has escaped his attention heretofore.

Mr. DICKINSON of Iowa. Oh, I have had information on this a good many times.

Mr. McDUFFIE. Doubtless the gentleman did consider this bureau in his hearings, but the gentleman did not have any estimates before his committee on this subject. There is a reason for this. The Budget committee did not send you the estimate, and you had no hearings. This one company in Mobile County has $150,000 invested in smudge pots and other heating equipment with which they try to save their citrus fruit from frost between November and May. They need this money in the bureau, and this bureau, I think, would frankly say so if the gentleman made an inquiry.

Now, the gentleman knows this bureau can not present to this committee any estimate that the Bureau of the Budget, acting for the President, does not first approve. I think the bureau would state that they would need only $15,000 to extend their work and assistance to those who are engaged in this industry and who are already putting up 50 per cent of the cost of the work. You have about a dozen men on the west coast in this work, according to my information, and there are not sufficient appropriations with which to help the people on the Gulf coast to do any of this work, and I appeal to the gentleman. I realize that this is a little out of the ordinary in making such appropriations, but, after all, our deficiency bills are presented to take care of deficiencies in those things that were perhaps overlooked by or never presented to the gentleman's committee and others during their regular meetings heretofore. The gentleman will not say this matter was investigated by his committee. The gentleman can not say that this money is not needed in this section, and it covers such a vast area of the country and involves such a small amount I certainly think the gentleman ought not to object to adding this small amount to the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I rise in opposition to the amendment.

I simply want to suggest that our committee tries to take care of every single need of agriculture so far as we know it, and we have extensive hearings and we invite in the Members of the House. There was no very serious situation down there in the citrus-fruit industry or we would have known about it before this morning, when the gentleman from Alabama raised this question.

As a matter of fact, the gentleman says these people have $150,000 invested in these pots. Do you think any organization raising citrus fruit invested $150,000 without knowing how to use the apparatus or without having some expert to tell them when they ought to light the fire and when they ought to put it out? Why, this is a silly thing, and as a matter of fact, investigations have been made on this proposition for years, and we know all about how to control them and what to do with them, and I do not see why it is necessary to come in here in this extraordinary way, when the appropriations for agriculture have been passed upon, with no emergency being shown at this time, or if one existed it was known at the time the agricultural bill was under consideration, and therefore I am opposed to having an item of this kind come in and be put in a deficiency bill.

Mr. McDUFFIE. Will the gentleman yield for a question?

Mr. DICKINSON of Iowa. No; I have said all I want to say.

Mr. McDUFFIE. Just because the gentleman does not approve it, does not mean it is not necessary, even though his committee did not pass judgment on it.

The question was taken; and on a division (demanded by Mr. McDUFFIE) there were 33 ayes and 53 noes.

Mr. GREEN. Mr. Chairman, I demand tellers.

Tellers were refused.

The Clerk read as follows:

Wilt-resistant varieties of alfalfa: For foreign agricultural explorations with especial reference to the securing of wilt-resistant varieties of alfalfa, including personal services and other necessary expenses in the District of Columbia and elsewhere, fiscal years 1929 and 1930, $10,000.

Mr. HUDSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 22, after line 23, insert a new paragraph, as follows:

"HORTICULTURAL CROPS AND DISEASES

"For investigating the control of diseases, etc., including the same objects specified under this head in the agricultural appropriation act for the fiscal year of 1930, with special reference to the black-walnut disease in the Middle West, for the fiscal year 1930, $5,000."

Mr. HUDSON. Mr. Chairman, this item was inserted in the Senate in the regular agricultural appropriation bill, but through some mistake and confusion was stricken out in conference. It is indorsed by the chairman of the Agricultural Committee and by the committee.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

PATENT OFFICE

Photolithographing: For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings, etc., including the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1929, $35,000.

Mr. VESTAL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 28, after line 14, insert the following:

"To enable the Commissioner of Patents to supply to the public library of the city of Los Angeles, Calif., at the regular rate of $50 per annum prescribed by law for public libraries in the United States, uncertified drawings and copies of patents, specifications, and drawings published during the years 1915 to 1925, inclusive, including personal services, stationery, supplies, and other incidental expenses for the fiscal years 1929 and 1930, $2,500; which sum or so much thereof as may be expended shall be reimbursed to the United States by such public library."

Mr. VESTAL. Mr. Chairman, this simply means swapping dollars. The library of Los Angeles desires these copies of patents and is willing to pay the expenses of the copies being made and shipped to the library. The only way they can do it is to have the money appropriated, and then they will put the money back in the Treasury.

Mr. LaGUARDIA. I do not follow the gentleman when he uses the term "swapping."

Mr. VESTAL. That is an Indiana expression. [Laughter.]

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Cheyenne River School, South Dakota: For rebuilding kitchen, dining room, bakery, and domestic science building, including equipment, or to reimburse other appropriations used for such purposes, fiscal years 1929 and 1930, $40,000.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, after line 19, insert a new paragraph, as follows:

"Rapid City Indian Industrial School: For the fiscal year ending June 30, 1930, for 330 pupils, $79,200; for pay of superintendent, drayage, and general repairs and improvements, miscellaneous and incidental expenses, $14,800; in all, $94,000."

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, in the Interior Department appropriation bill which passed some time ago there was carried a provision for $94,600

for a "sanatorium" school at Rapid City, S. Dak. As a matter of fact, there is no such school in that city and never has been. Under the organic act passed June 10, 1896, there was established an Indian industrial school at Rapid City, S. Dak. It has remained there, and appropriations have been made for it every year since 1896. This year the Interior Department appropriation bill carries no appropriation for this school.

The appropriation was undoubtedly intended to transform this school into a sanatorium or tuberculosis hospital. I do not think the language carried in the bill can effect that kind of a change. The organic act provided for an industrial school. The Interior Department bill does not purport to change the provisions of this act, but simply appropriates for something which has no legal status or existence. I very much doubt that the Secretary of the Interior can properly expend the appropriation for the purposes which the Indian Bureau evidently had in mind when it submitted its estimates. For that reason I am offering this amendment, so that the Rapid City Indian School may have the necessary funds with which to operate. The amount carried in the amendment is what I understand the Indian Bureau would recommend for the support of the school for the next fiscal year.

In this connection I may state that the school at Rapid City is not equipped for a tubercular sanatorium. The quarters in which the pupils are housed are suitable for healthy children, but they are not fit for a sanatorium. No pupil afflicted with tuberculosis ought to be put in the present quarters. If a sanatorium school is to be provided, let that be done by a legislative committee and let the proper appropriation be made. The Interior Department appropriation bill does not carry one dollar either for improvements, for modifications of the present buildings, or for new construction, so as to make the school suitable or adequate for a sanatorium school. The school plant is especially adapted for the purposes provided for in the organic act, and the amendment which I now offer is necessary to permit it to function in the manner and for the purposes provided by law.

That a sanatorium school for Indian children is badly needed in South Dakota can not be doubted. It should be provided for, but to place children afflicted with tuberculosis in the present quarters at Rapid City seems to me utter folly. Some 300 children are quartered at the school. At night they sleep in large rooms with long rows of beds under more or less crowded conditions. For healthy children the quarters are conceded to be adequate, but they are not adequate or proper for children afflicted with tuberculosis. Before this school can possibly fulfill the evident purpose of the Indian Bureau entirely new sleeping quarters must be provided. Not a dollar is appropriated for the purpose. If the appropriation in the Interior bill amounts to anything, all it does is to permit tubercular children to be substituted for healthy children. Against this I protest. The Indian tubercular children are entitled to modern quarters. They must have it if they are to be cured. What we need is a new plant that will accommodate twice the number of children that the Rapid School can accommodate. I do not believe the Congress will deny the necessary appropriation if the matter is fully presented to the proper committee.

Mr. CRAMTON. Mr. Chairman, there is a school plant at Rapid City that for a long time has been conducted by the Government at the expense of the Government as an Indian school. This year the Department of the Interior has asked that that school be set aside for use not as a hospital but as a school for tubercular children. There are a great many tubercular Indian children in South Dakota. This school is well located to serve them. It is in an excellent place for a tubercular school. It is an excellent plant, a mile or two outside the city of Rapid City, by itself, and the committee considering the Interior Department appropriation bill approved the suggestion of the department, and made an appropriation that contemplates the use of this plant as a school, but as a school for tubercular children, so that they may at the same time receive education and proper medical attention. I understand that in Rapid City, as in other places, there exists something of a prejudice against the location of a tubercular institution in their community. Personally I think that attitude belongs to yesterday and not to to-day, and in any event this school is a mile or two from town. These children must be taken care of, and the plant at Rapid City is very desirable. Not only did our committee approve that but this House approved that appropriation. That appropriation is in the Interior Department appropriation bill, which we hope will become a law.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. Let me call the gentleman's attention to the Interior Department appropriation bill. You have transferred the so-called Rapid City school from the educational branch of the bill to the conservation of health or hospital part of the bill?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. The only reference to an appropriation in this bill is this one sentence: "Rapid City Sanatorium School, $94,600." I contend there is no such school and never has been as the Rapid City Sanatorium School. You are appropriating for something that does not exist and for which there is no basis in any statute to which the gentleman can point.

Mr. CRAMTON. There are being combined in a program for that plant the two ideas of health and education. The item could have been under education or under health. Possibly health is emphasized a little more than education in the case of these tubercular children, but that is not very material. The appropriation is made, has been approved, and to me it seems entirely undesirable to stop that program of health rejuvenation of these tubercular Indian children of the gentleman's State. I hope the amendment will not be agreed to.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. Does the gentleman contend that he can change the whole character and purpose of the organic act by merely attempting to change the name of the school?

Mr. CRAMTON. I contend this, that that is a school plant conducted by the Government for the benefit of the Indian children. In the wise exercise of discretion, if the administrative branch of the Government thinks it best to admit children of a certain age or class to that school, it is entirely within their authority to do so. The gentleman knows it is not desirable to have these tubercular children in the school with other children, because they can not progress as fast in their work as other children and can not have the treatment they ought to have. So the department, it seemed to us very wisely, said they wanted to bring these children together in one school.

Mr. WILLIAMSON. Does the gentleman contend that the facilities—particularly the sleeping quarters—at Rapid City Indian School are at all adapted for tubercular children?

Mr. CRAMTON. I think they will be immeasurably better off there than where they are now; and, as the gentleman knows, our committee was assured that a study is being made of the situation and that a program of alterations and improvements will follow in the near future.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to insert as a part of my remarks the organic act of June 10, 1896. It is very brief, and I should like to have it in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to insert in his remarks a certain citation. Is there objection?

Mr. GREEN. Reserving the right to object, Mr. Chairman, does this amendment provide for the use of Federal funds?

Mr. WILLIAMSON. Yes; Federal funds.

Mr. GREEN. Is this the identical school which is mentioned in Miss Vera Conly's article, where the Indian children are pictured out?

Mr. WILLIAMSON. I do not think she knew very much about the schools that she has pictured out.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Following is the citation referred to:

RAPID CITY INDIAN SCHOOL—AUTHORIZATION AND CREATION OF SAID SCHOOL

The Rapid City Indian Industrial School was authorized by the act of June 10, 1896 (29 Stat. L. 345); the provision creating the school reads as follows:

"For the purpose of erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near Rapid City, in the State of South Dakota, which buildings are to be constructed under the direction of the Secretary of the Interior upon plans and specifications to be approved by him, $25,000; out of which sum the Secretary of the Interior is hereby authorized to purchase not exceeding 160 acres of land near Rapid City, at a cost of not exceeding $3,000, to be immediately available, upon which said buildings shall be built."

The CHAIRMAN. The question is on agreeing to the amendment. The question was taken, and the amendment was rejected. The Clerk will read.

The Clerk read as follows:

Shoshone or Wind River Reservation, Wyo.: The appropriation of $50,000, contained in the act of May 29, 1928 (45 Stat. 198), for necessary surveys, classification of lands, and all other expenses in connection with the allotment of lands on the Shoshone or Wind River Reservation, Wyo., authorized by the act of May 21, 1928 (45 Stat. 617), is continued available until June 30, 1930.

Mr. CHRISTOPHERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amedment offered by Mr. CHRISTOPHERSON: Page 38, line 8, insert "The unexpended balance of $48,612.76 of the appropriation for the construction of a spillway and drainage ditch to lower the level of Lake Andes, S. Dak., contained in the act of September 22, 1922 (42 Stat. 1051), and covered into the surplus fund by the act of March 7, 1928 (45 Stat. 215), is hereby reappropriated for the same purposes during the fiscal year 1930: *Provided*, That no part of this appropriation shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of South Dakota satisfactory guaranties of the payment of said State of one-half of the cost of the construction of the said spillway and drainage ditch."

Mr. CHRISTOPHERSON. Mr. Chairman, briefly I will say this is a reappropriation of an amount that was formerly appropriated for the purpose of completing the spillway at Lake Andes under a law authorizing such an appropriation. There was a delay in the construction of the spillway, in that they were unable to obtain right of way. There was no provision for condemnation of right of way for such purposes. Thereupon Congress enacted a law giving the department the right to institute condemnation proceedings and to condemn private property for this right of way. After this difficulty had been overcome, there was some further delay in determining just where best to locate the spillway and the ditch to carry the surplus water to the river.

In the meantime there was prepared and passed in Congress last spring a bill to revert to the Treasury a large number of unexpended balances, and inadvertently this item was included in that bill. Such inclusion of that item in that bill is the necessity for the reappropriation of this item at this time.

In the original authorization and appropriation the Government was to pay the entire cost of the spillway, but in the estimate submitted to this Congress by the Budget Bureau it has followed the later practice of placing it on the 50-50 basis, and the State does not especially object to that provision. It has given assurances that it will pay its one-half of the cost of the construction.

I have a letter from Mr. O. H. Johnson, director of the department of game and fish of the State of South Dakota, in which he says the State will undertake to pay one-half. I ask unanimous consent that this letter be inserted in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Following is the letter referred to:

SOUTH DAKOTA GAME AND FISH COMMISSION,
Pierre, February 15, 1929.

Hon. C. A. CHRISTOPHERSON,
Washington, D. C.

DEAR MR. CHRISTOPHERSON: Have neglected making reply to your letter of January 25, thinking I might have something definite to write you in the matter of an appropriation by the legislature for the construction of a spillway at Lake Andes.

There is now a bill pending in the South Dakota Legislature which empowers the game commission to appropriate moneys from the fish and game fund for the purpose of cooperating with the Federal Government in this and other matters that might arise in the preservation and protection of game and fish.

The game commission will meet sometime during the month of March, at which time they will be urged to adopt a resolution appropriating a sufficient amount from the funds of this department so that the construction of this proposed spillway might be undertaken in cooperation with the Federal Government on a 50-50 basis.

Very respectfully yours,

O. H. JOHNSON,
Director Department of Game and Fish.

Mr. LAGUARDIA. Is this land that the gentleman mentions subject to overflow?

Mr. CHRISTOPHERSON. It is during time of high water. The lake overflows the adjoining lands and causes damage.

Mr. LAGUARDIA. Is this amount in the bill sufficient to meet requirements?

Mr. CHRISTOPHERSON. No; it is not enough, but will be sufficient with the State paying one-half of the cost. I hope the amendment will be accepted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. SCHNEIDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHNEIDER: Page 38, line 8, insert the words "for per capita payment of $100 to members of the Menominee Tribe of Indians of Wisconsin (tribal funds), to be immediately available, $196,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Carlsbad project, New Mexico: For continuation of the enlargement of the Avalon Reservoir, fiscal years 1929 and 1930, $650,000: *Provided*, That no part of this appropriation, or of the appropriation of $250,000 for the enlargement of the Avalon Reservoir contained in the act of May 29, 1928 (45 Stat. 902), shall be available until the director of the United States Geological Survey shall have reported favorably on the foundation of the Avalon Dam and on the depth to which water may be stored in the proposed enlarged reservoir;

Mr. MORROW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORROW: On page 38, line 23, after the figures "$650,000," strike out the colon and insert a period, and strike out the remainder of the paragraph.

Mr. MORROW. Now, Mr. Chairman, the purpose of this amendment is to make available these funds.

Two hundred and fifty thousand dollars of the funds which are now restricted were passed by the first session of this Congress. Now they are restricted, and the additional $650,000 now appropriated is restricted until a further report is made by the Geological Survey.

When this reservoir was taken over by the Government in 1905 the McMillan Dam at that time was considered by the Government to be a leaky dam and of no value except as a distributing reservoir. From that time to the present the people on the Carlsbad proposition have been trying to have the Government fulfill its obligation by completing an additional reservoir. In the charge-off proposition, which occurred in the Sixty-ninth Congress, the fact-finding committee recommended that $395,000 be charged off. The bill carried a charge-off of $375,000. The Carlsbad Water Users' Association assumed an obligation of $1,400,000, which they have reduced, and they have made their payments every year. It will now stand at about $750,000, less this charge-off of $395,000. With the charge-off their obligation to the Government at this time is only about $410,000. They have sent me a telegram in which they state that the water users have voted upon the proposition and have agreed to accept the entire liability themselves, and the Assistant Director of the Reclamation Bureau has stated to me that it is so embodied in the contract at the present time.

In 1926 there was an agreement entered into between the water users' association and the Reclamation Bureau of the Government in which they agreed to select three engineers, two by the Government and one by the water users' association, and that their judgment would be final as to the construction of a dam and the selection of a site. The engineers made a survey, selected a site, and made their report. Later on a geologist, selected from Harvard, passed upon the soil conditions. He found that after they reached a level of 3,192 feet there was a possibility of leakage, and he recommended construction to that level.

While he said there might be a leakage he recommended that they construct to 3,192 feet and let it remain for a period of one year to determine whether to construct further. However, the Reclamation Bureau said that was not feasible; that they could not let a contract under such circumstances because the expense would be too great. Then it was agreed to select another geologist, and a geologist from the Leland Stanford University was secured to pass upon the proposition. He recommended that it was feasible; that there might be some risk, but that the people were entitled to that risk. A committee further passed upon it and said it was feasible.

Now, the question arises: Why should this be held up and a further report made? These people have been waiting since 1905 to get an additional reservoir which they are willing to pay for. It has gone so far that the engineers have reported it is feasible, the geologists report, with minor exceptions, that it is feasible, and Mr. Walters, the man who has been selected to build the Boulder Dam, has passed upon the proposition and said it is feasible.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. CRAMTON. Mr. Chairman, I have a great deal of sympathy with the gentleman from New Mexico in his desire to assure the construction of this dam and I can testify to the vigor and persistence with which he has fought for that project. I do not believe, however, that Congress ought to take the responsibility of eliminating this proviso. There have been a number of investigations and there seems to be every probability that this Avalon Dam, if constructed, will serve the purpose for which it is intended. But the existing reservoir, because of the geological structure, proved not capable of holding the water, so that the water comes down the stream and this reservoir is intended to catch the leakage from the reservoir above. The reports indicate that this is feasible.

The provision in the bill simply is that the Geological Survey, another branch of the Interior Department, is to make a further study and if they hold it feasible, then the money is free for use. In view of what has been said I have no fear of what their report will be, and if their report is favorable—and we were assured in the hearings that their investigations would not require more than a few weeks—the project will not have been delayed. On the other hand, if the Geological Survey certifies not only that there will be a leak but that the leak can not be corrected then I do not believe we ought to spend $1,000,000 on that dam, even if these people have contracted to pay it.

Mr. MORROW. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield.

Mr. MORROW. The people on the Carlsbad project entered into a contract with the Government to pay $1,400,000; they have paid that down to a little over $700,000 and on which they have a credit of nearly $400,000 belonging to them, leaving $410,000 due the Government, and when they have paid that amount they will have repaid the Government $1,000,000.

Mr. CRAMTON. I understand that.

Mr. MORROW. Now, they are going to build a new reservoir, on which $400,000 is their own money, not the Government's money.

Mr. CRAMTON. I do not put quite the same emphasis on that the gentleman does. We wiped a certain amount off the slate.

Mr. MORROW. It is not wiped off the slate, because they have not yet taken credit for it. It is their money.

Mr. CRAMTON. It gets down to this, Mr. Chairman, if the Geological Survey says it is feasible and that the dam will hold water, their investigation will not have delayed the project at all and it goes ahead, but if they say it will not hold water I do not think we ought to spend $1,000,000, even if these people are ready to take the chance on it. Therefore I hope the amendment will not be agreed to.

Mr. MORROW. Will the gentleman just yield to me for one minute further?

Mr. CRAMTON. I yield.

Mr. MORROW. The Government engineers reported that the McMillan Reservoir was leaky, but they have made their payments to the Government all the time and they are making them now. They have voted unanimously, if this is a failure, to pay every dollar themselves. This is not a failure, because the Government has made its sounding, its drillings, and has said, with a slight exception, that it will be a tight reservoir.

Mr. CRAMTON. As I have said, we have every reason to expect that there will be a favorable report from the Geological Survey; and if so, there will have been no delay; but if their report is to the contrary, then I think we ought to wait.

Mr. MORROW. The point I am trying to make is this: Since 1905 those people have been promised a reservoir by the Government, but they have not yet gotten it, and they have not made a start.

Mr. CRAMTON. Well, the Government can not correct geological faults, as the gentleman knows.

Mr. MORROW. But the Government has made survey after survey.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from New Mexico.

The question was taken; and on a division (demanded by Mr. MORROW) there were—ayes 33, noes 57.

So the amendment was rejected.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent, in line 7, page 40, to correct the spelling of the word "Deaver." In the bill it appears as "Dever."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Emergency reconstruction and fighting forest fires: For an additional amount for emergency reconstruction and fighting forest fires in national parks, including the replacement of equipment destroyed by fire in Glacier National Park, fiscal year 1929, $29,000.

Mr. COLTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON: On page 42, line 19, insert a new paragraph, as follows:

"For the necessary expenses of an examination of the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park by a commission to consist of five members to be appointed by the President, to be known as the Yellowstone National Park Boundary Commission, whose duty it shall be to report to the President its recommendations concerning such adjustment, so much as may be necessary of the appropriations for the Yellowstone National Park for the fiscal year 1930, is hereby made available."

Mr. COLTON. Mr. Chairman, let me say in justification of this proposed amendment that the Senate has already passed a joint resolution providing for this work. The Public Lands Committee has reported this resolution to the House and it is now on the Consent Calendar. This simply embodies the same authorization on this bill that is carried in the resolution authorized to be reported by the Public Lands Committee.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. SCHAFER. Has that resolution now on the Consent Calendar been objected to when it was reached for consideration on Consent Calendar day?

Mr. COLTON. It has not; in fact, it has not been reached, and the purpose of offering this amendment is to insure its passage in case it is not reached. It is a very important matter.

Mr. SCHAFER. Was the legislation in question reported by the legislative committee by unanimous vote of that committee?

Mr. COLTON. It was.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. COLTON].

The amendment was agreed to.

The Clerk read as follows:

FREEDMEN'S HOSPITAL

The unexpended balance on June 30, 1929, of the appropriation of $252,000, contained in the Interior Department appropriation act for the fiscal year 1929 for an addition to, and remodeling of, the nurses' home, and for certain other physical improvements at Freedmen's Hospital, shall continue available for the same purposes until June 30, 1930.

Mr. DICKINSON of Iowa. Mr. Chairman, with the consent of the chairman in control of the bill, I ask unanimous consent to return to page 22, line 11, for the purpose of permitting the gentleman from Alabama [Mr. MCDUFFIE] to offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. MCDUFFIE: On page 22, at the end of line 11, add a new paragraph, as follows:

"For an additional amount for investigations, observations, and reports, forecasts, warnings, and advices for the protection of horticultural interests, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $7,500."

The amendment was agreed to.

The Clerk read as follows:

Marshals, district attorneys, clerks, and other expenses of United States courts.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 46, after line 6, insert the following:

"Special assistant attorneys: For compensation and traveling expenses of assistants to the Attorney General and to United States dis-

trict attorneys employed by the Attorney General to aid in special cases, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1929, fiscal years 1929 and 1930, $121,600."

Mr. BYRNS. Mr. Chairman, I think the gentleman should give the House some explanation of this amendment. We had no hearings on it and nobody knows about it. My understanding is the Department of Justice estimated $150,000. Why has the gentleman cut this estimate down?

Mr. WOOD. I will state to the gentleman that there is another amendment that follows this one.

Mr. BYRNS. I think the gentleman should certainly give the House some explanation of what this means.

Mr. WOOD. I tried to state to the committee in general debate——

Mr. BYRNS. The gentleman knows that in general debate these things are not understood. I myself do not know anything about it.

Mr. WOOD. I will say to the committee that the purpose of this amendment is to carry out the estimates submitted by the Budget for the purpose of enforcing the prohibition law, and this and another amendment that will be offered immediately will comprise the amount that has been allocated by the Budget to the Department of Justice.

Mr. SABATH. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. SABATH. What portion of this $121,000 has been expended—this is a deficiency, is it not?

Mr. WOOD. Yes.

Mr. SABATH. A deficiency that exists in the Department of Justice. What part of this amount has been expended by Mrs. Willebrandt and by Mr. Donovan, Assistant Attorneys General, during the last presidential campaign? Does the report show?

Mr. WOOD. I will state for the edification of the gentleman that Mrs. Willebrandt has not, up to this date, filed with me a detailed statement of her expenses and I do not know about them.

Mr. SABATH. Well, has the Attorney General? We ought to know what these moneys are for. This is an item of $121,600.

Mr. WOOD. I will say to the gentleman that Mrs. Willebrandt did not spend one dollar of the money of the United States campaigning in the last campaign.

Mr. SABATH. Is this for the traveling expenses for these assistants to the district attorney?

Mr. WOOD. This provides, among other things, for furnishing legal advice to the district attorneys in such prohibition districts as are not now provided with such special agents and stenographic service to assistants so provided.

Mr. SABATH. What is the salary of the assistant district attorneys?

Mr. WOOD. Six thousand dollars.

Mr. SABATH. Are they appointed under the civil service?

Mr. WOOD. Under the civil service.

Mr. SABATH. On account of services they rendered during the campaign.

Mr. WOOD. That may be a recommendation for them.

Mr. SCHAFER. How much of his salary did Al Smith expend in the campaign and how much did the Association Against Prohibition Amendment spend?

Mr. SABATH. I do not understand, and I do not think anybody else understands the question of the gentleman from Wisconsin. [Laughter.] I do not know how much has been spent; if any amount of money has been spent perhaps the gentleman from Wisconsin knows more about it than I do. I think we are right on this proposition, and all I desired was real information [laughter], because I happen to know that in many of these districts the district attorneys, notwithstanding the crowded dockets in the courts, were around in every section of the country making political speeches, and while thousands and thousands of cases on the dockets were pending they were away without paying any attention to them.

Mr. LAGUARDIA. Let me say to the gentleman that in 1920 Mitchell Palmer, then Attorney General, went around the country making a fool of himself, too. [Laughter.]

Mr. SABATH. Well, I do not know about that. The gentleman is going back eight years and stating what one individual has done. But let me say to him that on this question of prohibition a great many other people are making fools of themselves. [Laughter.] I do not say that it is only Republicans that make these mistakes; I concede that there are lots of Democrats as well. [Laughter.] I am perfectly candid about it, but I would like to know how much money is being wasted in that way in the different departments.

Mr. BROWNING. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment to the amendment offered by the gentleman from Indiana: Strike out "$121,600" and insert in lieu thereof "$1,000,000."

Mr. BROWNING. Mr. Chairman, as I understand it, the recommendations for this provision have never been made public. That is, they did not come to the committee before the hearings were made up. There has been no chance for anybody to examine those who submitted these estimates. As I understand it, this is for the purpose of providing additional legal help for district attorneys in enforcing the prohibition law. If that is true, there are more than 16 assistants that are needed. There is not a docket in a Federal court in America to-day that is not crowded with these actions. There is not a district attorney that can not use from one to five assistants in undertaking to work out the cases. It is not fair, regardless of how you view prohibition, to permit a situation of that kind in the Federal courts of the United States.

If the department had sent some one to tell the committee why they needed just this amount, and permit the committee to ask them questions, it might have been developed that we did not need all of this money. We do not know what the need is because no one has had a chance to ask them about it. If they do not use this amount, it will be turned back at the end of the fiscal year. If they need it, they ought to have it provided. I do not think this meager amount of $121,000 is at all adequate.

Mr. LAGUARDIA. I would support the gentleman's amendment if he would accept a proviso that the money should be expended in all of the 48 States of the Union, and not in a few localities, New York among the number.

Mr. BROWNING. That would be limiting the appropriation. I am not trying to be unfair to the Department of Justice; I am trying to help them.

Mr. LAGUARDIA. The law ought to be enforced all over the country.

Mr. BROWNING. I agree with the gentleman on that.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. LINTHICUM. About two weeks ago a report came in here from a commission which was authorized to suggest additional penitentiaries. I think three were recommended. Does not the gentleman think we better wait until we have those penitentiaries before employing additional district attorneys? What is the use of having more of these men convicted until we have a place where we can put them?

Mr. BROWNING. Oh, we have plenty of jails in our part of the country that are not full.

Mr. LINTHICUM. Ours are all filled up in my part of the country.

Mr. BROWNING. If we are going to make a stagger at this, we ought to provide sufficient funds to employ the legal help to prosecute these cases. I am not offering this as a mere bit of child's play. I think it is a serious matter and that we ought to provide enough money.

Mr. SABATH. Mr. Chairman, I rise in opposition to the gentleman's amendment. As the gentleman from Maryland [Mr. LINTHICUM] stated, a few days ago the report was made by a commission or committee on Federal penal and reformatory institutions that this House created, and I am afraid that the membership of the House did not have time to read that report. Before we vote on this amendment, or the amendment of the gentleman from Indiana [Mr. WOOD], I think we ought to familiarize ourselves with this report. In part it says:

The committee found that a very serious crisis confronted those who were administering a Federal penal system, due to the lack of a proper program, and tremendous increase in the number of persons arrested, convicted, and committed for violations—the penitentiaries are overcrowded with those sentenced for more than one year.

The committee also observed in all the county and municipal jails that there was overcrowding. It also states that it has received information which leads it to believe that the same deplorable conditions exist in many of the 1,100 local jails.

The committee also found that no more prisoners should be confined in any of the institutions because of the conditions existing.

Persons convicted or held for violation of the United States statutes are committed not only to the Federal penitentiaries previously mentioned, but are also sent to the county and municipal jails, workhouses, and lockouts. A few are boarded by the Federal Government in the State institutions willing to accept them. In some non-Federal institutions, especially many county and city jails, the conditions are most deplorable. Many of these jails are congested just as badly as the Federal peni-

tentiaries at Leavenworth and Atlanta, and in most of these jails there is no provision for employing the prisoners.

Then they go on with other suggestions and recommendations, stating that there is really no room not only in the Federal but in the State penal institutions. I do not know what the conditions are in Tennessee, but this commission says that in the 1,100 State and county institutions that they visited and investigated, in all of them the conditions are deplorable, that there is no more room for additional inmates. I do not know how and where you would take care of these prisoners if you appointed 16 or 18 or 40 or 50 additional district attorneys, and especially if you should appoint them and send them to the southern section of our country.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. CONNALLY of Texas. The gentleman refers to the southern section of the country. The gentleman comes from Chicago. Does he object to having some of them sent to Chicago?

Mr. SABATH. Why, we have not the room. We have just now completed an additional penitentiary or prison out there at a cost of $8,000,000. It is just being opened, and they already find that there is not enough room now for the waiting customers on the list. [Laughter.]

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

Mr. WOOD arose.

Mr. SABATH. Oh, do not object. I shall get them later on if the gentleman objects now.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto be closed in 10 minutes.

Mr. BYRNS. Mr. Chairman, I would like to have five minutes.

Mr. LAGUARDIA. I want two minutes.

Mr. WOOD. Then make is 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate upon this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois for five minutes.

Mr. SABATH. Mr. Chairman and gentlemen, I dislike to take the time of this House, but you know I do not do it very often. However, at this time I feel obliged to. I remember that 10 or 12 years ago, while the prohibition legislation was pending, all of the leading professional prohibitionists throughout the United States were telling the country and telling you and telling me that if we adopted prohibition, if we adopted the Volstead Act, we would eliminate all of the jails, all of the penitentiaries, and we would be able to dispose of half of our judges. They said that we would become a crimeless nation. What are the conditions? I was amazed when I read this report. Instead of crime being eliminated, this report, which is signed by Mr. COOPER of Ohio, one of the leading prohibitionists of the House, who is fighting day in and day out for prohibition, clearly demonstrates the folly of the prohibition law. I think it has proven a curse to the Nation. Instead of eliminating crime and penal institutions, crime and penal institutions have been increased, and in all of the penal institutions the conditions are deplorable, in some instances terrible, and the number of inmates is increasing annually from 10 to 20 per cent. How far will we permit these conditions to go? Do not you think it is about time that we should stop and think? It does not cost anything to think. Why can not we stop for a moment and get some real sense; legislate sanely as men should? I know you do not approve of the conditions that exist in these penal institutions. You know that you can not improve the conditions that exist in some sections of the country that are called to your attention. I say that conditions in sections of the country that are not being called to your attention, in many instances, are just as bad as they are in those large centers where the newspapers call attention to.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Crime is prevalent everywhere in every section of the United States under the prohibition law. Regardless of Bishop Cannon, regardless of professional prohibitionists, I believe that it is time that we should stop and think and legislate sanely as men and not simply because we are compelled by a certain secret force to vote as they demand and force us to do. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. In view of the prison conditions existing as shown in the report referred to, does not the gentleman think that the House should hesitate before passing the bill recently passed by the Senate increasing the length of jail sentences for Volstead law violations until such time as we provide additional funds for additional penitentiaries?

Mr. SABATH. Why, of course. I think it will be foolish for us to act now, especially in view of the fact that the President elect has pledged himself to give the Nation a commission, which I have reason to believe and hope will be a commission that will not be controlled by the prohibition officials, but will be fair; and if he does that, I know what the commission will find. The commission will find that it is high time that we should amend the Volstead Act, and in view of that fact any legislation at this moment in that direction is unjustifiable and unwarranted. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS. Mr. Chairman, there is nobody in this House who knows just how much the Department of Justice needs in addition to the money already appropriated for this purpose. For some reason that I have not been able to understand, notwithstanding the fact that the newspapers of Washington for two weeks have carried the news that the Secretary of the Treasury had sent to the Committee on Appropriations increased estimates for the enforcement of prohibition, those estimates did not come to the Committee on Appropriations until the day after the subcommittee had concluded its hearings, finished its bill, and sent it down to the Government Printing Office for printing. It was then entirely too late to conduct any hearings on these estimates.

Now, gentlemen, I do not make any charges, but in view of the fact that they had several weeks in which to send these estimates to the Committee on Appropriations, it is very singular, indeed, that they were held back from the Committee on Appropriations until the day after hearings had been concluded and then sent here to be offered on the floor of the House without carrying with them a scintilla of evidence or affording opportunity for any member of the committee to examine those who were responsible for these estimates to learn not only how they intended to use the money for which they are asking but also whether or not more money is needed.

We all know that something additional is needed. There were more than 22,000 cases on the dockets of the Federal Government on October 31, 1928. Something is needed in order to dispose of those cases. Only about 7 per cent, as I recall, of the terminations of trials in the last year were by jury. All the others that were tried, amounting to something like 54,000, were on pleas of guilty, where small fines or small terms of imprisonment were inflicted. Now, we ought to have enough district attorneys and assistant district attorneys who will investigate and try these cases, so they will not hang fire in the courts of this country from term to term and year after year until witnesses disappear and it is impossible to convict.

I am pleading here and I am contending that it is not a question of whether you are wet or dry, but it is a question whether you want the law enforced. That is the only question involved here, whether you want to enforce the Constitution and the laws enacted under it. And we ought to appropriate the money necessary.

I repeat, in view of the unexplainable action of the Secretary of the Treasury and of the Budget in sending up these estimates after the hearings were closed, it is impossible for anyone to know just how much money is needed and what ought to be appropriated. I say, therefore, I am in favor of the amendment offered by the gentleman from Tennessee [Mr. BROWNING] to appropriate this money, and then, if it is not necessary to be used, it will be held; but if it is necessary, then the money will be on hand to enable these officials to dispose of these cases. The cases on hand on October 31, 1928, were 26,602, and 50 per cent of them, or over 11,000, were in seven States, namely, New York, Georgia, West Virginia, Illinois, North Carolina, Florida, and New Jersey. There is a situation that ought to be corrected. [Applause.]

Mr. CRAMTON. Mr. Chairman, I ask for recognition, but I wish four of those minutes shall go to the gentleman from New York, and I shall use the remaining one minute.

Mr. LAGUARDIA. I offer an amendment to the amendment offered by the gentleman from Tennessee.

Mr. WOOD. A point of order on that, Mr. Chairman. Such an amendment, in the third degree, would not be in order.

The CHAIRMAN. The original proposition was an amendment to which the gentleman from Tennessee [Mr. BROWNING] offered an amendment. This is an amendment to the amendment offered by the gentleman from Tennessee.

Mr. LAGUARDIA. I am sorry the gentleman from Indiana makes a point of order against my amendment.

The CHAIRMAN. If the amendment of the gentleman from Tennessee should not be agreed to, then the gentleman from New York could offer his amendment.

Mr. LAGUARDIA. If it is not agreed to, then I could offer the amendment?

The CHAIRMAN. No.

Mr. LAGUARDIA. Oh, yes, I can.

The CHAIRMAN. The Chair was not aware of the nature of the gentleman's amendment and withholds his decision. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, the amendment I shall offer to the amendment offered by the gentleman from Tennessee [Mr. BROWNING], and to which the gentleman from Indiana [Mr. WOOD] has objected, is simply this, that this money shall be prorated among the several judicial districts of the country. If we are going to have enforcement, as I have stated so many times on the floor of the House, I ask the cooperation of the gentlemen who are sponsors for these larger amounts and who are asking for the enforcement of the law to enforce the law in their own States instead of enforcement only in New York City and a few other cities. Until you get an experience of real enforcement in your own States you will not have a correct understanding of prohibition and really know whether your people at home want prohibition. As long as you have enforcement only in a few spots you play with this proposition, seek enforcement in New York City, while everything is wide open elsewhere. I shall offer this amendment at the proper time, and I shall offer a similar amendment when the increased enforcement appropriation amendment is offered.

Mr. CRAMTON. Mr. Chairman, I think it will be illuminating to know about the date of availability of these estimates. The deficiency bill was reported to the House on February 21, but went to the printer two or three days before that in order to be made ready for the committee. The Budget estimate for the items in question was dated February 21 by the President and printed after that. It is now available to any Member of the House.

Now, the proposal of the gentleman from Tennessee is to——

Mr. BYRNS. Will the gentleman yield?

Mr. CRAMTON. I can not yield.

Mr. BYRNS. Will the gentleman yield so that I may ask him one simple question?

Mr. CRAMTON. I can not yield.

Mr. BYRNS. It was never laid before the committee.

Mr. CRAMTON. Why, certainly not; and it could not, because it did not get here until after the committee had reported the bill to the House and the bill was in print.

Now, the situation is that the gentleman from Tennessee offers an amendment providing $1,000,000 for the appointment of more assistant district attorneys; but under the law the Department of Justice could not use that much money for that purpose, for they can not, under the law, appoint assistant district attorneys except on the certification of the Federal judges, and there have been none of those requests from Federal judges but have been met. So that this money could not be used for that purpose. The item proposed by the gentleman from Indiana, as is shown by the Budget estimate, printed and open to that side as well as to this side, is to be used for special assistants to the Attorney General—one in each of 16 prohibition districts. There are 24 of these districts, and 8 of them now have these men who give legal advice to the prohibition administrator of such district. The item now before you permits 16 more such special assistants to take care of the other 16 districts. That money can be used, and we recommend its appropriation; but the $1,000,000 could not be used, and it would only be a gesture, a political gesture. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BROWNING] to the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken; and on a division (demanded by Mr. BROWNING) there were—ayes 42, noes 89.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Indiana [Mr. WOOD]

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk. It is an amendment to the amendment offered by the gentleman from Indiana.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the amendment offered by Mr. WOOD: After the amendment add the following: *"Provided*, That said appropriations shall be prorated to each Federal judicial district."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The amendment was agreed to.

The Clerk read as follows:

Books for judicial officers: For the purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1929, $58,730.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 47, after line 3, insert the following:

"Miscellaneous expenses: For such miscellaneous expenses as may be authorized or approved by the Attorney General for the United States courts and their officers, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal years 1929 and 1930, $28,800."

Mr. WOOD. Mr. Chairman, I will say to the committee that this item is for the purpose of providing stenographic service to the attorneys who have been provided for in the amendment which was just adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

Damage claims, private property: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C. 989, secs. 215–217), as fully set forth in House Documents Nos. 521 and 596, Seventieth Congress, $3,995.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HUDDLESTON. Mr. Chairman, on yesterday the Senate adopted an amendment to the naval bill of very considerable interest. It was in this language:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to or from Nicaragua except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

That amendment was adopted after the usual debate, which occupies several pages of the RECORD. Much of the debate consisted of bitter criticism of the President's Nicaraguan policy. The amendment was adopted by a vote of 38 Senators for to only 30 against. It was supported by Senator BORAH, who presides with such distinguished ability over the Senate Committee on Foreign Relations, and who is reputed to have been offered the appointment as Secretary of State by the incoming administration. It was also supported by Senator JONES, the Republican whip. The adoption of the amendment constituted under all rules of interpretation a repudiation and rebuke of a President's foreign policy such as has but rarely occurred in our previous history.

It is, therefore, amazing to read in to-day's newspapers the President's speech of last evening, in which, in commenting upon our foreign relations, he says:

The domestic disorders in Central America are being adjusted with a satisfaction that is almost universal. Even the mouths of those who would rather criticize us than have us do right have been stopped.

His was a Washington day speech, and coming as it did within a few hours after the stinging rebuke from the Senate, we are irresistibly impelled to remember the incident of the cherry tree. [Laughter.]

The President is sarcastic. Now, I am not in a position to speak for "those who would rather criticize than have us do right." In fact, I believe that our singularly unimaginative President has indulged in a wide flight of fancy in implying that there is any such class. There are those who would like for him "to do right," and in that class I am very glad to be enrolled. It is true that on numerous occasions I have criticized the President for his Nicaraguan policy. I have refrained from criticizing him during the past few months, and as it seems that he

misinterprets the situation, perhaps, on behalf of myself and others like me, I should give him some explanation for my silence.

The last time we heard from the President upon his Nicaraguan policy we were assured that the marines were being retained in Nicaragua solely for the purpose of helping to hold their election for President and that when the election had been held they would be promptly withdrawn. We realized that his action in that matter was unlawful and unconstitutional but some of us, feeling that further criticism at the time was futile, considered it best to wait until after he had held the election. Then we expected him to redeem his promise. Congress in the meantime was in adjournment.

The election in Nicaragua was held months ago yet the marines have not been withdrawn, and we still hear the silly patter about "Sandino, the bandit," and that everything is quiet and that all was a big success. Nevertheless, some 2,500 of our marines are yet in Nicaragua and the President's promise is unredeemed. His action shows that he regards Nicaragua as an American protectorate.

And now let me give the President an explanation for my silence, since it has become apparent he does not intend to redeem his promise to withdraw the marines. It is due, let me say to him, to the happy realization of the fact that the present head of the Government will soon pass into the shades of civil life. "Brave spirits war not with the dead." [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment offered by my friend the gentleman from Alabama [Mr. HUDDLESTON].

I regret the gentleman from Alabama would not yield to me. I wanted to correct him. The gentleman stated that the Senate yesterday put an amendment upon the naval appropriation bill to prevent the money there appropriated from being expended to maintain our marines in Nicaragua.

That was not done by the Senate. It was done by the Committee of the Whole over there, and in the Senate to-day the amendment referred to was stricken out. [Applause.]

I think so much of my friend from Alabama and value his services here so highly I did not want it to appear that he was making his remarks on our Nicaraguan affairs without information as to what had taken place over in the Senate to-day. [Laughter and applause.]

The Clerk read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Rural Delivery Service: For an additional amount for the Rural Delivery Service for the fiscal year 1929, including the same objects specified under this head in the act making appropriations for the Post Office Department for the fiscal year 1929, $250,000.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word.

I would like to ask the chairman of the committee if anything has been done with regard to increasing the salaries of the postmasters in the higher-class post offices like the post offices at New York, Brooklyn, Philadelphia, and the other large cities.

Mr. WOOD. I will say to the gentleman there is nothing in this bill that has anything to do with that matter.

Mr. O'CONNELL. Did they not appear before the Committee on Appropriations with reference to the matter?

Mr. WOOD. No.

Mr. O'CONNELL. The question was thoroughly discussed during the last session, and something should be done about it. I have in mind particularly the post offices in Chicago, Philadelphia, Detroit, New York, and Brooklyn. In New York, for instance, the postmaster handles 17,000 men at a ridiculous salary for himself, and the late distinguished Representative from Illinois, Mr. Madden, during a speech I made on this floor at the last session regarding the New York and Brooklyn and larger offices, stated that the salaries of these postmasters were utterly inadequate, were ridiculous, and that they should receive more money for the important and valuable work they are doing.

Mr. WOOD. I will say to the gentleman from New York that that is a legislative proposition, and I understand there is a measure of that character pending before the Committee on the Post Office.

Mr. O'CONNELL. Oh, it has been pending for a long, long time; but nothing has been done about it.

Mr. WOOD. We certainly could not appropriate the money until we had some authorization.

Mr. DOWELL. For the information of the gentleman from New York I will say that that bill is in the Senate now. It has not passed that body.

Mr. O'CONNELL. In the bill now before the Senate, as the gentleman contends, are the salaries of these officers being increased?

Mr. DOWELL. I think that is correct.

Mr. O'CONNELL. This bill originated in the House?

Mr. DOWELL. The bill passed the House and is now waiting action by the Senate.

The CHAIRMAN. The time of the gentleman from New York [Mr. O'CONNELL] has expired.

The Clerk read as follows:

Waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain: For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, fiscal year 1929, including the same objects and purposes specified under this head in the act making appropriations for the Department of State for the fiscal year 1929, and for printing and binding, $11,800.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 58, line 16, after the sum "$11,800," insert "which amount may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey, for direct expenditure."

The amendment was agreed to.

Mr. SELVIG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SELVIG: Insert after line 16, on page 58, the following:

"For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, fiscal year 1930, including the same objects and purposes specified under this head in the act making appropriations for the Department of State for the fiscal year 1930, and for printing and binding, $15,000; these amounts may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey for direct expenditure."

Mr. SELVIG. Mr. Chairman, this is an additional amount to be expended in surveys on the Roseau River drainage area in Minnesota. Roseau River is an international stream. It rises in Canada, flows through Minnesota, and then flows again through Canada. Certain flood-control problems have arisen which involve both countries.

The project has been referred to the International Joint Commission, and the purpose of this amendment is to expedite the investigation by the United States Geological Survey in order that it may be completed, if possible, in the year 1930.

I may say that the International Joint Commission had a meeting regarding the Roseau River reference on yesterday and the day before, and from the representations made by the Canadian engineers I would say it is urgent that this investigation be completed at as early a date as possible, and I trust the amendment will prevail.

Mr. FISH. Will the gentleman yield for a question?

Mr. SELVIG. Yes.

Mr. FISH. Has this anything to do with the St. Lawrence project?

Mr. SELVIG. No; it has not. It is the Roseau River in northwestern Minnesota.

Mr. ARENTZ. Will the gentleman yield?

Mr. SELVIG. Yes.

Mr. ARENTZ. The Public Lands Committee of the House has had under discussion for the last three days the boundary waters, including Rainy Lake. Does this added amount indicate the amount required for the publication of the report that has been made on the water levels that may be brought about by the construction of dams, and so forth?

Mr. SELVIG. This does not refer to Rainy Lake nor to Lake of the Woods.

Mr. ARENTZ. I am advised by the gentleman from Indiana [Mr. WOOD] that this is another item.

Mr. SELVIG. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 60, after line 23, insert the following:

"Bureau of Prohibition: For an additional amount for enforcement of the narcotic and national prohibition acts, including the same

objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, fiscal years 1929 and 1930, $1,719,654, of which not exceeding $50,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing and other necessary expenses in connection therewith."

Mr. BANKHEAD. Mr. Chairman, I offer an amendment as a substitute for the amendment of the gentleman from Indiana.

The Clerk read as follows:

Substitute amendment offered by Mr. BANKHEAD to the amendment offered by Mr. WOOD:

Strike out "$1,709,654" and insert: "For the enforcement of the eighteenth amendment to the national prohibition act and supplementary acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquor and narcotics, the sum of $24,000,000, or such portion thereof as the President may deem useful to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned, in accordance with existing law, and to remain available until June 30, 1930."

Mr. WOOD. I reserve a point of order on the substitute.

Mr. BANKHEAD. Mr. Chairman, I demand the regular order.

Mr. WOOD. Then I make the point of order. I reserved the point of order because it was impossible for me to hear the reading by the Clerk on account of confusion. My idea was that it would give me an opportunity to examine the amendment.

Mr. BANKHEAD. Mr. Chairman, I would be glad for the gentleman to examine it. My purpose in demanding the regular order was that if the gentleman from Indiana really proposed to make the point of order he might make it and get the matter disposed of. But I ask unanimous consent that the substitute amendment may be reported again.

Mr. O'CONNELL. Mr. Chairman, can we not have both amendments rereported—the amendment of the gentleman from Indiana and the substitute by the gentleman from Alabama?

The CHAIRMAN. Without objection, that can be done. The Chair hears no objection. The Clerk will report first the amendment by the gentleman from Indiana.

The Clerk again read the amendment offered by Mr. WOOD.

Mr. BANKHEAD. I think it would be more regular, Mr. Chairman, if I offered my amendment as a substitute.

Mr. WOOD. I will withdraw the point of order and ask unanimous consent that all debate on this item and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The Clerk will report the Bankhead amendment as modified.

The Clerk read as follows:

In lieu of the Wood amendment insert:

"For the enforcement of the eighteenth amendment in the national prohibition act and supplementary acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquors and narcotics, the sum of $24,000,000, or such portion as the President may deem useful, to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned, in accordance with existing law, and to remain available until June 30, 1930."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this paragraph and all amendments thereto be closed in 10 minutes.

Several Members objected.

Mr. BOYLAN. Mr. Chairman, I make a point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BOYLAN. This is new legislation; it is appropriating money that has not been heretofore authorized.

Mr. BANKHEAD. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BOYLAN. You can not make a point of order until you hear the amendment first read.

The CHAIRMAN. This reading was the second reading. One amendment had been offered and another had been offered as a substitute for it, and debate had been had.

Mr. BOYLAN. I have not heard any debate.

The CHAIRMAN. A unanimous-consent request had been made that the two amendments be reread.

Mr. BOYLAN. Mr. Chairman, the confusion in the House was such that nobody knew what was going on.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama [Mr. BANKHEAD] to discuss his amendment.

Mr. BOYLAN. The gentleman from Indiana reserved the point of order until the substitute could be read.

The CHAIRMAN. The gentleman withdrew his point of order.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I am indeed very much pleased that we now have an opportunity in the Committee of the Whole for a clean-cut expression of opinion upon the part of the membership of the House upon the matter now in controversy, and if the result of that vote in the Committee of the Whole is not satisfactory, because it will not present a vote of record, I trust that the opportunity will arise before we conclude the consideration of the bill to have a record vote upon the proposition involved in my substitute. [Applause.] It is needless for me to undertake to explain the purposes of this amendment. For a good many days now in the pages of the CONGRESSIONAL RECORD, in the press of the country, and in the cloakrooms and corridors of the Capitol this proposition has been well discussed and the purpose of it is well understood. In presenting this substitute we are here offering an opportunity for the Members of this House to show by their vote whether or not the eighteenth amendment to the Constitution of the United States and of the Volstead law, which carries the provisions of that amendment into effect, shall have a full and fair and unhampered opportunity to be tried out on their merits by those charged with the duty of enforcing them, without having an excuse that they have not been supplied with adequate funds with which to carry out that duty. We need not try to deceive ourselves about this great question. As the guardians of the Treasury, as well as the guardians of the interests of the people of this country who believe in the eighteenth amendment and who believe in enforcement of the laws passed in pursuance thereto, we have the duty to see to it that an honest, diligent, persistent effort is made by those whose responsibility it is to enforce it, and the only thing involved in this amendment is to give to the incoming President of the United States, Mr. Hoover, a man who by the votes in the last election evidently has the confidence of the majority of the people of the United States, a man who went into the campaign supported by the so-called prohibition forces of the country in large measure, ample funds with which to honestly carry out an effort to enforce what he himself calls "this noble experiment in human welfare."

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. CRAMTON. The gentleman now offers an amendment for an additional $24,000,000. How does it happen that he offers that now, and that a year ago was entirely content with the amount recommended by the administration, which has not been reduced?

Mr. BANKHEAD. I say to the gentleman that I have entirely lost all confidence in the present administration of the Secretary of the Treasury as having any real desire to enforce the constitutional amendment. [Applause on the Democratic side.]

Mr. CRAMTON. Let me ask the gentleman this——

Mr. BANKHEAD. I answered the gentleman's question yesterday. The gentleman chided me for my apparent indifference as a prohibitionist to the amount we were annually appropriating for enforcement. Heretofore I have been following his leadership as one of the dry leaders here in this House, particularly in view of his place upon the Committee on Appropriations, but finding that he has abandoned us in this fight, I now embrace the opportunity to act on my own initiative and present this amendment. [Applause.]

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 103, noes 72.

Mr. BANKHEAD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. WOOD and Mr. BANKHEAD to act as tellers.

The committee again divided; and the tellers reported—ayes 108, noes 73.

So the motion was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment to the substitute offered by the gentleman from Alabama, which I send to the desk and ask to have read.

Mr. CRAMTON. Mr. Chairman, I suggest that that would be an amendment in the third degree.

The CHAIRMAN. An amendment to a substitute is an amendment in the second degree. The Clerk will report the amendment of the gentleman from New York to the substitute.

The Clerk read as follows:

Strike out the figures "$24,000,000" and insert in lieu thereof the figures "$300,000,000."

The CHAIRMAN. The question recurs on the amendment to the substitute.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SCHAFER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 3, noes 61.

So the amendment to the substitute was rejected.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from Alabama [Mr. BANKHEAD].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BANKHEAD. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

Mr. HUDSON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Michigan demands tellers.

Tellers were ordered, and the Chairman appointed Mr. WOOD and Mr. BANKHEAD to act as tellers.

The committee again divided; and the tellers reported—ayes 71, noes 134.

So the Bankhead substitute was rejected.

Mr. FISH. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from New York offers an amendment to the committee amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. FISH to the committee amendment: Strike out the figures "$1,719,654" and insert in lieu thereof "$1,919,654 (for narcotic enforcement)."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FISH. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 18, noes 79.

So the Fish amendment to the committee amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the amendment was agreed to.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is no further debate on this section or the amendments thereto. The debate is exhausted.

The Clerk will read.

The Clerk read as follows:

PUBLIC DEBT SERVICE

Distinctive paper for United States securities: For an amount necessary to purchase during the fiscal year 1929 not exceeding 200,000 additional pounds of distinctive paper for United States currency, national-bank currency, and Federal reserve-bank currency, including transportation of paper and other necessary expenses, and including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1929, $100,000.

Mr. GREEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. GREEN. Mr. Chairman, by almost a strictly party vote and through strategic Republican rules you have been able, first, to refer a very important item to your committee and thus prevent the voice of the majority of the Members of your House from being heard, and then, second, through a few wet manipulators, headed by a wet dictator in the person of your wet Secretary of the Treasury, resorted to all manner of parliamentary tactics, and would not even permit us to debate an item upon which the voice of America has demanded we should be heard. You have caused your dry Republicans to vote and go through the line in opposition to this item for prohibition enforcement.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Not now. I will later if I can get more time.

You have, my friends, denied the majority of the membership of this House the right to vote and the right to express themselves on a vital issue. [Applause.] You have by your non-record vote recently refused to put yourselves on record and also refused the Democrats the right to go on record. The wet Members of this House on the Democratic side appear willing to go on record and we Democratic drys surely are.

Mr. SCHAFER. Mr. Chairman, a point of order. The gentleman is out of order. He is not discussing the question embodied in his amendment. I demand that he confine his remarks to his amendment.

Mr. GREEN. I yield to the gentleman from Wisconsin for his question.

Mr. SCHAFER. I want to ask the gentleman if it is not a fact that almost as many Democrats voted the way he denounces as did Republicans?

Mr. GREEN. No; I think not. The wet Democrats apparently are not afraid of their position, and they vote it and speak it; and the dry Democrats are not afraid of their vote. We stand open and above board. But your party denies them the right by your autocratic rules. [Applause.] Even your leaders confer and you at once decide to close debate by enforcing your autocratic rules. [Applause.]

Mr. SCHAFER. The gentleman professes to believe in majority rule. If the majority desires to close debate the gentleman should not be unduly exercised.

Mr. GREEN. A majority of this House desires prohibition enforcement, but are not by Republican House rule permitted to express themselves. I say it is a disgrace and an outrage upon the conscience of America to thus repress voice and record vote. [Applause.] I denounce rules which prohibit carrying out the will of the majority of the people. My friends, you well remember the honor roll, so called, that has been published recently in some of your Republican newspapers.

To this so-called honor roll you might as well add other nullificationists and revolters against the Federal Constitution. Why not add on that roll others of an illustrious line of those who have revolted against law, the Constitution, and constituted authority? I refuse to place on a roll of honor persons because they revolt against the Constitution's amendments. I prefer to place on a roll of honor all noble and patriotic American citizens who support the Constitution, uphold the law, and protect the heritages and moral institutions of our country. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Indiana moves that all debate on this section and all amendments thereto do now close.

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 100, noes 27.

So the motion was agreed to.

The Clerk read as follows:

Bureau of Customs.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 60, after line 6, insert the following:

"Collecting the revenue from customs: For an additional amount for collecting the revenue from customs and the detection and prevention of frauds upon the customs revenue, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $707,860."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF INTERNAL REVENUE

The limitations upon the amounts which may be expended for rental of quarters in the District of Columbia under the appropriations "Collecting the internal revenue, 1929," and "Collecting the internal revenue, 1930," are hereby increased to $223,058 and $233,305, respectively.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BLACK of New York. Mr. Chairman, this appropriation represents one of the most famous surrenders of history. There they are—Marshal Mellon, Aide-de-Camp Mills, and CRAMTON, the terrible, bending the knee to the proud conqueror McBride. Cornwallis was heroic compared to the paralyzed leaders of the administration.

No wonder Bishop Cannon can stand before the Sphinx in an attitude a la Napoleon, it looks like rain.

WILL WOOD beat a strategic retreat saving twenty-two million from the bandits and he ought to get a congressional medal. I

suppose, though, when they take him into camp they will search him and find the twenty-two in his hip pocket with—the conference report on the first deficiency bill.

Of course I dislike the way CRAMTON and COOPER deserted the wets, but we will always have the consolation of their brave but transient words on the twenty-four million. Certainly they will be treated as the prodigal sons, but when they return again to us we will give them a better time.

When COOPER and CRAMTON crossed the Rubicon they knew they had return tickets. CRAMTON was only a member of Tammany for an hour, but during that hour he illustrated the story of the rabbit, the rum, and the bulldog. Maybe we will live down his desertion from our ranks.

There is nothing for the farmers in this bill, but the drys get theirs. Congress comes to the relief of fanaticism like March hares, but it moves like an asthmatic tortoise toward farm relief.

Here are the drys pressing the Jones bill that is supposed to can the bootleggers forever, and yet they need more money for enforcement.

But I suppose the world will go on—and we might as well have the same confidence in it as Doctor LONGWORTH.

The Clerk read as follows:

Coast Guard.

Mr. BYRNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS: Page 61, after line 18, insert: "For every expenditure requisite for and incident to the authorized work of the Coast Guard, including the expense of maintenance, repair, and operation of vessels forfeited to the United States and delivered to the Treasury Department under the terms of the act approved March 3, 1925 (43 Stat. 1117), as follows, including not to exceed $1,250 for purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes:

"For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, and surfmen, substitute surfmen, and two civilian instructors, and not exceeding $6,000 for cash prizes for men for excellence in gunnery, target practice, and engineering competitions, for carrying out the provisions of the act of June 4, 1920 (U. S. C. 1143, sec. 943), rations or commutation thereof for cadets, petty officers, and other enlisted men, $1,000,000."

Mr. WOOD. Mr. Chairman, I make a point of order against the amendment.

Mr. BYRNS. What is the ground of the gentleman's point of order,

Mr. WOOD. I have not seen the amendment.

Mr. CRAMTON. Mr. Chairman, inasmuch as the point of order has been made and the burden is on the gentleman who offered the amendment to show that there is law to substantiate the proposed appropriation, I suggest that the gentleman from Tennessee point out the law.

Mr. BYRNS. The gentleman from Indiana made the point of order and not the gentleman from Michigan, and I would like to have him state on what ground the point of order is made.

Mr. CRAMTON. The gentleman from Michigan has a perfect right to make and does make the point of order that there is no legislation authorizing such an appropriation, and having done that, the gentleman from Tennessee has the burden of showing the legislation to support the proposed appropriation.

Mr. BYRNS. The gentleman can make that statement, but if the gentleman heard this amendment——

Mr. CRAMTON. I have not had a chance to hear it or to read it?

Mr. BYRNS. Then how does the gentleman know it is legislation?

Mr. CRAMTON. But the burden is on the gentleman to show it is not legislation.

Mr. BYRNS. The gentleman talks just as well without information as he does with it. [Applause.]

Mr. CRAMTON. Mr. Chairman, if I were seeking information and went to the gentleman from Tennessee for it, I would know I had gone to the wrong place to get it. [Applause.] The Chair has the right to get from the gentleman the information I suggested, but now that my colleague [Mr. WOOD] has had a chance to read the amendment, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN (Mr. LEHLBACH). The procedure is this: It devolves upon the proponent of any amendment, in the first instance, to support it when a point of order is raised, but the person raising the point of order must state what that point is in order that the gentleman may know the defense he must make against it.

Mr. WOOD. I will say to the gentleman that there are objects named in this proposed amendment that are not authorized by law. Among these are prizes for men for excellence in gunnery, target practice, and engineering competitions for carrying out the provisions of the act of June 4, 1920.

Mr. BYRNS. Mr. Chairman, the amendment was taken from the Treasury appropriation bill. It is identically the same language that was passed by the House in the Treasury appropriation bill and under which an appropriation of $19,000,000 is carried. I think it is very clear, Mr. Chairman. The matter has been tested, and, as I say, was passed in the regular annual appropriation bill in identically the same language, and it simply provides for this money to be expended for all purposes requisite for and incident to the authorized work of the Coast Guard. Of course, if the Chair holds that language to be out of order I will strike it out and reoffer the amendment.

The CHAIRMAN. Will the gentleman from Tennessee permit the Chair to direct an inquiry to him?

Mr. BYRNS. Yes; I will be pleased to.

The CHAIRMAN. The mere fact that an item has previously been carried in an appropriation bill, without objection having been made thereto, is not even prima facie proof of its being based on some authority of law, because frequently items are permitted to pass without a point of order being raised against them because of their substantial merit. Now, can the gentleman from Tennessee refer to any act or statute permitting these specific expenditures or permitting the appropriation of money therefor?

Mr. BYRNS. It is my impression, Mr. Chairman, although I am not very certain about it, that the act of June 4, 1920, provides for prizes for excellence in gunnery, target practice, and engineering competition. As I say, I am not absolutely certain about it, but I think that act so provides. I have not the act before me.

Mr. WOOD. If the gentleman from Tennessee will permit, I wish to say to the gentleman that we have appropriated for all that was required by the department and all that is authorized by the law for the very purposes set out in this item, but in order to save time, I will withdraw my point of order and let the committee vote on it.

Mr. BYRNS. Mr. Chairman, I do not wish to take up the time of the committee, but I do want to consume just about five minutes on this amendment. I have no doubt, of course, that this amendment will meet with the opposition of the doughty leader of the wets, the gentleman from Wisconsin, but what has surprised me during the afternoon on the votes on all these propositions is that so many of these so-called earnest drys on the other side of the House have followed his leadership [laughter], and we find them lined up solidly with the gentleman from Milwaukee who boldly states upon the floor of the House that he is opposed to any appropriation for the purpose of enforcing the prohibition law.

Mr. SCHAFER. Will the gentleman yield? [Laughter.]

Mr. BYRNS. If I have misquoted the gentleman; yes.

Mr. SCHAFER. I did not see the gentleman who is now speaking stand up and vote for the $300,000,000 amendment.

Mr. BYRNS. When the gentleman rose I thought he was going to contradict the statement I made and I yielded to him only for that purpose.

Now, Mr. Chairman, this morning I talked at some length with reference to the statements by Admiral Billard, of the Coast Guard. I challenge every man in this House to take the hearings on the deficiency bill and read his hearing and read particularly what he said about his inability to effectually prevent smuggling on the Atlantic and Pacific coasts because he did not have sufficient boats and sufficient money——

Mr. PARKER. Will the gentleman yield?

Mr. BYRNS. I can not, I am sorry. If I could get an extension of time I would be pleased to yield.

Mr. PARKER. We have a bill on the calendar now authorizing that.

Mr. BYRNS. I am sorry I can not tell you just how much he needs——

Mr. PARKER (interposing). And he can not.

Mr. BYRNS. He sent a report to the Secretary of the Treasury, according to his statement, two weeks before February 8, in which he stated how many men and boats he needed and he so stated in his hearing on the deficiency bill; but for some reason we could not get that report in the hearings and the House is entirely in the dark as to just what is needed, although, according to Admiral Billard, the Secretary of the Treasury and the Assistant Secretary have complete information in their possession. Therefore I have offered this increased appropria-

tion of $1,000,000, not with the idea that it is sufficient but it will at least afford an opportunity to the admiral between now and next December, when the next appropriation will be made, to start the work and to begin to enlist the Coast Guard personnel.

Mr. PARKER. Will the gentleman yield?

Mr. BYRNS. I am sorry I can not yield. I have only five minutes. The gentleman knows that the House is restive and I do not wish to ask an extension. If I can get an extension, I will yield to all of you gentlemen.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes.

Mr. SEARS of Florida. That is not enough. Make it five minutes.

Mr. PARKER. I simply want to call the gentleman's attention to the fact——

Mr. SEARS of Florida. Mr. Chairman, I object.

Mr. BYRNS. Do not take all of my time.

Mr. PARKER. I am not going to do that. There is a bill now on the calendar authorizing the commissioned personnel. Admiral Billard, before our committee, stated that he had all the officers now that the law would allow and there is a bill on the calendar which will be brought up next week.

Mr. BYRNS. On the contrary, I will say to the gentleman that the admiral stated, and I challenge the gentleman to read the record, that he has 65 places now that are not filled.

Mr. PARKER. Not in the commissioned grade.

Mr. BYRNS. That are not filled by commissioned personnel. If the gentleman will read the hearings on the deficiency bill he will find that statement.

What good does it do to have a bill upon the calendar and never call it up and never pass it? [Laughter and applause.]

Mr. PARKER. I will say to the gentleman that the bill has just been reported.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Chairman, I move that all debate on this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The question was taken; and on a division (demanded by Mr. BYRNS) there were—ayes 56, noes 102.

So the amendment was rejected.

The Clerk read as follows:

Greenwood (Miss.) post office: For commencement of extension and remodeling, under an estimated total cost of $90,000.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 71, strike out lines 1, 2, and 3 and insert "Greenwood (Miss.) post office: For extension and remodeling, $90,000."

The amendment was agreed to.

The Clerk read as follows:

San Luis (Ariz.) inspection station: For commencement of construction of a building for the accommodation of border-inspection services, $20,000, under an estimated total cost of $58,500; and the Secretary of the Interior is authorized to transfer to the Treasury Department as a site for an inspection station at San Luis, Ariz., part of lots 3 and 4, section 12, township 11 south, range 25 west, to be selected by the Secretary of the Treasury with the approval of the Secretary of the Department of the Interior.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 80, line 19, strike out the words "the department of."

Mr. WOOD. That is merely to clarify the language.

The amendment was agreed to.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. I notice the appropriation for various post offices; I want to ask the gentleman what has become of the additional appropriation for the Chicago Post Office? I remember that 20 years ago I secured the first appropriation for the post office in Chicago of $1,000,000, but the post office has not been built. I know the site has been acquired at a tremendous price. I want to know if the balance of the site has been acquired and when we can expect to get relief?

Mr. WOOD. The authorization has been had and the appropriation made for acquiring the site and commencing the building. They have had a great deal of trouble in getting all the land that they desired. They had to condemn some of it, but I understand the title now has been completed.

Mr. SABATH. We are paying to-day to the Pennsylvania Railroad for lease for the substation a tremendous price. I do not know whether it is $150,000 or $170,000 a year, but it is a price that is outrageous. We feel that a post office that was authorized 20 years ago should have been completed long before this and we think that this exorbitant price that we are paying for rental ought to cease.

The CHAIRMAN. The gentleman from Nebraska [Mr. SIMMONS] has sent an amendment to the desk. Does he offer it at this time?

Mr. SIMMONS. No, Mr. Chairman; it comes in later.

Mr. SABATH. Now, will the gentleman let me ask one further question? How late does the gentleman intend to go on to-night?

Mr. WOOD. If we do not have many more speeches, we will get through soon. We want to pass this bill to-night, and I hope the gentleman will help us.

Mr. SABATH. That is what I am trying to do. [Laughter.]

The Clerk read as follows:

Santa Ana (Calif.) post office, etc.: For acquisition of site and commencement of construction, $50,000, under an estimated total cost of $245,000.

Mr. O'CONNELL. Mr. Chairman, respecting an item on page 77, line 17, for Pembina, N. Dak., customhouse, there is provision for the acquisition of a site and the commencement of construction of a building for the accommodation of the Customs Service there and the Immigration Service, and the total estimated cost of it is $115,000. I am wondering what kind of a place Pembina is, and how great its importance is to the people that we should spend $115,000 there to construct a building.

Mr. WOOD. The building is for the accommodation of the customs activities and for the Immigration Service. It is one of the most important points that we have along the Canadian border.

Mr. O'CONNELL. How important is it in the matter of customs receipts?

Mr. WOOD. The customs receipts there are over $200,000 a year.

The Clerk read as follows:

West Warwick (R. I.) post office, etc.: for acquisition of site and commencement of construction, $30,000, under an estimated total cost of $140,000.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 80, after line 22, insert: "Scottsbluff (Nebr.) post office: The limit of cost fixed by the act of March 5, 1928 (45 Stat. 181), is hereby increased to $125,000, and the building shall be so constructed that accommodations for the courts may be added later."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word, and ask the attention of the gentleman from Indiana [Mr. WOOD] for a moment. It came to us on this side a few moments ago from what we always have been accustomed to regard as a source thoroughly reliable, that if any Member undertook to speak on any public-building project in this bill in which he might have an interest, there were sufficient votes on that side to throw the item out of the bill. That has had a very salutary effect, as the gentleman from Indiana must have observed. [Laughter.] I now rise to ask the gentleman from Indiana if we can turn that matter around, and where a project is not in the bill whether, if one will refrain from speaking on the project but will merely offer an amendment, the gentleman from Indiana will accept it? [Laughter.]

Mr. SABATH. That might help me in Chicago very much, and that is what I wanted to know. [Laughter.]

Mr. WOOD. I am fearful that if we agreed to that we would not get away from here in a week.

Mr. GARRETT of Tennessee. Mr. Chairman, under that statement, that "cruel and heartless" statement of the gentleman from Indiana, I shall not offer an amendment, and I withdraw the pro forma amendment to show my perfect good faith. [Applause and laughter.]

The Clerk read as follows:

Operating force for public buildings: For additional amounts of such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department, etc., including the same objects specified under this head in the acts making appropriations for the Treasury Department for the following fiscal years.

Mr. WOOD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 84, line 11, after the word "amounts," strike out the word "of" and insert the word "for."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LOZIER. Mr. Chairman, the pending deficiency bill (H. R. 17223) carries an appropriation of $25,000 for commencement of construction of the Trenton (Mo.) Federal building, under an estimated cost of $75,000. In order to justify this expenditure and show the necessity for this building I will say that Trenton is a prosperous and rapidly growing city, with an estimated population of 8,492 on June 30, 1926. It is the county seat of Grundy County, a section of rich and diversified agricultural resources. It is served by and is the division point on two great railroad systems. It is noted for its churches, schools, railroad shops, business activities, sound and well-managed banks, civic spirit, and its high type of citizenship. In few, if any, places has the community spirit been more highly, successfully, and profitably developed. The "Trenton idea" or the "Trenton plan" of comradeship, cooperation, and community of interest between the citizens of a municipality and the population of surrounding territory was conceived, incubated, developed, perfected, and first successfully applied in Trenton and vicinity, from whence it has gone triumphantly over the Nation, carrying its benefits and blessings to countless communities.

The people of Trenton and Grundy County are progressive, law-abiding, upstanding, forward-looking, sociable, hospitable, and at all times liberal in support of schools, good roads, churches, public improvements, and everything else designed to promote the public good, build up the community, and make for better government, better homes, and better citizenry. I mention these things in order that my colleagues may get a long-distance acquaintance with the people of Trenton and Grundy County, Mo., who have long been denied this public building to which they are justly entitled. If you knew these good people as I know them, and if you knew the needs of the Postal Service in that community, you would realize beyond the peradventure of a doubt that Trenton really needs, deserves, and must have this Federal building. No one familiar with the facts will deny that a Government building should have been constructed in Trenton many years ago; and voting for the pending bill will not leave a bad taste in your mouth or necessitate any apology, because the business needs of the community, the postal receipts, and the demands of the Postal Service not only justify but make it imperative that this Trenton building should be constructed.

The Federal Government has but recently adopted a new public-building program that is fully justified on business and economic grounds. Trenton is the first county seat in Missouri to get a Federal building for many years. When Congress resumed its public building construction program, in order to prevent a few large cities and States from "gobbling up" the $150,000,000 appropriation, a provision was inserted in the authorization act requiring at least two public buildings to be constructed in each State. Under a survey made in January, 1927, by the Treasury and Post Office Departments it was found that Trenton was entitled to the first Federal building to be constructed in Missouri under the provisions of this new public-buildings program. Of course, this finding pleased me immensely; and under all the facts—when population, postal receipts, and other factors were considered—Trenton was undoubtedly more entitled to a public building than any other city in the State. The award of this building to Trenton—an act of manifest justice—was based on postal receipts, city population, and population served in the city and adjoining territory.

The receipts of the Trenton post office were as follows: 1926, $25,282; 1927, $26,235; and 1928, $25,438. In 1926, according to the survey made by the Treasury and Post Office Departments, the Trenton post office served a population in and adjoining Trenton of 11,948, which number has probably materially increased since that date.

The Trenton building will be a 1-story structure with basement. It will be of fireproof construction and have a ground area of approximately 4,500 square feet—3,450 square feet for post-office purposes and 225 square feet for the internal-revenue agents. The building will be brick faced and stone trimmed.

I may add, from the survey made by the Treasury and Post Office Departments, that Sikeston is entitled to the second public building to be constructed in Missouri under the building program to which I have referred.

The Clerk read as follows:

Any unexpended balances under the appropriations "Monument, Kill Devil Hill, Kitty Hawk, N. C., 1929," and "Fredericksburg and Spotsylvania County Battle Fields Memorial, 1928 and 1929," are continued and made available during the fiscal year 1930 for the same respective purposes.

Mr. TARVER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TARVER: Amend by adding after line 18, on page 87: "Government road, Rossville, Ga., to Chickamauga and Chattanooga National Park: For carrying out the provisions of the act 'An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park,' approved February, 1929, fiscal years 1929 and 1930, $60,000, to be subject to the terms and conditions of acceptance of title and maintenance as set forth in said act."

Mr. TARVER. Mr. Chairman, I understand that the amendment is acceptable to the gentleman in charge of the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Memorial at Lititz, Pa.: For every expenditure requisite for or incident to the erection of a tablet or marker at Lititz, Pa., in accordance with the provisions of the act approved May 23, 1928 (45 Stat. 718), fiscal years 1929 and 1930, $2,500.

Mr. RANKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. HOCH). The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: Page 88, after line 9, insert "Battle fields of Brices Cross Roads and Tupelo, Miss.: For the purpose of carrying out the provisions of Public Law No. 792, approved February 21, 1929, to provide for the inspection of the battle fields of Brices Cross Roads, Miss., and the battle field of Tupelo or Harrisburg, Miss., $10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Restoration of Lee mansion: For continuing the restoration of the Lee mansion, Arlington National Cemetery, Va., and the procurement, including gifts, of articles of furniture and equipment which were formerly in use in such mansion, or replicas thereof, or other furniture and equipment of the period, in accordance with the provisions of the act approved March 4, 1925 (43 Stat. 1356), $90,000, to remain available until expended. Such restoration and the articles so procured to be subject to the approval of the Commission of Fine Arts.

Mr. CRAMTON. Mr. Chairman, the reading has progressed more rapidly than I was aware. I desired to say something about the preceding item. I ask unanimous consent that I may be permitted to extend my remarks, and in doing so I would like to insert a letter I have written and some other comments.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Chairman, the item of appropriation just read will go far in carrying into effect the act of Congress of March 4, 1925, for the restoration of the Lee mansion. That resolution reads as follows:

Joint resolution authorizing the restoration of the Lee mansion in the Arlington National Cemetery, Va.

Whereas the era of internecine strife among the States having yielded to one of better understanding, of common loyalty, and of a more perfect Union; and

Whereas now honor is accorded Robert E. Lee as one of the great military leaders of history, whose exalted character, noble life, and eminent services are recognized and esteemed, and whose manly attributes of precept and example were compelling factors in cementing the American people in bonds of patriotic devotion and action against common external enemies in the war with Spain and in the World War,

thus consummating the hope of a reunited country that would again swell the chorus of the Union: Therefore be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed, as nearly as may be practicable, to restore the Lee mansion in the Arlington National Cemetery, Va., to the condition in which it existed immediately prior to the Civil War and to procure, if possible, articles of furniture and equipment which were then in the mansion and in use by the occupants thereof. He is also authorized, in his discretion, to procure replicas of the furniture and other articles in use in the mansion during the period mentioned, with a view to restoring, as far as may be practicable, the appearance of the interior of the mansion to the condition of its occupancy by the Lee family.

I introduced the resolution in question in the Sixty-eighth Congress, and it passed both Houses unanimously. I was indebted to the gifted Clerk of the House, Mr. William Tyler Page, for the phraseology of the resolution, it being drafted by him at my request. A year ago an appropriation was made to study and investigate the problem. As a result of that study the Quartermaster General is now prepared to go ahead with the work of restoration and this appropriation will make possible great progress. It is work which needs to be done with care and thoughtfully along proper lines. Hence the item is available until expended, and the cooperation and approval of the Fine Arts Commission is provided for. When properly done, it will add much of interest to the visit of the tens of thousands who visit Arlington annually. Now the mansion is barren and a disappointment to all, the cause of constant unfavorable comment. When restored, every visitor to Arlington will view in exterior and in interior a home of the best type of the pre-Civil War period, just as Mount Vernon typifies and preserves for posterity the best type of home of the American Colonial period. Wonderfully located, it will have charm for the visitor, both without and within.

The incidental recognition to Lee is deserved and timely. My father, who served more than four years in the Union Army in forces operating in Virginia, Maryland, and Pennsylvania in opposition to Lee's forces, is still living. It was from him that I first learned, in my boyhood, to admire Lee. When the resolution in question became law, with occasional word of criticism in some quarters, he spoke to me in approval of it, and said:

I have always regarded Lee as a great American.

The general spirit of reunion in America, sanctified as it is by mingled blood of North and South in two wars, 1898 and 1918, is remarkable, so recent was the bitter fratricidal strife. It is not strange there should be an occasional word of criticism.

Such a word came to me when this resolution became law. It came from a man in my State for whom I have high respect. I wrote him in reply, December 4, 1925, as follows:

DECEMBER 4, 1925.

MY DEAR SIR: I have your letter of November 19 with reference to the proposed restoration of the mansion at Arlington. I am sorry, indeed, to note the position of your organization with reference to this.

As the son of a veteran of the Civil War who served four years under Sheridan and Custer, and as a member of the Order of the Sons of Veterans continuously for over 30 years, I have the very highest regard for the attitude of the Grand Army of the Republic upon any question. I feel, however, that the position taken in this instance has been without full realization of the exact situation. You speak of the contemplated plan by the Daughters of the Confederacy to create the Arlington mansion into a shrine for Gen. Robert E. Lee. This is not the case.

The plan is mine. I initiated the movement for the restoration of the Arlington Mansion and I am willing to take full responsibility for it. It was never suggested to me by the Daughters of the Confederacy or by any other southern source. I have frequently visited Arlington Cemetery with friends from Michigan in the course of the 12 years or more that I have been in Washington. Anyone who has ever accompanied me there has expressed regret at the barren and uninteresting condition of the interior of the mansion, and all have indorsed my idea that the interior should be refurnished and restored as nearly as possible to its old condition when occupied as a home. If to be restored to its old condition as it was when occupied by a home, it must necessarily be the home of Gen. Robert E. Lee, for it was General Lee and his wife who occupied it last before it came into the possession of the Federal Government. Incidentally, therefore, when restored to its condition as a home of the pre-Civil War period, it does honor to General Lee. It will have very great interest to the many thousand visitors at Arlington to see there a fine type of home of the pre-Civil War period just as people enjoy seeing a home of the Colonial period at Mount Vernon. The fact that, incidentally, honor is shown to General Lee, I do not regret. I am perfectly willing to do that.

The Civil War is long over. No one to-day seeks to promote the cause for which the South fought and General Lee led in time of war. No one dreams of the return of slavery and no one longer holds that an individual State has the right to secede from the Union. Those who fought the battles of the North in the Civil War may have the satisfaction of knowing that in all the history of the world there never has been a war fought in which great issues were so definitely and finally settled as in our Civil War. The issues for which the North fought were settled in accordance with the contentions of the North. The Union was preserved and nowhere in any State, North or South, is there to-day any desire for it to be otherwise.

Furthermore, the Civil War is unique in that within the lifetime of those men who, like yourself, made possible the victory, the sectional bitterness which accompanied it has passed away, and that in two foreign wars since that time South and North have fought and sacrificed side by side. We do not glorify secession or slavery, but we may very well take pride in the high character and the great ability of Gen. Robert E. Lee, and can well afford to pay passing tribute to them.

It is not always remembered, but it should be remembered, that while Gen. Robert E. Lee led the armed forces of the Confederacy in war, he was not a leader in the movement that brought about the war and had no responsibility for the secession of his State. Furthermore, while he had led in time of war, he led also after the surrender in the movement for acceptance of the results of the war by the South, and it is due in part to such men as he in the South that the Union has again so speedily in spirit as in law become a reality. No one was in a position to exert a greater moral influence in the South after the surrender than General Lee, and every ounce of that influence was exerted in favor of acceptance of the results of the conflict and restoration of the Union. His attitude was summed up in the advice which he gave to a young student at the university of which he was the president after the war. This student had served as a soldier during the war, and in discussion at the university had given expression very strongly to disunion sentiments. Charles Francis Adams relates that later, General, then President Lee, sent for the student, and after praising the composition and delivery seriously warned him against holding or advancing such views, impressing strongly upon him the unity of the Nation, and urging him to devote himself loyally to maintain the integrity and the honor of the United States.

The Grand Army of the Republic has no occasion to have any fear for the future of the Republic. The work which they accomplished by force of arms was so thoroughly done as to have settled forever the questions involved. Soldiers of the North in the Civil War made the Union forever secure.

The accomplished era of sincere American unity was definitely recognized December 15, 1898, nearly two score years ago, when a veteran of the Union cause, Maj. William McKinley, then President of the United States, speaking before the State Legislature of Georgia, at Atlanta, in the days of common support of our flag, North and South, in the Spanish-American War, said, in part:

"And while when those graves were made we differed widely about the future of this Government, these differences were long ago settled by the arbitrament of arms—and the time has now come in the evolution of sentiment and feeling under the providence of God when, in the spirit of fraternity, we should share with you in the care of the graves of the Confederate soldiers. The cordial feeling now happily existing between the North and South prompts this gracious act, and if it needed further justification it is found in the gallant loyalty to the Union and the flag so conspicuously shown in the year just passed by the sons and grandsons of these heroic dead. What a glorious future awaits us if unitedly, wisely, and bravely we face the new problems now pressing upon us, determined to solve them for right and humanity."

We are fortunate beyond compare in having a truly united land to-day to face the new problems of right and humanity that always press upon us, and I wish very much I might have your cooperation in this effort of mine for restoration of the mansion at Arlington rather than your opposition, since it is but a continuation of the strengthening of the ties of union in this Republic, once saved by you and your comrades from disunion.

I am, yours sincerely,

LOUIS C. CRAMTON.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For "sugar standardization, Bureau of Mines, 1929," $5,067.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 114, line 7, strike out the word "Mines" and insert the word "Standards."

The CHAIRMAN (Mr. LEHLBACH). The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total, Hydrographic Office, $3,100.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 131, strike out all of line 6.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The Personnel Classification Board, within 30 days after the enactment of this act, shall review the allocations of all positions, which, on June 30, 1928, were allocated in grades 4, 5, 6, and 7 of the professional and scientific service, and grades 11, 12, 13, and 14 of the clerical, administrative, and fiscal service and of the compensation schedules set forth in the classification act of 1923 (covering salary rates from $3,800 to $7,500) (U. S. C. 65–71, secs. 661–673), and which have not been allocated, with the approval of such board, to the grades of such compensation schedules as amended by the act of May 28, 1928 (covering salary rates from $3,800 to $9,000) (45 Stat. 776–785). Such allocations shall be made by the board in such a manner as to reduce the total annual rate of compensation of the whole number of positions in all of such grades by not less than $500,000. The board, immediately upon completion of the review of the allocations herein directed to be made, shall certify their allocations to the heads of the executive departments and independent establishments who, within 10 days after the receipt of such certification, shall put such allocations into effect: *Provided*, That nothing contained herein shall operate to reduce the rate of compensation any person was receiving on June 30, 1928: *Provided further*, That the heads of the executive departments and independent establishments, who, pursuant to authority to adjust the pay of certain civilian positions in the field services to correspond as nearly as may be practicable to the rates established for similar positions under the classification act of 1923, as amended by the act of May 28, 1928, have made such adjustments in the field services, shall, within 60 days after the enactment of this act, readjust the compensation of such of the field positions as may be necessary to make the compensation thereof in conformity with the allocations herein directed for the departmental service in the District of Columbia: *Provided further*, That any balances, under appropriations or portions of appropriations, including continuing appropriations, available during the period of the remainder of the fiscal year 1929 and the entire fiscal year 1930, respectively, which result from the compensation of positions under the provisions of this section at rates lower than those permitted for such positions from July 1, 1928, to the date of the enactment of this act, shall not be expended for any other purpose but shall be reserved and allowed to lapse at the close of the respective fiscal years: *Provided further*, That the Personnel Classification Board shall have sole jurisdiction finally to determine the grade, or subdivision thereof, to which shall be allocated any position which is subject to the compensation schedules of the classification act of 1923, as amended, and shall have authority to ascertain the facts as to the duties and responsibilities of any such position and to review and change the allocation thereof, whenever, in its opinion, the facts warrant.

Mr. BACHMANN. Mr. Chairman, I make a point of order against the whole of section 2 on the ground that it is new legislation and not germane to the subject matter of the bill.

The CHAIRMAN. The Chair will hear from the gentleman from Indiana [Mr. WOOD] on the point of order.

Mr. MAPES. Mr. Chairman, I would like to make a further point of order, that the language is not confined to the appropriations in this bill alone, but embraces appropriations on other bills, and is permanent legislation.

The CHAIRMAN. The gentleman from Indiana is recognized on the point of order.

Mr. WOOD. I would state to the Chair that it is in order so long as the matter inserted amounts to a retrenchment. That is in accordance with the Holman rule. I wish to call attention to the Holman rule.

The Committee on Appropriations is not a legislating committee, therefore any legislation to be in order upon one of the bills reported from that committee must be in order under the paragraph of the rules which provides for legislation upon an appropriation bill under certain conditions. The applicable portion of the rules is clause 2 of Rule XXI, and the pertinent portion of that clause, is as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill * * *.

The requirements of the rule with reference to the legislation are therefore:

1. It must be germane to the subject matter of the bill.

2. It must retrench expenditures in one of three ways:

A. By the reduction of the number and salary of the officers of the United States.

B. By the reduction of the compensation of any person paid out of the Treasury of the United States.

C. By the reduction of the amounts of money covered by the bill.

3. The legislative portions of the amendment must be connected up with one of the three proposals for retrenchment in such a manner as to make them essential to the accomplishment of the retrenchment.

The Committee on Appropriations in the preparation and reporting of H. R. 17223, the deficiency appropriation bill, now under consideration, has incorporated in that bill a section which it believes falls within the provisions of the rule. That is the section that has just been read, which includes detailed appropriations covering practically every department and independent establishment of the Government. (Sec. 2, Title II, p. 150.)

I. Is the section germane to the bill?

The section in question is section 2 of Title II of the bill. Title II consists of 48 pages of detailed appropriations covering practically every executive department and independent establishment subject to the classification act of 1923 as amended by the act of May 28, 1928. All of the appropriations under the title are occasioned by and are due to the enactment of May 28, 1928, amending the act of 1923. Section 2 is devoted exclusively to the salaries of positions which come under the acts for which appropriations are made in the title. The opening and descriptive paragraph of section 1 of Title II is as follows:

Supplemental appropriations for the fiscal year ending June 30, 1929, on account of the enactment of the act of May 28, 1928 (45 Stat. 776–785), amending the classification act of 1923 (U. S. C. 65–71, secs. 661–673), to be added to and become a part of the appropriations available during such fiscal year under the following appropriation titles, namely:

The germaneness of the section in the title is readily apparent and unquestioned.

II. Does section 2 retrench expenditures by any one of the three alternatives under the rule?

The section directs the Personnel Classification Board to reallocate all of the positions under eight of the grades of the classification act of 1923 on June 30, 1928, and which have not been allocated with the approval of the board to the grades of the act of May 28, 1928. It directs this to be done in such a manner as to reduce the total annual rate of compensation of the whole number of positions in those grades by not less than $500,000.

The section further directs the heads of departments and establishments, who were authorized to increase the pay of certain positions in the field services to make them correspond with the positions in the District of Columbia under the act of May 28, 1928, to bring those positions down to the levels which the section directs the board to make for the departmental service in Washington. No specific amount of saving is directed for the field services, but the amount of retrenchment being made mandatory at not less than $500,000 for the Washington departmental service, a direction to the heads of departments to adjust field pay down to the levels established for the District of Columbia after a reduction of not less than $500,000 is effected, will automatically cause a measure of reduction in the field that is certain but the extent of which is indefinite.

The retrenchment brought about by the section in the departmental service in a definite amount and in the field service in an indefinite amount is further strengthened by a provision requiring the impounding and lapsing of the appropriations under which are covered the positions which will be reallocated in the departmental service and those that will be readjusted in the field service.

The section then retrenches expenditures by—

First. Requiring a definite stated reduction in the compensation of persons paid out of the Treasury in the departmental service in Washington.

Second. Requiring an indefinite but certain reduction in the compensation of persons paid out of the Treasury in the field services.

Third. Requiring the impounding of a definite amount of departmental appropriations (not less than $500,000) in Washing-

ton and an indefinite amount of departmental appropriations for the field service.

III. Is the retrenchment sufficiently definite and specific to bring it within the rule?

So far as it relates to the departmental service, the departments in Washington, the section is specific in amount and mandatory in character, with definite time limits upon the Personnel Classification Board and the heads of departments. The section says the board shall review all of the positions which were formerly in these eight grades "within 30 days after the enactment of this act." The amount is specific. It directs the board to accomplish the task in such a manner as to reduce the total annual compensation of the positions by not less than $500,000. The heads of departments are directed to put the allocations into effect within 10 days after their receipt from the board. The board is directed to certify the allocations to the heads of departments before the 30-day period is up or immediately after it expires. Mandatory, specific, and inexorable are the provisions relative to the departmental service in Washington.

In the field service there is no specific sum directed to be saved as the result of the section. The field service is so inseparably linked to the departmental service that a saving, though the amount be not certain, is sure to follow. The act of May 28, 1928, increased the rates of compensation in the grades of the classification act of 1923 for the departmental service. A comparison of the grades and rates of the two acts will readily establish that. Section 2 of the Treasury and Post Office appropriation act, approved March 5, 1928, and the previous four acts for those two departments, authorized the heads of departments and establishments to keep the rates of compensation of the employees in question in the field services on a basis not in excess of the rates for comparable positions in the departmental service in the District of Columbia under the classification act of 1923. The act of May 28, 1928, increased the rates of the compensation schedules for the District of Columbia in the classification act of 1923. The act of May 28, 1928, also contained the following section relative to the field positions:

SEC. 3. The heads of the several executive departments and independent establishments are authorized to adjust the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the act of December 6, 1924, to correspond, so far as may be practicable, to the rates established by this act for positions in the departmental services in the District of Columbia.

The positions in the field services, having been authorized to be adjusted to the District of Columbia rates in the classification act of 1923 and again authorized to be adjusted to the District of Columbia rates as they were increased under the act of May 28, 1928, have followed closely the departmental service. That the increases in the field positions have been made in positions from $3,800 and up (the grades affected by this section) is attested by the appropriations carried in Title II for field services. Section 2 directs the heads of departments, where they have made increases in the field to conform to the District of Columbia increases, to make readjustments to conform to the readjustments in the District of Columbia which are directed to be made by the board. The proviso is mandatory. It says the heads of departments shall do it. The time is fixed. They must do it within 60 days after the section becomes law. They must adjust these field positions to the level of the District of Columbia positions. Is the retrenchment sufficiently specific to bring it within the rule? Will the field service necessarily follow down the rates directed to be reduced for the District of Columbia?

Chairman Saunders (Virginia) in a ruling on the Holman rule made on February 9, 1912, said:

* * * * * * *

The precedents say in this connection that the amendment being in itself a complete piece of legislation, must operate ex proprio vigore to effect a reduction in expenditures. The reduction must appear as a necessary result; that is, it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction. But it is not necessary for this conclusion of reduction to be established with the rigor and severity of a mathematical demonstration. It is enough if the amendment, in the opinion of the Chair, will fairly operate by its own force to retrench expenditures in one of the three ways indicated. This result must be a necessary result, not a conjectural result or a problematical result. * * *

The proviso relative to the field service, so closely linked with the District of Columbia service, falls within the remarks of Chairman Saunders. The salaries of the field service were increased to follow the increases of the departmental service. If the departmental service is brought down and the heads of departments mandated to follow the departmental service, the field rates must come down. The one follows the other and while the amount of retrenchment is not definite, the fact of retrenchment by reduction of compensation of persons paid out of the Treasury so far as the field service is concerned is indisputable. The two services, so far as pay is cencerned, are indissolubly linked together by this amendment, by the provisions of the act of May 28, 1928, and by the appropriations in this bill.

IV. Are all of the parts of the section essential to the accomplishment of the retrenchment?

Chairman CRISP in a ruling under the Holman rule made on March 14, 1916, said:

Now, the Chair is clearly of the opinion that where an amendment is offered reducing the number of salaries paid out of the Treasury, coupled with legislation, that legislation, to be in order, must be connected up with or related to or logically follow from the part of the amendment reducing the number of employees or the amounts of money covered by the bill, etc.

The linking up of the two first parts of the section, namely, the departmental service and the field service, seek to establish so far as this statement is concerned, the retrenchment which the section accomplishes and the fact that a retrenchment is accomplished. There remain two portions of the section, namely, one dealing with the impounding of appropriations and one dealing with the powers of the Personnel Classification Board.

Is the proviso relating to the impounding of appropriations an essential part of the retrenchment and is it logically a part of the whole proposal? The appropriations as contained in this bill to cover the act of May 28, 1928, are based upon the salary rates now in existence; that is, no reduction has been made in those appropriations based upon the enactment of this section. The appropriations for the next fiscal year are likewise based. Should this section be enacted without this proviso relative to the impounding and lapsing of appropriations is it definite that the retrenchments made by the section would become a fact?

It would be possible in the case of those appropriations which cover the combined purposes of salaries and other expenses to utilize for the other expenses such portions of the salary allotments as might be impounded by the operation of this section. Therefore while there would be a saving under the salary items, that would not, in fact, be a saving to the Treasury or a retrenchment necessarily in the strict sense of the term. The amount saved by the reduction of the class of salaries under the section might also be used for the employment of new personnel not contemplated by Congress when the appropriations were made. The impounding of the retrenchment in the appropriations is a binding factor in connection with the retrenchment sought. It clinches, so to speak, the retrenchment which the section effects. It is legislation essential to the full accomplishment of the retrenchment, in that it makes assurance doubly sure. The section would be in order without it; but it is, if it may be so put, "more in order" with it.

The final proviso deals with the powers and duties of the Personnel Classification Board. A reading of the paragraph raises the query, What has the proviso to do with the operation of the rest of the section? It states in different and more specific terms the powers and duties of the board as outlined in the classification act of 1923. It enlarges those powers and duties. The proviso clearly has no place in the section unless it will operate to assist in the retrenchment, and unless the retrenchment is not certain without it. The section in question directs the Personnel Classification Board to effect certain reductions in compensation and projects those reductions into the field service by imposing duties upon the heads of departments. The certainty and ultimate completeness of the retrenchment to come from the action directed to be taken by the board and heads of departments is in some measure dependent upon the conclusiveness of that action upon any other agency of the Government.

The entire section 2 results from an interpretation by the Comptroller General of the act of May 28, 1928, taking from the Personnel Classification Board certain duties imposed upon it by the classification act of 1923. Is there any certainty that if section 2 becomes the law there will not arise a further interpretation and curtailment of the board's powers and duties under this section which might have the effect of partially or wholly nullifying the contemplated retrenchment from the section? There is that possibility, and even though it be remote, the proviso would seem to be essential to prevent interference with the action directed to be taken and further to prevent the revision of that action after it shall have been taken.

V. Conclusions.

Section is submitted as in order under the bill because:

First. It is germane to Title II.

Second. It retrenches expenditures by the reduction of the compensation of persons paid out of the Treasury of the United States by a definite and certain amount of money and by an indefinite amount that is certain to follow as an addition to the definite amount.

Third. All of the parts of the section are so interrelated to each other and essential to the reduction as to constitute a harmonious whole that will function toward the accomplishment and completeness of the reduction.

The section is respectfully submitted for consideration of the Chair, and in connection therewith the attention of the Chair is directed to the paragraph in the ruling of Chairman CRISP on March 4, 1916, wherein he stated:

Now, the Chair, as before stated, believes the Holman rule is intended to have a beneficial effect upon the Treasury of the United States. If the Chair is in doubt about whether or not an amendment is in order, he believes it is his duty to resolve that doubt against the point of order, for by so doing the Chair works no hardship upon anyone but submits to the committee itself the privilege of passing upon the amendment. If the committee favor it, a majority can adopt it. If they are opposed to it, a majority can reject it.

Now, Mr. Chairman, I submit that in considering this question all of these paragraphs must be taken together. There may be some language which, standing alone, might be subject to a point of order, but in order to accomplish the end—that is, to effect a retrenchment in expenditures—as I have indicated, that which of itself might be out of order does not affect that part which is in order, if it is simply part and parcel of the language which is to carry into effect the larger proposition, which is retrenchment. If that is so, then it is not out of order.

Mr. BACHMANN. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BACHMANN. Will the gentleman tell the Chairman whether or not the last proviso, on page 52, comes, in his opinion, within the Holman rule.

Mr. WOOD. Absolutely. It comes within the Holman rule for the reason that it is the agency that must carry the object into effect and by reason of that agency a retrenchment may be had.

Mr. BACHMANN. Will the gentleman state where in the last priviso there is anything about retrenchment?

Mr. WOOD. I tried to say to the gentleman that if there was some language which, standing alone, might be subject to a point of order but was simply part and parcel of language that was in order, and the language which was out of order was only for the purpose of aiding in the carrying out of the main proposition of retrenchment, that such language is not out of order. Now, there can not be retrenchment without some agency, and in the peculiar situation in which we find ourselves the only agency we have for this retrenchment is the Personnel Classification Board.

Mr. BACHMANN. But you can not have any retrenchment when in the same proviso you authorize increases.

Mr. WOOD. Oh, no; the gentleman is mistaken about that.

Mr. BACHMANN. I will read the language to the gentleman and see whether it does not authorize an increase. I will read the last proviso of the paragraph:

Provided further, That the Personnel Classification Board shall have sole jurisdiction finally to determine the grade, or subdivision thereof, to which shall be allocated any position which is subject to the compensation schedules of the classification act of 1923, as amended, and shall have authority to ascertain the facts as to the duties and responsibilities of any such position and to review and change the allocation thereof, whenever, in its opinion, the facts warrant.

Now, you are clothing the Personnel Classification Board with duties that it does not have at the present time and you are saying you have a right to reallocate those positions downward; you are saying you have the right to reallocate those positions upward, and when you give them the authority to reallocate upward you provide for increases, and, therefore, it is not a retrenchment under the Holman rule.

Mr. WOOD. There is nothing in that paragraph which says a single word about or hints at an increase, and that section must be read in connection with the other sections.

Mr. LAGUARDIA. There is nothing in the paragraph which specifically indicates a decrease.

Mr. WOOD. Gentlemen seem to have in their minds simply the last paragraph, but they should read all of the language together. All of the language is so interrelated that in order to get the full force of the entire proposition it must be considered together, for the reason that under the act of 1923 this authority was lodged in the Classification Board. Now, then, under the interpretation of the Comptroller of the Treasury it was taken away from them, and, as I stated a moment ago, in order that this retrenchment may be had an agency must be established. We can not submit it to the Comptroller General because in all probability he would still adhere to the interpretation he has made, and in order that this limitation may be effective this agency must be established.

Mr. SCHAFER. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. SCHAFER. Did I understand the gentleman to say we can not trust the Comptroller General?

Mr. WOOD. I said we should not submit to him the carrying out of these provisions under the interpretation he has made.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. GARRETT of Tennessee. I asked the gentleman to yield in order that I may direct his attention to what seems to me to be the serious thing in the way of the legitimacy, under parlimentary law, of the legislation which is proposed.

It is legislation. That is admitted. It comes from a committee that has not legislative authority over the subject matter. That is admitted, or, at least, it is a fact whether the gentleman admits it or not. Now, the Holman rule is a very technical rule and it is very difficult of construction, but I think there is no exception to the ruling of Chairmen of the Committee of the Whole and of the Speakers that the legislation must come from a committee that had jurisdiction of the subject matter.

The decision by Mr. Chairman Saunders, of Virginia, who was a great parliamentarian, bore upon legislation in an appropriation bill that came from the Committee on Military Affairs, which at that time had jurisdiction both of legislation and appropriations, and therefore the decision is not in point at this time.

Now, the decision of Mr. Chairman CRISP, the last one that the gentleman quoted, was upon an amendment offered by an individual from the floor and Mr. CRISP then, I believe, submitted it to the Committee of the Whole for determination.

The serious thing here—and I am not discussing the merits of the legislation—it may be the legislation is perfectly all right, I do not know. I know just as little about it now, I will say, as I knew when the bill was up before, and that is nothing at all. This proposal may be right, but the parliamentary question is also of some importance.

It seems to me this is the difficulty in the way of the committee proposal—the admission that this is legislation. The gentleman from Indiana [Mr. WOOD] has argued it will retrench expenditures. That is not the decisive thing. If it carries legislation, that legislation must come from the committee that has jurisdiction.

Mr. CRAMTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. The gentleman from Indiana has the floor and very courteously yielded to me.

Mr. WOOD. I yield to the gentleman.

Mr. CRAMTON. The position of the gentleman from Tennessee then would be that in so far as any part of the Holman rule is concerned with retrenchment of expenditures, the Holman rule no longer exists, for the reason that the Committee on Appropriations has no authority to report legislation.

Mr. GARRETT of Tennessee. Oh, no; the Holman rule would still exist.

Mr. CRAMTON. As to any legislation that would be made in order because of retrenchment of expenditures. The gentleman's argument would repeal the Holman rule.

Mr. GARRETT of Tennessee. Let me call the attention of the gentleman particularly to this language which is a part of the Holman rule. It was the last proviso put on the Holman rule. The Holman rule was a matter of evolution here over a long period of years. The last proviso put on was—

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

Now, if this legislation came from the committee of which the chairman of the Committee of the Whole at the moment is chairman, that question could not be raised, but it comes from the Committee on Appropriations which has not jurisdiction of the subject matter.

It is precisely on all fours with the situation that existed when, so far as I know, the first ruling was made on the Holman rule following its reintroduction into the rules of the House in 1911. The ruling was made January 16, 1912, and it happened to have been made by myself. There was a proposal that came from the Committee on Appropriations undertaking to set up, as I now remember, an incinerator plant here in the city of Washington. It showed upon its face, or seemed to show upon

its face, that it would result in a reduction of expenditures, and on that line was in order, but it was admittedly legislation by the Appropriations Committee, which at that time had not jurisdiction of legislation affecting the District of Columbia, and it was held out of order because it came from the wrong committee. The point of order was made by the chairman of the legislative Committee on the District of Columbia at that time, Mr. Johnson of Kentucky.

Mr. WOOD. I wish to say in answer to the gentleman that the Holman Rule was gotten up for the purpose of making legislation that comes from the Committee on Appropriations in order under certain contingencies. It is not made to apply to any other committee.

Let me call the attention of the gentleman and of the Chair to this portion of section 2:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It was made just to fit this character of case where it is a retrenchment and comes within the exception that it is germane to the subject matter, that it retrenches expenditures by the reduction of the number and salary of the officers of the United States and by the reduction of the compensation of officers that will be paid out of the Treasury of the United States.

Mr. GARRETT of Tennessee. Yes; a reduction is in order; but the legislative part of it would have to come in.

Mr. WOOD. The rule says:

No appropriation shall be reported in a general appropriation bill.

This is legislation in a general appropriation bill and it applies to the exception.

Mr. GARRETT of Tennessee (reading):

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction—

And so forth.

Mr. WOOD. When reported in a general appropriation bill.

Mr. GARRETT of Tennessee. This is reported in a general appropriation bill.

Mr. WOOD. Yes; and that is the reason that it comes under the Holman rule, and if adopted will result in compliance with all the exceptions of that rule.

Mr. MAPES. Mr. Chairman, I shall not take much time of the committee at this time of night, only enough to register my protest against this legislation being attached to an appropriation bill. I am a loyal supporter of the rule that places all appropriations in the Committee on Appropriations. But it seems to me that when that committee brings out a piece of legislation such as this, so complex and intricate, it is going a long way beyond its proper function. I am for the Appropriations Committee under the rule, but I do not believe that it should be allowed to commit murder and get away with it as it will be doing if this section is allowed to remain in the bill. [Laughter.] It seems to me there are several reasons why the section is subject to a point of order. One is that it is not germane to this bill. It is germane to the legislation relating to the classification of the employees of the Government reported by the committee of which the gentleman from New Jersey, who is now presiding over the Committee of the Whole is the chairman, but it is not germane to a deficiency appropriation bill. Nor is it a limitation such as is in order on an appropriation bill. It is also subject to a point of order because it directs executive officers in the performance of their official duties.

I recall that the present occupant of the chair rendered a decision early in this session, a very able opinion, in which he held that an amendment was out of order because it attempted to direct executive officers.

The CHAIRMAN. That was to the effect that the amendment offered was not a pure limitation—the question of limitation entered into it.

Mr. MAPES. It seems to me that this goes away outside of a pure limitation. I would like to submit to the Chair that just because the Appropriations Committee has inserted a blanket declaration in this section directing the Classification Board to reduce expenditures $500,000 does not make it such a limitation as to come within the Holman rule.

Without discussing the matter in detail, I would like to call the Chair's attention to the list of authorities which will be found in the Manual, section 958, page 505:

Legislation may not be proposed under the form of a limitation.

A limitation is negative in its nature and may not include positive enactment establishing rules for executive officers.

A proposition to establish affirmative direction for an executive officer constitutes legislation and is not in order on a general appropriation bill.

Chairman Crisp ruled in 1916 limitations must not impose new duties upon an executive officer.

Another ruling provides that a limitation may be attached only to the money of the appropriation under consideration and may not be made applicable to moneys appropriated in other acts.

If there is any doubt in the mind of the Chair about it, I can cite a number of precedents to show that the limitation must be confined to the appropriation contained in the bill of which it is a part.

The CHAIRMAN. The Chair has no doubt whatever in his mind with respect to what constitutes a limitation, but he would call the attention of the gentleman from Michigan to the fact that here no question of limitation is involved.

Mr. MAPES. If that is the attitude of the Chair, it seems to me that there is no question about the Chair's conclusion on the point of order.

The CHAIRMAN. Oh, there are plenty of questions to be solved with respect to whether this section in all its parts falls within the exceptions in the Holman rule providing for legislation on an appropriation bill; and that is the question that the Chair would like to hear discussed. The Holman rule is well known, and the question is whether section 2, against which a point of order has been raised, comes within the provisions of the Holman rule in all its provisions.

Mr. MAPES. The Holman rule provides that legislation is not in order on an appropriation bill—

except—

To quote the language of the rule—

such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

I ask the Chair to turn to section 8664 of the precedents to a decision rendered by the gentleman from Connecticut [Mr. TILSON], in which he quotes with approval the argument of the gentleman from Texas [Mr. CONNALLY] to this effect:

Now, if the Chair please, my understanding of a limitation of an appropriation is as follows: In the face of the point of order Congress can only appropriate in an appropriation bill for purposes already authorized by law. The Congress can appropriate for all purposes authorized by law or appropriate for none of the purposes authorized by law. Within those limits Congress can limit an appropriation. Congress can say that no part of an appropriation shall be expended for a part of the purposes which the law authorizes. But a limitation must be absolutely negative. It must be in the nature simply of a veto. It can not direct an executive officer in the discharge of his duties under existing law. Whenever it does, it ceases to be a limitation and becomes legislation in violation of the rule.

In brief, it seems to me that this section is foreign to this deficiency appropriation bill; that it is not germane to it; that it is legislation which changes existing law and attempts to affirmatively direct the classification board in the performance of its duties. It ought to go out of the bill.

The CHAIRMAN. The Chair is ready to rule. The question raised by the point of order made by the gentleman from West Virginia [Mr. BACHMANN], is whether the legislation contained in section 2 of this deficiency appropriation bill running from line 11 on page 150 to and inclusive of line 14 on page 152, is such legislation as is authorized to be placed on an appropriation bill by the Holman rule, which is Rule XXI of the rules of the House of Representatives. That is an entirely different question and has no relevancy at all to what constitutes a limitation because the fact of the matter is, if a limitation is in fact legislation rather than the limiting of the use of the appropriation, it is not a limitation, and is not in order; but the Holman rule provides for legislation and this is the Holman rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The Chair reads this because he intends to read the whole rule, but that does not have any bearing on the question under consideration. The rule then goes on to say:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

If new, permanent legislation from any source whatever, either from a Member or reported by the Appropriations Committee as an original part of the bill reported to the House, falls within those exceptions, it is in order. The rule provides that no legislation, no change of existing law, is in order, unless it fulfills one or two of the three exceptions set forth as the Chair has just read them. The Holman rule continues:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

The history of the Holman rule is this, that legislation on appropriation bills was barred, but the rule originally read that any amendment offered or any provision originally carried in an appropriation that retrenched expenditures was in order. It was found there was too much latitude given by the simple blanket exception that it retrenched expenditures merely so that the rule was amended, and the committee of the House having jurisdiction of the subject matter of the amendment, such as the Civil Service Committee, would have jurisdiction over this amendment, could introduce any amendment provided it in any way whatsoever retrenched expenditures.

But the Committee on Appropriations, individual members, or all others not having the jurisdiction of the subject matter of the legislation can only avail themselves of it in adding legislation to an appropriation bill by showing that it retrenches expenditures in one of the three ways set forth in the earlier part of the rule.

Now, the question in the first place is, Does this section retrench expenditures by a reduction of the number and salary of the officers of the United States? Well, on the face of it, the first provision in the section of the bill in question says that the Personnel Classification Board, by reallocating positions of certain grades who have heretofore been allocated without review of the board, shall by such reallocation be reduced in salaries by a sum not less than $500,000. So that the first exception is clearly met by some part of this section 2.

The second exception is that it shall retrench expenditures by the reduction of the compensation of any person paid out of the Treasury of the United States; and that also is covered by this reduction of $500,000 in salaries of certain persons drawing compensation from the Treasury.

In the third place, this bill contains 48 pages of appropriations for the purpose of carrying out the classification act of 1923, amended by the Welch Act of 1928, and this provision in question directs that those appropriations, in so far as they apply to 1929, shall be reduced by $500,000, and shall not be expended for any other purpose, but shall be returned to the Treasury. So that in all the respects in which the Holman rule makes legislation in order, this section is in order.

Now, the question is that if the portions of a legislative entity such as this proposal, incorporated in section 2, are so interrelated as to make a cohesive whole, and taken as a whole, they bring about such a reduction of expenditure as is contemplated by the Holman rule, then the whole of section 2 is in order.

That proposition was determined by a gentleman whom I always like to cite, because I have respect for his parliamentary knowledge and his mental ability to apply it to legislation as it arises. I refer to the distinguished gentleman from Georgia [Mr. CRISP].

Now there was introduced an amendment by Mr. Borland, of Missouri, on the 14th of March, 1916, in the Sixty-fourth Congress, specifically requiring a reduction of 10 per cent in the number of clerks, and requiring also in the same amendment an increase in the hours of labor for the remaining clerks by the addition of an hour daily. It was argued that the amendment, in so far as it cut down the number of clerks by 10 per cent was to that extent a reduction, but the increased number of hours of those who were left would not on its face make for a retrenchment along one of the three lines specified under the Holman rule, and therefore was not in order.

After discussing the Holman rule in a general way, Chairman CRISP said:

The question arises on the point of order made by the gentleman from Wyoming [Mr. Mondell] whether or not the amendment is divisible. The gentleman from Wyoming contends that if the first part of the amendment reducing the number of clerks is in order, the last or legislative part is in no way connected with it and is not in order because it is not within one of the three methods of retrenchment provided in the Holman rule. It is entirely in order under the rules of the House to reduce employees or to reduce the number of employees under the Holman rule, and the object of the Holman rule, as the Chair understands it, is to permit germane legislation under certain conditions.

Now, the Chair is clearly of the opinion that where an amendment is offered reducing the number of salaries paid out of the Treasury, coupled with legislation, that legislation, to be in order, must be connected up with, or related to, or logically follow from the part of the amendment reducing the number of employees or the amount of money covered by the bill—

And so forth.

In other words, if the section of the bill making a specific reduction contains other legislative provisions which are not counter to the reduction contemplated by the provision, which strictly make for such retrenchment, if the rest of that legislation is connected up with, or related to, or logically follows from the part of the amendment making appropriate retrenchment, it is in order.

Now, in order to see whether section 2 is such a legislative entity which under the ruling of Chairman CRISP is necessary, if it in a particular way reduces expenditures in the manner prescribed in the Holman rule, and it is all one proposition and all fits together, and is related to, and logically follows, then the whole section is in order according to his ruling.

Now, in order to ascertain that, I must recite recent history as briefly as possible and show the object and purposes of section 2 and its various provisions.

On May 28, 1928, Congress passed and the President approved what is known as the Welch Act, which made certain changes in the rates of pay within the grades of the bill, including professional grades from 1 to 3, inclusive, and in the clerical, administrative, and fiscal service from 1 to 10, inclusive. It then provided from 4 on in the professional grades and from 11 on in the clerical, administrative, and fiscal grades, new grades with new basic qualifications, and ordered that the positions be allocated to these new grades as they fitted, in a general way, into the classification scheme. The classification act first divided the services into professional, scientific, administrative, fiscal, clerical, custodial, and so forth. The character of work was taken and divided into particular services. Then these services were divided into grades running from 1 to 6 or 7 and in some cases 8 or 9 grades. The heads of the departments were directed by the law to consult with the Personnel Classification Board and obtain regulations and guidance as to the manner of making a preliminary allocation of the employees under their supervision.

The integral plan of any reclassification is to establish a central agency running across departmental lines in order to get the same grade and the same range of pay for the same kind of work, whether it is carried on in the War Department, the Department of Agriculture, or any other department. The idea is that a coordinating agency shall have the final say over these allocations so that the standards applied to the value of a job and the basic qualifications of a grade shall be uniform throughout all departments. Without this central agency classification does not mean anything at all.

Now, it happens that on the 2d of June the Comptroller General handed down a ruling allowing the heads of departments to determine how in grades 4, 5, 6, 7, and 8 in the new professional grades under the Welch Act, 11, 12, 13, 14, and 15 in the clerical, administrative, and fiscal grades, employees should be allocated without regard to the provision giving the final review of all new allocations to the classification board, and thus destroyed the system of uniformity as between the departments in these new allocations made in the higher grades of the professional service and the higher grades in the administrative and fiscal service.

The result was that under the interpretation of the Comptroller General the department heads had sole authority to make these allocations. There have been increases in salaries which no one in Congress ever intended and were not in the contemplation of those who had anything to do with this legislation. For that reason section 2 provides that the Personnel Classification Board shall review these allocations so made without their review and make such a reallocation in accordance with the spirit of the law of classification, as to place employees in positions where they belong rather than retain them in the positions to which they have been misallocated under the Comptroller General's decision. That will result in a reduction in the higher grades of $500,000. They are authorized to make these reallocations so that they will save the $500,000. Now, that provision is clearly within the Holman rule.

Now comes the other question:

Provided, That nothing contained herein shall operate to reduce the rate of compensation any person was receiving on June 30, 1928.

That is a necessary part of the main scheme because it is not the intention to reduce anybody below where he was in June, 1928, but merely to reduce those who were promoted to an entirely too high grade after June 30, 1928. That you can do this is shown by a precedent whereby the Army was reduced from 15 to 10 cavalry regiments and no provision for the retention of the privates and noncommissioned officers was made, but express provision was made to retain in the service, and to assign where they could be used, commissioned officers, and that was held in order. So if they can fire some outright and retain some, under the provisions of the Holman rule, provided the whole thing results in retrenchment, you can set a limitation that the application of this reduction or retrenchment shall not hurt those who are not entitled to be hurt. I do not think there is any question about that, and I do not know of anybody who would take exception to that particular proviso.

The next proviso deals with the executive department putting into effect these reallocations made by the classification board, and it provides further that any balances resulting from the reduction must be paid into the Treasury and can not be used for other purposes by the department.

Now comes the last proviso concerning which some question has been raised:

That the Personnel Classification Board shall have sole jurisdiction finally to determine the grade, or subdivision thereof, to which shall be allocated any position which is subject to the compensation schedules of the classification act of 1923 as amended.

Now, section 4 of the classification act, after providing for preliminary work to be done by the heads of the department, goes on to say that after the department heads have made a tentative allocation in accordance with the rules prescribed in section 6, such allocation shall be reviewed and may be revised by the board and shall become final upon their approval by said board.

But on June 2, by a ruling of the Comptroller General, he repealed this section of the act in making these new allocations and said that the department heads could make them without review or revision by the board. Now, in order to make this section effective, reducing by reallocation those persons that are out of line and under the direction of the act having the departments reallocate them to the positions designated by the board, without this language that the allocation shall be final as to all other department officials, what is there to prevent the situation the next day or the next week or the next month or the next year of another ruling coming out authorizing the department heads to make allocations without review by the Classification Board and putting them back where we have, by this means, attempted to dislodge them? So this portion is essential for the carrying out of the retrenchment that is contemplated by section 2.

The last part of this provision is that the board may from time to time on its own motion review and change allocations, and the purpose of this is to provide that if in this reallocation for the purpose of retrenching the salaries and reducing the appropriations for the personnel an error or a mistake is made that this can be corrected because otherwise there is no other way to correct it. If a man is initially allocated two or three grades higher than he should be allocated, there is no power on earth granted in the classification act, except in the Classification Board itself, to make the correction. This power heretofore unchallenged is only reasonable and is only in conformity with carrying out completely this policy of retrenchment in section 2, all of which provisions are correlated, interrelated, and comprising a single legislative proposal, so that there can not be any question about it.

Now, I want to cite just one other precedent. I have had a number of precedents at hand. This is a precedent made by the Speaker of the present House, Mr. LONGWORTH, when he was chairman of the Committee of the Whole, before becoming Speaker.

In the second session of the Sixty-sixth Congress, RECORD, page 3476, there was a provision carried in an appropriation bill to abolish the subtreasuries throughout the country. At that time Mr. Edmund Platt on his own responsibility as an individual, although he did happen to be chairman of the Committee on Banking and Currency, offered an amendment as a substitute for the provision carried in the bill for the abolishment of the subtreasuries. This amendment not only abolished the subtreasuries and abolished the position of subtreasurer, but provided what to do with the buildings, provided what to do with the moneys on deposit in the subtreasuries, allowed their deposit in Federal reserve banks and under certain circumstances allowed the real estate to be used by the Federal reserve banks and contained a complete legislative proposition as to what to do upon the abolition of the subtreasury, what to do with its resources, how to disburse them or take care of the powers that they had theretofore exercised, and the only item in the provision that retrenched expenditures was letting go of the subtreasurers and abolishing to a certain extent, possibly, the care and upkeep of the buildings which, nevertheless, would be resumed if the Federal reserve banks took possession of them.

The Chairman, Mr. LONGWORTH, ruled:

The Chair is ready to rule. It is clear that this is legislation and out of order on the bill unless it comes under the Holman rule. To come under the Holman rule it is only necessary to show that it will reduce the number of officers, retrench expenditures, and save money. * * *

The Chair does not believe that he has any right to guess as to whether in the long run this would reduce expenditures or not, but it seems absolutely clear on the face of it that if this amendment, abolishing, as it does, all the officers of the subtreasuries, merely transfers the employees to some other sphere of duty, it must necessarily save money, and, therefore, the Chair thinks it comes under the Holman rule and is in order. The Chair, therefore, overrules the point of order.

In other words, here is a complete legislative proposition which only in one instance, in the first two or three lines, complies with the Holman rule, but it has been held in order under the Holman rule by the present Speaker of the House, and the Chair now so rules and overrules the point of order.

Mr. BACHMANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from West Virginia appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained as the judgment of the committee.

Mr. DEMPSEY. Mr. Chairman, I listened to the decision of the Chair with a great deal of interest, but I call attention of the Chair to what I think is an inadvertence. The Chair in ruling in the earlier part of his decision said that this came within the first exception of the Holman rule in reducing both the number and the salary.

The CHAIRMAN. In going over the decisions, and the Chair has gone over a good many of them, it is generally construed that if it reduces the number or the salary it meets the requirement.

Mr. BACHMANN. Mr. Chairman, I move to strike out section 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BACHMANN moves to strike out section 2.

Mr. BACHMANN. Mr. Chairman and gentlemen of the committee, the question presented in section 2 is of a highly technical nature. The duties of the Personnel Classification Board in the civil service of the Government is very complicated. This section in this bill, if it is retained and becomes the law, reduces those employed in the Government service from grade 4 up in the P and S service and 11 up in what is known as the C A F service because every employee of the Government who receives a salary of more than $3,800 is subject to a reduction and reallocation by the Personnel Classification Board if he comes within those grades and this board exercises its authority.

Beginning with the assistant secretaries of departments all the way down to the $3,800 men, and that will mean that those whose salaries were increased under the Welch Act and who have been expecting that salary for the next two or three years; who have provided themselves with certain obligations in the way of homes and the necessities of life must within 30 days have it taken away from them. That is what it means. That is the principle all through the Lehlbach bill which the chairman of the committee introduced. In his bill you will find some of the same provisions that are contained in this deficiency bill. The bill is available and I wish you all had time to look at it.

I maintain that this legislation which is not thoroughly understood increases the power and functions of the Personnel Classification Board. It permits this board to reallocate and decrease overnight some of the experts, some of the professional men, some of the men highly and technically trained, in the Government service, without giving them a fair opportunity to present their case. Let us have this matter carefully considered by the House and let the House decide whether we want to reduce them or not. Let us take the responsibility and not delegate it. If the House is of opinion that certain employees should be

reduced, after a thorough understanding, then let us say whose salaries we will reduce. To delegate this authority to the Personnel Classification Board will only bring about more dissatisfaction and confusion.

Much has been said about confusion and inequalities following the Welch Act. Just wait and see the confusion and inequalities that are going to follow after this deficiency bill with section 2 remaining becomes a law.

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. BACHMANN. I yield to the gentleman from New Jersey.

Mr. FORT. Is it or is it not a fact that there was recently reported to the Civil Service Committee, of which I believe the gentleman is a member, officially, the statement that the employees of the Government in the higher classes of compensation receive less money than is customarily paid by industry for like occupations?

Mr. BACHMANN. I think that is true as to the men in the higher grades.

Mr. FORT. Are these the men that this bill will reduce?

Mr. BACHMANN. They are. I have not seen the statement, but am basing my answer on the statement made at the hearings of the Committee on the Civil Service by Mr. McREYNOLDS, who was in charge of the survey. I sincerely hope that the committee will determine to strike section 2 from the bill so that this kind of legislation may come before the House in the proper way.

Mr. WOOD. Mr. Chairman, I move that all debate upon this amendment do now close.

The motion was agreed to.

The CHAIRMAN (Mr. DEMPSEY). The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. BACHMANN) there were—ayes 50, noes 53.

Mr. BACHMANN. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. BACHMANN and Mr. WOOD to act as tellers.

The committee again divided; and the tellers reported—ayes 54, noes 54.

So the amendment was rejected.

The Clerk read as follows:

Porto Rican hurricane relief commission.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on Porto Rican hurricane relief.

The CHAIRMAN (Mr. LEHLBACH). Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Chairman, under unanimous consent given me, I want to call your attention to page 156 of H. R. 17223, the second deficiency bill, "Porto Rican Hurricane Relief Commission."

You will find on that page and the following page that last Saturday we appropriated $7,130,000 for the relief and rehabilitation of Porto Rico.

Florida is asking for $6,000,000 for flood control and we feel we are entitled to it; and, in fact, I feel we should get more. I make this statement advisedly, for practically every appropriation expended by the Government for improvements in Florida has been met by the State dollar for dollar.

Mr. Speaker, we are not asking for relief, although hundreds of thousands of dollars worth of property was destroyed by the floods of 1926 and 1928, the 1928 flood being a part of the hurricane which struck Porto Rico, but are only asking for an appropriation which, when the State has met the requirements of the Government, as set forth in the bill, will prevent further floods and loss of life.

Unfortunately, this project has been a political question for years and some Republicans in my State are now trying to make it a political football. When I tell you in round numbers 4,000 lives have already been lost, I believe my colleagues will agree with me when I state politics should not be permitted to enter into the question.

Florida has suffered many setbacks and this is practically the first time we have called on the Government and I sincerely trust and urge my colleagues to pass the bill at this session, although only a few days remain, but if not, that they see that the bill is enacted into law at the next session at the earliest possible moment. If another flood comes along before Congress acts, Members of Congress can not escape the responsibility.

Unfortunately our legislature meets next April and unless Congress promptly passes this bill, thereby giving the legislature something to work on, it will not know what bills must be passed to comply with the requirements of the Government. Let me assure you, however, I am satisfied Florida, at the next session, will, as far as possible, pass every law meeting the requirements of the bill which has practically been agreed upon by the committee in order that as little delay as possible may occur.

The bill, which is now before the Flood Control Committee, only authorizes an appropriation and no appropriation can be made, even if the bill is passed at this session, until the regular session next December. The Chief of Engineers states it will take from two to four years to complete the work; therefore the appropriation of $6,000,000 will be drawn out over a long term of years.

Some may make it a political question, but I repeat what I have stated time and time again on the floor of the House and in my speeches from one end of the district to the other, my colleagues are large and broad-minded men and I have never known them to treat so serious a problem in a political way.

I am not complaining, Mr. Speaker, at the relief given the Porto Ricans, for I voted for that relief as well as for the relief of storm and flood sufferers in other States of the Union where it was requested, also foreign relief. Therefore, my record is clear and I come before my colleagues with clean hands asking that they give to Florida, a great State of the sovereign States, the relief which we must have, if we are to prevent the reoccurrence of such disastrous floods and loss of life as occurred in 1926 and 1928.

The Clerk concluded the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

LOAD LINE ON SHIPS

Mr. LEHLBACH. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I ask unanimous consent to take from the Speaker's table the bill (S. 1781) to establish load lines for American vessels, and for other purposes, with House amendments thereto, disagreed to by the Senate, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND.

REPORT OF DIRECTOR GENERAL OF RAILROADS (H. DOC. NO. 610)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered printed.

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads for the calendar year 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 23, 1929.*

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1688. An act for the relief of Gabriel Roth; to the Committee on Claims.

S. 2204. An act to amend section 284 of the Judicial Code of the United States;

S. 2213. An act providing against misuse of official badges; and

S. 2901. An act to amend the national prohibition act, as amended and supplemented; to the Committee on the Judiciary.

S. 5055. An act for the relief of DeWitt & Shobe; to the Commitee on Claims.

S. 5349. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes; to the Committee on Banking and Currency.

S. 5632. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes; to the Committee on Agriculture.

S. J. Res. 100. Joint resolution to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918; to the Committee on Military Affairs.

S. J. Res. 216. Joint resolution to establish a joint commission on airports; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, to authorize the erection of a public warehouse for the storage of Government supplies, and for other purposes;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 9168. An act for the relief of Simon A. Richardson;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 10191. An act for the relief of G. J. Bell;

H. R. 10374. An act authorizing the acquisition of land and water rights for forest-tree nurseries;

H. R. 11285. An act to establish Federal prison camps;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;

H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; and

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad.

The SPEAKER anounced his signature to enrolled bills of the Senate of the following titles:

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Neb.;

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; and

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval a bill of the House of the following title:

H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

EXTENSION OF REMARKS—THE SECOND DEFICIENCY BILL, 1929

Mr. TILSON. Mr. Speaker, I ask unanimous consent that all Members of the House may have the privilege for five legislative days of extending their own remarks in the RECORD on the deficiency bill, which has been under consideration for two days.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members may have five legislative days within which to extend their own remarks upon the deficiency bill, which is before the House. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the item in the bill appropriating $400,000 for acquisition of additional land and necessary expenses preliminary to commencement of construction of an addition to the post office in St. Louis is to meet an emergency. The record shows the receipts of the St. Louis post office in 1918 were $6,669,005, while in 1928 the receipts were $12,961,654, an increase of nearly 100 per cent. The plan is to enlarge the present post office by closing a city street and purchasing ground on the east of the present structure. The new building will cost about $2,000,000 and will give the city, which I have the honor to represent in part, a modern post office with sufficient facilities to handle this great volume of business.

A large amount of the increase is parcel post, bulky mail that must be moved without delay. At the present time every inch of space is used and in the rush hour, conditions exist that make the efficient handling of mail almost impossible.

The St. Louis postmaster has found it necessary in the interest of expediting the handling of mail to appeal to the business houses to deposit their mail three and four times a day instead of holding it until the closing hour. I have been informed by employees that at times even the boiler room is used for parcel-post mail.

Treasury Department officials stated to the committee that it would probably take some time to get the city of St. Louis to close the street. I am sure if the Treasury Department will officially make its wishes known to the city officials there will be no delay in getting action so far as the closing of the street is concerned. St. Louis continues to grow in population. In 1910 we had a population of 687,029 while the estimated population in 1928 was 848,100. This figure does not represent the real population of St. Louis as tens of thousands of our citizens reside in the county adjoining the city. Their business and their work is in the city but the residential section has extended in recent years to the west, and thousands of magnificent residences, the property of St. Louis business men, are now found in the county. St. Louis and Baltimore are the only two cities in the country independent of a county. We have the city of St. Louis and St. Louis County, neither having any jurisdiction in the other territory. If all the people having a business establishment or who are employed in the city of St. Louis were included in its population, St. Louis would be well above the 1,000,000 mark.

St. Louis has waited many years for this much-needed addition to the post office and the Treasury Department will find the city officials not only willing but anxious to do their part to expedite construction.

Mr. GIBSON. Mr. Speaker, at a session of the House, January 23, 1925, I called attention to the conditions along the Canadian border adjoining Vermont in respect to buildings for the Customs Service and the Immigration Service. The ports of entry along the border are in relatively small villages, but they have become important by reason of increasing automobile traffic. At that time I called attention to the conditions existing at one of these ports, that of Derby Line, which was typical. There the Government agents were making their inspection and doing their work on a hotel piazza or in the street, though several hundred thousand people passed the station every year.

I succeeded in interesting some public-spirited citizens in the problem, and, as a result, a building suitable for the demands of that time was purchased and rented to the Government. I also succeeded, in cooperation with Senator DALE, in securing the erection of a building at another important station, that of North Troy. So in that way the immediate needs were taken care of.

On January 10, 1928, I again called the attention of the House to the situation in respect to the border, and among other things said this:

Another thing I wish to call to your attention. The Customs Service and the Immigration Service are not well housed. At Derby Line, where 400,000 people pass every year, until two years ago the

necessary examinations were made on the piazza of a country hotel. I succeeded in interesting some public-spirited citizens, who saw the shame of this great and rich country doing its business in that way, in the acquiring for the services of respectable quarters at a low rental. At North Troy, where more than 200,000 pass every year, a room 10 by 15 in one end of a railway station served as an office where five men worked in the winter and eight in the summer. It was also used for the detention of immigrants and for the storage of captured liquor. There, too, public-spirited citizens had to come to the rescue of the Government, and as a result a building has been erected for the transaction of the business of the Government. I look ahead with hope to a day when the United States will erect at the border a uniform type of a building for the Customs and the Immigration Services that will be a credit to us.

A subcommittee of the Appropriations Committee headed by Congressman SHREVE of Pennsylvania made an inspection of conditions and familiarized themselves with many of the problems confronting our Treasury Department and our Labor Department in the enforcement of the laws of the country along the international border.

Out of the agitation, the work of this committee, and the investigations of an interdepartmental committee, has come a settled policy of providing immigration and customs inspection stations that are suitable for the growing demands. As a result of this policy the last deficiency bill provided for the allocation and the building of such stations at Alburg, Highgate Springs, and Beecher Falls. The pending bill advances this building program by providing for three more of these stations, namely, at Richford, East Richford, and Derby Line. Thus actual needs are taken care of in a splendid fashion.

We are recruiting to the Immigration and Customs Services a fine body of young men. They are giving the best that is in them to the service of the Government. They are honest, faithful, and courageous in the performance of their work.

As a matter of interest at home, let me call attention to the fact that this bill provides funds for the erection of a fine public building at Rutland, in the district of my colleague [Mr. BRIGHAM], in addition to these three inspection stations just referred to. The building at Rutland is much needed and will take care of a public necessity. In behalf of the people of Vermont who are struggling with the problem of rehabilitation after the disastrous flood, I wish to thank the members of the committee for its generous consideration of our needs.

Let me say further that this bill contains more forward looking constructive provisions than have been included in any similar proposal in many years. I desire to congratulate the committee upon its splendid work. The thanks of the Congress and the people of the country are due its members.

Mr. IGOE. Mr. Speaker, under unanimous consent given me I beg the indulgence of the Members of the House. I note the pending deficiency bill carries appropriations for the construction of various Federal buildings, including post offices, and since these particular items are of vital interest to the residents of my congressional district, I feel I would be neglecting my duty to them should I fail, at this time, to present as forcibly as possible the urgent need for new post-office buildings not only in the city of Chicago but in the adjoining towns comprising my district: Oak Park, Melrose Park, Maywood, Riverside, Berwyn, Forest Park, and La Grange.

For a number of years the citizens of these immediate communities have felt the need of a larger building to accommodate the rapidly growing population and have endeavored, through petitions presented to the national constituted authorities, as well as the Congress of the United States, for relief. Their complaints have not been mere conjectures, but have been based on facts and inspired by a public spirit imbued only in a law-abiding, progressive, sociable, and forward-looking populace with the home civic spirit uppermost in their thoughts. I cite, for instance, the conditions existing in Oak Park, and I submit the other communities enumerated above can well be compared with it in every particular. The present post office in Oak Park was built some 25 years ago, when there was a population of less than 20,000. The population to-day is approximately 70,000; vast improvements have taken place, such as the completing of a civic center; public and semipublic institutions have located there; all the leading department stores in the city of Chicago have established branch stores within the corporate limits of Oak Park; churches of practically every denomination have been built; sound and well-managed banks have been established; bus and trolley lines have been installed; and, in fact, practically every convenience necessary for a peace-abiding community is in force. Yet there is one drawback to these great developments—the inadequate postal facilities afforded by the Government of the United States.

I am not complaining of the items contained in this bill; in fact, I heartily approve of them, as it has always been my pleasure to vote for legislation that would in any way be beneficial to any community; but I do feel the people of my district have been treated unfairly.

Under the new public-building program recently adopted by the Federal Government I hope to convince the proper authorities of the necessity for and fairness in the request of my constituents for new public buildings to be used for post-office purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CARLEY, for an indefinite period, on account of illness.

To Mr. SOMERS of New York, for two days, on account of death in family.

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Monday next it may be in order to consider the Consent Calendar, beginning where we left off at the last call.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Monday next it may be in order to consider the Consent Calendar, beginning at the point where the House left off on the last call. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, when is the beginning of the last six days, or how does the gentleman construe that?

Mr. TILSON. There is some uncertainty about it in view of the fact that the 3d of March is Sunday, not a legislative day. The rule provides for suspensions for the last six days of the session. Regardless of the rule, however, I ask that on Monday we may consider the Consent Calendar. This would involve no suspensions, unless the Speaker should rule that Monday is a regular suspension day under the rules of the House. I am asking for special permission for the consideration of the Consent Calendar without regard to the 6-day provision.

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, does the gentleman expect to take up the Private Calendar with a view to considering uncontested bills during the balance of the session?

Mr. TILSON. I can not answer the gentleman definitely because there is a great deal of business on the calendar of one kind or another, and the public business might so crowd out the Private Calendar that we should not have the opportunity to consider other private bills than those that are unobjected to. I do not wish to mislead the gentleman.

Mr. GARNER of Texas. Is it problematical that you will, or do you think it is probable that you will, take up the Private Calendar on uncontested bills?

Mr. TILSON. Personally my own belief is that we shall not have time to take up the Private Calendar and consider the bills there under the regular rules of the House.

Mr. GARRETT of Tennessee. Reserving the right to object, may we have an understanding that if the request of the gentleman from Connecticut is agreed to there will be no suspensions on Monday? Here is the reason why I make the suggestion: It is not because I have any objection to suspensions if it seems wise to have them. I am not trying to prevent recognition on the part of the Chair if the Chair, for the purpose of suspension, chooses to do it on Monday; but I am only asking it so that the Members will know whether or not there will be any suspensions on Monday. If it is desired to reserve the question, it is perfectly all right with me. But if there are not going to be any suspensions, I do not see any reason why it could not be stated now.

Mr. TILSON. If the Chair is willing to state whether it is his intention to recognize motions for suspensions of the rules——

The SPEAKER. The Chair is willing to yield to the judgment of the majority and minority leaders if a motion to suspend the rules is made.

Mr. GARRETT of Tennessee. There can arise no parliamentary questions under the rule if the suspensions begin on Tuesday. I can see where, if there was recognition on Monday, parliamentary questions might arise, and might be annoying, and delay business.

The SPEAKER. It would be necessary on Saturday, up to the 4th of March, to have a recess. There necessarily must be a recess before adjournment. Adjournment by consent would be in order. It would be in order to suspend the rules on Monday. It is perfectly proper for the majority and minority leaders to say now what they consider best.

Mr. TILSON. I think it will be better for the more orderly dispatch of business on Monday not to have suspensions.

The SPEAKER. The Chair will then say he will not recognize gentlemen to make motions to suspend the rules.

Mr. CRAMTON. The Consent Calendar is a long calendar, and if gentlemen wish to have any chance for their bills being passed before the next Congress they ought to go over to the Senate and have their bills expedited. I think we should have some understanding that outside of conference reports there will be no controversial matters brought up on Monday. Of course, on appropriation bills that has to be done, but other controversial matters will not receive consideration on Monday by the Chair. In other words, we should keep Monday as closely as possible for the consideration of the Consent Calendar.

Mr. GARRETT of Tennessee. Conference reports have the right of way, whether they are on appropriation bills or otherwise.

Mr. CRAMTON. Conference reports would have the right of way, but the day should be reserved for the Consent Calendar.

Mr. TILSON. Of course, it is understood that the bill passed to-day will be the first business on Monday. Beyond that I hope that there will be no business called up except privileged matters on the Speaker's table on Monday, so as to give ample time for the consideration of the Consent Calendar.

Mr. CRAMTON. You might spend the entire day with the business on the Speaker's table. I am not sure what might be there. I was in hopes that we could have a unanimous-consent agreement that it would not be brought up.

Mr. TILSON. Mr. Speaker, I renew my request, and if granted, shall do what I can to comply with the gentleman's suggestion.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Monday next, after the disposition of the matters on the Speaker's table, it may be in order to consider bill on the Consent Calendar, beginning at the point where the House left off at the last meeting on that calendar. Is there objection?

There was no objection.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 23 minutes p. m.) the House adjourned until Monday, February 25, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, February 25, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings: Administrative and miscellaneous.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STOBBS: Committee on the Judiciary. S. 3117. An act for the relief of the State of Connecticut; with an amendment (Rept. No. 2677). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 2206. An act to amend section 260 of the Judicial Code, as amended; without amendment (Rept. No. 2678). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. H. R. 17166. A bill to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes; without amendment (Rept. No. 2680). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. S. 4085. A bill to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes; without amendment (Rept. No. 2681). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. H. R. 16771. A bill granting the consent of Congress to compacts or agreements between the States of Wyoming and Idaho with respect to the boundary line between said States; without amendment (Rept. No. 2693). Referred to the House Calendar.

Mr. MORIN: Committee on Military Affairs. H. R. 17250. A bill to regulate promotion in the Army and for other purposes; without amendment (Rept. No. 2694). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 13430. A bill for the relief of Arthur E. Rump; without amendment (Rept. No. 2679). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 382. An act for the relief of Joseph F. Thorpe; without amendment (Rept. No. 2682). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 8208. A bill for the relief of Lamirah F. Thomas; with amendment (Rept. No. 2683). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 9238. A bill for the relief of the widow of Ephriam E. Page; without amendment (Rept. No. 2684). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9699. A bill for the relief of Benjamin Hagerty; without amendment (Rept. No. 2685). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 12593. A bill for the relief of Edward McOmber; with an amendment (Rept. No. 2686). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 13052. A bill to correct the military record of Malcolm Allen; with an amendment (Rept. No. 2687). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 14863. A bill for the relief of Harry Hamlin; with an amendment (Rept. No. 2688). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 15405. A bill to correct the military record of James Luther Hammon; with an amendment (Rept. No. 2689). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15686. A bill for the relief of E. O. McGillis; with an amendment (Rept. No. 2690). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 15975. A bill for the relief of Nelson King; without amendment (Rept. No. 2691). Referred to the Committee of the Whole House.

Mr. BUSHONG: Committee on Claims. H. R. 6705. A bill for the relief of Clotilda Freund; without amendment (Rept. No. 2692). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. H. Res. 325. A resolution requesting information from the Secretary of the Treasury; adverse (Rept. No. 2673). Laid on the table.

Mr. McFADDEN: Committee on Banking and Currency. H. Res. 326. A resolution requesting information from the chairman of the Federal Reserve Board; adverse (Rept. No. 2674). Laid on the table.

Mr. McFADDEN: Committee on Banking and Currency. H. Res. 327. A resolution requesting information from the President of the United States; adverse (Rept. No. 2675). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIAMS of Illinois: A bill (H. R. 17249) equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. MORIN: A bill (H. R. 17250) to regulate promotion in the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. UNDERHILL: Resolution (H. Res. 338) to employ additional clerical service for the enrolling room for the present session; to the Committee on Accounts.

Also, a resolution (H. Res. 339) authorizing the appointment of an additional clerk to the Committee on Accounts; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, urging upon Congress the advisability and necessity of imposing tariff duties upon all round and square timbers, rough and dressed lumber, match blocks, shingle bolts, shingles, lath, sash, doors, moldings and millwork imported into the United States; to the Committee on Ways and Means.

By Mr. KORELL: Memorial of the State Legislature of Oregon, memorializing Congress to investigate the telephone service and rates; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Memorial of the twentieth session of the Legislature of the State of Idaho, urging the advisability and necessity of imposing tariff duties upon all round and square timbers, rough and dressed lumber, match blocks, shingle bolts, shingles, lath, sash, doors, molding, and millwork imported into the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER: A bill (H. R. 17251), for the relief of Charles W. Langridge; to the Committee on Claims.

By Mr. CROSSER: A bill (H. R. 17252) granting a pension to Frank Burbank; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 17253) granting an increase of pension to Catherine O'Grady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17254) granting an increase of pension to Elizabeth Seaburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17255) granting a pension to Ona Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17256) for the relief of Darold Brundige; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 17257) granting an increase of pension to Jennie Lee; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 17258) granting an increase of pension to Rebecca J. Free; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 17259) for the relief of Neal W. Allen; to the Committee on Naval Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 17260) granting a pension to Ollie E. Montgomery; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 17261) granting a pension to Donald C. Collyer; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12391. By Mr. BARBOUR: Resolution adopted by the Fresno Veterans' Council, of Fresno, Calif., indorsing and urging consideration of House bill 14676, to increase pensions of Spanish war veterans; to the Committee on Pensions.

12392. Also, resolution of Board of Supervisors of Kings County, Calif., urging the location of the proposed Army air base in the San Francisco Bay metropolitan area; to the Committee on Military Affairs.

12393. By Mr. CORNING: Petition of James G. Murray, manager Albany branch, W. L. Douglas Shoe Co., and other citizens of Albany, N. Y., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12394. By Mr. HUDSON: Petition of citizens of Detroit, urging that no change in the present tariff on hides and leather used in the manufacture of shoes be made; to the Committee on Ways and Means.

12395. By Mr. JENKINS: Joint resolution memorializing the Congress of the United States to distribute radio broadcasting facilities equitably in accordance with the population of the States, adopted by the Eighty-eighth General Assembly of Ohio; to the Committee on the Merchant Marine and Fisheries.

12396. By Mr. LANKFORD: Petition of 69 citizens of Chicago, Ill., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

12397. Also, petition of 300 members of First Church of the Brethren, of Chicago, Ill., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

12398. Also, petition of 525 members of the Albany Park Presbyterian Church, Chicago, Ill., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

12399. Also, petition of seven citizens of Denison, Tex., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13400. Also, petition of 36 citizens of Mohnton, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13401. Also, petition of 44 citizens of Allentown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13402. Also, petition of 21 citizens of Palmerton and Slatington, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13403. Also, petition of 28 citizens of Reading, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13404. Also, petition of 31 citizens of Berk County, State of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13405. Also, petition of Council of the Presbyterian Synod of the State of California, in session, with a membership of 87,980, approving the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78); to the Committee on the District of Columbia.

13406. Also, petition of the Wilkes-Barre Central Union, in mass meeting of Women's Christian Temperance Union members assembled, with representatives of five churches, unanimously urging the passage of House bill 78, providing one day of rest in the District of Columbia; to the Committee on the District of Columbia.

13407. Also, petition of 67 citizens of Emaus, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13408. Also, petition of 100 members of the Prospect Heights Presbyterian Church, Brooklyn, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13409. By Mr. LINDSAY: Petition of Hon. Ed Doyle, State Assembly, New York, being a resolution petitioning Congress to hold the contemplated World's Fair in the Borough of Brooklyn, N. Y., in the year 1932; to the Committee on Foreign Affairs.

13410. Also, petition of 36 retail shoe dealers, citizens of Brooklyn, N. Y., praying for vote against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13411. Also, petition of Cabble Excelsior Wire Manufacturing Co., Brooklyn, N. Y., praying that the brief submitted by the American Manufacturers of Fourdrinier and Cylinder Wires, in relation to paragraph 318 of Schedule 3, title 1, of the tariff act of 1922, be carefully read over and that this industry be given as much assistance as possible; to the Committee on Ways and Means.

13412. By Mr. McCORMACK: Petition of James Lynch, 823 East Second Street, South Boston, Mass., protesting against any duty being imposed on lobsters because of the unreasonable prices now demanded for this commodity, and stating that Massachusetts lobster dealers are opposed to proposed tariff on lobsters; to the Committee on Ways and Means.

13413. By Mr. MEAD: Petition of Lawtons Grange, No. 1176, Lawtons, N. Y., favoring higher tariff on beans, potatoes, hay,

buckwheat, eggs, dairy products, etc.; to the Committee on Ways and Means.

13414. Also, petition of executive committee of New York State Grange, opposing higher tariff on lumber; to the Committee on Ways and Means.

13415. Also, petition of Common Council of the City of Buffalo, favoring higher pensions for Spanish War veterans; to the Committee on Pensions.

13416. By Mr. O'CONNELL: Petition of the National Builders' Supply Association of the United States, favoring the Treadway bill (H. R. 13405); to the Committee on Ways and Means.

13417. Also, petition of the Institute of Margarine Manufactures, favoring the passage of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

13418. Also, petition of the New York State Grange, opposing any tariff on lumber or shingles from the Dominion of Canada; to the Committee on Ways and Means.

13419. Also, petition of the Baltimore Butterine Co., Baltimore, Md., opposing the passage of the Haugen oleomargarine bill (H. R. 10958); to the Committee on Agriculture.

13420. By Mr. QUAYLE: Petition of Charles Hess Co., New York City, N. Y., opposing a tariff increase on Cuban sugar; to the Committee on Ways and Means.

13421. Also, petition of United States Casualty Co., of New York City, N. Y., favoring the passage of House bill 15769, to authorize an appropriation to reimburse various insurance companies for losses which they sustained by reason of the explosions; to the Committee on War Claims.

13422. Also, petition from the executive committee of New York State Grange, opposed to a tariff on lumber and shingles; to the Committee on Ways and Means.

13423. Also, petition of Douglas I. McKay, State department commander, American Legion, New York, favoring the passage of the American Legion hospital bill; to the Committee on World War Veterans' Legislation.

13424. Also, petition of David W. Sowers, opposing House bill 14000, amending section 29 of the farm loan act; to the Committee on Banking and Currency.

13425. By Mr. SELVIG: Petition of seven residents of Pennington County and six residents of Clearwater County, in the ninth district, Minnesota, urging the passage of House bill 10958; to the Committee on Agriculture.

13426. Also, petition of Woman's Christian Temperance Union, of Ada, Minn., urging the passage of the Jones-Stalker bill; to the Committee on the Judiciary.

13427. By Mr. SOMERS of New York: Petition of Sidney Levine and his brother, Joseph Levine, charging misconduct on the part of Judge Grover M. Moscowitz, district judge of the eastern district of New York; to the Committee on the Judiciary.

13428. By Mr. SWING: Petition of residents of San Diego, Calif., and vicinity, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

13429. By Mr. THATCHER: Petition of numerous adult residents of Louisville, Ky., and vicinity, protesting against the enactment of House bill 78, or any other bills proposing compulsory observance of the Sabbath; to the Committee on the District of Columbia.

13430. By Mr. WATSON: Petition of the Lansdale Baptist Sunday School, with a membership of 560, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13431. By Mr. WELCH of California: Petition of United Spanish War Veterans, Department of California, requesting the enactment of House bill 14676; to the Committee on Pensions.

13432. By Mr. WHITTINGTON: Petition of board of supervisors, of Washington County, Miss., to extend the open season for shooting ducks and geese, from February 1 to February 15; to the Committee on Agriculture.

SENATE

MONDAY, *February 25, 1929*

The Chaplain, Rev. Zeb Barney T. Phillips, D. D., offered the following prayer:

O God, Thou unseen source of holiness and peace, help us to trust not in our knowledge of Thee but in Thy knowledge of us; make us sure of Thee, not because we feel our thoughts of Thee are true but just because we know Thou dost transcend them all. Be patient with our foolish doubts, for Thou hast set the questions which perplex us, and grant that we may find our unbelief to be but nascent faith fretting at its outworn form. When we are tempted to desist from moral strife, reveal the power Thy presence doth impart, and ere we tire of mental search, remind us of Thy call which stirred our souls and turn us back from voyages of thought to that which sent us forth, from wanderings without to find Thee still within. Grant this for the sake of Thine own blessed Son, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITE, of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 924. An act for the relief of Joe D. Donisi; and

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Simmons
Barkley	Frazier	McNary	Smith
Bayard	George	Mayfield	Smoot
Bingham	Gerry	Metcalf	Steck
Black	Glass	Moses	Steiwer
Blaine	Glenn	Neely	Stephens
Blease	Goff	Norbeck	Swanson
Borah	Gould	Norris	Thomas, Idaho
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Broussard	Harris	Overman	Tydings
Bruce	Harrison	Phipps	Tyson
Burton	Hastings	Pine	Vandenberg
Capper	Hawes	Ransdell	Walsh, Mass.
Caraway	Hayden	Reed, Mo.	Walsh, Mont.
Copeland	Heflin	Reed, Pa.	Warren
Couzens	Johnson	Robinson, Ark.	Waterman
Curtis	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Wheeler
Dill	Keyes	Schall	
Edge	King	Sheppard	
Edwards	McKellar	Shortridge	

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is necessarily absent. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

THE CALENDAR—UNANIMOUS-CONSENT AGREEMENT

Mr. CURTIS. Mr. President, while there is a quorum present I desire to submit a request for the following unanimous-consent agreement.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That at the conclusion of the business of the Senate to-day the Senate recess until 11 o'clock Tuesday, February 26, 1929; that on the convening of the Senate on said day it proceed to the consideration of unobjected bills on the calendar, beginning at Calendar No. 1713, and that the consideration of unobjected bills shall not continue for more than two hours.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Mr. President, I should like to consider the proposal for a little while.

Mr. CURTIS. I hope the Senator will not object.

Mr. BRUCE. I know the Senator entertains a most fervent hope to that effect, but I would like to consider it a little while. I will look at it at once.

Mr. CURTIS. I will withdraw it for the moment.

Mr. CURTIS subsequently said: Mr. President, I would like to submit again the unanimous-consent request. I have talked

with the Senator from Maryland [Mr. BRUCE] and he has no objection.

The VICE PRESIDENT. The clerk will read the proposed unanimous-consent agreement.

The Chief Clerk read the proposed unanimous-consent agreement.

Mr. HEFLIN. Mr. President, is the number on the calendar designated by the Senator the number where we left off before?

Mr. CURTIS. Yes; it is where we left off on the last call of the calendar.

Mr. EDGE. Mr. President, I have no intention of objecting. I simply wish to direct attention to the fact that we have a unanimous-consent agreement to proceed under the 10-minute limit with Senate Joint Resolution 117, the Nicaraguan canal measure, at 4 o'clock to-day; but I assume we shall be able to dispose of that measure before the day is ended.

Mr. CURTIS. This agreement would not interfere with the joint resolution which the Senator has in charge.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

SALES OF FOREIGN CALF LEATHER IN THE UNITED STATES (S. DOC. NO. 230)

The VICE PRESIDENT. The Chair lays before the Senate a response of the Tariff Commission to Senate Resolution 163, submitted by Mr. COPELAND and agreed to March 2, 1928, relative to foreign calf-leather sales in the United States, which will lie on the table and be printed as a Senate document.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS

The VICE PRESIDENT laid before the Senate communications from the President of the United States, together with accompanying letters from the Director of the Bureau of the Budget, transmitting, pursuant to law, supplemental estimates of appropriations, which, with the accompanying papers, were referred to the Committee on Appropriations and ordered to be printed, as follows:

An estimate for the Department of Agriculture, amounting to $80,000, for the fiscal year ending June 30, 1930, for carrying into effect the provisions of the migratory bird conservation act, approved February 18, 1929 (S. Doc. No. 244);

An estimate for the War Department, for the fiscal year ending June 30, 1929, to remain available until expended, for investigations and surveys for a Nicaraguan canal and to determine the possibilities and cost of enlarging the Panama Canal, amounting to $150,000 (submitted in lieu of the estimate transmitted on May 23, 1928, which referred only to an investigation and survey for a Nicaraguan canal) (S. Doc. No. 237);

An estimate of appropriation for the Department of the Interior, Bureau of Indian Affairs, for the fiscal years ending June 30, 1929, and June 30, 1930, for the payment of draft assessments on restricted Indian allotments, Cleveland County, Okla., amounting to $2,729.30 (S. Doc. No. 238);

An estimate for the Treasury Department for the fiscal year ending June 30, 1930, amounting to $50,000, required for the extension and remodeling of the building for the Salisbury (N. C.) post office, courthouse, etc. (S. Doc. No. 239);

An estimate for the Treasury Department for the fiscal year ending June 30, 1930, amounting to $10,000, pertaining to the Coast Guard, for the preparation of plans, drawings, etc., for a Coast Guard Academy building and appurtenances (S. Doc. No. 240); and

An estimate for the Department of State for the fiscal years ending June 30, 1929, and June 30, 1930, amounting to $1,475 (indemnity for the death of Wang-Ehr-Ko, Chinese citizen, $875; International Society for the Exploration of the Arctic Regions by Means of the Airship, fiscal years 1929 and 1930, $300 for each fiscal year) (S. Doc. No. 241).

OKLAHOMA EXPERIMENT STATION (S. DOC. NO. 242)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, together with an accompanying letter from the Director of the Bureau of the Budget, transmitting a draft of proposed legislation affecting existing appropriations for the Oklahoma Experiment Station, Department of Agriculture, for the fiscal year ending June 30, 1929; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered printed.

TRANSFER OF FUNDS TO CERTAIN DEPARTMENTS (S. DOC. NO. 243)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, together with an accompanying letter from the Director of the Bureau of the Budget, transmitting a draft of proposed legislation affecting a transfer of funds from an existing appropriation for the Department of Agriculture, Weather Bureau, to the Treasury Department, Coast Guard, for the fiscal year ending June 30, 1930, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY THE COURT OF CLAIMS (S. DOC. NO. 231)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, a list of judgments rendered by the Court of Claims and requiring an appropriation for their payment, as follows: Under independent offices: United States Veterans' Bureau, $13,434.90; under Department of Agriculture, $11,520.55; under the Navy Department, $51,150; and under the War Department, $111,614.72, in the total amount of $187,720.17, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM UNDER THE NAVY PENSION FUND—FLOYD A. NEWALL (S. DOC. NO. 232)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a proposed draft of legislation affecting an existing appropriated fund, the Navy pension fund, authorizing payments therefrom in the amount of $10.61 in accordance with law, providing for the disposition of effects of deceased persons in the naval service, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY UNITED STATES COURTS IN SPECIAL CASES (S. DOC. NO. 233)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States district courts in special cases—under the Navy Department, $700,231.38; under the War Department, $8,867.40; in the total amount of $709,098.78, which, with the accompanying papers, were referred to the Committee on Appropriations and ordered to be printed.

JUDGMENT RENDERED UNDER THE PUBLIC VESSELS ACT (S. DOC. NO. 234)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of a judgment rendered against the Government by the United States District Court for the District of Massachusetts, under the Public Vessels Act—under the Treasury Department, $1,032.60, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY THE GENERAL ACCOUNTING OFFICE (S. DOC. NO. 235)

The VICE PRESIDENT laid before the Senate communication from the President of the United States, transmitting, in compliance with law, schedules of claims amounting to $115,896.71, allowed by various divisions of the General Accounting Office, under appropriations the balances of which have been carried to the surplus fund under the provisions of law, and for the service of the several departments and independent offices, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 236)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property and damages by collision with naval vessels, in the sum of $4,707.51, which have been considered and adjusted under the provisions of law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, FEDERAL BOARD FOR VOCATIONAL EDUCATION (S. DOC. NO. 247)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Federal Board for Vocational Education, fiscal year 1930, in amount $15,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

VOCATIONAL REHABILITATION OF DISABLED RESIDENTS OF THE DISTRICT

The VICE PRESIDENT laid before the Senate a supplemental estimate of appropriation for the District of Columbia, fiscal year 1930, amounting to $15,000, to carry into effect the provisions of the act of February 23, 1929, authorizing appropriations of District of Columbia funds to match equal appro-

priations of Federal funds, to provide for the vocational rehabilitation of disabled residents of the District of Columbia, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF FARMERS IN STRICKEN AREAS, SOUTHEASTERN UNITED STATES

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Agriculture, amounting to $6,000,000, for the fiscal year 1929, to remain available until June 30, 1930, for the purpose of making advances or loans to farmers in the storm and flood stricken areas of the southeastern United States as contemplated by law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION OF BUILDINGS AT MILITARY POSTS (S. DOC. NO. 250)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the War Department, fiscal year 1929, for construction of buildings, utilities and appurtenances at military posts, amounting to $1,103,000, and containing a draft of proposed legislation affecting an existing appropriation of the War Department, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION (S. DOC. NO. 249)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the fiscal year 1929, in the amount of $100,000, to remain available until expended for carrying into effect the provisions of the act creating the Mount Rushmore National Memorial Commission, approved February 25, 1929, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

METHODS OF RECOVERING POTASH

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriation for the Department of Commerce, amounting to $33,000, for the fiscal year 1929, and $25,000, for the fiscal year 1930, for the development of methods of recovering potash from deposits in the United States, total amount $58,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriation, amounting to $17,000 for the fiscal year 1929, and $25,000 for the fiscal year 1930, for the development of methods of recovering potash from deposits in the United States, total amount $42,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 246.)

PAVING DRY VALLEY ROAD, GA. (S. DOC. NO. 252)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the War Department, fiscal year 1929, to remain available until June 30, 1930, for paving Dry Valley Road in Georgia, $60,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Public Lands and Surveys:

Assembly joint resolution approved February 19, 1929

Whereas there are now pending before the Congress of the United States S. 4601, introduced by Senator ODDIE, and H. R. 14665, introduced by Representative COLTON, identical measures, having for their purpose the appropriation of $3,500,000 for the fiscal year ending June 30, 1929; $3,500,000 for the fiscal year ending June 30, 1930; and $3,500,000 for the fiscal year ending June 30, 1931, for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations; and

Whereas the passage of these measures would be but an act of justice to the public-land States wherein vast areas of nontaxable lands are owned by the Federal Government; and

Whereas it has been shown that under present appropriations it will take approximately 40 years to complete the forest highway system, while with the aid of the appropriations carried by the proposed measure important gaps within and across the public-land States, largely across the public domain and Government reserves, will be closed within a reasonable period, thus tending to complete the Federal system of highways across the country: Therefore be it

Resolved by the assembly (the senate concurring), That our Senators and Representative be urged to use all honorable means to promote these measures before the Congress of the United States, so that the actual work of construction on important links of our highway system may proceed without further delay; and be it further

Resolved, That properly certified copies of this resolution be telegraphed to our Senators and Representative, and to the President of the United States Senate and Speaker of the House of Representatives, to the Secretary of Agriculture, and to the legislatures of the public-land States now in session.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
R. C. TURRITTIN,
Speaker of the Assembly.
V. M. HENDERSON,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following concurrent memorial of the Legislature of the State of Arizona, which was referred to the Committee on Indian Affairs:

HOUSE OF REPRESENTATIVES,
NINTH STATE LEGISLATURE, REGULAR SESSION.

House Concurrent Memorial 1

To the Senate and House of Representatives of the Congress of the United States of America in Congress assembled:

Your memorialist, the Ninth Legislature of the State of Arizona, in regular session convened, respectfully represents:

That of the 73,000,000 acres of land comprising the State of Arizona, approximately three-fifths are reserved by the Government of the United States;

That over these reserved lands the State of Arizona exercises no supervision or jurisdiction;

That 20,000,000 acres of these lands are reserved by the Government of the United States to the use and benefit of the Indian peoples in the State of Arizona;

That the above condition exists in many States;

That these Indian reservations are so situated as to prevent a systematic development and extension of county, State, or National highways without the cooperation and assistance of the Government of the United States;

That the Congress of the United States in enacting a most beneficent national road law has wholly failed to make any provision for the construction and maintenance of highways over and upon the lands reserved by the Federal Government to the use and benefit of its Indian wards.

Whereas adequate transportation facilities are a vital factor in the prosperity and civilization of any country and are essential to the development of its agriculture and manufactories, to the working of its forests and mines, and to the spread of education and enlightenment among its citizens; and

Whereas the public roads of Arizona are for a large percentage of her citizens and especially for the 42,000 Indian wards of the Federal Government, the only avenues of transportation leading from the point of production to the point of consumption or rail shipment, and these avenues are only now in the process of their development; and

Whereas a very large portion of the State of Arizona is held in reserve by the Government of the United States to the use and benefit of its Indian wards, and these reservations are so situated as to prevent any economic or systematic road-building activities on the part of the State government as continuous highways are rendered impracticable. This is especially true on the Hopi and Navajo Indian Reservations, as practically the long and important stretch of road from Cameron to Winslow is on the reservations; and

Whereas a further inequity results from the fact that traffic in its development takes no account of reservation and State boundaries, and the State government is powerless to provide for the extension of its highway system through the adjoining and intervening reservations; and

Whereas the improvement of highways should be commensurate with their importance, and a system of highways upon the Indian reservations of Arizona would form the only avenue by which the Indian nations could transport their products to a market or over which the many thousands of tourists from all parts of the United States could pass to view the marvelous beauties of our natural and historical wonders: Therefore be it

Resolved by the House of Representatives of the Legislature of the State of Arizona (the Senate concurring), That the development of the material resources of the Indian peoples of Arizona can best be furthered, their material prosperity best enhanced, their education and civilization more readily achieved, and that close association with civilization which has proved to be the efficient means of equipping them to share in the

responsibilities of life most certainly assured, by means of highways constructed and maintained over and upon the lands reserved by the Government of the United States to their use and benefit; and be it further

Resolved, That the Congress of the United States be, and it is hereby, urged to enact legislation which may be necessary to provide adequate appropriation for the construction and maintenance of highways over and upon Indian reservations in Arizona joining to and in conjunction with the system of State highways; and be it

Resolved further, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, the Secretary of the Interior, the Commissioner of Indian Affairs, and to Representatives of Arizona in Congress; and that our Representatives in Congress be, and they are hereby, requested to do all in their power to accomplish the enactment of such legislation.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Interstate Commerce:

Senate Joint Memorial 3

To the honorable Senate of the United States of America in Congress assembled:

Whereas there is pending before the Senate of the United States a resolution introduced by Senator HIRAM JOHNSON, as follows:

"*Resolved*, That a committee of five Members of the Senate be appointed by the President thereof, and be hereby empowered and directed to inquire into and report upon—

"(1) The growth of the capital assets and capital liabilities of public-utility corporations supplying telephone communications, however such telephone communications may be accomplished and/or produced, of corporations holding the stocks of such public-utility corporations, and of non-public-utility corporations owned or controlled by or affiliated with such holding companies;

"(2) The method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same;

"(3) The extent to which holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relations, one to the other, of the classes of corporations last named, the holding companies, and the public-utility corporations;

"(4) The services furnished to public-utility corporations by holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated and/or subsidiary companies; and

"(5) The value or detriment to the public of holding companies owning the stock otherwise controlling such public corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

"(6) The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditures of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which telephone communication is accomplished and/or produced, or to influence or control elections.

"(7) That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding $1.25 per printed page.

"(8) The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law.

"(9) The expense of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

"(10) The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate and until otherwise ordered by the Senate": Be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we most earnestly petition and memorialize the Senate of the United States, in the name of the State of Oregon, to adopt said resolution hereinbefore set forth and to conduct the investigation in accordance with the terms thereof, and that the Hon. CHARLES L. MCNARY and the Hon. FREDERICK STEIWER, United States Senators from Oregon, be, and they hereby are, urged to give their active and earnest support to secure the adoption of said resolution; now, therefore, be it

Resolved, That the secretary of state of the State of Oregon be instructed to forward a copy of this memorial to Senators CHARLES L. MCNARY and FREDERICK STEIWER, and to each of the members of the Oregon congressional delegation, and a copy to the Senate of the United States.

Adopted by the senate February 5, 1929.

A. W. NORBLAD,
President of the Senate.

Concurred in by the house February 16, 1929.

R. S. HAMILTON,
Speaker of the House.

(Indorsed: Senate Joint Memorial No. 3, introduced by Senator Joe E. Dunne. Jno. P. Hunt, chief clerk. Filed, February 19, 1929, Hal E. Hoss, secretary of state.)

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

Senate Joint Memorial 5, memoralizing Congress for the passage of necessary legislation providing for an increase of the tariff on plumbago, graphite, and graphite ores

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas during the period of the World War great strides were made in the development of graphite and graphite ores, and it appearing that the following features of the graphite industry commended it to tariff consideration, to wit:

1. Importance of the industry from the standpoint of military preparedness;

2. Desirability of the domestic supplies to insure commercial self-sufficiency;

3. Abundant natural resources of ore reserves:

4. Possibilities of developing larger supplies of high-grade ores;

5. Definite progress made by virtue of moderate tariff protection during the past six years;

6. Assurance that adequate tariff would enable substantial proportion and perhaps all of domestic requirements to be obtained from domestic mines; and

Whereas it appears that increased tariff protection is necessary to protect and further the development of mineral lands producing graphite and graphite ores; and it further appearing that during the past few years under tariff protection many processes have been discovered and developed to a commercial stage for the treating, refining, and preparation of said ores; and

Whereas large sums of capital are necessary to the development of the graphite industry in general and further tariff protection appearing absolutely essential and vital to the further development of said industry; and with adequate protection definitely assured the necessary money appears available; and

Whereas it appearing that the graphite industry needs tariff protection in order to survive, and it can not develop untouched resources unless such protection is substantial; it appearing from submitted facts that Ceylon plumbago and Madascar flake graphite imports do and will jeopardize and possibly destroy American production of graphite; and further that the present tariff rate upon such minerals is wholly inadequate to afford proper protection and encourage future development and research: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Montana, That we do hereby petition the Congress of the United States for the passage of necessary legislation, enacting a tariff schedule upon graphite of all kinds according to the schedule hereinafter set forth as a minimum; and that paragraph 213 of the present law now in force and effect, known as the Fordney-McCumber Act, be amended to read as follows:

"Graphite or plumbago, crude or refined; amorphous, one-half cent per pound; crystalline graphite or plumbago, lump, chip, or dust, 4 cents per pound; crystalline flake, 3 cents per pound. As used in this paragraph the term "crystalline flake" means graphite or plumbago, which occurs disseminated as a relatively thin flake throughout its containing rock, decomposed or not, and which may be or has been separated therefrom by ordinary crushing, pulverizing, screening, or mechanical concentration process, such flakes being made up of a number of parallel laminæ, which may be separated by mechanical means";

and that such schedule be and become immediately effective and operative upon enactment and approval; be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to both Houses of the National Congress and to the Senators and Representatives in Congress from the

State of Montana, also to the Ways and Means Committee of the National Congress and to the Tariff Commission thereof, with the request that they, and each of them, exert every effort within their power to bring about the enactment of such tariff legislation.

Approved by—

J. E. ERICKSON, *Governor.*

FEBRUARY 19, 1929.

Mr. ROBINSON of Arkansas. Mr. President, I present a resolution adopted by the General Assembly of the State of Arkansas, relating to the bill (S. 4689) introduced by the Senator from Utah [Mr. SMOOT] entitled "A bill to provide for the making of loans to drainage or levee districts, and for other purposes." I ask, in accordance with the custom of the Senate, that the resolution be printed in the RECORD. The measure is one of very great importance and will probably receive the consideration of the Senate at some time during the extra session. It appears probable that it will not be reached during the present session.

The resolution was referred to the Committee on Irrigation and Reclamation, and is as follows:

Senate Resolution 3

Be it resolved by the Senate of the General Assembly of the State of Arkansas (the House of Representatives concurring)—

First. That we heartily approve and indorse Senate bill No. 4689, pending in the Senate of the United States, entitled "A bill to provide for the making of loans to drainage or levee districts, and for other purposes," which would furnish the relief that is imperatively demanded by the lands located in levee and drainage districts in this State.

Second. We urge our Senators and Representatives in Congress to do everything in their power to secure the speedy passage and approval of this bill.

Resolved further, That a copy of this resolution be forwarded at once to each of our Senators and Representatives in Congress.

CERTIFICATE OF SECRETARY

I, E. L. Farris, secretary of the senate, General Assembly of the State of Arkansas, 1929, do hereby certify that the above and foregoing is a true and correct copy of Senate Resolution 3, read and adopted January 21, 1929, and on February 11, 1929, duly signed by the governor.

Witness my hand as such secretary, this the 18th day of February, 1929.

E. L. FARRIS.

Mr. ROBINSON of Arkansas also presented a resolution adopted by the congregation of the First Congregational Church of Gentry, Ark., suggesting that unnaturalized aliens be not enumerated in the reapportionment of congressional districts, which was referred to the Committee on Commerce.

SENATOR FROM PENNSYLVANIA

Mr. REED of Missouri. Mr. President, I desire to present to the Senate a matter of highest privilege at this time, and I hope without interruption. I think I shall be able to conclude what I have to say in a very short time, unless Senators may desire to ask questions. If there are any resolutions or reports of committees or bill to be presented without debate, I will give way now for that purpose.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the resolution (S. Res. 316) to investigate the advisability of establishing certain additional national parks and the proposed changes in, boundary revisions of, and matters relating to, other national parks, reported it without amendment, submitted a report (No. 1902) thereon, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 12106) to erect a national monument at Cowpens Battle Ground, reported it with amendments and submitted a report (No. 1903) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8987) for the relief of John R. Butler, reported it without amendment and submitted a report (No. 1904) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (S. 4956) to remove the charge of desertion and grant an honorable discharge to Marion M. Clark, reported it with an amendment and submitted a report (No. 1905) thereon.

Mr. SHEPPARD (for Mr. FLETCHER), from the Committee on Military Affairs, to which was referred the bill (S. 4237) for the relief of Antoine Laporte, alias Frank Lear, reported it with an amendment and submitted a report (No. 1906) thereon.

He also (for Mr. FLETCHER), from the same committee, to which was referred the bill (S. 4825) for the relief of August R. Lundstrom, reported it with amendments and submitted a report (No. 1907) thereon.

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (H. R. 3737) for the relief of John T. O'Neil, reported it with an amendment and submitted a report (No. 1908) thereon.

He also, from the same committee, to which was referred the bill (S. 4356) for the relief of Howard P. Cornick, reported adversely thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 5679) for the relief of Charles N. Neal, reported it with an amendment and submitted a report (No. 1914) thereon.

Mr. BLAINE, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4215) for the relief of Frank L. Merrifield (Rept. No. 1915); and

A bill (H. R. 8598) for the relief of James J. Dower (Rept. No. 1916).

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 4907) for the relief of August Mohr, reported it with an amendment and submitted a report (No. 1909) thereon.

He also, from the same committee, to which was referred the bill (S. 119) for the relief of C. C. Moore & Co., engineers, reported it without amendment and submitted a report (No. 1910) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 5399) for the relief of George Heitkamp, reported it without amendment and submitted a report (No. 1911) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 5860) to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla., reported it with an amendment and submitted a report (No. 1913) thereon.

Mr. McNARY, from the Committee on Commerce, to which was referred the bill (S. 5365) granting the consent of Congress to the State of Oregon and the Haynes Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg., reported it with amendments and submitted a report (No. 1917) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 368) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements, reported it with an amendment and submitted a report (No. 1919) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5870) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, reported it without amendment and submitted a report (No. 1920) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.; and

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

OSAGE INDIAN LANDS

Mr. THOMAS of Oklahoma. Mr. President, from the Committee on Indian Affairs, I report back favorably with an amendment the amendment of the House to the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249) entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division

of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The bill passed the Senate on a former occasion and went to the House and was there amended. The Senate Committee on Indian Affairs recommend that the Senate concur in the House amendment with an amendment. The House amendment is approved by the committee.

Mr. SMOOT. Mr. President, did the Senator state that the House approved the Senate amendment?

Mr. THOMAS of Oklahoma. The bill went to the House and they sent it back with a 10-page amendment relating almost entirely to administrative matters. The Senate Committee on Indian Affairs have considered and approved the House amendment with an amendment. The Bureau of Indian Affairs and all concerned now agree to those amendments as perfected. It affects the Osage Indians and is an administrative matter. It gives the Secretary a little more latitude in the matter of making certain leases.

Mr. SMOOT. It has to go back to the House, of course?

Mr. THOMAS of Oklahoma. Oh, yes. I request that the amendment of the House be read; and then that the amendment reported by the Committee on Indian Affairs to the amendment of the House be read.

The Chief Clerk read the amendment of the House, as follows:

Strike out all after the enacting clause and insert:

"That section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows:

"'That all that part of the act of June 28, 1906 (34 Stat. L. 539), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals, covered by said lands are reserved to the Osage Tribe, until the 8th day of April, 1958, unless otherwise provided by Act of Congress, and all royalties and bonuses arising therefrom shall belong to the Osage Tribe of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law, after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes.

"'The lands, moneys, and other properties now or hereafter held in trust or under the supervision of the United States for the Osage Tribe of Indians, the members thereof, or their heirs and assigns shall continue subject to such trust and supervision until January 1, 1959, unless otherwise provided by act of Congress.

"'The Secretary of the Interior and the Osage tribal council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians: *Provided*, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year: *Provided further*, That as to all lands hereafter leased, the regulations governing same and the leases issued thereon shall contain appropriate provisions for the conservation of the natural gas for its economic use, to the end that the highest percentage of ultimate recovery of both oil and gas may be secured: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease for oil or gas or other minerals, but all such leases shall continue as long as gas, oil, or other minerals are found in paying quantities.

"'Homestead allotments shall remain exempt from taxation while the title remains in the original allottee of one-half or more of Osage Indian blood and in his unallotted heirs or devisees of one-half or more of Osage Indian blood until January 1, 1959: *Provided*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.'

"SEC. 2. That section 2 of the act of March 3, 1921 (41 Stat. L. 1249), entitled 'An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," be, and the same is hereby, amended to read as follows:

"'The bona fide owner or lessee of the surface of the land shall be compensated, under rules and regulations prescribed by the Secretary of the Interior in connection with oil and gas mining operations, for any damage that shall accrue after the passage of this act as a result of the use of such land for oil or gas mining purposes, or out of damages to the land or crops thereon, occasioned thereby, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts, without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him. All claims for damages arising under this section shall be settled by arbitration under rules and regulations to be prescribed by the Secretary of the Interior; but either party shall have the right to appeal to the courts without consent of the Secretary of the Interior in the event he is dissatisfied with the award to or against him. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County, to enlarge, modify or set aside the award, and in any such action, upon demand of either party, the issues, both of law and of fact shall be tried de novo. Arbitration, or a bona fide offer in writing to arbitrate, shall constitute conditions precedent to the right to sue for such damages: *Provided*, That nothing herein contained shall preclude the institution of any such suit in a Federal court having jurisdiction thereof, or the removal to said court of any such suit brought in the State court, which under Federal law may be removed to the Federal court.'

"SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by ading thereto the following:

"'The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.'

"SEC. 4. That section 2 of the act of Congress approved February 27, 1925 (43 Stat. L. 1011), being an act to amend the act of Congress of March 3, 1921 (41 Stat. L. 1249), be, and the same is hereby, amended to read as follows:

"'Upon the death of an Osage Indian of one-half or more Indian blood who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law may be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, or may be retained by the Secretary of the Interior in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: *Provided*, That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estates to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half of Osage Indian blood or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: *Provided*, That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this act, which have been inherited by or devised to any adult or minor heir or devisee of one-half or more Osage Indian blood who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such administrator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law.'

"SEC. 5. The restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply to unallotted Osage Indians born since July 1, 1907, or after the passage of this act, and to their heirs of Osage Indian blood: *Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs.

"SEC. 6. That section 9 of the act of Congress approved June 28, 1906 (34 Stat. L. 539), be, and the same is hereby, amended to read as follows:

"'That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1928, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June, 1930, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections, and in case of vacancy in the office of principal chief or other such officer by death, resignation, or otherwise, the vacancies of the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself, and said tribal government so constituted shall continue in full force and effect to January 1, 1959.'"

The CHIEF CLERK. The Committee on Indian Affairs reports to amend the amendment of the House of Representatives by inserting in lieu of the House amendment the following:

That section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows:

"That all that part of the act of June 28, 1906 (34 Stat. L. 539), entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,' which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals, covered by said lands are reserved to the Osage Tribe, until the 8th day of April, 1958, unless otherwise provided by act of Congress, and all royalties and bonuses arising therefrom shall belong to the Osage Tribe of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law, after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes.

"The lands, moneys, and other properties now or hereafter held in trust or under the supervision of the United States for the Osage Tribe of Indians, the members thereof, or their heirs and assigns, shall continue subject to such trust and supervision until January 1, 1959, unless otherwise provided by act of Congress.

"The Secretary of the Interior and the Osage tribal council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians: *Provided,* That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year: *Provided further,* That as to all lands hereafter leased, the regulations governing same and the leases issued thereon shall contain appropriate provisions for the conservation of the natural gas for its economic use, to the end that the highest percentage of ultimate recovery of both oil and gas may be secured: *Provided, however,* That nothing herein contained shall be construed as affecting any valid existing lease for oil or gas or other minerals, but all such leases shall continue as long as gas, oil, or other minerals are found in paying quantities.

"Homestead allotments of Osage Indians not having a certificate of competency shall remain exempt from taxation while the title remains in the original allottee of one-half or more of Osage Indian blood and in his unallotted heirs or devisees of one-half or more of Osage Indian blood until January 1, 1959: *Provided* That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres."

SEC. 2. That section 2 of the act of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" be, and the same is hereby, amended to read as follows:

"The bona fide owner or lessee of the surface of the land shall be compensated, under rules and regulations prescribed by the Secretary of the Interior in connection with oil and gas mining operations, for any damage that shall accrue after the passage of this act as a result of the use of such land for oil or gas mining purposes, or out of damages to the land or crops thereon, occasioned thereby, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts, without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him. All claims for damages arising under this section shall be settled by arbitration under rules and regulations to be prescribed by the Secretary of the Interior; but either party shall have the right to appeal to the courts without consent of the Secretary of the Interior in the event he is dissatisfied with the award to or against him. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County, to enlarge, modify, or set aside the award, and in any such action, upon demand of either party, the issues, both of law and of fact shall be tried de novo before a jury upon the request of either party. Arbitration, or a bone fide offer in writing to arbitrate, shall constitute conditions precedent to the right to sue for such damages: *Provided,* That nothing herein contained shall preclude the institution of any such suit in a Federal court having jurisdiction thereof, or the removal to said court of any such suit brought in the State court, which under Federal law may be removed to the Federal court: *Provided further,* That nothing herein shall be construed to limit the time for any action to be filed to less than 90 days."

SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following:

"The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: *Provided,* That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate share of accumulated funds. And such Secretary shall, on or before the expiration of 10 years from the date of the approval of this act, advance and pay over to such Osage Indian of less than one-half Osage Indian blood all of the balance appearing to his credit of accumulated funds, and shall issue to such Indian a certificate of competency: *And provided further,* That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time."

SEC. 4. That section 2 of the act of Congress approved February 27, 1925 (43 Stat. L. 1011), being act to amend the act of Congress of March 3, 1921 (41 Stat. L. 1249), be, and the same is hereby, amended to read as follows:

"Upon the death of an Osage Indian of one-half or more Indian blood who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law may be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, or may be retained by the Secretary of the Interior in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: *Provided,* That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estate to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half of Osage Indian blood or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: *Provided,* That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this act, which have been inherited by or devised to any adult or minor heir or devisee of one-half or more Osage Indian blood who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such administrator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law."

SEC. 5. The restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply to unallotted Osage Indians born since July 1, 1907, or after the passage of this act, and to their heirs of Osage Indian blood, except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided,* That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency: *Provided further,* That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs.

SEC. 6. All just existing obligations of restricted Osage Indians outstanding January 1, 1929, when approved by the superintendent of the Osage Agency, shall be paid out of the money of such Indian appearing to his credit, in addition to his quarterly allowance: *And provided further,* That nothing herein contained shall be construed to interfere in any way with the granting of a certificate of competency by the Secretary of the Interior, as provided for by existing law, at any time after the payment of all of his or her just debts (as herein provided) which have been presented to and approved by the superintendent of the Osage Indian Agency.

SEC. 7. That section 9 of the act of Congress approved June 28, 1906 (34 Stat. L. 539), be, and the same is hereby, amended to read as follows:

"That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1928, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June, 1930, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections, and in case of vacancy in the office of principal chief or other such officer by death, resignation,

or otherwise, the vacancies of the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself, and said tribal government so constituted shall continue in full force and effect to January 1, 1959."

Amend the title so as to read: "A bill relating to the tribal and individual affairs of the Osage Indians of Oklahoma."

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee to the House amendment.

The amendment to the House amendment was agreed to.

The amendment as amended was concurred in.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. THOMAS of Oklahoma:

A bill (S. 5881) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River suitable to the interests of navigation, at or near Francis, Okla.; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 5882) granting a pension to Eliza Swan (with accompanying papers);

A bill (S. 5883) granting an increase of pension to Sarah M. Lewis (with accompanying papers);

A bill (S. 5884) granting an increase of pension to Hannah M. Mather (with accompanying papers); and

A bill (S. 5885) granting an increase of pension to Flora P. W. Hunt (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5886) providing for the advancement on the retired list of the Army of Col. D. B. Devore (with an accompanying paper); to the Committee on Military Affairs.

H. E. JONES

By Mr. SWANSON:

A bill (S. 5887) for the relief of H. E. Jones; to the Committee on Claims.

Subsequently Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 5887) for the relief of H. E. Jones, reported it without amendment and submitted a report (No. 1922) thereon.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

On page —, line —, insert the following:

"That the Secretary of the Interior is authorized and directed to use not to exceed the sum of $2,000 from the tribal funds of the Wichita and Affiliated Bands of Indians of Oklahoma in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. E–542, including expenses of not exceeding two delegates from said bands of Indians, to be designated by the business committee representing all said bands, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said $2,000 to remain available until expended."

Mr. EDGE submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

On page —, line —, insert the following:

"For services performed in connection with the work in the Senate Library and Document Room, as follows: To James Payne, $210; to Richard Blount, $210; in all, $420."

Mr. HARRIS submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

On page 64, strike out lines 3 to 11, inclusive, and insert in lieu thereof the following:

"For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930."

Mr. BROOKHART submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Strike out, beginning on page 150, line 11, and ending on page 152, line 14, and insert the following:

"*Provided*, That section 13 of the classification act of 1923 as amended by the act of May 28, 1928, is hereby amended by providing, effective on the 1st day of the month succeeding the enactment of this act, one additional salary rate as a maximum rate, which will add one increment or step-up in each of the professional and scientific grades from 1 to 5, inclusive; all grades of subprofessional service; clerical, administrative, and fiscal services, from 1 to 12, inclusive; and the custodial service, grades 2 and 4 to 10, inclusive: *Provided further*, That in the clerical-mechanical service, the rate of compensation for classes of positions in grade 1 shall be 55 to 60 cents an hour; grade 2, 65 to 70 cents an hour; and grade 3, 75 to 80 cents an hour: *Provided further*, That the heads of the executive departments and independent establishments pursuant to authority to adjust the pay of certain employees in the departmental and field service shall, effective the 1st day of the month succeeding the passage of this act, readjust the compensation of the grades of the departmental services herein named and the corresponding field service positions, so that employees whose positions were affected by the act of May 28, 1928, and who did not receive an increase in salary the equivalent of two steps, or salary rates in their respective grades shall be given such additional step or steps or salary rate or rates within the grade as may be necessary to equal such increase: *And provided further*, That there is hereby appropriated out of the Treasury from any moneys not otherwise appropriated sufficient sums to readjust the salaries as herein directed during the remainder of the fiscal year 1929 and during the fiscal year 1930."

PROPOSED CONFERENCE FOR LIMITATION OF ARMIES

Mr. TYDINGS submitted a resolution (S. Res. 338), which was ordered to lie on the table, as follows:

Whereas 62 nations, through their representatives, are now signatory or have expressed their willingness to adhere to a treaty outlawing war as an instrument of national policy, wherein said nations have agreed to settle all disputes, no matter how they may arise, by pacific means; and

Whereas many of the governments of the world, though actually at peace, are now maintaining standing armies to the extent of one soldier for every 250 men, women, and children, or less, with active reserves and supplementary troops in even higher proportion; and

Whereas the continuance of these large military establishments on land is unnecessary in times of peace, is in contradiction of the spirit of said treaty, and creates distrust and fear in the people of one nation for those of another nation, and seriously calls into question the integrity of the treaty itself; and

Whereas in order to achieve the highest confidence in said treaty and to accomplish its purposes the causes for fear and distrust must first be eliminated; and

Whereas curtailment of armies, reserves, and supplementary troops can not be hoped for unless all the nations maintaining them effect such curtailment simultaneously: Now, therefore, be it

Resolved, That the President of the United States is hereby requested to send an invitation to every nation which has, in whole or in part, been signatory to the treaty outlawing war, ratified by the Senate of the United States on January 15, 1929, requesting said nations to send duly authorized delegates to an international conference for the purpose of agreeing by treaty to a limitation of size, in accordance with the population, by said nations attending said conference, of standing armies, active reserves, and supplementary troops.

HEARINGS BEFORE THE BANKING AND CURRENCY COMMITTEE

Mr. NORBECK submitted the following resolution (S. Res. 340), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, hereby is authorized during the Seventy-first Congress to send for persons, books and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expensse thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

ST. PETERSBURG HARBOR, FLA. (S. DOC. NO. 229)

Mr. JONES submitted a letter from the Secretary of War, transmitting a report from the Chief of Engineers, United States Army, submitting, in response to a resolution of the Senate Committee on Commerce, a report from the Chief of Engineers, United States Army, relative to a review of reports heretofore submitted on St. Petersburg Harbor, Fla., with a

view to determining whether any modification should be made in any existing project, which was referred to the Committee on Commerce and ordered to be printed with an illustration.

ADMINISTRATION OF EMERGENCY OFFICERS' RETIREMENT ACT

Mr. TYSON. Mr. President, I ask unanimous consent to have printed as a Senate document the decisions of the Attorney General of the United States and of the Comptroller General relating to the administration of the emergency officers' retirement act. I have already had inserted in the CONGRESSIONAL RECORD of January 21, 1929, two opinions of the Attorney General, and in the RECORD of February 7, commencing at page 3036. Senators will find opinions of the Comptroller General. Since that date, on February 11, further opinions of the Comptroller General affecting the administration of the law have been rendered.

The VICE PRESIDENT. Without objection, it is so ordered.

PRACTICE OF THE HEALING ART IN THE DISTRICT

Mr. COPELAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3936) entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, and 5, and agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the language inserted by the Houses insert the following after the letters "tion," in line 5, page 38: "and practitioners of clystertory treatment"; and the House agree to the same.

ARTHUR CAPPER,
A. H. VANDENBERG,
ROYAL S. COPELAND,
Managers on the part of the Senate.

FREDK. N. ZIHLMAN,
FRANK L. BOWMAN,
THOMAS L. BLANTON,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On February 23, 1929:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, Jr., Dredging Co.

On February 25, 1929:

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson, her husband;

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; and

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama.

ADDRESS OF ASSOCIATE JUSTICE HARLAN F. STONE

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the able address delivered by the Hon. Harlan F. Stone, Associate Justice of the United States Supreme Court, at the semicentennial meeting of the American Bar Association at Seattle in July, 1928.

Mr. Justice Stone's address was entitled "Fifty Years' Work of the United States Supreme Court." Among other subjects, the able jurist deals with the effect of certain devices proposed to limit power of the court to declare statutes unconstitutional, how the court does its work, the value of dissenting opinions; in a word, the address is an excellent résumé of the last 50 years of the work of the United States Supreme Court.

The VICE PRESIDENT. Without objection it is so ordered.

The address is as follows:

FIFTY YEARS' WORK OF THE UNITED STATES SUPREME COURT—GREAT INDUSTRIAL AND COMMERCIAL EXPANSION FOLLOWING INITIAL STAGES OF CIVIL WAR RECONSTRUCTION HAS FURNISHED MOST OF THE GREAT QUESTIONS BEFORE THE COURT IN THE LAST 50 YEARS AND THE FACT MATERIAL OUT OF WHICH HAVE COME THE SIGNIFICANT DEVELOPMENTS IN CONSTITUTIONAL AND PRIVATE LAW—FAR-REACHING DECISIONS UNDER COMMERCE CLAUSE AND APPLYING PROVISIONS OF FOURTEENTH AMENDMENT—EFFECT OF CERTAIN DEVICES PROPOSED TO LIMIT POWER OF COURT TO DECLARE STATUTES UNCONSTITUTIONAL—HOW THE COURT DOES ITS WORK, ETC.

By Hon. Harlan F. Stone, Associate Justice of the United States Supreme Court

When, in an amiable and unguarded moment, I accepted Mr. Strawn's invitation to speak here this evening, I fear I did not appreciate how difficult it is for a judge to make an address not wholly devoid of human interest, and at the same time avoid making it an arsenal from which counsel may, to his utter confusion and undoing, draw ammunition for future conflicts at the bar.

In younger and more innocent days, with no premonitions of the future, I took the time from busy days at the bar to write occasional articles in the law journals on matters of scientific and technical interest, only to experience, in a repentant old age, the unhappy fate of hearing them on occasion cited to me in court in support of both sides of the same question. However much the judge may become accustomed and reconciled to such startling agility of counsel, it requires a larger judicial experience than mine to prepare one to face with equanimity the varying implications which may be drawn by diligent counsel from his own innocent remarks. So if what I am about to say should prove to be more dull and uninteresting than even judicial pronouncements are wont to be, I should like to persuade myself that you would attribute it to a newly developed instinct of self-preservation, cautiously applied with an eye to the future.

In the realm of law it is not the old and settled but the new and unsettled questions which stir the interest and invite discussion; but from all such allurements I turn aside to examine in retrospect some phases of the work of the great court of which I chance to be the youngest and least experienced member.

And it is altogether appropriate that on the conclusion of the first 50 years of the association's existence we should recall some of the more significant developments in the history of the court during the same period. It is worthy of note that the last and in many respects the most striking phase of its history coincides with the life of this association. The first phase embraces that early period when it became established as a court, and by recourse to those methods and processes with which lawyers have been familiar for centuries for the first time in history made all the agencies of a government subject to the supremacy of a constitution. That period ended with the death of the great Chief Justice in 1835.

During the next 40 years the drama of the slavery struggle, the Civil War, and reconstruction occupied the stage of American history. Out of the varying phases of that struggle came the great questions with which the court in that period was called on to deal. Of lesser public interest, but still of vital importance to the progress of the law and to the future of the expanding Nation, were the development by the court during those years of the beginnings of public and private law affecting business corporations and the first steps toward the nationalistic interpretation of the commerce clause of the Constitution.

In 1878, just 50 years ago, a change in the character of the questions to which the court was addressing itself was apparent. Following the initial stages of Civil War reconstruction came the era of railway building, the rise of the business corporation as an instrumentality of business and commerce, and the beginning of the great industrial and commercial expansion of the Nation. This expansion, which was well under way in the early eighties, has continued with accelerated speed and broadening scope down to the present day. In it have originated most of the great questions which have engaged the attention of the court during the last 50 years, and it has furnished the fact material out of which have come the significant developments both of the constitutional and the private law applied by the court during the last phase of its history.

The changing personnel of the court during this, as in earlier periods, gives a note of human interest to an institution which from the beginning has seemed singularly impersonal. Fifty years ago this year the court was presided over by Chief Justice Waite, whom President Grant had appointed to that office two years before. Among the eight Associate Justices were Justice Bradley, Field, Harlan, and Miller, who now, after half a century, still stand out among the great figures of the court. Since then three Chief Justices and twenty-nine Associate Justices have been appointed. Chief Justice Fuller was appointed by President Cleveland in 1888, Chief Justice White by President Taft in 1910, and Ex-President Taft himself became Chief Justice in 1921. The terms of seven Chief Justices, the last, our present Chief Justice, still actively carrying on the duties of his office, have thus spanned the 127 years since the appointment of Chief Justice Marshall, and during the entire history of the court 10 chief justices

and 65 associates have sat upon its bench. In 1897, Mr. Justice Field, then 83 years of age, retired from the bench, after a service of 34 years, exceeding by a few months that of Chief Justice Marshall, and exceeding that of Chief Justice Taney, whose death in 1864, in his eighty-eighth year, had closed a service of 28 years. And to-day Mr. Justice Holmes, in his eighty-eighth year, with youthful spirit unabated, is still actively carrying on his work as a Justice of the court, after 26 years of service, and a total judicial service in the Supreme Court of the United States, and the Supreme Judicial Court of Massachusetts, of which he was formerly chief justice, of more than 46 years.

The last 50 years of the work of the court is represented by the series of official reports extending from the ninety-seventh volume to the two hundred and seventy-sixth volume, now in the press, making 179 volumes in all, a monument to the scholarship, skill, and patient industry of the judges. In these volumes will be found opinions of far-reaching importance which have profoundly influenced the course of development of the American system of constitutional government, and in them we discern those trends of the law which are of especial interest and importance in any attempt to review the progress of the work of the court during the last half century.

Of outstanding importance are the decisions of the court under the commerce clause and the great judgments giving definition and application to the provisions of the fourteenth amendment. Of relatively less moment, but still of the highest importance in any consideration of the development of the law in the last half century, are cases in numerous other widely varying fields of law which during that period have been extended and intensively tilled by the court.

To them, with the time at my command, only brief reference can be made. By the decision two years ago in Meyers *v.* United States (272 U. S. 52), after more than 137 years of public debate both in and out of Congress, it was settled that the executive power vested in the President by the Constitution included the power to remove an inferior officer appointed by him, and was not subject to limitation by Congress. Of lesser significance, because of the final outcome, but nevertheless attracting wide attention at the time, was the battle over the constitutionality of the Federal income tax, finally settled by the adoption of the sixteenth amendment.

During the last 30 years we have witnessed the striking extension of Federal police power, effected not directly by court actoin but by acts of Congress in the exercise of powers incidental to the constitutional power to tax, to regulate commerce, to make treaties, and finally the power to prohibit trafficking in intoxicating liquors conferred by the eighteenth amendment. The progressive occupation and expansion of this field have enlarged enormously the Federal power and increased correspondingly the number and variety of questions brought to the court for solution. Of great juristic interest also, although not necessarily involving constitutional questions, were the legal battles under the Sherman Act, with their far-reaching consequences to business and industry, the increasing resort to the original jurisdiction of the court in suits between States, and the extension of the equity jurisdiction of the Federal courts for the appointment of receivers for insolvent corporations.

Turning points in the application of the Sherman Act were the Trans-Missouri Freight Association case (166 U. S. 290), the Northern Securities case (193 U. S. 197), the Standard Oil and Tobacco cases (221 U. S. 1 and 106), in which the court declared that only unreasonable restraints were prohibited; United States *v.* Trenton Potteries Co. (273 U. S. 392), in which the court held specifically what had been implied in earlier decisions, that agreements fixing the prices of commodities sold in interstate commerce are in themselves unreasonable and illegal restraints, regardless of the reasonableness of the price agreed upon. In the Maple Flooring and Cement Manufacturers' Association cases (268 U. S. 563 and 588) it was held that the mere gathering and dissemination by trade associations of information as to the economic status of a trade or business, even though by the operation of economic laws they might indirectly affect prices, were not a violation of the statute when there was no agreement, express or implied, to fix prices or otherwise restrain commerce. The court entered a new field in the enforcement of the act in the Duplex Printing Co. case (254 U. S. 443) and the Bedford Stone case (274 U. S. 37), in which the rule was stated broadly that strikes by labor unions in one State against the use of material prepared by nonunion labor in another were restraints of interstate commerce in such materials and violations of the act.

In the exercise of original jurisdiction in suits between States, in boundary disputes, in suits involving the disposition of public waters, in suits concerning nuisances maintained in one State to the detriment of citizens of another, the court has found it necessary to build up its own system of common law, defining these rights which one State may assert against another.

The development of the doctrine of equity receiverships in cases where there is diversity of citizenship has added an important field to the jurisdiction of the Federal courts and afforded to suitors a more complete remedy than it is possible for State courts to give. For only in the Federal courts is it possible to secure a uniform administration of the assets of insolvent corporations where their property is located in different States, and by making bills for foreclosure ancillary to the bill to appoint equity receivers in insolvency proceedings it has become possible to secure a uniform foreclosure of mortgages of railroad systems and other corporate properties extending into many States.

But it is the decisions of the court under the commerce clause and the fourteenth amendment to which we must recur as representing the most significant developments in the constitutional field. Before 1860 the court had rendered only 20 decisions under the commerce clause, dealing principally with navigation, immigration, slavery, and the liquor traffic. After the Civil War, with the era of railroad building and business depression and the multiplication of business corporations carrying on their business across State lines, there arose the inevitable conflict of interest between local regulation and taxation and the power to regulate reserved to the Federal Government by the commerce clause. By 1870 there had been in all only 30 decisions of the court under this clause, but keeping pace with the rising tide of business enterprise, the decisions numbered 77 by 1880 and 148 by 1890. During these periods, for the first time, cases affecting railroads, telegraph lines, sales of goods across State lines, and taxation affecting commerce predominated.

Great as is the practical wisdom exhibited in all the provisions of the Constitution, and important as were the character and influence of those who secured its adoption, it will, I believe, be the judgment of history that the commerce clause and the wise interpretation of it, perhaps more than any other contributing element, have united to bind the several States into a nation.

Beginning soon after the appointment of Chief Justice Waite and continuing down to the present time there has come from the court the series of decisions defining the powers of the national Government over commerce. They present an impressive record of the application of constitutional principles to the growing needs and interests of the expanding nation. Here, as elsewhere in the application of the Constitution, the problem has been to maintain the national interest and at the same time bring it into an effective harmony with local interests and the principles of local government.

On the whole, essentially local interests have been preserved both in the field of regulation and in that of taxation, but whatever has vitally concerned the free flow of the very lifeblood of the Nation in its commerce has been dealt with on broadly nationalistic lines and step by step brought completely within the power of the Federal Government. This development of the Constitution, culminated perhaps in Wabash, St. Louis & Pacific Railway *v.* Illinois (118 U. S. 537), holding a State without power to regulate rates within its borders where the commerce was interstate, and in the Minnesota rate case (230 U. S. 352), upholding the Federal power to fix intrastate rates for interstate carriers. Again it was carried to its logical conclusion where the path of the fifth amendment, paralleling the fourteenth, converged with that of the commerce clause when the court held in Interstate Commerce Commission v. Brimson (154 U. S. 447) that these clauses permit regulation of the rates of interstate carriers by the Interstate Commerce Commission; and in the Second Employers' Liability cases (223 U. S. 1), holding that Congress has power to enact employers' liability acts applicable to carriers in interstate commerce and varying the common-law rules of employers' liability.

With the advent of the automobile, for the first time since the court was organized, there has developed a nation-wide volume of interstate carriage not confined to waterways or to the rails or rights of way of the carriers, but carried on over public highways which are under State or municipal control. This new type of commerce has thus presented to the court for determination an entirely new class of questions, involving the extent of the power of a State in the regulation of its own highways and in taxation for their upkeep to affect this new type of interstate traffic. The improvement of the airplane and growth of interstate carriage by that vehicle of commerce and the use of the radio as an instrumentality of commerce will likewise present questions differing in many respects from those which have heretofore engaged the attention of the court.

In these fields, as in others where inferstate commerce is concerned, it seems clear that the function of the court must continue to be, as in the past, to prevent discrimination and the erection of barriers against interstate commerce, but upon careful scrutiny of every relevant fact and circumstance, to save to the States the regulation and control of all interests peculiarly local which do not infringe the national interest in maintaining untrammeled the freedom of commerce across State lines.

Another group of cases having an important bearing on the business and commercial expansion of the Nation has arisen under the fourteenth amendment, with respect to the power of the several States over foreign corporations. In Paul *v.* Virginia (8 Wall. 168) the court, speaking by Mr. Justice Field, followed the pronouncement of Chief Justice Taney in Bank of Augusta *v.* Earle (13 Pet. 519), that corporations are not citizens within the meaning of section 2, Article IV, of the Constitution, which guarantees to the citizens of each State "the privileges and immunities of citizens in the several States." From these decisions it followed that a State might exclude a foreign corporation not engaged in interstate commerce from carrying on business within its territory. In Doyle *v.* Continental Insurance Co. (94 U. S. 535) it was held that the power to exclude included the power to impose onerous conditions upon the privilege of transacting business within the State. It seemed that

under the application of this doctrine all the protection of the fourteenth amendment might be withdrawn from a foreign corporation seeking access to a State and not engaged in interstate commerce. But later cases have followed the line of argument advanced in the dissent of Mr. Justice Bradley in Doyle *v.* Continental Insurance Co., by holding that the power to exclude does not embrace the power to impose unconstitutional conditions upon the admission of a corporation to do business within a State. These decisions have given a different trend to the rule announced in Doyle *v.* Continental Insurance Co., which it was thought might seriously curtail commerce among the States.

But the great battle ground of the Constitution during the last half century has been the fourteenth amendment. Because of the nature of the rights and immunities secured by it and the character of the social and economic development of the Nation, this amendment, so far as can now be discerned, will continue to be the principal field of constitutional controversy for many years to come. The amendment was adopted in 1866. The first of the decisions handed down under it was that in the Slaughterhouse cases (16 Wall. 36). Although decided something more than 50 years ago, they may appropriately be considered here, because they are more identified with the development of constitutional law in the last than in the earlier period. They were the first of the long series of cases brought to the court under the new amendment, and marked the turn of the tide which, with the strong nationalistic spirit engendered by the Civil War, had set in against the emphasis of State rights.

The opinion of the court declared that, notwithstanding its broad language, the amendment had not transferred the security and protection of the civil rights of citizens of the States from the States to the special care of the Federal Government, but had merely created in addition to State citizenship a new citizenship of the United States. This new citizenship it had clothed with new privileges and immunities of limited character peculiar to it, and these alone were protected by that clause of the amendment which prohibited a State from abridging the privileges and immunities of citizens of the United States.

In view of the later judicial history of the amendment it is a noteworthy fact that in upholding, as the court did in that case, a statute of Louisiana granting exclusive monopolistic powers for the maintenance of stockyards and slaughterhouses, it made only passing reference to the due process and equal protection clauses of the amendment which, under later decisions, have become the chief guaranties of civil liberty of the individual as against State action.

It was within the 50-year period with which we are immediately concerned that the decisions of the court have given to the fourteenth amendment its real character as a guaranty against the encroachments of the States upon the liberty of the individual. Due process was held to mean not merely due legal procedure which, in the historic words of Webster in the Dartmouth College case, "hears before it condemns, proceeds upon inquiry, and renders judgment only after trial." But in Davidson *v.* New Orleans (96 U. S. 97), Mr. Justice Miller, speaking for the court, pointed out that the protection of the clause extended beyond injustices which might be inflicted by an arbitrary procedure to all those which might be imposed by any arbitrary exercise of the power of a State, whatever the form or procedure adopted. Continuing the famous passage from Webster's argument in the Dartmouth College case, which anticipated by a half century the comprehensive interpretation of the due-process clause, "The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of the general duties which govern society. Everything which may pass under the form of an enactment is not, therefore, to be considered the law of the land. If this were so, acts of attainder, bills of pains and penalties, acts of confiscation, acts reversing judgments, and acts directly transferring one man's estate to another, legislative judgments, decrees, and forfeitures, in all possible forms, would be the law of the land."

It was in Davidson *v.* New Orleans also that Mr. Justice Miller pointed out the future course of judicial definition and application of the phrase "due process of law." In the absence of a more precise definition in the Constitution itself there was wisdom, he said, "in the ascertaining of the intent and application of such an important phrase of the Federal Constitution, by the gradual process of judicial inclusion and exclusion, as the cases presented for decision shall require, with the reasoning on which such decisions may be founded." Noteworthy monuments marking the boundary drawn by this process of exclusion and inclusion, as it has been plotted by the court, are the opinions of Mr. Justice Matthews and Mr. Justice Moody in Hurtado *v.* California (110 U. S. 516), and in Twining *v.* New Jersey (211 U. S. 78), holding that due process was not limited to the due process of the settled usage of the past, but might include new methods of procedure unknown to the common law, provided only that they be in harmony with the accepted underlying principles of such procedure according to the traditions of the common law; that is, that they should be orderly and provide for reasonable notice and opportunity to be heard.

It was thus determined that the constitutional requirement of due process did not bind us rigidly to any rule of the past and that the limitations of the amendment were consistent with the enlightened progress of the law.

A notable step was taken under the fourteenth amendment in Munn *v.* Illinois (94 U. S. 113), in upholding the legislative power to regulate rates of a business said to be "affected with a public use," and resulted finally in the confirmation of the now firmly established legislative power to regulate the rates of all public utilities. An important limitation on the doctrine was that announced in Smyth *v.* Ames (169 U. S. 466), that the fourteenth amendment forbids a rate which is confiscatory. The court has thus been called on to solve one of the most difficult and perplexing of economic questions, What is the minimum limit of the rate of return to which the capital invested in a public utility may be restricted before the point of confiscation is reached, and how shall that capital investment be ascertained?

In that and later cases it was pointed out that the value of invested capital could not be computed on the basis of unregulated earnings. To say what the investment value is and to separate it from considerations of an unregulated earning capacity and from the elements of business advantage and opportunity conferred upon it by the franchise of the utility itself constitute the great problem of constitutional rate making, the correct solution of which is of incalculable importance to the future economic development of the Nation.

The interests of the individual guaranteed by the fourteenth amendment are subject, within certain limitations, incapable of a complete or comprehensive definition, to the power of the State government to protect the interests of its society as a whole. For want of a better generalization, we call this power to protect the social or community interest the police power. It is the course of marking out step by step the line which separates the boundary of the immunity of the individual from this controlling interest of the State by the process of inclusion and exclusion which has given rise to the most perplexing questions and to wide differences of opinion. These questions are none the less perplexing and differences emphatic, because with the social and economic changes which take place from generation to generation that boundary line necessarily becomes a shifting one.

All those restraints on the individual which have been found necessary in order to enable modern men to get on together in civilized life or to conserve the health, morals, and stability of modern communities involve some impairment of the individual interest in liberty or property. The extent of that restraint necessarily varies in time and in space. Restraints upon those rights which in primitive and sparsely settled communities might well be regarded as arbitrary and unreasonable may be indispensable to the safety and orderly life of the modern city.

The past 50 years have wrought extensive changes in the daily life of the individual and in the character of his contacts with his fellows. From a people devoted to agriculture, living for the most part in thinly settled communities, we have developed into a great business and industrial civilization. In the course of this transformation there has been a shift of population from country to city, giving rise to a new type of social and economic problem. Mass production in industry, new methods of transportation, and transmission of intelligence have raised problems quite unknown a generation ago. Crowded traffic, congestion in cities, the necessity of restricting the use of the highways, abuses in particular classes of business, or in particular types of community which may be remedied by regulation are only examples of an infinite number of new situations which present almost daily to the court the question, Where does individual right to liberty and property end and the community interest begin?

As civilization becomes more complex and the tension of life in organized society increases, it is inevitable that such new problems should continue to arise and that with changing conditions affecting community life there should be both in point of time and in space some shifting of the line which sets off the valid exercise of the police power from the immunity of the individual. Mr. Justice Sutherland, in speaking for the court, when in Village of Euclid *v.* Ambler Realty Co. (272 U. S. 365) it recently upheld a city-zoning ordinance, said (p. 336):

"Building zone laws are of modern origin. They began in this country about 25 years ago. Until recent years urban life was comparatively simple, but with the great increase and concentration of population, problems have developed, and constantly are developing, which require, and will continue to require, additional restrictions in respect of the use and occupation of private lands in urban communities. Regulations, the wisdom, necessity, and validity of which, as applied to existing conditions, are so apparent that they are now uniformly sustained, a century ago, or even half a century ago, probably would have been rejected as arbitrary and oppressive. Such regulations are sustained, under the complex conditions of our day, for reasons analogous to those which justify traffic regulations, which, before the advent of automobiles and rapid-transit street railways, would have been condemned as fatally arbitrary and unreasonable. And in this there is no inconsistency, for while the meaning of constitutional guarantees never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation. In a changing world it is impossible that it should be otherwise. But, although a degree of elasticity is thus imparted, not to the meaning but to the

application of constitutional principles, statutes and ordinances, which, after giving due weight to the new conditions, are found clearly not to conform to the Constitution, of course, must fall. * * *

"A regulatory zoning ordinance, which would be clearly valid as applied to great cities, might be clearly invalid as applied to rural communities. * * * Thus the question whether the power exists to forbid the erection of a building of a particular kind or for a particular use, like the question whether a particular thing is a nuisance, is to be determined, not by an abstract consideration of the building or of the thing considered apart, but by considering it in connection with the circumstances and the locality. * * * If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control."

It was to be expected that the application of a constitutional limitation so vaguely defined, to state action affecting all the varying situations which may arise in our present-day civilization, would give rise to strong differences of opinion, often resulting in decisions by a divided court. These differences usually result, not from any disagreement as to the nature of the formulas which have been developed by the court in the application of the fourteenth amendment, but to differences in the appreciation and appraisement of social and economic conditions and of the relation to them of legislative action to which those formulas are to be applied. There is general agreement that arbitrary and unreasonable legislative action is forbidden; that businesses "affected with a public use" may be regulated, and so on. Differences arise in determining whether particular legislation operates arbitrarily and unreasonably when applied to particular situations, or whether a particular business is so affected with a public use as to be the subject of regulation.

The character of these differences suggests the great importance, in applying the fourteenth amendment to cases as they arise, of the court's being fully informed as to all phases of the particular social conditions affected, the evils supposed to originate in them, and the appropriateness of the particular remedy sought to be applied. Unfortunately, in briefing questions of this character it has been the disposition of the bar very generally to be content with the elaboration of legal formulas and the citation of authorities, without a painstaking examination of the fact situation which has given rise to the constitutional question.

Lawyers who in the presentation of a negligence case would prove with meticulous care every fact surrounding the accident and injury, in this field too often go little beyond the challenged statute and the citation of authorities in supposedly analogous cases. The court is thus often left to speculate as to the nature and extent of the social problems giving rise to the legislative problem or to discover them by its own researches. Intimate acquaintance with every aspect of the conditions which have given rise to the regulatory problems is infinitely more important to the court than is the citation of authorities or the recital of bare formulas.

The extent to which a particular abuse has been the subject of legislative investigation and legislative action in other States or communities than the one immediately concerned, while not decisive of the constitutional question, is often of great importance in determining the nature of the question with which the legislature had to deal and in determining what are appropriate methods of dealing with it. Often the court has brought before it legislation of more or less local application, dealing with what are peculiarly local problems, or, again, new questions growing out of entirely new situations wtihout any adequate presentation of the legislative history or analysis or explanation of the actual situation which produced it.

It is true that the court has often said that every presumption must be indulged in favor of the constitutionality of the legislative action. As is the case with other legal formulas, this presumption may prove to be a prop which will save the plaintiff's case from collapse, but there is no safe or satisfactory reason for his discarding any available data which support presumption.

These differences of opinion as to the scope of the police power in its application to particular social problems have revived in the last 25 years the discussion of earlier days, of the power of the court to declare laws of the States and of Congress unconstitutional. While the exercise of this power has been strongly challenged as judicial usurpation, the history of the judicial function before the adoption of the Constitution, the language of the Constitution itself in Article VI, and the long course of judicial decision, leave that question no longer debatable. Hence, much of the discussion has been addressed to the question, whether the power should be limited and to suggested ways and means of limiting it.

Whatever views one may cherish as to the methods by which constitutional government may be attained in those countries which are homogeneous with respect to their local interests and local government, he can not long reflect upon our own situation and our own history without realizing how impossible it would be to preserve the rights and autonomy of our governments, both State and national, free from encroachment, each upon the other, without resort to the mediation of some impartial body.

When it comes to limiting the power of the court to declare laws unconstitutional, it is important to bear in mind that whatever limitations have been proposed upon the exercise of this power in the protection of the individual from the encroachments of government under the fifth and the fourteenth amendments, must likewise restrict the power of the court to draw the line which marks the separation of the constitutional powers of the States from each other and from the powers of the Federal Government.

The last 50 years of our constitutional history have shown a steadily increasing number of contacts between the operations of State governments and those of the National Government on the one hand and the activities of the several State governments on the other. One finds examples of the first in the exercise of the powers, both State and National, over commerce, intrastate and interstate; in the expansion of the Federal police power within the territorial limits of the States; in the field of taxation wherever either government attempts to extend its taxing power so as to affect the instrumentalities of the other or enter the exclusive field of taxation of the other. We have seen, with increasing frequency, examples of these contacts between State governments in original suits, in which one State seeks the vindication of its sovereign rights as against the other in the only court competent to adjudicate them. Wherever these contacts between the two governments occur, it is inevitable that there should result from time to time real or apparent conflicts of interest which give rise to conflicting views of the constitutional rights and powers of the governments concerned. Governmental action often taken through the agency of statutes may also be taken by the acts of officers whose powers and duties are defined by statutes. It follows that when conflicting claims of governmental right of power are brought to the Supreme Court for adjudication, they must of necessity be resolved in the great number of cases by passing on the constitutionality of some statute, State or Federal.

During the entire history of the court and chiefly during the last 50 years we have seen it at work, sitting as the impartial umpire to settle these controversies between sovereign governments, and it has settled them sometimes by holding that the State, by passing a particular statute, has exceeded its power, and sometimes by holding that Congress, in its legislation, has exceeded the powers delegated to the National Government. Without this method for the peaceable settlement of these controversies upon their merits there could be recourse only to the uncertainties of diplomatic negotiations between the governments concerned or to force.

It is a fact worthy of some comment that in the discussion of the powers of the court to declare statutes unconstitutional, we have been disposed to leave entirely out of account this indispensable function of the court as the arbiter between sovereign governments, and we have taken little thought of the effect on its exercise of that function, of the proposals which have been made for limiting its authority to declare statutes unconstitutional. Whether that power should be limited is a political question which I do not discuss, but in a gathering of lawyers it is entirely appropriate that some consideration should be given to the effect of the particular methods of limitation which have been suggested.

The devices proposed for setting limits upon the exercise of this power have been aimed at giving to statutes a weight which they would otherwise not possess in their competitive struggle with the provisions of the Constitution. They have been of two kinds. It has been suggested that a statute might be made to prevail over constitutional objections if it were passed by the legislative body twice. It has also been suggested that if a statute whose constitutionality was contested were upheld by the vote of a minority of two or three of the members of the court, it should become law despite all constitutional objections.

When any such device is applied to the function which the court exercises as the arbiter between the rival claims of governments or the separate branches of the National Government, the question at once arises, Shall it be applied equally to statutes passed by Congress and to statutes passed by State legislatures, or shall it be applied to only one, the acts of Congress? If applicable only to one, it is apparent that the sovereign State and the National Government no longer stand on a plane of equality in matters of constitutional right or immunity, but the way is opened for the gradual curtailment of the constitutional powers granted to or reserved by one through the enactment of statutes by the other, which, whenever their constitutionality is assailed, have greater weight before the court than the Constitution itself.

But if the device of the weighted statute were to be applied both to the acts of Congress and to State statutes in the field of the conflict of powers of government under our dual system, then each would be given the opportunity to extend its own constitutional power in particular fields at the expense of the other by the enactment of statutes which, before the Supreme Court, must be given a weight greater than is given to other forms of governmental actions or to the provisions of the Constitution itself.

But governments do not always exercise their sovereign powers through the enactment of statutes. Under our system they may act with equal competency through the executive or the judicial power, and such action when it is supported by the Constitution is as authoritative as if the Government spoke through legislation alone. The consequence of these proposals therefore would be to give a weight and effect to the legislative action which would not attach to other forms of

governmental action when it is asserted that both are sanctioned by the Constitution.

In a controversy between States, founded upon diverse claims of constitutional right, greater weight must needs be given to the statute of one than to the executive action of the other, merely because governmental action in one case has found expression in a statute rather than through some other equally competent agency.

The same inequality between the different types of responsible governmental action would occur with respect to the three branches of the National Government. Under such a scheme the executive action of the President or the judicial action of courts, each founded upon a claim of constitutional right, would have less weight than the action of the legislative branch. In practice the device of the weighted statutes could only operate to effect a gradual transfer of constitutional powers from the executive and judicial branches of the Government to the legislative.

These are but illustrations in somewhat elementary fashion of the truth that under our system of the distribution of constitutional powers, the power vested in one branch or agency of the Government can not be subtracted from one litigant without adding to that of the other, and that giving artificial weight to one form of governmental action wherever it comes into conflict with the other forms, or with the Constitution itself, can only result in an inevitable shifting of governmental powers as they have been distributed by the Constitution. And that redistribution of power would take place, not as the result of judicial action based on the provisions of the great document itself but by increasing the power of one at the expense of the other by resort to its own legislative action.

The progress of the court to its present position as the acknowledged arbiter between conflicting claims of governmental power is in itself an interesting chapter of constitutional history. That it has attained to that position is not due alone to the fact that its great powers were conferred upon it by a written constitution. It is due quite as much to the position which it early assumed and has always maintained of independence from every external influence, and to thoroughness and fidelity in the performance of its judicial labors.

When the court was organized it would have been easy for it to have fallen into a condition of dependence on the other great branches of the Government. That such was not its fate is due to its adherence to the tradition of independence of English and American courts and the complete realization of the fact that irrespective of whether it deals with the right of private litigants or the rights and powers of governments, a court is not truly a court unless it acts with complete independence.

If time would permit, it would be interesting to refer to the repeated decisions of the court in the past 50 years, where, as in earlier periods, its action has shown the complete detachment of its judges from all external influences. Where the court has divided the divisions have not been along party or political lines, but have rested on more fundamental differences of legal and political philosophy. And so it may be said, with the support of its entire history, that the position of the court as the controlling influence which holds each of the governments in our system and each branch of the National Government moving within its own orbit, with general acquiescence in the fairness and justice of its judgments, has been due more to its steadfast adherence to the best traditions of judicial independence than to any other cause.

But if throughout its history judicial independence has been the pole star by which the court has shaped its course, a prodigious industry and the exhaustive scrutiny of the facts and law of each case have been the motive power behind its judgment. It is only since the Civil War that its docket has become crowded with cases and that the growth of the country and expansion of all governmental activities, both State and National, have steadily increased the pressure of work upon the judges.

Very remote seem the days when the court adjourned for lack of business, and when the first Chief Justice resigned in order that he might find more active occupation as Governor of New York. The jurisdictional act of May, 1925, limiting appeals and writs of error and enlarging the discretionary jurisdiction of the court, was passed in the hope of relieving the pressure on the court and enabling it to catch up with its docket. Since its enactment steady progress has been made. For the first time in many years there has been a progressive reduction in the number of cases awaiting action by the court. In the October term of 1927, which came to its close in June, 1,049 cases were placed on the docket, of which 17 were original causes. Of this total number, 859 were disposed of during the term. Of those 365 cases were on the merits and 492 were on petition for certiorari—about 100 of which you may be surprised to learn were granted. In addition to the cases regularly appearing on the docket a large number of motions were heard and disposed of by the court as made. At the close of the term there were only 190 cases on the docket instead of 295, as at the close of 1926 term, and of these 44 were applications for certiorari, so that when the court adjourned in June there were only 126 cases on the docket awaiting the disposition of the court on their merits. There is now reasonable ground for the expectation that by the end of another term the court may be able to hear cases on their merits as soon after they are docketed as counsel are prepared to present them.

This is greatly to be desired, not that the court may be relieved of a heavy burden of labor, but that it may be able to make better disposition of its time. Time, which has hitherto been given to relatively unimportant matters, it is hoped may now be devoted to cases of far-reaching public importance. We ought not to be completely absorbed in the technique of the law. Who could listen to those inspiring addresses which we heard yesterday and for a moment suppose that law could exist and function separate and apart from science or from adequate understanding and appreciation of the significant facts of modern life which affect social right? The questions which come to us are rooted in history and in the social and economic development of the Nation. To grasp their significance our study must be extended beyond the examination of precedents and legal formulas, by reading and research in fields extralegal, which, nevertheless, have an intimate relation to the genesis of the legal rules which we pronounce. If we attain that much to the desired end, it will be through the aid of the jurisdictional act of May, 1925, and by more faithful observance by lawyers of the rules regulating arguments and the preparation of briefs, and especially the preparation of applications for certiorari, which I commend to your thoughtful consideration.

It may be of interest, and in some measure reassuring to members of the bar, if I devote a few moments to describing how this grist of legal work is ground out week by week during the term. There has been no change in the method of work in the past 50 years, and so far as I have been able to learn the court's habits of work have undergone little or no change from the beginning. I betray no secrets in describing them. In 1874 Mr. Justice Campbell, in his eulogy of Justice Curtain, and more recently former Justice Hughes, have described the daily work of the court.

Every Saturday the court sits in conference, meeting at noon, just when the call for golf is most alluring. At the sessions of the court during the week the judges have heard arguments in cases on the merits. The time of arguments, as you know, is limited so as to make impracticable decision from the bench in most cases. During the spacious hours of leisure before the court sits at 12, and after it adjourns at half past four, the judges have had opportunity to examine the records in the argued and submitted cases, and to examine the petitions and briefs upon current applications for certiorari. They have also received and examined the papers in the miscellaneous motions affecting the cases which have been docketed. On the day before the conference each judge receives a list giving the cases which will be taken up at the conference and the order in which they will be considered. This list usually includes every cause which is ready for final disposition, including the cases argued the day before the conference, and all pending motions and applications for certiorari.

At conference each case is presented for discussion by the Chief Justice, usually by a brief statement of the facts, the questions of law involved, and with such suggestions for their disposition as he may think appropriate. No cases have been assigned to any particular judge in advance of the conference. Each justice is prepared to discuss the case at length and to give his views as to the proper solution of the questions presented. In Mr. Justice Holmes's pungent phrase, each must be ready to "recite" on the case. Each judge is requested by the Chief Justice, in the order of seniority, to give his views and the conclusions which he has reached. The discussion is of the freest character and at its end, after full opportunity has been given for each member of the court to be heard and for the asking and answering of questions, the vote is taken and recorded in the reverse order of the discussion, the youngest in point of service voting first.

On the same evening, after the conclusion of the conference, each member of the court receives at his home a memorandum from the Chief Justice advising him of the assignment of cases for opinions. Opinions are written for the most part in recess, and as they are written they are printed and circulated among the justices, who make suggestions for their correction and revision. At the next succeeding conference these suggestions are brought before the full conference and accepted or rejected, as the case may be. On the following Monday the opinion is announced by the writer as the opinion of the court.

In the preparation of opinions it has been from the beginning the practice to state the case fully in the opinion. This practice gives a clarity and focus to the opinion not otherwise attainable, and has added in no small degree to the prestige and influence of the court. In recent years there has been a trend toward brevity and directness in the judicial style which without sacrifice of the essentials of the opinions has, I believe, enhanced their value as expositions of legal science.

In the first reported opinion of the court, Georgia *v.* Brailsford (2 Dall. 402, 415), a dissenting opinion was written, a practice which has been continued from time to time throughout the history of the court. In the last 50 years there have been some notable instances of the dissenting opinion ultimately becoming the prevailing opinion of the court. Notwithstanding the ideal of certainty in the law, the dissenting opinion is not without its value even though it never secures the adherence of a majority. One can not trace the path of the law without becoming

convinced that its course is very different from what it would have been if uninfluenced by the considered and powerful dissents of able judges.

An interesting and, I am inclined to believe, important feature of court's method of doing its work is that every decision, even of a motion, is a nine-judge decision. No one knows in advance of the vote and the assignment of the case by the Chief Justice who will write the opinion. No judge, more than another, is expected to advise his associates with respect to any case.

The method of dealing with motions and applications for certiorari is in no wise different. The popular impression that the work of examining these applications is divided up among the judges is not true. Every motion and every petition, with papers supporting it, is examined by each judge of the nine and he comes to conference with a memorandum, often written out in his own hand, embodying the results of his investigation of each application.

Petitions for certiorari are granted on the affirmative vote of four of the nine judges. This part of the court's work is very laborious. At the opening of the last term there were awaiting disposition 228 applications for certiorari, which had accumulated during the summer vacation. At the end of the first seven weeks of the term these applications had been taken up and disposed of in addition to the current work of hearing and disposing of argued and submitted cases and the preparation of opinion.

Of course, so heavy a burden of work could not have been disposed of in so brief a time if all the judges had not spent some of the summer in examining the accumulations of applications for certiorari. Nor would such a continuous burden of work as I have described be supportable were it not for the very great skill of the more experienced judges in reading records and getting quickly to the essential points in each case, nor, indeed, if it were not for the extraordinary and abiding interest which attends it.

He would indeed be a rash prophet who would venture to predict the course of judicial decision in the next 50 years. Could we have a vision of the future social and economic development of America, it would perhaps be possible to indicate with reasonable certainty the line along which it must proceed. But that vision is denied to us except dimly. From the history of the court we know that firm adherence to its established traditions of judicial independence and of performance of judicial duty with painstaking thoroughness and fidelity are the strongest assurance that it will meet and sustain the responsibility of the future. Often unjustly and unreasoningly attacked, those attacks have left no scar. The faithful performance of the great work of the court day by day and year by year has won to it deserved confidence in its disinterestedness and stability as an institution, and brought it to an undisputable triump over hasty criticism and the dissatisfaction of the moment. Those who bear its responsibilities now and in the future will do well to ponder this significant fact and to recall as well that in the course of its long history the only wounds from which it has suffered have been those which, in the words of former Justice Hughes, were "self-inflicted."

SENATOR FROM PENNSYLVANIA

Mr. REED of Missouri. Mr. President, I very much desire to enlist the attention of the Senate, because my experience has been that if we can once get the attention of Senators a great deal of time is saved; otherwise questions are asked with reference to matters that have once been stated.

I am calling the attention of the Senate to the report of the committee on what is known commonly as the Vare case. I think I can best present the subject by briefly referring to the proceedings of the Senate and the various steps taken by the committee.

On May 19, 1926, the Senate adopted a resolution creating the special committee and directing it to investigate the expenditures in the senatorial primaries and general election of that year. The committee proceeded with its business, and hearings were held at various dates, beginning on July 3 and extending to July 26, 1926. All of the candidates for the Senate in the Commonwealth of Pennsylvania were notified of the proceedings of the committee, and appeared and testified, and had the privilege of representation by counsel. The fullest opportunity to be heard touching all matters connected with the primary election was afforded to all of the parties who were concerned. Mr. VARE appeared in person, and testified at length, as appears on pages 492 to 526 of volume 1 of the hearings. He was represented at that time by an attorney, Mr. Harry A. Mackey.

On December 22, 1926, the committee reported to the Senate its findings of fact touching the Pennsylvania primary.

On January 10, 1927, there was filed in the Senate a certificate of election of Mr. VARE, signed by Governor Pinchot. On the same day the Senate adopted Senate Resolution No. 324 directing the committee to take possession of the records of the general election held on the 2d day of November, 1926.

Election records were promptly secured by the committee from Allegheny County and Philadelphia, the documents being turned over without any protest from those two counties. There was, however, resistance made in other counties, which resulted in certain court proceedings being had in order to secure or attempt to secure the records of the election.

These proceedings carried us along until late in the session of 1927. It will be recalled that an attempt was made by the committee to have adopted a resolution formally extending its powers so that during the recess no challenge would be made of its authority. At the time it was made necessary, largely by the resistance offered to the securing of the election returns and paraphernalia without which the committee could not proceed as it intended to proceed with the taking of oral testimony. When that resolution was offered, resistance was made in the Senate, and the debate was carried on until the Senate was obliged to adjourn under the law. The result was what had been anticipated namely, that, while the committee had no doubt of its legal authority to proceed, it was perfectly manifest that it would be resisted at every step and that it would not be able to make any real headway.

I think I may say in passing that the circumstances show that the resistance in Pennsylvania was made by Mr. VARE's friends and that the resistance in the Senate to the extension of the power of the committee was also made in his behalf and, in my opinion, fully at his instance.

That brought us to an impasse, and during the summer practically nothing could be done.

When the Congress reassembled in December, 1927, within four days after reassembling, the Senate adopted a resolution to which I challenge particular attention, especially to the last paragraph or two, because it has much to do with the action the Senate may see fit to take at this time. That resolution read:

Resolved, That the claim of the said WILLIAM S. VARE to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to the said WILLIAM S. VARE and to take such further evidence on its own motion as shall be proper in the premises, and to report to the Senate within 60 days if practicable; and that until the coming in of the report of said committee and until the final action of the Senate thereon the said WILLIAM S. VARE be, and he is hereby, denied a seat in the United States Senate: *Provided*, That the said WILLIAM S. VARE shall be accorded the privileges of the floor of the Senate for the purpose of being heard touching his right to receive the oath of office and to membership in the Senate.

On the same day another resolution was submitted, which was agreed to on the 13th of December. That resolution declared, in substance, that resolutions creating the committee, including Senate Resolution 324 and subsequent resolutions conferring authority upon the committee, had continued in full force and effect since the respective dates of their adoption by the Senate and do now as then express the will of the body.

The resolution further recited:

The committee shall continue to execute the directions of the said several resolutions relating to the said committee and until the Senate accepts or rejects the final report of said committee or otherwise orders.

As a result of these resolutions the proceedings of the committee, of which the Senate had notice, and of agreements which were made between the parties, the election records were finally delivered to the committee on the 20th day of February, 1928. The committee thereupon proceeded to an examination of the records. At the same time the Committee on Privileges and Elections hearing the contest between Mr. Wilson and Mr. VARE proceeded with its work.

The representatives of both committees and of Mr. Wilson and of Mr. VARE were constantly present and given all the privileges usually accorded, and were allowed to examine all of the election records and documents.

Mr. President, one of the resolutions that was adopted was known as the Norris resolution. It was adopted on the 8th day of January, 1927, and to that resolution I challenge the attention of the Senators present. It read:

Whereas on the 10th day of January, 1927, there was filed in the Senate an official communication from the then Governor of Pennsylvania, made and delivered to the Senate in pursuance of law, the following certificate:

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, January 8, 1927.

The PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: I have the honor to transmit herewith the returns of the election of United States Senator, held on November 2, 1926, as the law of this Commonwealth directs.

I have the honor also to inform you that I have to-day signed and by registered mail delivered to Hon. WILLIAM S. VARE a certificate which is as follows:

"To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

"This is to certify that on the face of the returns filed, in the office of the secretary of the Commonwealth of the election held on the 2d day of November, 1926, WILLIAM S. VARE appears to have been chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1927."

The form of words customarily used for such certificates by the governors of this Commonwealth and the form recommended by the Senate of the United States both include certification that the candidate in question has been "duly chosen by the qualified electors" of the Commonwealth.

I can not so certify, because I do not believe that Mr. VARE has been duly chosen. On the contrary, I am convinced, and have repeatedly declared, that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election. But even if there had been no fraud in the election, a man who was not honestly nominated can not be honestly entitled to a seat.

The stealing of votes for Mr. VARE, and the amount and the sources of the money spent in his behalf, make it clear to me that the election returns do not, in fact, correctly represent the will of the sovereign voters of Pennsylvania.

Therefore I have so worded the certificate required by law that I can sign it without distorting the truth.

I have the honor to be, sir,

Very respectfully yours,

GIFFORD PINCHOT, *Governor.*

The resolution then proceeded:

Now therefore be it

Resolved, That the expenditure of such a large sum of money to secure the nomination of the said WILLIAM S. VARE as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee, and substantiated by the evidence taken by said committee, and the charges of corruption and fraud officially made by the Governor of Pennsylvania, prima facie taints with fraud and corruption the credentials of the said WILLIAM S. VARE for a seat in the United States Senate; and be it further

Resolved, That the claim of the said WILLIAM S. VARE to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to the said WILLIAM S. VARE and to take such further evidence on its own motion as shall be proper in the premises, and to report to the Senate within 60 days if practicable; and that until the coming in of the report of said committee and until the final action of the Senate thereon the said WILLIAM S. VARE be, and he is hereby, denied a seat in the United States Senate: *Provided*, That the said WILLIAM S. VARE shall be accorded the privileges of the floor of the Senate for the purpose of being heard touching his right to receive the oath of office and to membership in the Senate.

Mr. President, the committee promptly notified Mr. VARE that it would proceed with this business. The election papers were received, finally, about the 20th day of February, 1928. The committee appointed Mr. Clapp, a prominent lawyer of Philadelphia, to represent it. He organized a corps of assistants. All of them were sworn faithfully to examine the election records and truthfully to report their findings. At the same time Mr. VARE was notified and was represented by his attorney and by persons selected for the purpose by him; and it is fair to say that Mr. VARE's representatives saw all of the papers and had an opportunity to know what papers were being examined by the representatives of the committee.

One witness only was produced to testify orally—Mr. Charles Edwin Fox. Mr. Fox testified in the presence of Mr. VARE and Mr. VARE's attorney, and was cross-examined at length by these attorneys. With the exception of the compilation of the reports of those who had been examining the documents, the committee regarded the testimony at that time closed, unless Mr. VARE or his counsel desired to be further heard.

Mr. Fox's testimony was to the general effect that an organization existed, and had existed for years, in Philadelphia; that it had been engaged in almost every conceivable form of fraud and illegal practices and irregularities; that this organization for a number of years had been under the control of WILLIAM S. VARE; that the organization was largely self-perpetuating, and was the same organization which conducted the 1926 election.

At the conclusion of Mr. Fox's testimony this statement was made by the chairman of the committee:

That ends this particular hearing. I do not know whether the committee will take any other testimony or not. We may, after consideration. I have not talked with the committee. That ends this particular hearing, unless Mr. VARE or Mr. Wilson has something he desires to present.

Mr. VARE. No, sir; nothing.

The committee then regarded the testimony as closed except for the report of the committee. At least, that was the impression the chairman had, and I think it was the general impression of the committee.

That was on May 8, 1928. However, after consideration the committee concluded to call Mr. VARE formally before it to ascertain specifically whether he had anything to offer, and on May 16 notified him, as follows:

The special committee appointed pursuant to Senate Resolution 195 will be prepared at 10 o'clock, Saturday morning, May 19, 1928, to consider any matter you may desire to submit it.

Will you please advise us at the earliest possible moment whether you will desire to appear or be represented before the committee?

In reply to that, the committee received a letter from Mr. VARE, as follows:

I am unable to come to Washington to-morrow. My Philadelphia doctor advised me to come to Atlantic City, and I was compelled to have Atlantic City doctor attend me to-day. I welcome this, the first opportunity I have had to appear before the Reed committee to explain my primary campaign.

I do not wish to say anything harsh; but he had been before the committee, he had testified at length, and he had had abundance of opportunity.

The letter continues:

I regret this attack of acute indigestion prevents my attendance. I am hopeful that the committee will withhold judgment and fix a date after I have recovered from illness that I might appear before the committee and give full and complete information.

The committee assembled, and Mr. Francis S. Brown, an attorney representing Mr. VARE, appeared and said:

I do not know what testimony would be required here in this investigation. As I understand, a statement has been submitted to you—to this committee—covering the expenditures and how the money was expended, and all that. I do not know what else he can add to it.

Counsel further stated that he had been consulted only very recently regarding the controversy in question. Thereupon the committee decided that it would give further time to Mr. VARE in order to allow him to recover from this attack of acute indigestion, and the following statement was made:

The committee recognizes the fact that Mr. VARE is ill and unable to be here, and that we ought to grant any reasonable indulgence, but we desire to close this matter up. I will ask you to communicate with Mr. VARE and find the earliest time that he can be here, and advise me, as chairman of the committee, just as soon as you can; and the committee will stand in recess subject to the call of the chairman. We will give you notice in advance of a meeting.

The committee expected that notice; and, while the members of the committee had gone home, we were prepared by subcommittees to proceed with the testimony.

The committee received no communication whatever from Mr. VARE until November 28, 1928, when the chairman received the following letter from Mr. VARE:

ATLANTIC CITY, N. J., *November 28, 1928.*

Hon. JAMES A. REED,

Chairman Special Committee on Campaign Expenditures,

United States Senate, Washington, D. C.

DEAR SENATOR REED: Shortly before the adjournment of Congress you will recall I was stricken by sickness, and your committee graciously excused my appearance before you at that time. After partial recovery, but against the advice of my physician, I went to Kansas City convention, as I had been elected a delegate, and I am now paying the price. The trip, instead of helping me, as I had hoped, injuriously affected my health until, on August 1, I suffered a stroke, paralyzing my left side, leg, and arm.

Of course, I do not need to go into details as to the result of a stroke. Suffice it to say that I am now slowly recovering, but I am still confined to my summer home at Atlantic City. My physicians advise me that I must have absolute rest and quiet if I am to make further progress toward recovery. In fact, they have warned me that any undue exertion at this time, physical or mental, might be attended with disastrous results.

I had hoped, upon the reassembling of Congress, to be able to comply with any request of your committee to appear before you, but that is, in my present condition, physically impossible.

I am grateful for your consideration and, with assurance of my regards, I remain,

Very truly yours,

WM. S. VARE.

Accompanying that, or immediately succeeding that letter, was a certificate from the physicians of Mr. VARE describing his condition. To epitomize this, and not to weary the few Senators who seem still to be interested in this case, the substance of the doctors' certificate was that Mr. VARE was in a very serious condition, that he could not appear and testify; but it further appeared, in part in the letter, and in part in subsequent testimony, that within a very few days after Mr. VARE had obtained his continuance he had attended the Republican convention in Kansas City, and from that time until the 1st day of August had been capable of going about the city of Philadelphia and attending to his usual affairs. During all that interval he failed to notify the committee that he could appear, although he had been expressly requested to give the earliest possible notice. Accordingly, during all this time he allowed to elapse he could have appeared to present his further evidence, if he had any to offer.

When the committee assembled, and this application for further continuance was made, the committee, after consultation, concluded that it ought to proceed with this business, and so notified Mr. VARE and his counsel. Thereupon a request was made that they be furnished with the findings of the representatives of the committee. That was on January 24, 1929, and the substance of the findings of the representatives of the committee was furnished, and, in addition thereto, the work sheets which had been used to compile the various data were submitted to the counsel for Mr. VARE.

On January 24, after all that had been done, Mr. VARE's counsel appeared and made no further application for continuance. They stated that they were ready to proceed, but one of them did state that Mr. VARE was still in ill health, that he could not appear, and that no assurance could be given as to when he could appear. Indeed, the intimation was rather broad that the time would be very indefinite, to state it in the mildest possible terms.

One of the physicians of Mr. VARE was put upon the stand, and the substance of his testimony was and is that Mr. VARE suffered a paralytic stroke, that he was confined to his bed practically all of the time, that he could not talk with his lawyers with reference to this case, that any sort of excitement or agitation of any kind was likely to produce very serious results, and no assurance could be given as to when he would recover, if, indeed, he would ever recover.

After all this delay the counsel for Mr. VARE addressed the committee and presented an argument which he afterwards reduced to the form of a brief, in which he attacked certain findings of the committee and in general made an argument in favor of Mr. VARE. That brief is printed and submitted here for what persuasive power it may have, and it was replied to in a brief of Mr. Clapp, which is also appended to the report.

I will say that it seemed a very strange thing to the committee that it should have been asked to continue this case for months and then, when it came to the final hearing, the only evidence produced was the affidavits of about 37 people out of some 2,018 whose signatures to the registration lists were reported to us by experts to have been written by other than the ostensible signers. These 37 people testified they had signed their own names. That was all the evidence introduced after all this delay, and in addition to it was an argument of counsel—sometimes I thought drawing correct conclusions and sometimes very incorrect conclusions—but all of that was analyzed by Mr. Clapp.

Mr. President, that creates this sort of situation. The Senate, by the Norris resolution, commanded the committee to give Mr. VARE a hearing. The committee endeavored to give him that hearing, and the committee is unanimous in its opinion that if he had availed himself of his opportunities he had abundant time to appear and present his case. So the committee has brought in its final report. I think I ought to say that I believe the Senator from Utah is still of the opinion—I think I may say more in charity and more with the purpose of resolving every possible doubt in favor of Mr. VARE—that perhaps the committee should be continued. He has stated his views in a separate paper.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. I yield.

Mr. KING. I regret that I am not in entire accord with my brethren who have had the consideration of this important case. I agree with the statement just made by the Senator from Missouri that opportunity was afforded Mr. VARE to present his case. That, of course, was anterior to the serious illness from which he is now suffering. I think the evidence is conclusive that since the paralytic stroke of August 1 of last year Mr. VARE has been utterly incapacitated from a proper consultation with his counsel or undertaking any activity requiring physical or mental effort.

One other observation—and I hope the Senator will pardon me. I regard some of the most important testimony in this record as that which was presented to the committee in detail, perhaps after Mr. VARE was ill, as to which he, Mr. VARE, has not had full opportunity, in my opinion, to answer the same. When the Senator from Missouri concludes I may amplify these brief remarks.

Mr. REED of Missouri. I think that is in accord with what I was trying to say. I was not saying it quite so lucidly.

It is important to remember that the only testimony introduced after Mr. VARE's sickness was the conclusions of the examiners of the documents, and that examination was conducted also on behalf of Mr. VARE by his own representatives, as well as by the representatives of the committee, and while Mr. VARE's examiners did not submit their findings or their work sheets to our examiners, we did submit to Mr. VARE's counsel, and any other persons he desired to call in, the work sheets of the committee's examiners.

My own view—and I do not care to enter into any discussion of it—is that that was a matter for the examination of experts and of counsel, and that Mr. VARE had an abundance of both, and that he could not have added, under the circumstances, in the slightest degree to the mere exposition of the contents of a written instrument which was before the committee.

Assuming to be correct the conclusions of the majority of the committee—that is, of all of the committee except the Senator from Utah [Mr. KING]—to the effect that there is nothing further for the committee to do, that it has fully afforded Mr. VARE the opportunity of a hearing, and also that there is no showing or pretense of a showing that he will ever at any time be able to appear before the committee, the committee regards its labors as concluded. It has done all that it can do, all that in reason it ought to be asked to do, and all, I think, it could ever do if it were continued in existence for years.

First, I do not think there is anything to submit; second, I think everything has been submitted; third, I think if there were something to submit which Mr. VARE knew of personally, he is as well prepared to furnish it now as he ever will be, notwithstanding his present physical condition.

Mr. President, I am going to ask for a quorum myself now. This is not a personal matter to me. I want the Senate to hear it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Simmons
Barkley	Frazier	McNary	Smith
Bayard	George	Mayfield	Smoot
Bingham	Gerry	Metcalf	Steck
Black	Glass	Moses	Steiwer
Blaine	Glenn	Neely	Stephens
Blease	Goff	Norbeck	Swanson
Borah	Gould	Norris	Thomas, Idaho
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Broussard	Harris	Overman	Tydings
Bruce	Harrison	Phipps	Tyson
Burton	Hastings	Pine	Vandenberg
Capper	Hawes	Ransdell	Walsh, Mass.
Caraway	Hayden	Reed, Mo.	Walsh, Mont.
Copeland	Heflin	Reed, Pa.	Warren
Couzens	Johnson	Robinson, Ark.	Waterman
Curtis	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Wheeler
Dill	Keyes	Schall	
Edge	King	Sheppard	
Edwards	McKellar	Shortridge	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present. The Senator from Missouri.

Mr. REED of Missouri. Mr. President, I beg Senators to attend to this important question for a moment. I assure them that I am not asking for a personal hearing. If I wanted that I would know how to get it. I would just start some sort of a row here. I appreciate the fact that many committees are meeting, but this is an important matter that must be disposed of in some way by the Senate. I think at this session some action should be taken.

I repeat that in the opinion of the committee Mr. VARE has been given every opportunity to be heard and that there is no evidence whatever that he will ever be in any better condition than he is now. We tried to elicit from his physicians a direct

statement on that point, but were unable to do so. Accordingly, the committee regards its labor as concluded. Now the question comes, what is the Senate going to do?

The majority of the committee accordingly reported:

From the foregoing facts and conclusions, including those previously reported, it is the opinion of the committee that WILLIAM S. VARE is not entitled to a seat in the United States Senate.

The committee, however, directs attention to the terms of Senate Resolution No. 2, of the Seventieth Congress, agreed to on December 9, 1927, and respectfully submits that, in view of the present physical and mental condition of the said WILLIAM S. VARE, it is for the Senate to determine what action is proper in the premises.

That is the report of the majority.

The Senator from Utah [Mr. KING] concurs in this language:

The records show that in August, 1928, Mr. VARE suffered a paralytic stroke, since which time he has been unable to appear before the committee of the Senate. The record also shows that he is still in a serious physical condition as a result of such stroke. It also appears that he desires to come before the committee and testify and speak in his own behalf and perhaps offer additional testimony.

The record, as it now stands, would warrant action by the committee adverse to the right of Mr. VARE, after being sworn in, to retain his seat in the Senate; but in view of his serious physical condition and his desire to be heard by the committee and perhaps offer further testimony, I am unwilling to close the case and submit a final report to the Senate.

But there is the concurrence of all members of the committee that, as the record stands now, Mr. VARE is not entitled to his seat.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. REED of Missouri. I yield.

Mr. KING. I take the position that Mr. VARE is entitled to be sworn in, regardless of the final action of the Senate.

Mr. REED of Missouri. That has been the Senator's position from the first; but I have just read his language. The Senator thinks he is entitled to be sworn in, but on the record as it now stands that he ought to be ousted immediately after being sworn in.

Mr. KING. I take the position that the Senate would be warranted in denying him his seat.

Mr. REED of Missouri. That is the same thing in different language.

Mr. President, the Senate has solemnly declared that Mr. VARE is not entitled to his seat unless upon a further hearing it should appear that he was entitled to the seat. That hearing has been had, as far as this committee could give it, and I think as far as any committee could ever give it. The question now is whether the Senate desires to proceed and adjudicate this case or whether the Senate is inclined to take the view that it wants to grant Mr. VARE further time to appear before the Senate. The committee has brought in no resolution. We submit to the Senate our findings, the result of our long and arduous labors.

Now, I want to say a word for myself; and for what I shall say no one is responsible except myself. It is my solemn judgment that Mr. VARE has utterly failed to meet the charges or to meet the evidence which has been adduced against him. It is my solemn judgment that an unspeakable condition of affairs existed in the primaries and election in the State of Pennsylvania. It is my solemn judgment that Mr. VARE was guilty of conduct which warrants a refusal of his seat. It is my solemn judgment also, however afflicted Mr. VARE may be, under the conditions which exist, having regard to the fact that Pennsylvania is entitled to have full representation and that the country is entitled to full representation in the Senate, if we are to follow the strict line of duty, we ought to proceed with this business.

But, Mr. President, there is a human side to the case. If Mr. VARE were well and on his feet, if he were able to come here and defend himself, I would insist upon the disposition of the case, even though it was to the exclusion of all other business during the session. But I am, to state it frankly, torn between two conflicting ideas. One is the cold, plain line of duty as I see it. The other is sympathy for an afflicted man and a feeling that I can not insist upon at least leading in a fight against a man who is now helpless. It is a difficult proposition to face. In my early youth, when I encountered no danger by conflict, I had a great many fights, but I never was able to hit a boy when he was down, and I just can not do it now. But the question is before the Senate. If a resolution is brought in to render final judgment in this case, I shall vote for it because it is my duty; but if it is not brought in, I shall not insist upon it and will let another Senate at another time finally dispose of the case.

Mr. REED of Pennsylvania. Mr. President, when the Senator from Missouri [Mr. REED] shall have left the Senate, the Senate will be the poorer for his going. We all know his ability as a lawyer. Whether we agree with him or not—and it has been my misfortune seldom to have agreed with him—I have admired the great talent that has characterized his work. I know, Mr. President, that his heart is now serving him as well as his head, as it has always served him; and that we will remember the fairness of his remarks to-day as we will remember also the great service that he has rendered his country. His decision is right, Mr. President. Mr. VARE, whether he be right or wrong in this controversy, is at this moment helplessly paralyzed; and whether we may approve of him or disapprove of him, whether we may approve his conduct or disapprove it, whether we may intend to vote for him or against him when his case comes up for decision, I do not believe that the country would give its approval to our action if, having promised Mr. VARE the rights of this floor to speak in his own behalf prior to our judgment on his case, we now in the moment of his paralytic stroke and his affliction should withdraw from him the right that we then gave him and should pass judgment on him in his absence without having heard whatever he may have to say on the merits of his case. Mr. President, I myself do not care to enter into an analysis of the report or to discuss the facts of the case until the time comes when Mr. VARE can be here to speak for himself. Then I myself may have something to say about the case.

Mr. ROBINSON of Arkansas. Mr. President, on behalf of the Senator from Nebraska [Mr. NORRIS], who is detained from the Senate on the business of the Senate, it is my intention to submit a resolution dealing with the report just presented by the Senator from Missouri [Mr. REED] for the select committee of the Senate and also foreclosing the question as to the right of Mr. VARE to a seat in the Senate. The question has been pending for a long time. There is no Senator who would desire to preclude one claiming a seat in this body from the opportunity for a full hearing. The right of hearing inheres in our system of jurisprudence, and it is particularly appropriate that that right shall be preserved, even in the face of what appears to be overwhelming evidence justifying a conclusion touching the matter in controversy.

In view of the statement made by the Senator from Missouri and that just submitted by the Senator from Pennsylvania, fully realizing the importance of the question to the public, I have no disposition to press a conclusion touching the resolution which I am about to submit. Nevertheless it is a question which the Senate should consider.

We all sympathize with Mr. VARE in the misfortune that has befallen him, in the illness from which he is suffering, and certainly no one who is possessed of the usual sympathies which characterize men in the positions which we occupy would desire to prevent him from having the fullest opportunity to assert a right that has been challenged and a right of fundamental importance in our system of government. I shall present the resolution to which I have referred, have it read, and ask that it lie over under the rule.

The PRESIDING OFFICER. The resolution submitted by the Senator from Arkansas for the Senator from Nebraska [Mr. NORRIS] will be read.

The Chief Clerk read the resolution (S. Res. 339), as follows:

Whereas on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate and the employment of certain other corrupt and unlawful means to secure such nomination or election; and

Whereas said committee, in the discharge of its duties, notified WILLIAM S. VARE, of Pennsylvania, then a candidate for the United States Senate from that State, of its proceedings, and the said WILLIAM S. VARE appeared in person and by attorney before said committee while it was engaged in making such investigation; and

Whereas the said committee, in its report to the Senate (Rept. 1197, pt. 2, 69th Cong.), found that the evidence, without substantial dispute, showed that at the primary election at which the said WILLIAM S. VARE was alleged to have been nominated as a candidate for the United States Senate there were numerous and various instances of fraud and corruption in behalf of the candidacy of the said WILLIAM S. VARE; that there was spent in behalf of the said WILLIAM S. VARE in said primary election by the said WILLIAM S. VARE and his friends a sum of money exceeding $785,000; and that the said WILLIAM S. VARE had in no manner controverted the truth of the foregoing facts, although full and complete opportunity had been given him not only to present evidence but arguments in his behalf; and

Whereas in the consideration of said report, on the 9th day of December, 1927, the Senate, by solemn declaration declared "that the expenditure of such a large sum of money to secure the nomination of the said WILLIAM S. VARE as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee, and substantiated by the evidence taken by said committee, prima facie taints with fraud and corruption the credentials of the said WILLIAM S. VARE for a seat in the United States Senate"; and thereupon the Senate referred the claim of the said WILLIAM S. VARE to a seat in the United States Senate to the said committee, with instructions to grant such further hearing to the said WILLIAM S. VARE and to take such further evidence on its own motion as it deemed proper in the premises; and

Whereas the said committee, having complied with the direction of the Senate, has made a further report to the Senate (Rept. 1858, 70th Cong., 2d sess.) of its doings in the premises. From said report and the evidence taken by the committee it appears that the evidence as to fraud and corruption in said primary election has not been refuted, and the same stands as it did when the committee filed its partial report to the Senate (Rept. 1197, 69th Cong.); and

Whereas in addition to the investigation made by the said committee concerning the said primary election, said committee has also investigated the alleged election of the said WILLIAM S. VARE to the United States Senate at the general election held November 2, 1926, and in such investigation has discovered various and numerous instances of fraud and corruption occurring at said general election in behalf of the candidacy of the said WILLIAM S. VARE for a seat in the United States Senate; and

Whereas the said committee, from the foregoing facts and conclusions, including those previously reported in regard to said primary election, has reported to the Senate (Rept. 1858, 70th Cong., 2d sess.) that the said WILLIAM S. VARE is not entitled to a seat in the United States Senate: Therefore be it

Resolved—

(1) That the said report (S. Rept. 1858, 70th Cong., 2d sess.) be, and the same is hereby, approved and adopted.

(2) That the said WILLIAM S. VARE be, and he is hereby, denied a seat in the United States Senate; and

(3) That the said committee, in accordance with its suggestion in said report, be continued in office during the interim between the final adjournment of the Seventieth Congress and until the convening of the first session of the Seventy-first Congress, and thereafter during the life of said Congress, unless sooner discharged by the Senate; and that Senate Resolutions 195, 227, 258, and 324 of the Sixty-ninth Congress and Senate Resolutions 2 and 10 of the Seventieth Congress be, and the same are hereby, continued in full force and effect to the same extent as though herein fully set forth until said committee is finally discharged.

The PRESIDING OFFICER. The resolution will lie over, under the rule.

Mr. KING. Mr. President, I should like to ask the Senator from Arkansas a question. The resolution, if I understand it, would if it should be adopted deny Mr. VARE a seat in the Senate. Is it the view of the Senator that the committee, unless it is continued until another Congress, dies with the expiration of the present Congress? If that should be the view of the Senate, then if this resolution is not acted upon before March 4 it will be necessary to have a resolution offered that will continue the committee until final report shall have been submitted by it. May I add that in my opinion the committee needs no further authority from Congress to continue its existence. It now has the authority to function until its labors are concluded and its final report has been presented to the Senate.

Mr. ROBINSON of Arkansas. Of course, the Senator has raised a very ancient question and a somewhat difficult one. I think it is covered by a resolution presented to the Senate by the Senator from Missouri [Mr. REED], and that the authority of the committee will continue until the committee shall have been discharged by the Senate. As on a former occasion, however, to save collateral controversies and disputes as to the authority of the committee, a provision was incorporated in the resolution which I have submitted on behalf of the Senator from Nebraska continuing it.

The resolution which the Senate adopted and which was presented by the Senator from Missouri contains this provision:

And that the said special committee appointed pursuant to Senate Resolution 195 of the Sixty-ninth Congress, first session, shall continue to execute the directions of the said several resolutions relating to the said committee until the Senate accepts or rejects the final report of the said special committee or otherwise orders.

Mr. KING. As I understand that was adopted.

Mr. ROBINSON of Arkansas. That resolution was agreed to and is the law under which the special committee is now proceeding. So, I myself do not think there is any occasion for the adoption of that clause in the resolution which expressly continues the committee; at least I do not now see any occasion for it.

Mr. KING. Mr. President, I think the Senator is right. The only reason I rose to propound the inquiry was because of the recitation in the resolution just submitted that the committee should be continued.

Mr. ROBINSON of Arkansas. It is fair to state that the provision which I have just read was incorporated in the resolution for the express purpose of making clear and relieving from all doubt any question as to the right of the committee to continue its action and study of the subject until final disposition.

Mr. DILL. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. Yes.

Mr. DILL. What will be the status of the report of the committee that has been made and is now on file if not acted upon at this Congress? Will that report stand, or will a new report be made?

Mr. ROBINSON of Arkansas. While this resolution calls for the approval and adoption of the report, as the Senator well knows, no action on the report as such is required under the usual procedure of the Senate.

Mr. DILL. But the question in my mind was this: If no action is taken on the resolution of the Senator from Nebraska, and the Congress ends, as it will, on the 4th of March, when we meet in the next session of Congress will the committee be under the duty of filing a new report, or will this report stand?

Mr. ROBINSON of Arkansas. Oh, no; I think it will not have to file a new report. My mind is clear on that.

Mr. DILL. The report does not die?

Mr. ROBINSON of Arkansas. No.

Mr. KING. Mr. President, if the Senator is through, I should like to ask the Senator from Pennsylvania a question.

Mr. REED of Pennsylvania. I shall be glad to answer it.

Mr. KING. In view of the position of the Senator from Pennsylvania at a previous session of Congress, with respect to the power of the committee and its authority to continue after the adjournment of that session, I should like to ask the Senator if he now contends that the Reed committee dies with the death of this Congress on the 4th of March?

Mr. REED of Pennsylvania. No, Mr. President; I do not. In the former case I tried to state my position as being this: That the Senate undoubtedly has power to create a committee and make it continuing from one Congress to another. I took the position then that the Senate had not done so; but in the resolution which has just been read by the Senator from Arkansas I feel very sure that the Senate has done so, and that this special committee does continue in power over the coming change in the Congress.

Mr. KING. The Senator knows that there was a sharp conflict in regard to the matter to which he has just referred. The position was taken by a number of Senators, among them the Senator from Idaho [Mr. BORAH], the Senator from Nebraska [Mr. NORRIS], the Senator from West Virginia [Mr. GOFF], and the members of the committee, that the committee had full authority to continue the investigation ordered by the Senate, notwithstanding the adjournment of Congress, and that no further authority was required in order that they might continue their work until it was finished and a final report submitted. I think, with all due respect to my able friend from Pennsylvania, that his position and that of those who supported that view, including the present occupant of the chair [Mr. FESS in the chair], was not the correct one.

Mr. REED of Pennsylvania. Be that as it may, Mr. President, I think we are all agreed that there can be no question about the continuance of the committee now; and in further answer to the Senator from Washington——

Mr. ROBINSON of Arkansas. Neither can there be any question about the continuance of the issue underlying the committee's report.

Mr. REED of Pennsylvania. No; that is just what I was going to answer.

Mr. ROBINSON of Arkansas. Before Mr. VARE can take his seat there must be affirmative action by the Senate entitling him to do so.

Mr. REED of Pennsylvania. I think there is no question about that.

Mr. ROBINSON of Arkansas. And before he can be finally rejected a resolution must be adopted similar to that which has been proposed.

Mr. REED of Pennsylvania. But the report of the committee is advisory to the next Senate as well as it is to this one, and

its conclusion could be adopted by the Senate of the Seventy-first Congress just as well as by the present Senate, or it could be adopted by the One hundred and seventieth Congress, for that matter. It lies in our files as advice to the Senate, and continues to have that power.

Mr. President, unless there is something further that is desired, I have another matter that I want to bring up.

Mr. REED of Missouri. In connection with this?

Mr. REED of Pennsylvania. No.

Mr. REED of Missouri. I should like to conclude this matter.

Mr. President, it seems to me quite manifest that in all probability the Senate will not take action on this case at this session; but, whether they do or not, I think it still remains a matter that compels the continuance of the committee. There is pending a case which was brought by the committee on behalf of the Senate, known as the Cunningham case. It is before the United States circuit court of appeals. The Senate and the committee are represented by former Attorney General Wickersham.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. REED of Missouri. Yes.

Mr. KING. The matter is now being carried to the Supreme Court of the United States.

Mr. REED of Missouri. Very well. When that case is decided it will be necessary for the committee to attend to the business of settling the expenses that may be incident to the appeal. For that reason it is necessary to have the committee continue in existence. That business can not possibly be wound up while I am a Member of the Senate; and, accordingly, Mr. President, I move that I be discharged from further service in connection with the committee, and that the senior Senator from Arkansas [Mr. ROBINSON] be substituted in my stead.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. REED of Missouri. Yes.

Mr. KING. I think that course should not be determined upon so long as the question is not decided as to whether there will be a vote upon this resolution. If it is understood now that no further action upon the report is to be taken during this session, then I shall be glad to support the motion of the Senator from Missouri.

Mr. REED of Missouri. I may say to my brother that in any event it will be necessary to have some one on the committee because of the Cunningham case. That can not be settled at this time.

Mr. KING. What I had in mind was this: If this matter is to be further discussed or considered before adjournment, I think the Senate should have the benefit of the Senator's views as chairman of the committee and the prestige which his position on the committee would give to the report—although that is not necessary—because of the high standing of the Senator and the knowledge of his views on the questions involved. As soon as it is understood that the report will lie over and not be further considered prior to adjournment, then I shall be very glad to have the motion offered by the Senator adopted.

Mr. REED of Missouri. Mr. President, if any member of the committee with which I have been serving feels that way, I will withdraw my request for the present; but it will be necessary, or at least desirable, that some one be appointed in my stead before this session adjourns, and I beg to suggest the distinguished senior Senator from Arkansas [Mr. ROBINSON].

Mr. KING. Mr. President, I agree with the Senator that before this Congress adjourns the committee should be filled by reason of the departure from the Senate of the chairman of the committee, the senior Senator from Missouri; and before we do adjourn, if no action is taken upon the resolution, I shall be very glad to see the Senator from Arkansas named as a member of the committee.

Mr. ROBINSON of Arkansas. Mr. President, I have not said that I would accept service on the committee, thanking both the Senator from Missouri and the Senator from Utah.

Mr. SMITH. Mr. President, before we leave this subject I desire to ask a question.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. KING. I yield.

Mr. SMITH. I did not hear the full discussion. As I understand, the present status of the matter is that the committee has made a preliminary report on the Vare case?

Mr. KING. I think it has been denominated by some member of the committee a final report.

Mr. SMITH. If this report be final, what function will the committee perform if continued?

Mr. KING. I should modify that statement in this way—final in the sense that it is a finality with respect to recommendations touching the Vare case and the right of Mr. VARE to retain his seat; but the report asks that the committee be continued because of the pendency of an action in the circuit court of appeals which is being carried to the Supreme Court of the United States, growing out of one question involved in this case.

Mr. ROBINSON of Arkansas. The report is not final in the strict sense of the term, because the committee's statement shows the necessity for further action by the committee.

Mr. SMITH. So that the present report may be modified in material respects by subsequent action of the committee?

Mr. ROBINSON of Arkansas. No.

Mr. KING. Mr. President, as a member of the committee, my view is that the majority report is the report of the committee. It is possible that if the report is not acted upon the committee might modify it before final action is taken by the Senate. That would probably be the result if Mr. VARE should be able to appear before the committee and present testimony that would cause the committee to modify or change its conclusions upon questions involved in the case. The committee, I think, would have the right to withdraw its report, or at least to file a supplemental one, modifying the terms of the report now before the Senate, so that it would express their views and conclusions.

Mr. ROBINSON of Arkansas. Mr. President, on page 15 of the committee report submitted by the Senator from Missouri this morning is the following language:

> There is still pending before the United States Circuit Court of Appeals, Third Circuit, the habeas corpus proceedings of Thomas W. Cunningham, in which your committee and the Senate is represented by the Hon. George W. Wickersham, and which involves the right and power of the Senate to enforce its orders. In order to make a proper report to the Senate in this matter, and to take such further action with reference to the said Thomas W. Cunningham as may be deemed necessary, it is advisable that the committee continue to exist until the final disposition of the said case.

My view of the matter is that during its future existence the committee would not be precluded from submitting to the Senate any further finding that it might make; but to all intents and purposes the report is final in so far as the right of Mr. VARE to a seat in the Senate is concerned.

Mr. SMITH. Now, Mr. President, may I ask the Senator from Arkansas a question? The recommendation of the committee is adverse; that Mr. VARE is not entitled to his seat. In case of a vote, that would not preclude a vote as to whether he should be seated and then the report adopted; or, if the report is adopted, does it preclude a vote on whether or not Mr. VARE should be entitled to be brought in?

Mr. ROBINSON of Arkansas. My impression is that action by the Senate would come in the form of a resolution expressly declaring that WILLIAM S. VARE is entitled to a seat in the Senate or is not entitled to a seat in the Senate. The resolution which I have presented is that he is not entitled to a seat in the Senate.

Mr. SMITH. I wanted to make that inquiry so that I would know clearly the situation.

Mr. ROBINSON of Arkansas. The resolution that has been presented does not contemplate that Mr. VARE shall first be seated and then immediately be unseated.

Mr. SMITH. It was not my purpose to know whether it contemplated that; but I should like to have an opportunity to have the question so put that I might not prejudice my vote by voting against his being seated as a final expression on my part; but I should like to have an opportunity to vote on what I consider the constitutional right of a State and an individual to be seated, and then I should like to be given the opportunity to decide, from the facts brought out by the committee, as to whether or not I should vote to have him continue to occupy the seat.

Mr. ROBINSON of Arkansas. I think I need hardly state to the Senator from South Carolina that he can secure that opportunity by simply offering a substitute for the resolution presented by me or the Senator from Nebraska. As suggested by the Senator from Washington [Mr. DILL], the Senate has voted heretofore once; but if the Senator from South Carolina wants to vote on the matter again, he can do so by offering a resolution to that effect.

Mr. SMITH. I was hoping that there might be an opportunity to act on the case without that being done. Perhaps that may be done before the final vote is taken.

Mr. ROBINSON of Arkansas. I myself have no sympathy whatever with the proposal just made by my friend from South Carolina. So far as I am concerned, I will not be a party to a proceeding, after the course this matter has taken, first to

seat Mr. VARE, with the understanding that he is to be immediately unseated. I think that would be——

Mr. McKELLAR. It would serve no useful purpose.

Mr. ROBINSON of Arkansas. It would serve no useful purpose, and would be absurd, meaning no disrespect to my friend from South Carolina.

Mr. SMITH. I understand; but what we may do now may be a precedent for to-morrow and hereafter, and our unseating Mr. VARE instanter might be invoked as a precedent in a case when the circumstances were not sufficient to justify our unseating the incumbent.

Mr. McKELLAR. May I suggest that we have already made that precedent?

The PRESIDING OFFICER. Does the Senator from Utah yield further, and if so, to whom?

Mr. KING. I yield to the Senator from South Carolina.

Mr. SMITH. I understand that we have in one case established that precedent, but repeating it from day to day might strengthen it.

Mr. McKELLAR. We have done it twice.

Mr. SMITH. If the Senator from Utah will allow me, I want to state that I have no more taste and no more tolerance for the orgies that have been brought out in several of these cases than any other Senator, but I do not want to establish a precedent that might be invoked to the disaster of States and individuals. I do not want to be a party to establishing a precedent which it is not necessary to establish in order to carry out what we can do constitutionally, sanely, and soundly.

Mr. BRATTON. We have already established that precedent once.

Mr. SMITH. I understand we have established it one time, but why repeat a wrong a half a dozen times?

Mr. BRATTON. It is a question whether it is wrong.

Mr. SMITH. It is, in my opinion.

Mr. McKELLAR. We not only made the precedent in the Vare case but we made it in the Smith case.

Mr. KING. Mr. President, many tributes have been paid to the Senator from Missouri, not only in the Senate but throughout the country. His ability, courage, and devotion to what he conceives to be right have given to him a deservedly great reputation. His long service in the United States Senate has afforded him opportunities to render valuable service to his country. His voluntary departure from the Senate will be a great loss, not only to the legislative branch of the Government but to the entire country.

During my 12 years of service in the Senate I have learned to admire the Senator and to appreciate the arduous and effective work which he has performed in the interest of the public. He has been a defender of the Constitution, and has lifted his eloquent voice in defense of individual rights and the rights of local self-government.

In the investigation of the so-called Vare case the Senator from Missouri has borne the heaviest part of the burden, which the Senate by its direction imposed upon the special committee.

I am not in entire accord with members of the committee, as their views are expressed in the report just submitted by the Senator from Missouri as chairman of the special committee. The Senator in submitting the report has referred to a statement made by me and incorporated in the report. On page 15 of the report it reads:

> All of the members of the committee concur in the foregoing report.

Then follows the statement—

> But in addition thereto Senator KING presents the following statement, giving his individual conclusions.

I do not fully agree with all the conclusions contained in the report or with that part of the report which states, in effect, that Mr. VARE should be denied his seat in the Senate without having been sworn in and that the case should now be closed.

I have upon former occasions, and in a number of cases which have come before the Senate, taken the position that persons presenting themselves to the Senate armed with proper certificates from sovereign States were entitled to be sworn in, even though the situation was such as to call for their subsequent exclusion from the Senate.

First, let me read from the report the paragraphs which I prepared and which are found therein:

> The record shows that in August, 1928, Mr. VARE suffered a paralytic stroke, since which time he has been unable to appear before the committee or the Senate. The record also shows that he is still in a serious physical condition as a result of such stroke. It also appears that he desires to come before the committee and testify and speak in his own behalf and perhaps offer additional testimony.
>
> The record as it now stands would warrant action by the committee adverse to the right of Mr. VARE, after being sworn in, to retain his seat in the Senate; but in view of his serious physical condition and his desire to be heard by the committee, and perhaps offer further testimony, I am unwilling to close the case and submit a final report to the Senate. In my opinion a further reasonable time should be given Mr. VARE to present his case to the committee.

I shall not at this time attempt to discuss the case or to analyze the testimony which has been submitted. I have felt that Mr. VARE should have full opportunity to present to the committee any evidence which he might have bearing upon the report made by Mr. Clapp and others, agents of and representing the committee. The facts found by them have had an important bearing upon the conclusions which I have reached. These facts, in my opinion, might very well be the controlling factor in determining the action of the Senate upon the question of Mr. VARE's right to a seat in the Senate. It is my opinion that in view of Mr. VARE's serious illness, and the importance of the facts submitted by Mr. Clapp, that the former should be given an opportunity to present to the committee his views upon these facts, and to submit by way of answer or reply thereto any pertinent evidence he desires to offer.

The action of the Senate in denying Mr. VARE the right to take the oath of office as Senator was based upon the testimony taken by the committee dealing almost exclusively with the primary election. The subsequent investigation by the committee related largely to the general election and the charges of fraud and corruption in connection therewith.

I might add that the record shows that in the primary election Mr. VARE personally expended $71,438. This sum was used exclusively by him in sending out letters to the voters of Pennsylvania. My recollection is that he sent two letters or circulars to many of the voters of his State, the cost of each letter or circular, including postage, and so forth, being 6½ cents. The record also shows that Mr. Pinchot and his organization spent $187,029 and that the so-called Pepper-Fisher organization expended $1,804,979. There are doubtless some fair-minded persons who would question whether the expenditures in the primary election were sufficient ground for refusing Mr. VARE a seat in the Senate. The question has sometimes been asked what would have been the situation if the principal opponent of Mr. VARE had been nominated instead of Mr. VARE, in view of the fact that the organization with which the former was connected expended considerably more than double the amount expended by the Vare-Beidelman organization.

Senators will recall that there was a bitter contest in Pennsylvania between factions in the Republican Party for control of the Republican machine. There was the so-called Mellon organization, which the record shows sought to wrest control of the Republican Party organization in the State from the so-called Vare organization.

Under the laws of Pennsylvania most of the party leaders, including the precinct, county, and district chairmen, are elected at the same time the general primary election is held. In the primary election at which Mr. VARE received the nomination for Senator there were more than 3,000 of these political officers to be elected. Congressmen, and also the State ticket, including members of the legislature, judges, and so forth, were to be elected. It is somewhat difficult to determine just what part of the amount expended in the election should be charged against the senatorial and congressional candidates, and because of this difficulty it is the view of many that under conditions such as are shown in this election the senatorial candidates should be charged with the entire amounts expended by the organizations or groups with which they were respectively identified.

I have sometimes felt that it is unfortunate that elections for Senators and Congressmen are not held at different times from State elections. If this were done it would be very easy to determine just what was expended for the election of Senators and Congressmen. I might add that Mr. Beidelman was a candidate for governor upon a platform demanding repeal of the law which exempted certain corporations in the State of Pennsylvania from taxation. It is obvious that an issue of this character would arouse the opposition of corporations which were favored under the law freeing them from the burdens of taxation. And it is quite certain that such beneficiaries gave their support to the so-called Fisher-Pepper organization.

It is quite likely that contributions and expenditures were made in behalf of Beidelman by persons not concerned in the election of Mr. VARE and that support was given to Mr. Fisher by persons who were not particularly concerned in the election of Mr. Pepper. However, in this election, with all of these conflicting interests, currents and cross-currents, the expenditures by the triangular groups were, so to speak, thrown into one hopper and ascribed to the three senatorial candidates. This situation calls for a fair and just appraisal of the situation and the factors involved.

Mr. President, just a word in view of the statement made by the Senator from Arkansas [Mr. ROBINSON] and the questions submitted by the Senator from South Carolina [Mr. SMITH]. As I stated a moment ago I have taken the view that when a person presents himself with a certificate of a sovereign State, he should be permitted to take the oath of office. There are many precedents in support of this view. I concede that there are some opposing precedents. A number of years ago this question was sharply raised in the House of Representatives. Majority and minority reports were filed in the case to which I refer.

The minority report was prepared by Representatives Littlefield, of Maine, and De Armond, of Missouri, and in my opinion it contains one of the ablest discussions ever presented upon this important question. In it the contention was made that a Representative-elect, having the certificate of his State, was entitled to be sworn in. The precedents were examined and the question elaborately argued. Some of the great lawyers of the House supported this view although a majority of the Members declined to follow it.

Mr. President, I have given this case most serious consideration realizing as I do its importance, not only to Mr. VARE but to the people of his State and the United States. After weighing all the facts, I have reached the conclusion that it would not be proper or right to close the case at this time. In my opinion it should be continued, and Mr. VARE given further reasonable time to appear and present his views to the committee and to the Senate, and also to adduce any pertinent testimony that he may have to offer relating to the matters embraced in the findings of Mr. Clapp, the committee's representative. Important as the question of expenditures is in determining the issues involved, I regard the charges of fraud and corruption in the city of Philadelphia in the primary as well as in the general election, as of greater importance in the final determination of the question before us.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. DILL. Mr. President, I have listened to the argument of the Senator from Utah for the past few moments, and I want to say that it is the very kind of argument that Mr. VARE would wish to have presented in his behalf. I have great respect for the Senator from Utah and his views and for the study he has made of the question, but if the viewpoint expressed by him here is to be accepted by the Senate, then all that a man running for office need to do is to have whatever money he wants to expend in excess of what he should spend handled by some committee that has charge of the party ticket as a whole, and then he can come in and say, "I do not know how much of this was spent for me and I do not know how much was spent for several hundred other candidates."

It is a dangerous proposition. It is a dangerous suggestion. If it is recognized and accepted by the Senate, it strikes at the very heart of the idea of controlling campaign expenditures. I not only disagree with it most radically, but I think it would be a most unfortunate thing if the Senate by any action, either a committee report or in any other way, lent countenance to the idea that a man can not be held accountable for the money spent in his behalf, because it is spent by some organization that may be supporting other candidates.

Mr. President, I shall not enlarge upon the discussion now, but I did want to say that much at this moment, because I did not want the statement to pass unchallenged.

Mr. KING. Mr. President, the Senator from Washington misconceives my position. I indicated that I regarded as the most serious question presented in the record, that of fraud and corruption in the primary and general elections. I believe that the expenditures in the primary election were too great and can not be justified; but it is a fact that perhaps the greater part of such expenditures were not directly for Mr. VARE or Mr. Pepper, but for the organizations with which they were connected, and because of the struggle between opposing factions in the Republican Party to secure control of the party organization.

MAJ. WALTER REED AND ASSOCIATES

Mr. REED of Pennsylvania. Mr. President, from the Committee on Military Affairs I report back favorably, with amendments the bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever, and I submit a report (No. 1912) thereon. I ask unanimous consent for its present consideration.

In a word this is what the bill provides. Back in October, 1900, Dr. Walter Reed took his yellow fever experiment crew to Cuba and did one of the greatest things that had ever been done up to that time in the history of preventive medicine. He found that all existing theories for the cause of yellow fever were wrong, and he proved that it was due to the bite of an infectious mosquito of a particular variety. He could not have proved that fact had it not been for the heroic assistance of about 25 men in his detachment who underwent the most terrible experiments in order to prove that yellow fever was not contagious but was contracted only in this one way.

Some of these men put on the underclothing and night clothing of persons who had died of yellow fever, and for a month slept in the stained and almost indescribable bed clothing of patients who had died of yellow fever. Probably no finer heroism for the benefit of humanity had ever occurred in the history of the world. Others of these men, after the theory of mosquito inoculation had been proved to be probable, exposed themselves to the bite of infectious mosquitoes and when at first they did not fall ill of yellow fever they exposed themselves again and again until they did get it.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator what is the relief afforded?

Mr. REED of Pennsylvania. It is a House bill and we have amended it only to make the names absolutely correct. It provides that in the Army register there shall be carried as long as they live the names of this group of heroic men who underwent the experiment, and, secondly, that for all of the group there shall be paid the same pension as is now being paid to a considerable number of them by special acts, a uniform pension of $125 a month, which is the amount that has been fixed in those special acts.

Mr. ROBINSON of Arkansas. Were the special acts passed on account of this service?

Mr. REED of Pennsylvania. Yes; on account of this service only, and there have been a half a dozen of them. It seemed wise to the committee that the group should be treated as a whole.

Mr. GERRY. Mr. President, may I ask the Senator if the bill includes any provision for any of the widows?

Mr. REED of Pennsylvania. It includes a provision for the widows of two of the men.

Mr. ROBINSON of Arkansas. Mr. President, I merely want to say that judging from the statement submitted by the Senator from Pennsylvania, the measure seems to be meritorious, and I shall give it my hearty support.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Pennsylvania yield to the Senator from California?

Mr. REED of Pennsylvania. I yield.

Mr. JOHNSON. I merely wanted to say that no braver thing ever was done. No more heroic action ever occurred. Those whom this measure seeks to honor ought to be honored, and honored to the full. I hope that the bill will pass.

Mr. COPELAND. Mr. President, I am delighted that the Senator from Pennsylvania has brought this report to us. I have had pending here for some time, as the Senator knows, a similar bill, S. 3364. I am happy that this act of justice is to be done to-day. Certainly we should do honor to those men who risked their lives in order that science and humanity might benefit. Thousands of lives have been saved through their sacrifices. All honor to Reed and his brave associates!

Mr. BLEASE. Mr. President, some time ago I introduced into the RECORD an article relating to this matter and especially relating to Mr. Levi E. Folk, of South Carolina, who was one of the young men who went through this ordeal and stayed in it from the beginning to the end. I hope the bill will be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Military Affairs were, on page 1, line 10, after the name "Agramonte," to strike out "John H. Andrus" and insert "James A. Andrus"; on page 2, line 1, after the name "Covington," to strike out "William H. Deans" and insert "William H. Dean"; in line 2, to strike out "Wallace Forbes" and insert "Wallace W. Forbes"; in the same line, strike out the name "P. Hamann" and insert "Paul Hamann"; in line 4, to strike out "William Olson" and insert "William Olsen"; in line 5, before the name "R. P. Cooke" to insert "Doctor"; in the same line, strike out "Thomas H. England" and insert "Thomas M. England"; and on page 3, line 5, after the word "Private," to strike out "John H. An-

drus" and insert "James A. Andrus," so as to make the bill read:

Be it enacted, etc., That in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba, the Secretary of War be, and he is hereby, authorized and directed to publish annually in the Army Register a roll of honor on which shall be carried the following names: Walter Reed, James Carroll, Jesse W. Lazear, Aristides Agramonte, James A. Andrus, John R. Bullard, A. W. Covington, William H. Dean, Wallace W. Forbes, Levi E. Folk, Paul Hamann, James F. Hanberry, Warren G. Jernegan, John R. Kissinger, John J. Moran, William Olsen, Charles G. Sonntag, Clyde L. West, Dr. R. P. Cooke, Thomas M. England, James Hildebrand, and Edward Weatherwalks, and to define in appropriate language the part which each of these persons played in the experimentations during the yellow-fever investigations in Cuba; and in further recognition of the high public service so rendered by the persons hereinbefore named, the Secretary of the Treasury is authorized and directed to cause to be struck for each of said persons a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, and to present the same to each of said persons as shall be living and posthumously to such representatives of each of such persons as shall have died, as shall be designated by the Secretary of the Treasury. For this purpose there is hereby authorized to be appropriated the sum of $5,000; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay to the following-named persons during the remainder of their natural lives the sum of $125 per month, and such amount shall be in lieu of any and all pensions authorized by law for the following-named persons: Pvt. Paul Hamann; Pvt. John R. Kissinger; Pvt. William Olsen, Hospital Corps; Pvt. Charles G. Sonntag, Hospital Corps; Pvt. Clyde L. West, Hospital Corps; Pvt. James Hildebrand, Hospital Corps; Pvt. James A. Andrus, Hospital Corps; Mr. John R. Bullard; Dr. Aristides Agramonte; Pvt. A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Pvt. Wallace W. Forbes, Hospital Corps; Pvt. Levi E. Folk, Hospital Corps; Pvt. James F. Hanberry, Hospital Corps; Dr. R. P. Cooke; Pvt. Thomas M. England; Mr. John J. Moran; and the widow of Pvt. Edward Weatherwalks.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALLEGHENY RIVER SEWER OUTLET, PITTSBURGH, PA.

Mr. JONES. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (S. 5746) to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., and I call it to the attention of the Senator from Pennsylvania [Mr. REED].

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It will not lead to any discussion. It is to legalize an existing sewer opening built in the city of Pittsburgh to take the place of one that had fallen in. The city officials did not realize that it required the consent of the Chief of Engineers. They went ahead and built it and are now told that it requires the consent of Congress.

Mr. ROBINSON of Arkansas. The bill is approved by the War Department?

Mr. REED of Pennsylvania. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sewer outlet constructed in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., by the city of Pittsburgh, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of said sewer outlet.

SEC. 2. That any changes in said sewer outlet which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KANKAKEE RIVER DAM, MOMENCE, ILL.

Mr. JONES. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 13831) granting the consent of Congress to the Momence conservancy district, its successors, and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill. I call the attention of the Senator from Illinois [Mr. GLENN] to the bill.

Mr. GLENN. Mr. President, I request immediate consideration of the bill.

Mr. JOHNSON. Mr. President, may I ask the Senator from Illinois if this is the bill which in the second section thereof provides for recapture of the dam in certain contingencies?

Mr. GLENN. I understand that the second section provides for recapture by the Government in case there is any necessity for it.

Mr. JOHNSON. The bill provides for a recapture privilege. If the Senator from Illinois is satisfied with that provision, I have no objection. I simply wanted to call his attention to it.

Mr. GLENN. I have discussed it with the Senator from Washington. There is practically no power available there, I understand.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress be, and is hereby, granted to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.: *Provided,* That work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further,* That in approving the plans for said dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States: *And provided further,* That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided,* That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said Momence conservancy district, or its successors and assigns, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, repair, and improve said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED NICARAGUAN CANAL

The Senate resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. McMASTER. Mr. President, I desire to discuss very briefly the measure which is now pending and under consideration by the Senate. The joint resolution calls for a survey of the feasibility and the probable cost of the construction of a Nicaraguan canal. I realize that the distinguished Senator from New Jersey [Mr. EDGE] will insist that this means only the acquiring of information and that it has no other significance. But I wish to call the attention of the Senate to the fact that there never was a canal constructed in America at public expense but that a survey was necessary as the initial step. After the passage of this joint resolution calling for a survey as to the cost of the construction of a Nicaraguan canal, within two years' time there will be introduced into this body a bill providing for an appropriation of from $200,000,000 to $300,000,000 for the construction of that canal, and that eventually its cost will probably amount to $500,000,000.

At this point, Mr. President, it would be well to review certain phases of the great political campaign which was concluded last November. It will be remembered that both political parties, that the presidential candidates of the two major politi-

cal parties, that the vice presidential candidates of those two parties, both of whom are distinguished and honored Members of this body, vied with each other in their promises for agricultural relief. As a matter of fact, Mr. President, those western prairies reverberated with their clarion voices telling the farmers of the Northwest that at last their hour in court had arrived. Both political parties and the leaders of those political parties told the farmers of the Northwest that the agricultural question was the greatest economic question which had confronted this Nation in more than a century.

They went further than that, and said that the agricultural question was the paramount question. They said that when Congress convened that question should be the first question that should be considered; that all other questions should be laid aside. They made the definite promise to the American people that the agricultural question would be settled with finality and that it would be settled justly.

Now, Mr. President, after the heat and the passion and the strife and the turmoil of that campaign have died away, and after Congress has again convened, we find that one of the first measures for agricultural relief was the bill providing for the building of cruisers to protect the grain of the farmers upon the highways of the sea.

Then, again, both political parties in the campaign in analyzing the farm question said that one of the evils affecting the farmer was high transportation rates. They told us that because of increased costs of living and high wages the freight charges imposed upon the farmers were burdensome and excessive, and they said that one of the elements in the solution of that problem would be the improvement of the inland waterways of this country in order to give agriculture an opportunity to transport its products by water to European countries, where those products must be sold in competition with the cheap labor and cheap materials of foreign countries. Now, after Congress has assembled, the first measure that we find considered in order to bring relief to the transportation problem of the farmer is the pending joint resolution that eventually will mean the appropriation of $500,000,000 for the building of a Nicaraguan canal. And not one word can be found in the joint resolution in regard to the development of the inland waterways, which was promised to agriculture of the Northwest during the last campaign.

Mr. President, what a wondrous and glorious fulfillment of campaign promises! Blessed be the memory of that character of redemption of agricultural promises. This joint resolution sounds with a fine ring of irony in the ears of the farmers of the country!

Mr. EDGE. Mr. President, will the Senator from South Dakota yield for a statement?

Mr. McMASTER. I yield.

Mr. EDGE. I have no desire to enter into a political discussion or one as to the alleged failure to carry out campaign promises, because I am quite sure they will be carried out, but I must draw the attention of the Senator to the fact that the joint resolution now before the Senate was introduced on March 20 last year—1928—almost a year ago, and before either political party even held its national convention.

Mr. McMASTER. But during the campaign they were not advocating the expenditure of $500,000,000 to build the Nicaraguan canal. They were advocating the expenditure of millions to develop inland waterways.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from South Dakota yield to me?

Mr. McMASTER. I yield.

Mr. ROBINSON of Arkansas. It would be interesting if the Senator from South Dakota would permit the Senator from New Jersey to elaborate the statement he just made and tell us how it is proposed to redeem the pledge for farm relief, and what is the nature of the measure which it is proposed to pass for that purpose.

Mr. EDGE. Mr. President, I do not want to take the time of the Senator from South Dakota, but I will say that in a very few days now—approximately one week—a new President of the United States will be inaugurated and I am quite sure his message to the country——

Mr. ROBINSON of Arkansas. Is that all the farm relief the Senator from New Jersey is looking for?

Mr. EDGE. I am quite sure the message of the President elect to the country will very clearly and very definitely elaborate a practical program of farm relief.

Mr. HEFLIN. Mr. President, before the Senator from New Jersey gets away from that matter there has been so much said in reference to the McNary-Haugen bill that I should like to repeat a story which has been current around the Capitol. During the recent campaign when Governor Smith was to go out into the West and discuss the farm-relief question somebody said to Raskob that he had better post Governor Smith on the McNary-Haugen bill, and Raskob rejoined, "Has not that bill been paid yet?" [Laughter.]

Mr. McMASTER. Mr. President, continuing with the discussion, at the time of the completion of the Panama Canal there was naturally great rejoicing throughout the Nation over that particular achievement, and I have been told that farmers in the West built bonfires in commemoration and celebration of that great event. But those bonfires have long since been extinguished and in the sobering experience of the years which have followed, the farmers have discovered that the building of the Panama Canal has laid upon them extremely heavy burdens. It is a fact that in the interior industries have been obliged to change their location in order to get upon the waterways of the country; that industries have had their markets curtailed; that young and promising industries have absolutely been forced to go out of business.

Mr. President, I have a letter here from one of the most important manufacturing associations of the Middle West which represents industries with over 800,000 employees whose manufactured products exceed more than $500,000,000 a year. I desire to quote what is said in regard to the effect of the building of the Panama Canal upon the great interior; and I mean by "the interior" that range of country extending from the middle of the Ohio clear out to the city of Spokane in the eastern part of the State of Washington. The letter is from the secretary of this manufacturing association. We must bear in mind that no one had any objection to the building of the Panama Canal providing that at the same time there had been a corresponding program of waterway development in the interior. If that had been consummated and brought about, then these evil effects would not have been visited upon the manufacturing and agricultural interests of the Northwest. Listen to this statement:

> Since the completion of this canal in 1914 these manufacturers have lost trade with the Pacific coast and South America amounting in the aggregate to many hundreds of millions of dollars. They have lost this trade because manufacturers and dealers on the Atlantic coast and some distance inland have been favored with exceedingly low rates for the transportation of their products by water from the eastern ports through the Panama Canal to ports on the Pacific coast.
>
> This low water rate applies to all manufactured products in Illinois and other Middle Western States, and includes many articles which manufacturers of these States formerly sold to western customers in great volume. It includes iron and steel, agricultural implements, canned goods, cement, chemicals, clothing, drugs, electrical machinery, lumber, foundry products, furniture, leather, packing-house products, paper, printing matter, soap, structural ironwork, tinware, and many other commodities. Our middle western manufacturers have seen much of this trade dwindle, flicker, and disappear.

Listen to these handicaps that have been imposed upon the industries of the Middle West through the failure of the Federal Government to complete the program of inland-waterway development.

> It costs $3,060 to ship a carload of first-class freight from Chicago to San Francisco, and only $1,200 from Baltimore to San Francisco. A second-class carload from Chicago costs $2,658 to San Francisco, from Baltimore $1,050. The rate on third class is $2,205, compared with $900; fourth class, $1,866, compared with $750; fifth class, $1,588, compared with $600. * * *
>
> It costs $768 to ship a carload of canned goods from Chicago to San Francisco, and only $210 to ship from Baltimore to San Francisco by the water route.

Mr. President, that is the unbearable burden that has been inflicted upon the interior by the construction of the Panama Canal and through the failure of the Federal Government to complete the program of inland-waterway development. I want to ask how much longer will that condition be permitted to exist? We have pending before the Senate now a joint resolution calling eventually for the appropriation of $500,000,000 to build a Nicaraguan canal, but containing no provision for the completion of the inland-waterway program.

Mr. DILL. Mr. President, will the Senator yield?

Mr. McMASTER. I yield.

Mr. DILL. The Senator realizes that the only way additional money can be secured for this purpose will be by some kind of a new tax on the American people. What does the Senator think will be the attitude of the people toward a new tax levied in order to build another canal and leave the inland waterways as they are?

Mr. McMASTER. Mr. President, in concluding I wish to say that the Senators from the interior have always been generous to other sections of the country. The Senators from the interior have always supported the tariff system which has conferred

great benefit upon the eastern section; they have voted hundreds and hundreds of millions of dollars for the development of the harbors and waterways of the Coast States of the Union, and it seems to me that the time has now come when the interior should insist upon a program of development on its own account. The farmers need cheaper water transportation in order to ship their grain to foreign markets.

Mr. President, in view of the campaign promises made to agriculture by both political parties, every Senator, out of respect to those promises, ought to vote against this joint resolution. Most assuredly the funeral rites ought to be held over those campaign promises and they ought to be given decent burial before we flaunt before the eyes of the people a joint resolution of this nature calling for the appropriation eventually of $500,000,000 for the building of a Nicaraguan canal. I repeat, that out of respect to those campaign promises, this joint resolution ought to be defeated; and before any consideration is given to it we ought to give complete consideration to the development of the inland waterways of this country.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

DECISION OF DISTRICT COURT OF APPEALS IN RADIO CASE

Mr. DILL. Mr. President, the Court of Appeals of the District of Columbia this morning decided the radio case of WGY adversely to the Radio Commission; and I ask unanimous consent to have that decision printed in the RECORD at this point in my remarks.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The General Electric Co., appellant, *v.* Federal Radio Commission. No. 4870

The People of the State of New York, appellant, *v.* Federal Radio Commission. No. 4871

The General Electric Co., appellant, *v.* Federal Radio Commission. No. 4880

Appeals from a decision of the Federal Radio Commission.

Before Martin, Chief Justice, and Robb and Van Orsdel, Associate Justices.

These appeals are brought under section 16 of the radio act of 1927 (44 Stat. 1169) for a review of a decision of the Federal Radio Commission whereby the commission refused the application of appellant for a renewal of its broadcasting license dated November 1, 1927, for the operation of station WGY, located at Schenectady, N. Y., with permission to use 50 kilowatts power, at a frequency of 790 kilocycles, and without limitation as to time of operation.

The novelty of this subject justifies a preliminary reference to the controlling statutes and also a statement of certain elementary facts drawn in part from the record and in part from common knowledge and public history.

The electric impulses which carry sounds when broadcast proceed through the ether in waves which move at a distance of 300,000,000 meters per second. The length of the waves may be measured by scientific instruments, likewise the number of waves produced each second; the latter measurement is called the frequency of a station, the former its wave length. A vast demand is made for the use of the ether for various purposes, of which broadcasting is only one. In the present state of the art the broadcasting band is limited to frequencies extending from 550 to 1,500 kilocycles per second, or if stated in wave lengths from 545 to 200 meters. It is conceded that in order to avoid interference between stations when broadcasting at the same time there should be a difference of 10 kilocycles between the frequencies respectively employed by them, otherwise they will interfere with one another and can not be clearly distinguished by the receiver. It follows that there are but 96 practicable frequencies, or so-called wave channels, employed in broadcasting as at present carried on. Six of these channels have been set aside for the exclusive use of stations in Canada, with the result that only 90 remain for use in the United States. It is agreed that certain broadcasting stations, employing high power, should be recognized as national and be given the exclusive use of appropriate frequency bands in order to avoid interference with one another and with smaller stations, while certain other stations, recognized as regional or local, operate with less power, and for this reason and because of relative geographical locations may operate with the same frequency without serious interference with one another. It is well known that the time of day or night which may be allotted to a broadcasting station is a factor of importance in its operation. Owing to the fact that the sun's rays absorb the broadcasting waves there is less interference among stations in the daytime than at night. The greater audiences, however, listen in to radio programs between sundown and midnight and from September until March, and accordingly that period is the most advantageous for operation.

On August 13, 1912, Congress passed "An act to regulate radio communication" (37 Stat. 320), which was the first general law upon the subject, and was in force from its date until the passage of the act of 1927. The art of broadcasting, however, as now understood had not then been developed, as appears from the following extract from the report of the Senate committee upon the bill:

"The term 'radio communication' instead of 'radio telegraphy' is used throughout the bill so that its provisions will cover the possibility of the commercial development of radio telephony (sec. 6, p. 14). Experiments have been made here and abroad for some years in carrying the human voice on hertzian waves, but with only limited and occasional results. Radio telephony involves the application of the same principles as are involved in inventions to enable apparatus to select and record accurately one message on a given wave length out of a mass of messages on various lengths. When this latter result has been attained—an unfulfilled promise of some years' standing—radio telephony will quickly follow. The bill is framed to be adjusted to that improvement when it comes, but in the meantime it deals with the art as it exists to-day." (S. Rept. 698, 62d Cong., 2d sess., pp. 5, 7.)

The "unfulfilled promise" thus referred to was finally fulfilled, and the first broadcasting station in the United States was constructed in the year 1920. Other similar stations rapidly followed, and owing to the lack of effective regulation under the act of 1912, a chaotic condition known as the "breakdown of the law" ensued, and the usefulness of the art was for the time being seriously impaired.

In order to correct this condition Congress enacted the act of February 23, 1927, entitled "An act for the regulation of radio communication, and for other purposes" (44 Stat. 1162). This act, which is yet in force, forbids all radio broadcasting in this country except under and in accordance with a license granted under the provisions of the act. For the purposes of the act the United States is divided into five zones, the first zone including the State of New York and certain other Northeastern States, while the fifth zone includes the State of California and certain other Western States. The act establishes the Federal Radio Commission with power to classify radio stations, to prescribe the nature of the service or class of stations, to assign bands of frequencies or wave lengths to the various stations or classes of stations, and determine the power which each station shall use and the time during which it shall operate, to determine the location of classes of stations or individual stations, and to make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the purposes of the act, provided however, that changes in the wave lengths, authorized power, in the character of emitted signals, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, in the judgment of the commission, such changes will promote public convenience or interest or will serve public necessity or more fully comply with the provisions of the act. The act provides that the licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of the act, shall grant to any applicant therefor a station license provided for by the act; and that in considering applications for licenses, when and in so far as there is a demand for the same the licensing authority shall make such a distribution of licenses, bands of frequency or wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same. The act provides that no license for the operation of a broadcasting station shall be for a longer term than three years, and upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years; and no renewal of an existing station license shall be granted more than 30 days prior to the expiration of the original license. The act also provides that if upon examination of any application for a station license or for the renewal or modification of such a license the licensing authority shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with its finding, but if the licensing authority upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, and shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe. The act also provides that any applicant for the renewal of an existing sta-

tion license whose application is refused by the licensing authority (in this case the Federal Radio Commission) shall have the right to appeal from such decision to this court, by filing with the court within 20 days after the decision complained of is effective, notice in writing of the appeal and of the reasons therefor; that the licensing authority shall be notified of the appeal by service upon it, prior to the filing thereof, of a certified copy of the appeal and of the reasons therefor; and within 20 days after the filing of the appeal the licensing authority shall file with the court the papers and evidence presented to it upon the original application for a permit or license, and a copy of its decision thereon and a full statement in writing of the facts and the grounds for the decision as found and given by it; that the court may order the taking of additional evidence in such manner as it may deem proper; that the court shall hear, review, and determine the appeal upon the record and evidence, "and may alter or revise the decision appealed from and enter such judgment as to it may seem just."

By force of an amending act, known as the Davis Act, passed March 28, 1928 (45 Stat. 373), it is provided that the people of all the zones established by the act of 1927 "are entitled to equality of radio-broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population." And that "the licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses."

The General Electric Co. was first licensed to operate station WGY on February 4, 1922, under the act of 1912. The license was for three months; the power, 1,500 watts; the frequency, 832.8 kilocycles, corresponding to a wave length of 360 meters. Thereafter, during successive periods of three months each, the company applied for and was granted renewals of its licenses, each for the period of three months. By the renewal of May 21, 1923, it was assigned a frequency of 790 kilocycles, which it has had ever since, although at times the same frequency has been concurrently used by other licensed stations. The station power was gradually advanced by successive renewals from 1,500 watts to 50,000 watts, with greater power allowed for experimental purposes. On June 1, 1927, the first license issued to the company under the act of 1927 was received by it. This license was for the period ending July 31, 1927, and granted a frequency of 790 kilocycles, the time to be shared with station WHAZ. On September 15, 1927, a renewal license was issued to the company for the term ending October 14, 1927; frequency, 790 kilocycles; power, 50,000 watts; time of operation to be shared with station WHAZ. On November 1, 1927, a similar renewal license was granted the company for the term ending December 31, 1927, with the same frequency and power, but with unlimited time of operation. The licenses issued under the act of 1927 contained the following term: "This license is issued under and in accordance with the radio act of 1927, and all of the terms and conditions thereof are made a part hereof as though specifically set out in full herein." By certain general orders of the commission the license dated November 1, 1927, was extended until November 11, 1928, being a period slightly in excess of one year. On January 14, 1928, the company filed an application for a renewal of this license. On October 12, 1928, the commission authorized a revision of the allocation of all broadcasting stations, to take effect on November 11, 1928. By the terms of this revision WGY was granted a frequency of 790 kilocycles and power of 50,000 watts as before, subject to the limitation that the station was to share this frequency with station KGO, Oakland, Calif., and was not to operate after sunset at the latter station. This would require WGY to cease operating at the following average times throughout the year, to wit: During the month of January, at 8.17 o'clock; February, 8.48; March, 9.18; April, 9.47; May, 10.17; June, 10.32; July, 10.28; August, 10; September, 9.16; October, 8.32; November, 8.01; December, 7.56. Station KGO, Oakland, Calif., also belongs to the General Electric Co. and operates with a power of 10,000 watts. The commission's order accordingly granted a cleared or exclusive channel of 790 kilocycles for the use of the two stations, granting KGO full time of operation and WGY limited time at night as aforesaid. Appeals 4870 and 4871 herein were filed on November 9, 1928. Appeal 4880 was filed on November 30, 1928. They present the same issue, and while the earlier appeals may have been premature the last appeal conforms to the rules and is regular.

The appellant rightly contends that the refusal of the commission to renew its license, except as modified with respect to the time of operation, amounted to a refusal of a renewal within the sense of the act of 1927; and appellant contests the commission's action upon a claim (1) that it wrongfully deprives appellant of its property rights by preventing the full-time operation of station WGY; and (2) that in fact the public convenience, interest, and necessity will be served by renewing appellant's former license with unrestricted time of operation, and will not be served by the modification aforesaid.

In respect to appellant's first contention we may say that under the commerce clause of the Constitution Congress has the power to provide for the reasonable regulation of the use and operation of radio stations in this country and to establish agencies such as the Federal Radio Commission to give effect to that authority. Without such national regulation of radio a condition of chaos in the air would follow, and this peculiar public utility which possesses such incalculable value for the social, economical, and political welfare of the people and for the service of the Government would become practically useless. (Davis, Law of Radio, 71; Zollman, Law of the Air, 102, 103.) Reference is made in appellee's brief to a decision by Judge Wilkerson in White *v.* Johnson, United States attorney, United States district court, Chicago, not yet reported, wherein it is said:

"The construction of plaintiff's plant and its operation under the license obtained prior to the act of February 23, 1927, did not create property rights which may be asserted against the regulatory power of the United States if that power is properly restricted."

The terms and conditions of the various licenses received and enjoyed by appellant as herein recited also tend to confirm the view that if the time limitation imposed by the commission upon WGY be reasonable and such as to serve the public convenience, interest, or necessity, the order should be sustained; otherwise it should be overruled. Upon this point, however, we feel that the contention of the appellant should be sustained. It appears that station WGY represents a large investment of capital, said to be $1,500,000, adventured in part during the pioneer stages of broadcasting, and that the station has been one of the most important development stations in the country; that through is enterprise important and valuable apparatus has been developed which has greatly advanced the art of broadcasting; that it has been one of three stations recognized in this country as development broadcasting stations; and that at present it carries on great experimental work of this character in the public interest. It appears that within a hundred miles of the station there is a very large population, both urban and rural, estimated to number more than 2,000,000 persons residing in the States of New York, Massachusetts, Vermont, and New Hampshire, who in large part are dependent upon this station for reliable and regular broadcasting service; and that if the station should be silenced during the early hours of the evening, as determined by the commission, the general public within this territory would be seriously prejudiced. In view of the service to the art hitherto rendered by WGY and still continued by it, with the resulting advantage to the public, and in view also of the "public convenience, interest, and necessity" of so great a constituency for full-time operation of the station, it appears that the restriction complained of is not reasonable and should not be enforced.

The considerations inducing the action of the commission are fully set out in the record. When the commission commenced its official services under the act of 1927 and undertook to bring order out of the chaos then prevailing in broadcasting it decided that the public convenience, interest, and necessity required that not more than 40 of the 90 available broadcasting frequency channels should be maintained as cleared channels for the exclusive use of the high-powered national broadcasting stations, and that the remaining 50 channels should be reserved for regional and local broadcasting. Accordingly, under the Davis amendment of March 28, 1928, the commission divided the 40 cleared channels equally among the 5 broadcasting zones, allocating 8 to each zone. In making this allocation the commission assigned the frequency of 790 kilocycles to station KGO, Oakland, Calif., as a cleared channel for use by it without time limitation, and assigned the same frequency to station WGY, but forbidding its use by the latter in the evening hours after sunset at station KGO. It is contended in support of this allocation that it is an essential part of a general system for the regulation of broadcasting throughout the country; that the system was adopted after thorough investigation of the situation, with the aid of competent radio engineers; and that the granting of a frequency of 790 kilocycles to WGY without time limitation would destroy the system as a whole, thereby producing great confusion. It is argued also that such an order would have the result of giving the first zone 9 cleared full-time channels instead of 8, which is the number allocated to each of the other zones.

We have but little information concerning station KGO except that it operates on a power of 10,000 watts and that it also is owned by the General Electric Co. It must be assumed that WGY, operating in the evening with a power of 50,000 watts, would at certain distances interfere with the broadcasting of KGO with its smaller power. It does not appear, however, that this interference would compare in point of public inconvenience with that resulting from the silencing of WGY after sunset at Oakland, nor that full-time operation in the evening by WGY with 790 kilocycles would seriously impair the general scheme of allocations otherwise adopted by the commission. We are convinced that the public interest would be enhanced by granting full time to the latter station.

It is the judgment of this court, therefore, that the appellant, the General Electric Co., was on November 11, 1928, and is now, entitled to receive from the Federal Radio Commission a renewal of its license

to operate station WGY upon the same terms as those contained in the license dated November 1, 1928, to wit, upon 790 kilocycles with power of 50 kilowatts and without time limit for operation; and this cause is remanded to the Federal Radio Commission to carry this judgment into effect. Costs assessed against appellee.

GEORGE E. MARTIN,
Chief Justice Court of Appeals of the District of Columbia.

(Indorsed: Nos. 4870, 4871, and 4880. The General Electric Co., appellant, *v.* Federal Radio Commission; The People of the State of New York, appellants, *v.* Federal Radio Commission; The General Electric Co., appellant, *v.* Federal Radio Commission. Opinion of the court per Mr. Chief Justice Martin, Court of Appeals, District of Columbia. Filed February 25, 1929. Henry W. Hodges, clerk.)

A true copy.

Test:

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

STATEMENT BY LOUIS G. CALDWELL, FORMERLY GENERAL COUNSEL FOR THE FEDERAL RADIO COMMISSION

The news which I have just received that the Court of Appeals for the District of Columbia has rendered a decision on the case pending before it on appeal by the General Electric Co. takes me completely by surprise. We have now in the hands of the printer an extensive brief on the merits of the case which, under the rules of the court, is due on February 28. My assistants and myself have worked arduously in the preparation of this brief because of the importance of the issues to the future of the regulation of radio communication by the Government of the United States.

I am at a loss to understand why we were not given an opportunity to answer the General Electric Co.'s brief on the merits, which was filed on February 8. It will be remembered that this case began with the filing of an appeal on November 9, 1928, by the General Electric Co. at a time when I was absent and engaged in the argument of a case for the commission in Chicago. On less than two hours' notice to the commission the General Electric Co. obtained a stay order from the court, and the court set the case for hearing on December 3, an unusually early date in view of the importance of the proceeding. This, however, was acceptable to the commission and to myself. Both the attorneys for the General Electric Co. and myself filed briefs with the court just prior to the oral argument, neither side having seen the other's brief.

Thereafter, on December 13, pursuant to leave given by the court, the General Electric Co. filed a brief in answer to what was said in our brief in support of certain motions we made, including a motion to dismiss the appeal. On December 23 we filed a reply to this brief on the motions. After extensive conferences between opposing counsel and ourselves a printed record was prepared and filed on January 10, and pursuant to the rules of the court the appellant filed its regular brief on the merits on February 8. The rules of the court (No. 8, sec. 4) provide:

"For the appellee there shall be filed with the clerk 15 copies of the brief for his side of the case within 20 days from the filing of appellant's brief."

We have never had an opportunity to answer either appellant's brief of February 8 or the brief which it filed just before oral argument on December 3.

The brief which we have in the printer's hands contains arguments and authorities which we believe to be absolutely essential to a proper understanding of the points involved in the case.

The opinion, which I have only just had an opportunity to read, holds that WGY is entitled to full-time operation with 50,000 watts power on the frequency of 790 kilocycles. This frequency or channel was assigned by General Order 40 to the fifth zone to be used by the General Electric Co. Station KGO at Oakland, Calif. Although the court does not say so, this decision necessarily holds that General Order 40 is invalid to the extent that it assigns this channel to the fifth zone, and, if both KGO and WGY are to continue to operate on it, the channel ceases to be a cleared channel, with the result that all the listening public outside of a comparatively small area around either station will have reception spoiled for them by a heterodyne whistle. It also means that the equalization which the commission so carefully worked out between the five zones has been destroyed as between the first and fifth zones with respect to cleared channels. Just what effect, if any, the decision will have on the other portion of General Order 40, it is too early to say.

While the court does not do so directly, by implication it seems to uphold the commission's contention that WGY has no property right, and Judge Wilkerson's decision against the claim of a property right in the WCRW case in Chicago is cited. The court of appeals places its emphasis on the standard of "public interest, convenience, or necessity" and rules that under the standard WGY is entitled to full time.

From a hasty reading of the opinion I gather the following:

(1) The court did not pass on our motions to dismiss each of the three appeals. These motions were based on the grounds, among others, that the appeals were not filed within the 20-day period prescribed by the statute, and that the questions involved are now all moot questions. This latter point is based on the fact that the commission can not, under the amendment passed in 1928, issue more than three months' licenses, and, therefore, if the commission had granted the utmost to the General Electric Co., it would have granted a license beginning November 11, 1928, and ending February 11, 1929.

2. The court did not rule on our motion to strike a large portion of the appeal papers filed by appellant, on the ground that they were improperly used as a method of introducing evidence into the record. By implication the court seems to have overruled this motion as it cites as facts material which is contained only in the document which we moved to strike.

3. The court did not pass on our motion to require the appellant to elect between the two appeals of the General Electric Co.

4. The court did not pass on our motion to dismiss the appeal of the State of New York on the ground that the statute does not give any right of appeal to persons other than those whose applications are denied by the commission.

5. The court seems to assume that under the statute the commission has authority to grant licenses for three years to broadcasting stations whereas under the amendment of 1928 its authority is limited to three months.

6. The court did not take any notice of the actual arrangement which was offered to WGY, namely, that it might operate every evening until 10 p. m., on condition that KGO at Oakland, Calif., close down for a period of 51 minutes daily just prior to 7 p. m.

7. The court assumes that under the commission's ruling WGY had to close down every evening at the hour of sunset at Oakland, Calif.

8. The court did not discuss our contention that WGY had every opportunity for a hearing and rejected it.

9. The court, by holding that WGY is now entitled to a full-time license on 790 kilocycles is necessarily ruling that the commission has no right to pass on whether each renewal of license of every three months will serve public interest.

10. The court, by ruling positively that WGY is entitled to 50,000 watts power, is by implication holding invalid the part of General Order 42 which limits power to 25,000 watts on cleared channels, with an additional 25,000 watts experimentally, to determine whether there is interference.

11. The court has made its ruling so far as facts are concerned entirely on the basis of an ex parte statement furnished by appellant, a large portion of which is in the form of an affidavit by one of its lawyers, and according to our contention improperly a part of the record.

Needless to say, we shall move immediately for a rehearing and if that is not successful shall take such measures as are open to us to obtain a review by the Supreme Court of the United States.

Mr. DILL. Mr. President, at an earlier hour in the day I meant to say something about the decision of the Court of Appeals of the District of Columbia sustaining the complaint of the radio station of the General Electric Co. at Schenectady, WGY, against the Radio Commission. The Senator from Missouri [Mr. REED] then had the floor and wanted to talk about the Vare case, and therefore I did not attempt to make any statement at that time. I desire now to call attention to the way in which the District Court of Appeals has handled this case.

In the first place, the temporary injunction which was issued by the court of appeals was issued on less than two hours' notice by the opposing counsel when the chief counsel of the Radio Commission was in Chicago arguing another case. The first briefs in the case for oral argument were filed December 1 by the commission on December 3 by the General Electric Co. The reply briefs on the motion were filed December 13 by the commission and December 22 by WGY, and the commission's answer on December 22. The printed record in this case was not filed until January 10, 1929. Under the rules WGY had 30 days in which to file its brief on the merits, and it filed its brief on February 8. The commission then had 20 days in which to file its reply brief; and the counsel of the commission had prepared its brief on the merits, and it is now being printed by the Government Printing Office. This morning the District Court of Appeals, without waiting for the filing of the brief of the commission's counsel, decided the case and overruled the commission's action.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BRATTON. Do I understand that the court decided the case without any brief on behalf of the commission being before the court?

Mr. DILL. It decided it before having any brief on the statement of facts as agreed upon. There were briefs upon the motions made by the commission, and a brief had been filed by the General Electric Co. on the statement of facts which was filed on January 10, and the commission had 20 days from February 8 in which to file its reply brief or its brief on the

merits. That period of 20 days would not expire until the 28th of February.

Counsel for the commission tells me that the brief is now being printed by the Government Printing Office, and that it would have been available and ready to file in two or three days; but the court, without waiting for the brief of counsel for the commission, proceeded to give its decision this morning.

Mr. BRATTON. Does the Senator know of any reason for such seemingly undue haste?

Mr. DILL. None except that the court has disregarded counsel for the commission at practically all times. Its treatment of the counsel for the commission at the time of the oral argument was discourteous, to say the least, and was such that I seriously thought of discussing that treatment here in the Senate, and then I decided to say nothing about it. The action of the court in granting this order to override the commission's ruling on two hours' notice, knowing that counsel was in Chicago, was another action on the part of the court that I think was prejudicial.

The District Court of Appeals decided this case on the basis of the public interest, convenience, and necessity, and failed to pass directly on the question which counsel for the General Electric Co., Mr. Hughes and Mr. Hogan, made so much of, namely, the property right in the wave length that had been obtained by the use of that wave length by WGY. The opinion indicates that the court is opposed to that contention. The opinion disregards the fact that the present law grants only a 3-months license. In fact, it cites the fact that the time for licenses is three years, and then proceeds as a matter of finding of fact to declare that the commission is in error and that WGY is entitled to this cleared channel for 24 hours a day, and in that way overrides the commission's order in accordance with the Davis amendment to equalize the channels in the various zones and gives the first zone nine channels instead of eight channels, as had been agreed upon.

Of course, this case will probably go to the Supreme Court of the United States. I think it can be taken there on a writ of certiorari. In case it does, there probably will not be so much damage done; but this action on the part of the District Court of Appeals is such that that court, the appeal body of the commission, will probably be called upon to override every action on the part of the commission to which anyone has objection.

I want to say further that while the General Electric Co. makes this appeal on its own behalf it is not only its rights that are involved, because the General Electric Co. is a part of the great $3,000,000,000 combination known as the Radio Trust. In that trust are the American Telephone & Telegraph Co., the General Electric Co., the Westinghouse Co., the United Fruit Co., the Radio Corporation of America, and the National Broadcasting Co. The case is thus one of the cases that really are being brought by that combination of corporations. Owen D. Young, who is chairman of the General Electric Co., is also chairman of the board of the Radio Corporation of America, and is the directing genius of the entire monopoly.

I just want to say again that I do not know of any case of a legal nature where counsel has been treated with as little courtesy, and his rights have been overridden as completely, as they have been in this case by the District Court of Appeals. I think it is evidence that the court was so impressed by the very appearance of former Justice Hughes, of the Supreme Court of the United States, and Mr. Hogan, that they did not even consider the arguments raised by counsel on the other side.

Mr. President, I have here, in the United States Daily of February 25, a statement by Mr. Louis G. Caldwell, attorney for the Radio Commission, which is a review of legislation by States and municipalities regulating radio transmission. I should like to have that statement inserted in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From the United States Daily of Monday, February 25, 1929]

LEGISLATION BY STATES AND MUNICIPALITIES TO REGULATE RADIO TRANSMISSION REVIEWED—EXTENT OF RIGHT OF CONTROL NOT DETERMINED, SAYS GENERAL COUNSEL OF FEDERAL COMMISSION

Only three States, Maine, Michigan, and Nevada, have enacted laws to regulate and prevent interference with radio reception, according to a nation-wide survey made by the Federal Radio Commission's legal division.

Two States, Michigan and Nevada, have laws placing jurisdiction over broadcasting in the State public utilities commissions. Illinois has a statute with particular reference to slander over the radio.

Thirteen cities, the survey shows, have adopted ordinances to prevent interference with radio reception. There is no information that any county authorities have attempted to regulate.

In a statement accompanying the Digest of Radio Regulation, State and Municipal, Louis G. Caldwell, general counsel of the commission, states that one problem of radio jurisprudence is the extent to which States and cities within States have the right to legislate on the subject.

The full text of the summary of Mr. Caldwell's statement follows:

"One of the most interesting and difficult problems of radio jurisprudence is the extent to which States and cities within States have the right to legislate on the subject.

"The digest we have made of State laws and ordinances which have already come to our attention reveals that the extent and variety of the methods already employed to suppress interference, restrict the location of broadcasting stations, do away with the nuisance of loud speakers in public places and at late hours, and so on, is already very great. Some States have already gone so far as to class broadcasting stations as public utilities and attempt to regulate them as such.

"So far as I am aware only one case has been decided by a court on any statute or ordinance falling within this class. This is the case of Whitehurst *v.* Grimes (21 Fed. 2, 787), a decision by the District Court of the Eastern District of Kentucky in 1927, in which an ordinance attempting to license radio stations was held unconstitutional on the ground that 'radio communications are all interstate.'

"The inevitable conflict between the power of Congress to regulate interstate commerce and the police power of the State to promote the welfare of its citizens is present in such statutes and ordinances. Where the line is to be drawn is impossible to foresee.

"As a result of my examination of the material already collected, I am convinced that some of the statutes and ordinances are clearly unconstitutional while others are legitimate exercises of the States' police power.

"I earnestly recommend that before any State legislature or city council passes an enactment concerning radio it give the matter careful study, both so that any unnecessary conflict between State and Federal Government may be avoided, and so also that the results of the experience and study of others be at hand before any hasty steps are taken.

COURT CONSIDERS RADIO AS INTERSTATE TRAFFIC

"For the purpose of being of assistance to such States and cities as may desire it our legal division has made a summary of material so far gathered which will be sent to any State or municipal corporation desiring it. In turn, so that we may be in the best position to be of such assistance, we request that we be advised of any statute or ordinance which has already been passed, or which is proposed, or which may be enacted in the future. We shall be glad to offer suggestions to those that submit ordinances to us.

"The following States have enacted laws to regulate and prevent interference with radio reception, viz: Maine (see ch. 215, Public Laws of 1927), Michigan (see act No. 131 of the Public Acts of 1927), Nevada (see ch. 28, Statutes of Nevada, 1928).

"The Michigan and Nevada statutes provide for regulation by the public service commissions through orders, rules, and regulations promulgated by them. In addition, Illinois has a statute with particular reference to slander by radio.

"So far as we have any information, the following municipalities have adopted ordinances to prevent interference with radio reception: Spokane, Wash., ordinance No. C4237; Portland, Oreg., ordinance No. 51269; Minneapolis, Minn., Section VII (a) and (b), radio ordinance, adopted February 11, 1927; Antigo, Ashland, Marshfield, Stevens Point, Waupaca, and Wausau, all in Wisconsin; Iron River, Mich.; Atchison, Kans.; Lincoln, Nebr.; Boonville, N. Y.

"The operation of certain instruments, devices, and machines, the operation of which would cause electrical interference with radio reception between certain hours is prohibited by these ordinances. Some of the ordinances are general and certain of them specifically mention X-ray and violet-ray machines, vibratory chargers, machines using the Tesla coil or principles, and open and quenched spark machines.

"Minneapolis, Minn., has an ordinance forbidding the operation of broadcasting stations of more than 500 watts' power within the city limits and prescribing the distance outside the city limits within which station of higher power may operate. This ordinance also provides for licensing stations and fixing time schedule of operations.

"So far as we have any information, Detroit, Mich., and Oakland, Calif., have ordinances to regulate the operation of loud speakers so as to prevent annoyance and disturbances of those who live within the neighborhood.

"So far as we have any information, the following municipalities have adopted ordinances to regulate the installation of receiving and transmitting apparatus and antenna systems: Washington, D. C., Berkeley, Calif., St. Louis, Mo., Flint, Mich.

"The Nevada Public Service Commission act (ch. 28, Statutes of Nevada, 1928), above referred to, authorizes the commission to make rules and regulations generally with respect to the installation of transmitting and receiving instruments and antenna systems.

"The University of Wisconsin, university extension division, municipal information bureau, Madison, Wis., has published a bulletin on Municipal Radio Interference Ordinances, by Ford H. MacGregor. This bulletin is information report No. 69, and the price is 25 cents.

"Two reports are now available on the regulation of radio installation, and ordinances are now being collected with respect to interference with radio reception to be compiled in a future report by W. P. Capes, executive secretary, conference of mayors, City Hall, Albany, N. Y.

"We have no information that any county authorities have attempted to in any way regulate radio transmission or reception."

Mr. DILL. I may say further that the fact that this case has been decided as it has, and that it will probably go to the Supreme Court, makes it all the more imperative that Congress shall pass the bill to extend the life of the Radio Commission, which contains a provision authorizing the commission to hire attorneys at salaries that will enable the commission to secure counsel of sufficient experience and ability to present this case to the Supreme Court of the United States in the way that it should be presented. I hope that within a very few days the radio bill may be taken up and acted upon, because of its extreme importance.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. HARRISON. What the Senator is now saying is of very great importance not only to the Senate but to the country. Will the Senator yield in order that I may make a point of no quorum, so that at least the steering committee of the majority side of the Senate can consider the words and suggestions of the Senator from Washington?

Mr. DILL. I yield.

Mr. HARRISON. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Simmons
Barkley	Frazier	McNary	Smith
Bayard	George	Mayfield	Smoot
Bingham	Gerry	Metcalf	Steck
Black	Glass	Moses	Steiwer
Blaine	Glenn	Neely	Stephens
Blease	Goff	Norbeck	Swanson
Borah	Gould	Norris	Thomas, Idaho
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Broussard	Harris	Overman	Tydings
Bruce	Harrison	Phipps	Tyson
Burton	Hastings	Pine	Vandenberg
Capper	Hawes	Ransdell	Walsh, Mass.
Caraway	Hayden	Reed, Mo.	Walsh, Mont.
Copeland	Heflin	Reed, Pa.	Warren
Couzens	Johnson	Robinson, Ark.	Waterman
Curtis	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Wheeler
Dill	Keyes	Schall	
Edge	King	Sheppard	
Edwards	McKellar	Shortridge	

Mr. BLAINE. I desire to announce the unavoidable absence of my colleague [Mr. LA FOLLETTE]. I will let this anncuncement stand for the day.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, there is a quorum present.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. DILL. What does the Senator desire?

Mr. BROOKHART. I desired the floor for 5 or 10 minutes.

Mr. DILL. I had the floor when I yielded for the call of a quorum.

Mr. BROOKHART. I did not understand the situation.

PUGET SOUND BRIDGE

Mr. JONES. Mr. President, I report favorably from the Committee on Commerce the bill (S. 5879) authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows. I call the matter to the attention of my colleague.

Mr. DILL. I ask unanimous consent for the present consideration of this bill. It is for the construction of a bridge across one arm of Puget Sound and is in the usual form.

Mr. EDGE. It gives me pleasure to join in that request for unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Llewellyn Evans, J. F. Hickey, and B. A. Lewis, hereinafter called the grantees, and their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After completion of such bridge, as determined by the Secretary of War, either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. The grantees and their assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Washington shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said grantees and their assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with

the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF MEMBERS OF THE LIFE-SAVING SERVICE

Mr. JONES. Mr. President, quite a number of years ago the Senate passed a bill, I think possibly twice, to pension life-savers who were disabled in the line of duty. The bill neither time passed the other body, but I think it was in 1915 that the House passed a bill providing that the Life Saving Service should be a part of the Coast Guard, and that that should be a part of the Military Establishment, so that whenever a member of that service was injured permanently he retired at three-fourths of his pay.

It is felt that those who were permanently injured prior to that time, and who are still living, are justly entitled to be put on the same basis with those who are in the service now. A bill has passed the House, I think unanimously, providing for this, and this morning the Committee on Commerce unanimously directed me to report the bill favorably.

I, therefore, report, from the Committee on Commerce, the bill (H. R. 16656) providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard. I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted etc., That any individual who served in the former Life Saving Service of the United States as a keeper or surfman, and who on account of being so disabled by reason of a wound or injury received or disease contracted in such service in line of duty as to unfit him for the performance of duty was continued upon the rolls of the service for an aggregate period of one year or more under the provisions of section 7 of the act entitled "An act to promote the efficiency of the Life Saving Service and to encourage the saving of life from shipwreck," approved May 4, 1882, and who ceased to be a member of such service on account of such disability, which disability still continues at the time of the enactment of this act, shall, upon making due proof of such facts in accordance with such rules and regulations as the Secretary of the Treasury may prescribe, be entitled to retired pay from the date of the enactment of this act at the rate of 75 per cent of the pay he was receiving at the time of his separation from such service. No such individual shall receive a pension under any other law of the United States for the same period for which he receives retired pay under the provisions of this act.

SEC. 2. No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Secretary of the Treasury; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the claimant the whole or any part of retired pay allowed or due such claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE RADIO COMMISSION

Mr. HARRISON. Mr. President, just before the quorum call was made the Senator from Washington, who has taken a great deal of interest in the work of the Radio Commission and legislation affecting the continuation of the Radio Commission, was addressing the Senate on that subject. Some of us thought that there ought to be more Senators in the Chamber when he was making his very wise suggestions.

I now see in the Chamber the chairman of the Committee on Interstate Commerce [Mr. WATSON], and I hope the Senator from Washington will bring the matter again to the attention of the Senator, so that we can ascertain where we are going to get with reference to that legislation. It seems to me that is one of the pieces of legislation which ought to pass; and when the Senate is for it and it is necessary, it seems to me that the steering committee ought to put the measure in such a position on the program that it may be passed.

Mr. DILL. Mr. President, at the time the Senator made the point of no quorum I had just explained the action of the District Court of Appeals in overruling the commission in the case of the General Electric Co. I had pointed out the fact that it was very important, in the light of that decision, especially, that the legislation now pending before the Senate should be enacted before adjournment, for two reasons: In the first place, that legislation authorizes the commission to employ attorneys at salaries sufficient to secure legal talent of the order and standing needed to present its cases properly. Secondly, because it is highly important that the limitation of licenses to 90 days for broadcasting stations and to one year for other classes of stations, which will expire in March of this year, shall be continued.

I hope the chairman of the Committee on Interstate Commerce, the Senator from Indiana [Mr. WATSON], may be able to get the Radio Commission bill before the Senate at some time in the near future in order that we may have some consideration of it, and pass it if possible.

Mr. WATSON. Mr. President, I will say to the Senator, if he will yield to me, that I am sure he is fully aware of the situation. The Senator from New York [Mr. COPELAND] is the Senator who objected the other night and kept the Senate here until pretty nearly 11 o'clock. I have been trying to reach some sort of an agreement with him about the matter.

My own view now is that it will be necessary to make the radio bill the unfinished business of the Senate, and then apply cloture, if we can not do anything else in order to pass it. This bill must be passed, because if it is not passed the entire radio situation in America will be thrust into a chaotic condition which will not be justified, and for which the Senate of the United States alone will be censurable.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. COPELAND. We had a meeting the other night, we were in session two hours, and my good friend the Senator from Washington [Mr. DILL] was on his feet an hour and a half. I had the floor something over 30 minutes, and half of that time at least was taken up by comments of members of the Committee on Interstate Commerce. So I think it is hardly fair for the Senator from Indiana, who is usually so just, to say that through any efforts of mine the Senate has failed to be advised regarding the many aspects of this case. I am perfectly willing, glad, indeed, to discuss with the Senator from Indiana or with anybody else interested the other side of this case.

I do not want to see the Senate of the United States continue a sort of arrangement which is universally unsatisfactory, continue a commission which has finished its administrative work, and, in so far as it could be done, has done it well, exceedingly well. This administrative work, as the Senator from Indiana himself said the other night, is a thing which in four months' time could be taken over by the Department of Commerce and dealt with in a scientific and proper way. I am willing to concede four months or six months, any period which will be ample time for the Department of Commerce to arrange its affairs to take over the purely administrative part of the work.

Mr. DILL. I call the Senator's attention to the fact that this decision of the District of Columbia Court of Appeals practically wipes out General Order No. 40, which provided for the allocation of the broadcasting wave lengths. This may compel the commission to reorganize the entire broadcasting allocation plan.

Mr. COPELAND. I agree perfectly with the Senator from Washington; it has created new problems, most of them legal in their nature. I want to see the commission given the proper legal aid, and to be permitted to devote itself to the legal aspects of the case. That decision makes it more important than ever that most of the provisions of the bill which is presented here, particularly that section which provides for legal talent, should be passed. Further than that, the commission should be able to devote its time to the legal aspects of the problem which will be increasingly complicated.

That is exactly why I am opposing the measure as it is presented here. I want the commission to be relieved of administrative duties, in order that it may deal in a large way with the judicial side of its work.

Mr. DILL. Mr. President, I will not take more time on this subject, because of the fact that the Nicaraguan canal resolution is pending, and I have some remarks I want to make on that subject.

Mr. COPELAND. Mr. President, will the Senator yield further to me.

Mr. DILL. I yield.

Mr. COPELAND. If the Senator from Indiana will modify the first paragraph of his bill, fixing a time, four months off, or

six months off, or some definite time, for the commission to turn over the administrative side of the work to the Department of Commerce, so that it may devote itself to the judicial side, we can pass the bill in five minutes, as far as I am concerned.

Mr. WATSON. Mr. President, I have no right to the floor except by courtesy of the Senator from Washington——

Mr. DILL. I yield to the Senator.

Mr. NEELY. Mr. President, will the Senator from Indiana yield?

Mr. WATSON. I yield to the Senator.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. DILL. I yield.

Mr. NEELY. Mr. President, if the able Senator from Indiana [Mr. WATSON] should modify his bill agreeably with the suggestion of the Senator from New York, many other Members of the Senate would oppose its passage.

In my opinion, the Radio Commission ought not to be stripped of any of its powers.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. COPELAND. So far as I am concerned I do not believe in abolishing the commission. The law as it originally passed provided that the commission, as an administrative body, should be continued for one year. Last year we continued it for another year to do those detailed things which should be done. Now, it will be better, in my judgment, to leave the commission free to do the large things of which the Senator speaks. It does not propose the abolition of the commission. No matter whether the view of the Senator from Indiana [Mr. WATSON] should prevail or my view should prevail, the commission continues to exist as an appellate body and it would have ultimate jurisdiction in all cases coming before either the Department of Commerce or the Radio Commission itself.

Mr. NEELY. Mr. President, will the Senator yield further?

Mr. DILL. I yield.

Mr. NEELY. Mr. President, I shall resist to the limit of my capacity any effort that may be made to rob the radio commission of any of its jurisdiction or transfer any of its functions to the Department of Commerce.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. DILL. I yield.

Mr. WATSON. The bill provides that the life of the commission shall be extended one year. If it fails of passage, it casts the whole service into the Department of Commerce, which is in no wise prepared to receive it and administer it.

The Senator is willing to postpone action for nine months. The bill provides postponement for one year. On that little difference of three months he is willing to hold up the passage of the bill—just on that slight difference of three months! My contention is that even if we intended to abolish the commission and not permit it to have charge of the operation of radio any longer, it would take a full year for the Department of Commerce to organize and equip itself successfully to take hold of it.

We had full hearings on the matter in the Committee on Commerce, I will say to the Senator from New York. We talked with the members of the committee on the House side, who were thoroughly informed of the situation, and we agreed on this bill and introduced identical bills on the same day. In my judgment, it would work not destruction, indeed, because we can not destroy this great industry, but disaster to the industry for months to come if the bill does not pass in its present form. So far as I am concerned, I shall not be willing to make any kind of compromise, and we shall either win for the bill or lose it altogether.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. HARRISON. As I understand it, the radio commission goes out of existence on the 23d of March unless we continue it at this session of Congress?

Mr. WATSON. It still remains in existence under the law, but wholly as an appellate body. Its original administrative jurisdiction is lost altogether.

Mr. DILL. Mr. President, I think I shall have to bring this discussion to a close, because I want to discuss the Nicaraguan canal situation before 4 o'clock, and unless we do bring the discussion of the radio question to a close it will go on all afternoon.

PROPOSED NICARAGUAN CANAL

The Senate resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. DILL. Mr. President, on Saturday last I discussed the Nicaraguan canal resolution at some length from the viewpoint of the objections to our longer keeping our forces of marines in Nicaragua, and also from the standpoint of not needing the canal at this time and the proposed investigation not being necessary. I want now to talk for a few moments about the needs of the country for the expenditure of money for other purposes rather than for a Nicaraguan canal.

On looking through the RECORD I was amazed at the information placed in it from authoritative sources—authoritative sources which even the Senator from New Jersey [Mr. EDGE] did not dispute and can not dispute—to the effect that 19 ships every day are now passing through the Panama Canal on an average and that the capacity of the canal is 54 ships a day. In addition to that is the statement that when the new water supply has been provided one additional lock in the Panama Canal will make it unnecessary for any new additional canal facilities for 70 years to come. These statements are undisputed and come from men in charge of the Panama Canal. Yet the Senator from New Jersey proposes to go ahead now with his joint resolution to investigate routes in Nicaragua, and by his own consent there has been stricken out all reference to the report of 1901, which the Senator from Ohio [Mr. BURTON] showed was highly colored largely for the purpose of inducing the Panama Canal people to sell their route in Panama at a lower rate.

The Senator from Ohio was careful in his statements, but the only implication that can be drawn is that the extremely favorable report on Nicaragua was made for the purpose of beating down the price of the Panama route. So the Senator from New Jersey struck out all reference to that report, and now the commission of engineers is to go to Nicaragua and study this route and make such reports as they may see fit, and $150,000 is only a drop in the bucket compared to the total amount of money that we will spend before we have completed the investigations for a canal that admittedly will not be needed until 60 or 70 years from now—all that and the attendant troubles that will come from having the marines kept down there to protect those engineers.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. EDGE. I think the Senator is mistaken as to the purport of the suggestion of the Senator from Ohio. The Senator from Ohio did not want the commission of engineers to be confined to the one report of the Isthmian Commission transmitted in 1901. In other words, he had, as the Senator suggests, some question as to their findings, because they were particularly favorable to the Nicaraguan canal, but there were other reports, and he simply asked that the joint resolution include those reports as well as the report which might be termed, though I shall not term it so, a one-sided report. The only change in the resolution is to give the engineers the benefit of the other reports.

Mr. DILL. It enlarges the duties of the engineers then to the entire Isthmian area and not merely to Nicaragua.

Mr. EDGE. On the contrary it gives them that much additional information.

Mr. DILL. On the contrary, too, the Senator from Ohio specifically talked about the San Blas route as being the only favorable route.

But I want to call attention to some of the pending legislation asking for money from the Treasury of the United States for purposes of development in the United States. It is almost unbelievable that the amount of money needed is so great as it is. I want to speak first of the waterway question. The Senator from South Dakota [Mr. MCMASTER] spoke of the great need for the development of waterways in the middle western country. I want to call attention—and I shall not take the time to analyze each of them—to the various amounts of money that are needed for pressing constructive purposes.

There is a great deal of agitation in the country for the building of the St. Lawrence canal. For the building of that canal down the St. Lawrence River it is estimated that it will cost $425,000,000. If we build it through the State of New York it is estimated it will cost $600,000,000. That canal is of exceedingly great importance to the producers of farm products all through the middle western country, reaching even into the far Northwest, where I live.

Then we have the Mississippi flood-control legislation, with $325,000,000 already authorized to be expended in the next few years, and the estimates show at least $400,000,000 or $500,000,000 additional will be necessary before the flood-control work can be finished.

Then we have the Illinois River additional locks, $3,500,000; the canalization of the Ohio River from Pittsburgh to Cairo,

$110,000,000; the Mississippi barge line, which is asking $10,000,000 for new barges; intercoastal waterways on the Atlantic coast from Norfolk to Cape Fear along the Florida coast, $20,000,000; waterway from New Orleans to Corpus Christi, $14,000,000; a total of $1,150,000,000 for just these outstanding waterways which are needed in the country to-day.

We were told at the beginning of this session that we must limit appropriations or the Treasury would show a deficit.

Mr. WALSH of Massachusetts. Mr. President, the Senator failed to include the widening and enlargement of the Cape Cod Canal, for which a request is made of many million dollars.

Mr. DILL. How many millions?

Mr. WALSH of Massachusetts. At least $20,000,000.

Mr. DILL. I thank the Senator for the suggestion. Of course, I have omitted a great many other pressing requests for rivers and harbors throughout the country that are natural, but these are the exceedingly large amounts which will come in addition to the ordinary expenditures for the rivers and harbors of the country, more than $1,000,000,000.

Who will say that it is more important to spend money to start an investigation and look to the beginning of work in the building of a canal in Nicaragua, for which there will be no need for from 60 to 70 years, according to the undisputed testimony of the men who know what they are talking about—who will say that it is more necessary and desirable than the appropriation of money to build some of these great waterway projects?

Not only the waterways but we have Boulder Dam, for which an authorization of $165,000,000 has been made that must be spent out of the Treasury. As I said a moment ago, the Secretary of the Treasury told us in the beginning of this session that if there were particularly large additional drains on the Treasury there would be a deficit. The new administration about to be ushered in will be confronted with a tremendous number of demands for new projects in the country. The President elect has pledged himself to the country to build many of those new projects. Now the Senator from New Jersey comes here with a proposal to begin the investigation of another canal that will cost from $1,000,000,000 to $1,500,000,000 before it can be made a sea-level canal, and there is no use to build any other kind of a canal down there. Any other kind of a canal would be just as subject to destruction by an enemy force as the Panama Canal is said to be now.

Then we have the Columbia River Basin project in my own part of the country which will cost $250,000,000 to $300,000,000. Only the other day the House of Representatives refused to vote a few thousand dollars to investigate further that project, because they said it was another step toward the expending of money and that the time had come to keep down expenditures for that purpose.

With more than a billion dollars of funds needed to build great waterway projects, the Senator from New Jersey comes here with his joint resolution and gets the steering committee to place it ahead of all the other legislation in the Senate. That joint resolution provides for the making of an investigation for the building of a canal that will cost another $1,000,000,000. I do not know what is the purpose of it other than, as I said the other day, that the Government may have some reason or some excuse for keeping the marines in Nicaragua.

Then there is the completion of reclamation projects that are already authorized in the country, amounting to nearly $100,000,000; the increased pension rate on pension claims now pending running to more than $150,000,000; the increase in expenditures for the Veterans' Bureau which annually run from $50,000,000 to $100,000,000; the purchase of privately owned lands in national parks $3,000,000; roads in the national parks, $5,000,000 annually; the civil service retirement bill, if passed, an annual charge of $10,000,000 for 30 years to come; the civil service salary increase bill with an average charge of $3,000,000 annually.

There is a bill on the Senate Calendar, the passage of which, I believe, is more urgently needed than that of almost any other kind of legislation to-day; that is, the bill to appropriate $50,000,000 for the improvement of the rural mail roads of the country. We have been spending millions and millions of dollars upon roads, but the money has been spent upon the big automobile highways. The farmers who live back in the country, away from the cities, off the main highways, where the rural mail roads go, receive no benefit directly by expenditures from the Treasury for such highways. The Senator from Tennessee has on the calendar a bill authorizing the expenditure of $50,000,000 to improve the roads that go back into the country districts, so that the farmers can get their mail if there happens to be a little bad weather, and the rural mail carrier will not be cut off from traveling the roads and carrying the mail to the people in the communities they are supposed to serve.

Then, we need a coast-to-coast highway. I have talked with the officials of the Bureau of Public Roads, and they told me it would cost $100,000 a mile—$300,000,000—to build such a coast-to-coast highway. I submit that it is far more important that we spend some money to investigate and secure a report about a coast-to-coast highway than it is to investigate and report about a canal that will not be needed for 60 or 70 years, and to build it in a foreign land at that. We need the highway now and should study the question now.

Scarcely any of these projects can be provided except by draining the Treasury to the point of a deficit, and if we are to undertake any considerable number of them, then we shall have to resort to some additional taxes upon the American people.

A great tariff bill is impending and will soon be before us. Everybody agrees that that tariff bill will increase the customs duties and if we shall increase the customs duties we shall thereby cut the revenue; we can not hope in that event for any additional revenue from the tariff. The increase in the income-tax collections, I care not how prosperous the country may be, will no more than take care of the natural increase in the expenditures of the Government. Yet with all of these great pressing needs of the country for money on every hand, the Senator from New Jersey is here with a joint resolution to investigate as to how we can spend a billion dollars in order to build a canal across a foreign country, when we shall not need such a canal for two generations, when he and I shall be gone and our children probably will be old men and women.

Then, farm-relief legislation will soon be upon us. We are told that it will require a revolving fund of from $300,000,000 to $500,000,000 a year. The President elect has said that he is not particular about the expense to the Treasury if such legislation will really help the farmers. So whatever surplus there may be in the Treasury will be more than taken for that purpose. Yet with that situation facing us, with the needs of our farmers so urgent as they are we are told that we should start an investigation in Nicaragua looking to the building of a canal down there some day.

I have received a great many letters about this canal question, because I have opposed the building of a canal. I have had people in the Northwest part of the country where I live telling me that they thought the canal ought to be built because it would help to carry commerce between the two coasts. They get that impression from statements such as the Senator from New Jersey is in the habit of making here that we shall need the canal in from 15 or 20 years. They get it from statements in the newspapers that the Nicaraguan canal will shorten the route a little bit. Then they wonder why any of us will stand here and fight proposed legislation that will lead to the expenditure of such an enormous sum of money that the taxes must be increased upon the people of the country.

Mr. EDGE. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield.

Mr. EDGE. I do not want to take time, but the Senator does not deny for one moment, does he, the statement made by the Senator from New Jersey and in the newspapers, or whatever the source may be, that it is cheaper to-day to carry products through the Panama Canal, which is 400 or 500 miles farther south than the proposed Nicaraguan canal, than it is to transport them by rail?

Mr. DILL. Absolutely; and because it is cheaper, and because that can be done, I do not see any sense in burdening the Treasury of the United States, increasing the taxes of the people to save a couple of days on the water. The fact of the matter is that the trade that goes via the Panama Canal can just as well require a day or two extra, and it will not be nearly the burden upon the people who ship the products as will the failure to provide for the needed projects in this country, and as will be the burden of increased taxation.

I want to remind the Senate of the fact that, while one may read in the newspapers of the great prosperity of this country, if he will go among the common people he will find that they are complaining bitterly about high taxes and are strongly opposed to any legislation that is going to increase their taxes. An administration that adds to the taxation burden of the common people will hear from them at the polls in no uncertain terms. Least of all can such increase be defended on a proposal such as this joint resolution makes to go down into Nicaragua and start investigating the route for a canal that will not need to be built for two or three generations from now.

So I say I do not understand, and never have been able to understand, why the Senator from New Jersey should be so persistent in his effort to secure the passage of the pending joint resolution. I do not know whether or not it is because he wants his committee to make a record of having actually

done something so that the committee will not be wiped off the list of Senate committees. I would rather think it were that than to think it was being done for the purpose of giving the administration an excuse to keep the marines in Nicaragua.

Mr. President, I was very much interested in the votes the other day in the Senate on the amendment calling for the withdrawal of the marines in Nicaragua. The first vote was a natural expression of the Senate; Senators voted the way they thought and felt before anybody had really talked to them or had threatened them with loss of naval improvements in their States, or before they had been told they were not standing by the administration, or something of that kind. I hold in my hand an editorial printed in the New York World of February 25, to-day, entitled "A Warning Upon Nicaragua." The editorial reads:

It was something closely resembling a rebuke which the Senate gave the administration in its vote on the question of forcing the marines out of Nicaragua. A year ago the Senators were overwhelmingly behind the President in his wish to keep a large force of marines there until after the elections. But on Friday they voted 38 to 30 to refuse any money for the maintenance of a Nicaraguan force after next June. Senators BORAH and CAPPER were among those who wished to compel a withdrawal. Although this action was reversed on Saturday by 48 to 32, the moral effect of the original gesture remains. It required heavy pressure from Mr. Coolidge and Mr. Kellogg, together with the fear of various Senators that persistence in their stand would defeat the entire naval bill, to bring about this reversal. Mr. BORAH, head of the Foreign Relations Committee, stood his ground to the last.

I was very much interested in the vote of the Senator from Idaho [Mr. BORAH], and also the vote of the Senator from Virginia [Mr. SWANSON], because a year ago when a similar resolution was before this body they stated that when the election had been held and peace had been established in Nicaragua they would be in favor of withdrawing American marines from that country. I say to their credit that they stood true to their promise of a year ago and did not waver in their action here on Saturday.

The episode is a pointed warning that American public sentiment is eager to bring our Nicaraguan adventure to an end and will show increasing restiveness if a large body of marines is retained there longer. The Nicaraguan elections are over. We have been told again and again that the country is pacified. Yet there are still approximately 3,500 marines on Nicaraguan soil, with supporting naval forces. Secretary Kellogg points to our agreements to train the Nicaraguan National Guard, and says that as soon as this task is finished our force will be withdrawn. But to train an adequate constabulary requires nothing like 3,500 men; a skeleton force of officers ought under ordinary conditions to suffice for the job. So long as we maintain this army in Nicaragua the suspicion will persist that the country is by no means completely and permanently pacified, and that we are afraid to withdraw, or that our Government has some covert purpose in the matter. To satisfy home opinion and to reassure Latin America the evacuation should be completed with all possible speed.

So I say that if engineers are sent down and maintained on the Isthmus of Nicaragua there will be another excuse afforded the administration for keeping marines in that country.

I have digressed from the subject about which I was talking, namely, the need of money for projects in our own country. I hold in my hand a copy of the Waterways Bulletin published in St. Louis in February, 1929, and I hold in my hand also an article entitled "53,000 Farmers Speak—The Illinois Agricultural Association Urges a Great Waterway Program." Then the article goes on to describe the need of spending money to provide a Gulf-to-the-Lakes waterway. Such a waterway will cost hundreds of millions of dollars. It is not included in the list of projects which I read, the estimates for which amount to two and a half billion dollars. The lake to the waterway project is additional to that program. The farmers are asking, before we build another isthmian canal for the purpose of serving the two coasts in carrying commerce, that they be given a little money out of the Treasury in order to develop the inland waterways so that their goods may also be transported by water. But, in the face of these demands and these needs, the Senator from New Jersey is here with his joint resolution providing that we shall send engineers into Nicaragua and start another investigation of a canal route—a route which was abandoned years ago—merely in order that, having secured an agreement with Nicaragua in 1913, we may have some data as to a route on which a canal may be built some day if we shall so desire.

There are a great many other waterway developments discussed in this document, but I shall not now take the time to read them. I recognize that Senators generally look upon the pending joint resolution as not having much effect. The Senator from New Jersey says, "It only means spending $150,000, and we are just going to go down there in order to secure some reports so that 50 or 60 years from now when we get ready to build a canal the Government of that time may go back into history and find that once the great Senator from New Jersey was responsible for procuring information aid bringing it down to date."

I do not want to criticize the Senator's desire to bring about that result, and if that were the only purpose I would gladly vote for the passage of the joint resolution, but I know, as every other man knows who studies a subject of this kind, that this is but the first step, this is the opening wedge, looking to the spending of hundreds of millions of dollars for the purpose of building another waterway across the isthmus despite the fact that this country is in far greater need of expending that money for other purposes than for any international waterway.

Mr. President, I am not going to delay the Senate longer or take more time on the subject. I suppose that the Senate will vote to pass the joint resolution. I hope there will be enough opposition to it in the House to kill it there, and that by the time it comes up in another Congress Senators will be awake to what it means and that they will rise up in their might and destroy in the beginning a joint resolution that was conceived in the interest not of the American people but of a few who desire to exploit Nicaragua and who desire to keep American troops there in order that they may have protection while they exploit that land.

Mr. EDGE. Mr. President, on behalf of the Senator from Utah [Mr. KING], I desire to offer two amendments. The Senator from Utah is detained at a committee meeting and has authorized me to present the amendments as representing his viewpoint. I will say, before they are read, that I will accept both amendments to the joint resolution and thus perfect it.

The PRESIDING OFFICER. The amendments offered by the Senator from New Jersey on behalf of the Senator from Utah will be stated.

The CHIEF CLERK. It is proposed to amend the committee amendment on page 5, line 21, by adding, after the word "shipping," a comma and the words:

and to investigate any other practicable route between the Atlantic and Pacific Oceans.

The amendment to the amendment was agreed to.

The CHIEF CLERK. Also, on page 6, line 15, after an amendment already agreed to, after the name "Nicaraguan canal," it is proposed to insert:

or to authorize the President of the United States to enter into any agreement with the Government of Nicaragua, or of any of the countries herein named, which would commit or in any way obligate the United States to build said canal, or to acquire lands, easements, or other property for such purpose.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, as amended.

The amendment made as in Committee of the Whole, as amended, was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shortridge
Barkley	Frazier	McNary	Simmons
Bayard	George	Mayfield	Smith
Bingham	Gerry	Metcalf	Smoot
Black	Glass	Moses	Steck
Blaine	Glenn	Neely	Steiwer
Blease	Goff	Norbeck	Stephens
Borah	Gould	Norris	Swanson
Bratton	Greene	Nye	Thomas, Idaho
Brookhart	Hale	Oddie	Thomas, Okla.
Broussard	Harris	Overman	Trammell
Bruce	Harrison	Phipps	Tyson
Burton	Hastings	Pine	Vandenberg
Capper	Hawes	Pittman	Walsh, Mass.
Caraway	Hayden	Ransdell	Walsh, Mont.
Copeland	Heflin	Reed, Mo.	Warren
Couzens	Johnson	Reed, Pa.	Waterman
Curtis	Jones	Robinson, Ark.	Watson
Deneen	Kendrick	Robinson, Ind.	Wheeler
Dill	Keyes	Sackett	
Edge	King	Schall	
Edwards	McKellar	Sheppard	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask to have this announcement stand for the day.

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is absent on account of illness. This announcement may stand throughout the day.

Mr. COPELAND. I desire to announce that my colleague [Mr. WAGNER] is detained by important business. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 15) authorizing expenditures in connection with the consideration of the purchase by the Government of the rights to the use of the Harriman Geographic Code System.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit; and

H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department; and

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. LAGUARDIA, and Mr. SUMNERS of Texas were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FRENCH, Mr. HARDY, Mr. TABER, Mr. AYRES, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

The message further announced that the House had adopted the following concurrent resolution (H. Con. Res. 59), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolution may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 8551. An act to create an additional judge in the district of South Dakota;

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York;

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina; and

H. J. Res. 425. Joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York.

ENGROSSMENT AND ENROLLMENT OF BILLS

Mr. JONES. Mr. President, usually near the close of the session we pass a concurrent resolution like the one we have just received from the House of Representatives. I ask for its present consideration.

The Presiding Officer laid before the Senate House Concurrent Resolution 59, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress, approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

Mr. ROBINSON of Arkansas. This is the usual resolution?

Mr. JONES. I understand that it is the usual resolution submitted at the close of a session of Congress.

The concurrent resolution was considered by unanimous consent and agreed to.

NAVAL APPROPRIATIONS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments, agree to the conference asked by the House and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HALE, Mr. PHIPPS, and Mr. SWANSON conferees on the part of the Senate.

ADDITIONAL JUDGES, EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORRIS. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BORAH, Mr. WATERMAN, and Mr. WALSH of Montana.

FARMERS' PRODUCE MARKET

Mr. GLASS. I ask unanimous consent that the Senate take up and make the unfinished business House bill 8298, being Order of Business No. 689, authorizing acquisition of a site for the farmers' produce market, and for other purposes.

Mr. BRUCE. Mr. President, my colleague [Mr TYDINGS] is not in the Chamber at this moment. So far as I am concerned, I have no objection to taking up the bill; but I should like the Senator from Virginia to wait until my colleague comes in. I have sent for him.

Mr. GLASS. I do not propose to wait on the absence of Senators. I put the Senator from Maryland upon notice that this is the next bill in order.

Mr. JOHNSON. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. Senators will please take their seats.

Mr. GLASS. Then, Mr. President, if there is to be objection to the request for unanimous consent, as seems to be the case, I move that the bill to which I have referred be taken up and made the unfinished business.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate proceed to the consideration of House bill 8298.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes.

WILLIAM H. CHAMBLISS

Mr. HEFLIN. Mr. President, a few days ago I had printed in the RECORD an affidavit on behalf of Captain Chambliss, a retired naval officer. He has given me some additional data which I wish to have printed in the RECORD in support of a measure that is pending here, Senate bill 2274.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

IN SUPPORT OF BILL S. 2274

CONGRESS HALL,
Washington, D. C., February 25, 1929.

MY DEAR SENATOR HEFLIN: Continuing and extending the line of facts that I gave you in my sworn affidavit in support of Senate bill 2274, which, at my request, you printed in the CONGRESSIONAL RECORD

of February 21, I reaffirm that Mr. Beck and Mr. Flanoy, or Flanory, and Mr. Kerr, or Carr, of the Secretary of State's office are aware of the identity of the writer, or writers, of those false reports and malicious letters that have been sent to Senator KING and others about the holdup and robbery of the steamship *Lake Elkwood* at Rio de Janeiro.

The whole correspondence sent out from the offices of the Secretary of State, during the past nine years, on the subject of the above robbery, has been diplomatically—that is, deceitfully—dictated and worded with intent to shield or cover up the identity of the ring leader of the Rio ship robbers who was Arminius T. Haeberle, acting United States consul at Rio at that time, and he was feathering his nest by delaying Shipping Board ships and manipulating their cargoes and "repair bills" and "provision bills" for imaginary repairs and provisions that were never furnished except on paper.

Mr. Haeberle, acting United States consul, worked hand in hand with the notorious Enrique, or Henrique, Lage, of the make-believe firm of Lage Bros., a Portuguese band that grabbed the interned German ships and the German repair shops known as the "Isle de Vienna" in Rio de Janeiro Harbor, near to the piratical dens with which the great Brazilian port was infested during the World War.

Here it was easy to get away with a ship's cargo and stick the ship up in some cove "for repairs" and hold her indefinitely.

In that way Henrique Lage grew fabulously rich in a short time. And Acting Vice Consul de Momsen, Haeberle's predecessor in the Rio consulate of the United States during the war, grew rich covering up Lage's dark deeds. M. de Momsen resigned from the United States consular service and naturalized himself as a Brazilian citizen and set up in the practice of law in Rio, and thus immuned himself from American criminal prosecution.

Haeberle succeeded M. de Momsen as acting vice consul in 1919, and he straightway retained de Momsen as legal advisor to the United States consulate. M. de Momsen knew the ropes; he knew Henrique Lage, and stood in with the Portuguese band of ship pillagers.

That was the crowd the steamer *Lake Elkwood* fell into the hands of on October 8, 1919.

The *Lake Elkwood*, en route from Norfolk to Buenos Aires, had merely put in at Rio, under her own steam, to shift a damaged propeller and install a spare one that she had on board, a job that could have been done in one day for less than $1,000.

I was in command of the ship, and I had radioed ahead to the American consul to have a dry dock ready for me to expedite the job and enable me to shift propellers and proceed quickly. That was all I needed in Rio—the use of a dry dock one day.

But Mr. Haeberle, acting consul, got in touch with Henrique Lage and arranged with him to grab my ship and unload my cargo and sell it at one-half of its value.

They carried out the holdup as soon as I dropped anchor and went ashore to enter and clear my ship at the customhouse.

Haeberle and Lage had three foreigners to act as surveyors to pass upon the damaged propeller and make recommendations. These recommendations were, of course, prearranged, and the surveyors merely signed them and took their fees. They visited the ship 30 minutes, looked at her, and went ashore.

Here it will be interesting to hear how much the "surveyors'" fees for their 30-minute job came to. Here are the figures copied direct from the Shipping Board's books. I also borrowed the original bills, and I will exhibit them to Senators:

1. For survey work on steamship Lake Elkwood:

	Milreis
Dr. Alvaro Gomez de Mattos—	
Attending survey Oct. 8, 1919	1,990$000
Attending survey Nov. 24, 1919	200$000
Total	2,190$000

The above, reduced from milreis to United States dollars, at the average exchange rate of 3 milreis to the dollar, comes to $730—pretty good fee for a Spaniard helping a crooked consul hold up a ship.

2. Capt. C. W. Gilbert:

	Milreis
For survey work on steamship Lake Elkwood—	
Attending survey Oct. 8 and Nov. 24, 1919	2,180$000

Reduced to dollars, Gilbert's survey bill was $726.66 for his 30 minutes' work.

3. Mr. H. E. Inman, "surveyor":

	Milreis
For attending on steamship Lake Elkwood, Oct. 8 and Nov. 24, 1919	2,170$000

Reduced to dollars, Mr. Inman got $723.33 for his 30 minutes.

The above bills in their original form, O. K'd by A. T. Haeberle, are in my possession, having been loaned to me by an upright officer of the United States Government for me to exhibit as proof of Haeberle's guilt and statecraft at Washington.

These "survey" bills, which would have been about $10 each at New York, were over $700 each at Rio, and Haeberle paid them to cover his crimes, and he charged it all up to the expense account for repairing the ship, and the United States Government, through the State Department, paid it, and the State Department whitewashed Haeberle and sent him to Germany.

It will interest everybody in the United States to hear that each of Mr. Haeberle's "surveyors" actually received more for "surveying" my damaged propeller 30 minutes than my pay as captain was for 60 days. I was on Government duty under contract as captain at $330 a month, and two full months would not be as much as each "surveyor" got for 30 minutes. And the rich part of it is that Haeberle was required by law to put Americans—officers of American ships in port—on all survey jobs, but he ignored the Americans in port, and hired the three foreigners above named—Dè Mattos, Spaniard; Inman and Gilbert, Britishers.

Here I will sum up a few of the bills that Acting Consul Haeberle paid to his associates for helping him hold up the *Lake Elkwood* and get away with her cargo and stores worth $200,000:

1. For "survey" work, 3 surveyors—De Mattos, Celbert, and Inman	$2,179.99
2. For special subagent, A. H. Price, a clerk in an English ship agency	2,300.00
For "special services":	
Frank J. Green, a deserter from the ship	1,600.00
Lage Bros., for "repairs"	15,000.00
Lage Bros., other items	5,000.00
W. H. Taylor, "supplies"	1,666.00
C. W. Celbert, supplies	1,000.00
Total	28,745.99

The above $28,745.99, paid out by Mr. Haeberle to his aides in the Rio holdup, represents but a small part of the long list of graft bills in my possession.

I am here at the Senate now to lay bare the whole plot and to show how Haeberle's friends in the offices with Mr. Beck, Mr. Carr, and Mr. Flanory have diplomatically protected Haeberle and kept him out of prison and on the pay rolls of the State Department all of these years for "expediency," and how they black-listed me and prevented me from getting a job and held up my wages due to me for that voyage to South America, and slandered me in their letters to Senator KING to induce him to oppose Senate bill 2274 for my back pay.

The vindictive men in the State Department have done those things to me for punishment because I opposed Arminius T. Haeberle, a crook in the Consular Service, who whacked up the graft money so liberally among his protectors, as shown by the bills listed above.

Please add this letter to my affidavit and print it in the RECORD as a part thereof in support of bills S. 2274 and H. R. 14139.

WILLIAM H. CHAMBLISS.

ENFORCEMENT OF PROHIBITION

Mr. HARRIS. Mr. President, will the Senator from Virginia yield to me for just one moment?

Mr. GLASS. If it does not lead to debate.

Mr. HARRIS. Under Rule XL, I send to the desk a notice of a motion to suspend the rules. I do not think my amendment is subject to a point of order, but I want to take no chances. Therefore I send this notice to the desk and ask to have it read.

The PRESIDING OFFICER. The notice will be read.

The Chief Clerk read as follows:

NOTICE OF MOTION TO SUSPEND RULES

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of Rule XVI, for the purpose of proposing to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, the following amendment, viz: On page 64, strike out lines 3 to 11, inclusive, and insert in lieu thereof the following:

"For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930."

The PRESIDING OFFICER. The notice will lie over for one day.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. GLASS. For what purpose?

Mr. HARRISON. I wanted to inquire of the Senator from Georgia something about this proposed suspension of the rules, unless we are in a very great deal of a hurry about this other matter.

Mr. GLASS. I did not yield for any controversy over the proposition of the Senator from Georgia.

Mr. HARRIS. I had told the Senator there would be discussion of it. I hope the Senator will not pursue the matter at this time.

Mr. HARRISON. Does the Senator from Virginia intend to proceed this afternoon with his remarks?

Mr. GLASS. Momentarily, I do.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. GLASS. In just a minute, if the Senator from Utah will wait until I can make a brief statement about this bill.

Mr. RANSDELL. Mr. President, will the Senator please yield to me to present a report from the Committee on Commerce?

Mr. GLASS. Yes.

CARVILLE MARINE HOSPITAL RESERVATION, LOUISIANA

Mr. RANSDELL. From the Committee on Commerce, I report back, favorably, without amendment, Senate bill 5656, authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital reservation, Louisiana, and I submit a report (No. 1918) thereon.

This is an important public matter. There is no opposition at all to it. I ask unanimous consent that the bill may be considered at this time. If it leads to any discussion whatever, I will drop it.

Mr. GLASS. Very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to grant the board of commissioners for the Pontchartrain levee district, an authorized agency of the State of Louisiana, or the State of Louisiana, a right of way through the Carville Marine Hospital reservation, parish of Iberville, State of Louisiana, in such location as may be designated by him, for the purpose of constructing and maintaining a new levee to replace the existing main-line levee in front of said reservation along the Mississippi River.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RANSDELL. I thank the Senator.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

Mr. GLASS. Mr. President, this bill, which has been made the unfinished business, is a House bill which has been on the Senate Calendar since the 3d of last April with a favorable report from the Committee on the District of Columbia. It is a bill that has had the indorsement of the District Commissioners and of the business community, and, in the only popular demonstration we have had, of the people of the District of Columbia.

So far as I am concerned, I am willing to vote on the bill now without further discussion; but the junior Senator from Maryland [Mr. TYDINGS] has notified me that he wishes to speak on the bill, and I have agreed that he shall be given an opportunity to speak on it.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. GLASS. I yield to the Senator from Utah.

Mr. SMOOT. I should like at this time to ask that the action of the House of Representatives on the Interior Department appropriation bill be laid before the Senate, not with any idea of displacing the unfinished business.

Mr. GLASS. I am willing. The Senator desires to have the unfinished business temporarily laid aside?

Mr. SMOOT. Temporarily laid aside for that purpose.

Mr. GLASS. I have no objection to that, Mr. President.

Mr. WALSH of Montana. I object, of course.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the unfinished business be laid aside, and that the Senate proceed to the consideration of the action of the House on the Interior Department appropriation bill. Is there objection?

Mr. WALSH of Montana. I object.

The PRESIDING OFFICER. The Senator from Montana objects.

Mr. SMOOT. I do not want at this time to have the unfinished business laid aside, and I will not ask that the action of the House on the Interior Department appropriation bill be laid before the Senate now.

Mr. GLASS. If I can successfully resist, I am not going to permit the unfinished business to be laid aside.

Mr. SMOOT. I am not asking that at this time.

Mr. GLASS. I find myself subjected to some embarrassment. I do not care to discuss this bill; it is more or less familiar to all the Senate, and I am perfectly willing to have a vote on the bill now, and shall insist on having a vote if some Senator does not want to discuss it.

Mr. BRUCE. My colleague is deeply interested in this bill, as the Senator from Virginia knows, and he happens to be out of the Chamber at the present moment. I have sent for him, and he will be here, I am sure, within the next 10 or 15 minutes. I think it would be a bitter disappointment to him and to those he represents if he should have no opportunity to discuss the measure. I discussed it last spring, and do not care to say anything more about it.

Mr. GLASS. I understand that the senior Senator from Maryland has no desire to discuss the bill further, nor have I; but I can not permit the unfinished business to be laid aside simply because the Senator's colleague is not here.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. HARRISON. I am sure that the junior Senator from Maryland [Mr. TYDINGS] is not here because of the arrangement he thought we had made respecting the other legislation which was pending, namely, that there was to be general debate until 4 o'clock, and that we were then to take up the Nicaraguan survey resolution under the 10-minute rule. I am quite sure that is the reason why he is not here.

Mr. GLASS. But I do not intend to lose my status before the Senate because of that fact. I have insistently notified the Senator from Maryland that this bill was the next on the program of business, and that I should call it up and pursue the matter to a conclusion.

Mr. ROBINSON of Arkansas. Why not proceed with it now?

Mr. GLASS. I am ready for a vote. I do not care to talk on the bill.

Mr. BRUCE. I suggest that the unfinished business be laid aside for half an hour, and by that time my colleague will probably be here, and if he is not I shall make no further objection to proceeding with the bill.

Mr. GLASS. Objection has been made to laying the bill aside at all.

Mr. BRUCE. Nothing can be gained by taking it up and pursuing the matter now, for if necessary I will take up an hour or so myself. I hope the suggestion I have made will be acceded to, that is to say, that the unfinished business be laid aside for half an hour.

Mr. WATSON. How long will it be before the Senator's colleague will be here?

Mr. BRUCE. He sent me word 10 minutes ago that he would be here in half an hour. If he is not here within that time, I shall have nothing more to say.

Mr. WATSON. Why does not the Senator from Virginia make a statement respecting his bill, placing it before the Senate, and by that time the probabilities are that the other Senator will have arrived?

Mr. HEFLIN. I do not see why the Senator from Virginia should wait until somebody comes.

Mr. GLASS. I have already stated in detail the provisions of the bill. I discussed it for 40 minutes.

Mr. WATSON. But that was some time ago.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. GLASS. Yes; I yield.

Mr. BORAH. There is one feature of the bill which I would like to have the Senator discuss for a few moments. Two different committees of farmers have waited upon me within the last few days, stating that the farmers who desire to bring their stuff to the market are practically all opposed to this bill. I would like to have the Senator state the disadvantage, if any, which would accrue to the farmers who desire to market their stuff directly, by reason of the location which the Senator is advocating in this bill. I know nothing about it except what has been stated to me, and I would like to have the Senator's views in regard to that matter.

Mr. GLASS. When the Senator speaks of farmers, I would like to know what farmers. I would like to know if the farmers of Idaho are objecting to the bill. I venture to say that the farmers of Idaho send about as much produce to the farmers' market in the District of Columbia as do the farmers in the immediate vicinity who have waited on the Senator from Idaho. I will say to the Senator from Idaho further that 85 per cent of the farm produce consumed here in the District of Columbia comes to the District over railroads and on the steamers which ply the Potomac River, and less than 12 per

cent of it is supplied by the farmers who are adjacent to the District of Columbia.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. SMOOT. I have received a great many letters in relation to the bill, the writers claiming that it is only a railroad fight, a contest between two railroads.

Mr. GLASS. It could not be between two railroads. It is a fight of four railroads on one side, and the steamboat companies and one railroad on the other, if it be a railroad fight; but it has never occurred to me that it is a railroad fight. No railroad representative has approached me on the subject.

Mr. CURTIS. Mr. President, the question is, What effect will it have on the local producers? It has been stated that this was a wholesale market and not a retail market, and that the local producers would have no retail market. Does the Senator know anything about that?

Mr. GLASS. The retailers of farm produce will have better facilities for the conduct of their business at the southwest site than they have had for years at the Center Market site, and infinitely better facilities than may be provided at any of the other sites mentioned, not one of which has been definitely suggested by any association or any number of producers in the District of Columbia, except one little coterie of produce merchants who have gotten an option on a site here which they want to utilize for real-estate speculation purposes.

Mr. SACKETT. Mr. President, I have heard it said in the last day or two that if we changed to the southwest site the farmers could not sell their produce at retail. This bill, which came before the committee, does not change the practice which has been in vogue at the Center Market?

Mr. GLASS. Not in the slightest degree.

Mr. SACKETT. If they can sell at retail at the Center Market location they would have exactly the same privileges at any other location?

Mr. GLASS. Precisely.

Mr. SACKETT. It would not make any difference whether it went to the southwest site or to some other site?

Mr. GLASS. Not one particle of difference would it make. There would be no change in that respect whatsoever. On the contrary, the facilities afforded by the southwest site for retail purposes will be greater than those at the existing Center Market site.

Mr. WHEELER. Mr. President, will the Senator tell me just where he proposes that this new market shall be located?

Mr. GLASS. It is to be located in the southwest, on the water front.

Mr. WHEELER. On the Potomac River?

Mr. GLASS. Yes; on the water front.

Mr. WHEELER. Will that not be so far away from the center of population, when the city is growing northwest, that it will be extremely unhandy for the people of the District?

Mr. GLASS. No; it is not far away. It is just a few blocks removed from the existing site, which must be abandoned, and it is in closer proximity to the people who patronize the market than any other site which has been mentioned.

Mr. DILL. Will it not be necessary in the future for all the population lying north of Pennsylvania Avenue to cross the Mall district to get to the proposed site, after the Mall shall have been completed?

Mr. GLASS. They have to cross Pennsylvania Avenue to get to the site where the market has always been.

Mr. DILL. But the Mall district will be 1,600 feet wide, and, as I understand it, it is proposed that the market shall be on the south side of the Mall, and all the people living on the north side of the city will be compelled to pass across the Mall to get to the market.

Mr. GLASS. Yes; and to indicate how much objection the people who have to go to this market entertain for that sort of thing, every hotel located in Washington is north of Pennsylvania Avenue, and yet every hotel has advocated this southwest site.

Mr. DILL. The hotels do not contain the people who live here.

Mr. GLASS. But they furnish the "feed" to a great many people who "feed" here.

Mr. DILL. Not the people who live here.

Mr. GLASS. I do not like to fire all my ammunition in the absence of a Senator who ought to be here to discuss this bill, but, as a matter of fact, when the matter was submitted to the people of the District, 10 to 1 voted for the southwest site as against any other site that has been mentioned.

Mr. ROBINSON of Arkansas. How was it submitted?

Mr. GLASS. It was submitted through a referendum in the Washington Post. There were 30,000 responses to the poll taken. Nineteen thousand three hundred and seven voted for the southwest site, 9,434 voted for the mid-city site, 59 voted for the Eckington site, which is the site that has caused all the row. It got 59 votes out of 30,000 votes cast, and there were 82 votes cast for other sites.

Senators who are familiar with the situation know that it is literally impossible to go to the Eckington site, where these real-estate speculators want to take us, and where there are no railroad facilities whatsoever, where there is no water frontage and no water transportation facility whatsoever.

Mr. President, as there seems to be a pretty general desire to have me exhibit myself in the rare rôle of talking against time, which I have never done before in my life, I will discuss this market bill, provided somebody will go down into the Committee on Appropriations room and tell them not to report the appropriation bill now before them until I can get there and have an opportunity to be heard.

Mr. McKELLAR. I will say to the Senator that the Subcommittee on the Committee on Appropriations has adjourned, and the matter in which the Senator from Virginia is concerned has gone over until to-morrow.

Mr. GLASS. Very well; then I will give the Senate some exceedingly dull history. [Laughter.]

Mr. President, the so-called farmers' market was created by the act of May 20, 1870. I think that is going back far enough. [Laughter.] The act provided:

> That the city government of Washington shall have the right to hold and use, under such rules and regulations as the said corporation may prescribe, the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets as a market for the purchase and sale of the following articles, to wit: Hay, straw, oats, corn, cornmeal, seed of all kinds, wood for sale from the wagon, cattle on the hoof, swine on the hoof, country produce sold in quantities from the wagon, and such other bulky and coarse articles as the said corporation may designate. And from and after the passage of this act marketing of the products named herein shall be excluded from Pennsylvania and Louisiana Avenues and the sidewalks and pavements thereon.

It was a wholesale market in its original design and purpose. That it was so considered is shown by a resolution of the board of public works of April 26, 1874, as follows:

> Voted: To approve the arrangement with the Washington Market Co., proposed in the company's letter of April 8, 1872, relative to the open space at the intersection of Ohio and Lousiana Avenues and Tenth and Twelfth Streets, used as a wholesale market, this arrangement not to prejudice any lawful future action of the board of the legislative assembly or of Congress. (S. Rept. 449, 43d Cong., 1st sess., p. 50.)

This was confirmed in report to the Senate of June 13, 1874, by Senator Morrill, of Vermont, chairman of the Public Buildings and Grounds Committee, as follows:

> The open space between Tenth and Twelfth Streets at the intersection of Ohio and Louisiana Avenues designed as a free wholesale market for cattle, swine, corn, flour, wood, hay, and other country products and surrendered by Congress to the city of Washington for the purpose, has been assigned by the board of public works to the market company, which has made some improvements thereon, and charges a moderate fee for any use of the same. (S. Rept. 449, 43d Cong., 1st sess., p. 7.)

Senators who are so intensely interested in this recital which I am making will observe that these quotations address themselves exclusively to the question of whether the market was in its original form a wholesale market. The more interesting phases of the problem I shall undertake to discuss, perhaps after the junior Senator from Maryland [Mr. TYDINGS] has made his speech.

This farmers' market so provided by Congress has been essentially a wholesale market for over 50 years of operation, although a small percentage of the gross business has been conducted at retail. It appears from the best evidence obtainable that in recent years approximately 92 per cent of the gross business of this market is wholesale and the remaining 8 per cent retail. (See Senate hearing, 1927, pp. 143–148.)

This plan of operation is characteristic of the municipal farmers' markets provided and maintained by most of the large cities of the United States. (See report of Federal Trade Commission on Wholesale Marketing of Food, 1920, p. 59.) According to a survey made in 1918 by the Census Bureau there were 237 municipal markets in 128 of the 227 large cities, and in 63 of the cities the farmers' markets were exactly of the type of the Washington farmers' market as conducted for the past 50 years and as proposed under the Stalker bill.

While there is nothing in the Stalker bill to prevent retail sales—and retail sales will continue just as they have in the past—it is well to consider that the purpose of this bill is primarily to provide the farmers with the opportunity to dispose of their produce in quantity lots, inasmuch as they already have

the opportunity for retail sales at all the rest of the municipal and private markets in the city.

People talk as though, if this market were established, it would be the end of the retail business in the District of Columbia; whereas we have numerous retail markets conveniently located throughout the city of Washington and whereas, as every Senator must know, the retail business of this as of any other large city is to a tremendous extent conducted in the corner groceries and not at the market house.

This opportunity for retail sales already is afforded at the Western Market, the Eastern Market, the P Street Market, the Seventh Street Market, the Fifth and K Streets Market, and many others, but now that the farmers have been driven from the space originally allotted them primarily for wholesale transactions, there is no place, unless Congress provides it by the Stalker bill, for them to sell wholesale.

Only one of two measures can be applied in dealing with this situation. A market site must be provided on which to continue these marketing operations as they have been conducted for the past 50 years; or the farmers must be prohibited from selling their produce in quantity which would cause a discontinuance of such marketing operations.

If no market space is provided for such farmers and they are prohibited from selling on the streets, the only other method of disposing of their produce in bulk would be to sell it to the commission merchants, which would inevitably result in an increase of at least 10 per cent in the cost of farm produce. This commission would be added by commission merchants in their sales to market storekeepers, hotels, restaurants, and boarding houses and would be passed along to the ultimate consumers.

Mr. President, I do not care to pursue the discussion, aside from that phase of it which I have presented, until the junior Senator from Maryland [Mr. TYDINGS] has made his argument against the bill, which I was told he would be enabled to make in about 15 minutes.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GLASS. Certainly.

Mr. TYDINGS. I would appreciate it, though I do not want to delay the Senate from consideration of the matter, if I might be enabled to proceed in the morning. I would appreciate it if the Senator would work with me to that end. I will assure him that so far as I am individually concerned I shall not be an obstructionist in any way in the world.

Mr. GLASS. That is what I would prefer if it suits the convenience of the Senate to do it.

Mr. TYDINGS. We can take up the calendar perhaps at this time.

Mr. GLASS. I would not permit my bill to lose its status as the unfinished business, much as I would like to meet the convenience of my friend from Maryland. However, if he can prevail upon the Senate, I shall be glad.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Virginia yield to the Senator from Kansas?

Mr. GLASS. I yield.

Mr. CURTIS. I was about to ask for an executive session, but I understand the Senator from North Dakota [Mr. FRAZIER] has a resolution which he would like to call up at this time if the Senator from Virginia will yield for that purpose.

Mr. ROBINSON of Arkansas. What is the resolution?

Mr. WHEELER. To enable the Committee on Indian Affairs to continue its hearings.

Mr. VANDENBERG. Mr. President, will the Senator yield to me?

Mr. GLASS. I yield to the Senator from Michigan.

Mr. VANDENBERG. If the unfinished business is to be postponed to suit the convenience of the Senator from Maryland, I wonder if the postponement can not carry with it an agreement to vote at a certain time to-morrow?

Mr. GLASS. I am prepared to vote right now.

Mr. BRUCE. I am prepared to say something about the matter.

Mr. TYDINGS. So far as I am concerned personally, I shall not delay the vote, but I do know there are four or five Senators who want to speak against the bill and some amendments will be offered to it which will change its character. I think, as it is late this evening, we could dispose of it to-morrow and not have to carry it over two days.

Mr. VANDENBERG. Are those Senators Members who take an interest in this particular bill?

Mr. TYDINGS. They are interested in the subject matter, and most of them are against the bill.

Mr. GLASS. Mr. President, I may say that I had not been informed that any Senator wanted to speak on the bill except the junior Senator from Maryland, but I am unwilling to have myself maneuvered out of the position which I want to occupy with reference to the bill.

Mr. CURTIS. Mr. President, if the Senator from Virginia will yield——

Mr. GLASS. Certainly.

Mr. CURTIS. I suggest that we go into executive session. The resolution of the Senator from North Dakota can not be taken up until the Senator from Arizona [Mr. HAYDEN] is present. We can then come back into legislative session and remain in legislative session until 6 o'clock. That would not displace the measure of the Senator from Virginia. At 6 o'clock we must take a recess until 8 o'clock under the unanimous-consent agreement. If the Senator from Virginia will yield for that purpose, I will move an executive session.

Mr. GLASS. I yield for that purpose.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. BRUCE. Mr. President, I hope the Senator will not do that now. I am prepared now to say what I have to say on the marketing bill.

Mr. ROBINSON of Arkansas. Then why not let the senior Senator from Maryland make his speech?

Mr. CURTIS. Very well. I withdraw my motion if the Senator is ready to speak.

Mr. GLASS. I understood that the senior Senator from Maryland did not want to speak on the bill.

Mr. BRUCE. Naturally the Senator might have drawn that inference. I do not find fault with that at all.

The PRESIDING OFFICER. The Senator from Maryland will proceed.

Mr. BRUCE. Mr. President, I really have very little to say on this subject; but now that some statements have been made by the Senator from Virginia [Mr. GLASS] with reference to it, I feel that it is incumbent upon me to express my views briefly about it.

In the first place, I wish to declare that if the bill is passed here the Senate should forever seal its lips with respect to the welfare of the farmer. This market is a farmers' market. No matter what its origin was, it has come to be known as a farmers' market. The fact was brought out last spring when farmers bring in farm produce to Washington each day to the number of 465 from Maryland, 81 from Virginia, and 55 from the District of Columbia. They come to Washington every day and supply it with fresh asparagus, fresh celery, and other fresh vegetable produce of every sort. They are earnestly interested in having this bill defeated. Last spring the fact was brought out that the Maryland farmers who use the farmers' market in Washington were unanimously opposed to it; that the same thing was true of the District of Columbia farmers who use that market; and that if my memory does not fail me 45 out of the sixty-odd Virginia farmers who use it were opposed to it. I understand that since that time by assiduous drumming some of the Virginia farmers were brought over to the side of the Senator from Virginia [Mr. GLASS]. How true that allegation is I do not know.

Mr. GLASS. Mr. President, of course, in the first instance it was just by that sort of drumming that any of them were gotten on the side of the Senator from Maryland.

Mr. BRUCE. Of course, I am not prepared to admit that, because certainly there is not an iota of evidence to show that the Maryland and District of Columbia farmers were subjected to anything in the nature of urgent solicitation. These are real farmers—bear that in mind; they are dirt farmers; they are honest-to-goodness farmers; they are farmers whose vital force is ever renewed from day to day by actual contact with the earth.

The whole question in this case, with due respect to the Senator from Virginia, is whether the little finger of the Pennsylvania Railroad is to be thicker than the loins of the Maryland, District of Columbia, and Virginia farmers.

The Senator says that nobody connected with the Pennsylvania Railroad Co. has had anything to say to him with respect to this bill. Of course, I accept that statement, as I would any statement made by the Senator from Virginia, as true, but, all the same, if there were no Pennsylvania Railroad, there would be no Stalker bill.

Mr. GLASS. I might retort that if there had been no Baltimore & Ohio Railroad, there would be no opposition to the Stalker bill.

Mr. BRUCE. All I have to say in reference to that suggestion is that I have never received one single, solitary communication of any kind, oral or written, from anybody connected with the Baltimore & Ohio Railroad touching this bill.

Mr. GLASS. I have not suggested that the Senator had; nor have I received any suggestions, either in writing or by word of

mouth, from anybody connected with the Pennsylvania Railroad.

Mr. BRUCE. I am not appearing here for the Baltimore & Ohio Railroad, although if the Baltimore & Ohio Railroad had any interest in this bill and came forward and gave me good reasons from their viewpoint why I should oppose it, I should have no objection whatever to their presenting those reasons to me.

Mr. GLASS. The Senator should accord me the same right in the event the Pennsylvania Railroad should want to talk to me on the subject.

Mr. BRUCE. I never attempt to withhold any right from the Senator, because I know that if I should try to do so, he would take it, anyway.

Mr. GLASS. Yes.

Mr. WHEELER. Mr. President, do I understand this is just a fight between the Pennsylvania Railroad and the Baltimore & Ohio Railroad?

Mr. GLASS. No; but, as has already been indicated, if it is desired to put it on a railroad plane, there are four railroads and two or three steamboat companies arrayed against one railroad.

Mr. BRUCE. Those railroads, however, are all affiliated with the Pennsylvania Railroad; they all use the Potomac Yards; and they all want the Southwest market site on the water front instead of north of Pennsylvania Avenue.

Mr. GLASS. Yes; but the farmers who send 85 per cent of the produce consumed in the District of Columbia use the Potomac yards.

Mr. BRUCE. The Senator knows, however, that a very large part of the vegetable produce that is brought into Washington from any considerable distance is brought in by trucks.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. NEELY. I hope that there is a better reason for choosing a certain market site for the District of Columbia than that which lies in the fact that it is situated on or near a certain railroad. But if the determination of the question before the Senate depends upon a choice between the Baltimore & Ohio and the Pennsylvania Railroads, I shall unhesitatingly and enthusiastically vote for the Baltimore & Ohio every time.

Mr. BRUCE. I think that is a very discreet and natural choice to be made by the Senator from West Virginia, because, as he knows, the Baltimore & Ohio Railroad is the child of the State of Maryland and the State of West Virginia.

Mr. NEELY. The Senator from West Virginia also believes that it is the world's best railroad. It has for its president Mr. Daniel Willard, one of the ablest and most humanitarian of railroad executives, and for its chief counsel Hon. John J. Cornwell, the brilliancy of whose record as Governor of West Virginia from 1917 to 1921 has never been surpassed.

Mr. GLASS. Of course, on account of those circumstances the market ought to be located north of Pennsylvania Avenue in the District of Columbia.

Mr. BRUCE. Mr. President, I am not in the slightest degree influenced by such considerations. I stand here in my representative capacity as the mouthpiece of the farmers of Maryland, the District of Columbia, and Virginia, who last spring by an overwhelming majority favored a market location other than the southwest site. I have never seen any group of individuals since I have been a Member of the Senate as zealously and eagerly interested in defeating a measure as are the farmers of those different communities in defeating this bill.

The Senator from Virginia speaks exactly as if there was nobody concerned about its defeat but the farmers. Of course, I consider the farmer an individual of sufficient importance to render his class view about any matter of public policy a thing of no little significance, but it so happens that the practically unanimous opposition of the farmers who supply Washington with fresh vegetable produce every day has been fortified to begin with by the expert conclusion arrived at by the National Capital Park and Planning Commission. Mind you, that commission thinks that this market site ought to be located somewhere north of Pennsylvania Avenue, and not down on the water front, which is the location of the southwest site.

Then the United States Bureau of Efficiency too has made a special study of the whole situation and has brought in a report in which it reaches the conclusion that the farmers' produce market for the city of Washington should not be located south of Pennsylvania Avenue for the reasons that it gives. I ask Members of the Senate to listen to those reasons because it seems to me almost inconceivable that the Senate, in the face of such an accumulation of good reasons as they are, would support this bill. The United States Bureau of Efficiency says that the farmers' market should not be located south of Pennsylvania Avenue—

Because every farmer coming into the city from the north and west would have to go through the down-town congested zone of the city.

Because the Federal development of the Mall triangle will further add to the congestion of the so-called down-town congested zone.

Because there are only four north-and-south highways running through the Mall that would be convenient to southwest sites Nos. 1 and 2, viz, Sixth, Seventh, Twelfth, and Fourteenth Streets.

Mr. WHEELER. Mr. President, we have heard from the friends of the Baltimore & Ohio Railroad in this controversy. I should like to hear some Senator say something about why the Pennsylvania Railroad Co. should be favored in this matter.

Mr. BRUCE. In due time, I suppose, the Senator will hear that from the Senator from Virginia.

Mr. GLASS. Why does the Senator suppose that? Why should he suppose that?

Mr. BRUCE. Why should I suppose that?

Mr. GLASS. Yes.

Mr. BRUCE. Because——

Mr. GLASS. I have said to the Senator that I have had no communication direct or indirect from the officials of the Pennsylvania Railroad Co.; in fact, I learned from the two Senators from Maryland that railroad interests were involved in this discussion.

Mr. BRUCE. But there are all sorts of oblique ways in which information can get to a Senator without his having any direct or indirect contact with a railroad.

Mr. GLASS. The Senator thinks, then, I am too simple to know when I am being approached and when I am not? Is that the idea?

Mr. BRUCE. Oh, no; I do not think anybody would ever accuse the Senator of simple-mindedness. His enemies might accuse him of almost anything else except simple-mindedness.

The United States Bureau of Efficiency goes on to say that another reason why the farmers' market should not be located south of Pennsylvania Avenue is—

5. Because it is impossible to extend either Eighth, Ninth, Tenth, Eleventh, or Thirteenth Streets through the Mall on account of existing public buildings or projected ones.

Again:

6. Because the Federal building program for the Mall triangle will undoubtedly necessitate the changing of existing car tracks and the rerouting of all street-car lines traversing this area.

I ask Senators to listen to these reasons. It seems to me that every one of them has a world of force in it.

7. Because four-fifths of the entire population of the District of Columbia live north of Pennsylvania Avenue.

8. Because more than nine-tenths of the hotels and boarding houses, more than four-fifths of the restaurants and lunch rooms, and more than three-fourths of the retail grocery stores are located north of Pennsylvania Avenue.

9. Because the future expansion of the city—in population and in the number of hotels and boarding houses, restaurants and lunch rooms, and retail grocery stores—will in a large measure be north of Pennsylvania Avenue.

10. Because at least 20 per cent of the business of the farmers' produce market is a retail business, which in a large measure would be lost to the farmers if the market is located in southwest Washington. This retail business amounts to more than $600,000 per year.

11. Because it would send through the Mall triangle and the Mall a lot of the objectionable traffic.

12. Because the southwest area lacks in street-car facilities as compared with other sections of the city.

I call the attention of the Senator from Montana to the fact that those reasons are not reasons urged by the Baltimore & Ohio Railroad or any interested agency; they are reasons given by no less an authority than the United States Bureau of Efficiency, after a sedulous comparison of different suggested market sites.

The fact is also brought out in the testimony that, in addition to the preference of the National Capital Park and Planning Commission and the United States Bureau of Efficiency for a site for the farmers' market north of Pennsylvania Avenue, not less than 55 of the civic organizations of the city of Washington have expressed the same preference, and the testimony also shows that not less than 85 per cent of all the commission merchants in the city of Washington entertain that preference. In other words, reversely speaking, 55 civic associations and 85 per cent of the commission merchants in Washington are opposed to the southwest site for the farmers' market.

At first blush, it would seem to be a matter of some importance for a farmers' market site to be located on the Potomac water front, but under existing trade and transportation conditions that is a totally negligible consideration. No produce worth talking about is brought up the Potomac River except by steamboats, and that is distributed directly from the wharves of the steamboat line or lines after it reaches the city of Washington to points in or outside of the city of Washington. Even fish are no longer brought to the southwest site by way of the Potomac River except to a small extent.

It is not at all an uncommon thing for a fish market in a great city at the present time to be wholly detached from any other markets in such a city. That is true in Baltimore. We have a fish market there, and it is totally disconnected from any of the other markets of that city.

Fish are now transported mainly in refrigerator cars. I had something to say on this subject last spring, and in the course of my remarks I used these words:

> Besides, some of the Members of the Senate are doubtlessly aware of the fact that, after all, only a small percentage of the fish that are consumed in the city of Washington are brought up the Potomac River. Fish are mainly brought to Washington in refrigerator cars, some from the Chesapeake Bay and its tributary streams, some from points still farther south, some from the West, some from the Great Lakes, and some from waters as far north as Maine. So, as far as I can see, there are no countervailing considerations to offset the considerations that so definitely, so persuasively, so conclusively point to some location north of Pennsylvania Avenue as the proper location for the new farmers' produce market. There it should be—there, where the geographical center of Washington is; there, where the center of population of Washington is; there, where the great mass of the population of Washington is; there, where a still greater mass of population will be as the future of the city unfolds; there, where the commission merchants are ready to go; there, where the farmers are ready to go; there, where the hotels and the boarding houses, the restaurants and lunch rooms, the retail grocery stores, and the individual patrons of markets already are in great numbers; and there, where in process of time they will be in still greater numbers.

So no importance really attaches to this southwest site because of the fact that it is on the Potomac River, whereas by virtue of its remoteness it is subject to drawbacks to which a market site north of Pennsylvania Avenue would not be subject.

It seems to me that the Senator from Virginia was just a little too—I will not use the word "dogmatic"—just a little too positive in his statement that the Commissioners of the District of Columbia have given their approval to this bill. At one time, before there had been, as I understand the case, any exhaustive discussion——

Mr. TYDINGS. Mr. President, will my colleague yield for a moment?

Mr. BRUCE. Yes.

Mr. TYDINGS. I have on my desk a letter from the District Commissioners saying that they are not in favor of the bill, which I will put in the RECORD to-morrow morning.

Mr. GLASS. I have on my desk a letter from the District Commissioners saying that they are in favor of this site, which I will put in the RECORD to-morrow morning.

Mr. TYDINGS. What is the date of the Senator's letter?

Mr. GLASS. It does not make any difference what the date of it is. If the Senator has prevailed upon the District Commissioners to change their minds about this matter, that does not interest me the least bit in the world.

Mr. TYDINGS. If I had not been able to prevail upon them, I suppose it would interest the Senator.

Mr. BRUCE. The date of the letter to the Senator from Virginia must be quite stale, I should say from my information on the subject. The only way in which I can reconcile those conflicting conclusions of the commissioners is by recalling a story that I used to hear when I was a boy.

Mr. GLASS. Mr. President, does the letter received by the junior Senator from Maryland from the District Commissioners state what site they are in favor of?

Mr. TYDINGS. The letter I have received from the District Commissioners says they are not in favor of any site because proper study has not been made. Therefore, they are not for the Senator's site, and recommend that proper study be made before any appropriation is made.

Mr. GLASS. We have been studying it for only two years.

Mr. TYDINGS. The Senator has; but all the departments of the Government have considered it previously, and not one connected with the Federal Government is in favor of it.

Mr. GLASS. I deny that proposition. It is not a fact.

Mr. BRUCE. Mr. President, all we want is a careful survey of the whole situation by the District Commissioners, and we are perfectly willing, I think I can say for my colleague, as well as myself, to abide by whatever conclusion they may reach; but I am bound to say that after the National Park and Planning Commission and the United States Bureau of Efficiency have reached a conclusion unfriendly to the selection of the southwest site, I harbor no doubt that when a close comparison is made of the different sites brought to their attention the District Commissioners will recommend some site north of Pennsylvania Avenue.

I could go much more fully into this subject than I have, but I do not deem it necessary to do so. There is no substantial reason that I can see why this market site should be placed away down there on the Potomac River in the southwest part of the city, a mile or a mile and a half, I believe, south of Pennsylvania Avenue, instead of being located in the heart of the city. I might say, if my colleague is not in a position to correct me, that these produce farmers have shown how perfectly natural their inclination is to have this market site located north of Pennsylvania Avenue by recently assembling each day for the purpose of marketing their produce up at Convention Hall, north of Pennsylvania Avenue. Of their own volition, finding that they were ousted from the old site where they had carried on their business, they have selected Convention Hall, north of Pennsylvania Avenue, as a market site.

Mr. TYDINGS. Mr. President, I hope the Senator will finish developing what he was just bringing out; but I rose to make this statement: As I see it, the only constitutional ground upon which an appropriation of this kind could be made, if at all, would be for a market that served the people; and therefore, if it were a wholesale market, I question whether or not within the limits of the Constitution we would be justified in making an appropriation practically for private purposes.

I hope the Senator before he takes his seat, if he sees fit, will develop that idea somewhat.

Mr. BRUCE. Mr. President, I feel that our footing as respects public expediency is so solid that it is unnecessary for me to resort to any constitutional arguments.

So, Senators, you see what this question comes around to. So far as my knowledge of the situation goes, here on the one hand you have the desire of a great railroad company, which uses the Potomac yards over at Alexandria, and has terminals in the city of Washington, to have this market site down on the Potomac River, at a point that is doubtless convenient to it; and that desire of the Pennsylvania Railroad is, naturally enough, shared by the different southern roads which are affiliated in one way or another with it, such as the Southern Railway, the Richmond, Fredericksburg & Potomac, the Seaboard Air Line, the Atlantic Coast Line, the Chesapeake & Ohio, and so on. On the other hand you have these farmers, about whom I have heard so much since I have been a Member of this body—these farmers as to whom there has been so much professed eagerness on the part of the Senate to promote their peculiar interests. They come here in a solid phalanx, with almost complete unanimity, and say that any site south of Pennsylvania Avenue would be in the highest degree inconvenient to them. Most of them come from the north or the northeast; and they would have to traverse practically the whole city of Washington before they could get down to the southwest site that the Senator from Virginia, for some reason or other—I do not know what—is so very warmly and effectively advocating.

Mr. GLASS. Because the Pennsylvania Railroad wants it?

Mr. BRUCE. Well, I do not like to say that after the Senator says that he has had no communication with the Pennsylvania Railroad. I always accept his statements on any subject as true.

It is practically the unanimous desire of these farmers that the site should be located north of Pennsylvania Avenue; and this predelection harmonizes completely not only with the views of 85 per cent of all the commission merchants, and of 55 civic organizations in Washington, but with the views of the hotel, boarding house, and lodging house, club, restaurant, and lunchroom proprietors in Washington, and likewise, I venture to say, with the views of every resident of Washington who lives anywhere near the center of the city. As I recollect, practically the only other interest besides the railroad interest that brought pressure to bear in behalf of this bill was a trust company near the southwest site, which, of course, is desirous of adding, as far as possible, to the number of its safe-deposit box leasers, and so forth.

That is the case as I see it. I know I have presented it in but a desultory and feeble manner; but I believe that I have

at least covered all the salient considerations that are involved in the issue between ourselves and the Senator from Virginia.

BATTLE FIELDS NEAR RICHMOND, VA.

Mr. BINGHAM. Out of order, I ask unanimous consent to report back favorably, from the Committee on Military Affairs, Senate bill 5864, to provide for the study, investigation, and survey, for commemorative purposes of battle fields in the vicinity of Richmond, Va.; and I submit a report (No. 1921) thereon.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. SWANSON. Mr. President, this is a bill authorizing an appropriation of $6,800 to make a survey of the battle fields around Richmond. A similar bill is on the calendar in the House; and I want to have this bill passed so that it can pass the House at this session. It does not contemplate the establishment of a park by the Government. All the land is to be given by an association that is anxious to give it to the Government. All that is desired is to have the Government make a survey of the important battle fields where the various generals and soldiers fought.

I ask unanimous consent for the immediate consideration of the bill.

Mr. GLASS. I shall not object if it does not lead to debate.

Mr. SWANSON. If it leads to any debate I shall withdraw it at once.

Mr. CURTIS. I will ask the Senator if the bill is recommended by the department?

Mr. SWANSON. It is recommended by the department. It has been amended as the department recommended.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5864) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va., which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to have made studies, investigations, and surveys of the battle fields in the vicinity of Richmond, in the Commonwealth of Virginia, including the battle field of Cold Harbor, Va., for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle fields and other adjacent points of historical and military interest, in accordance with the classification set forth in House Report No. 1071, Sixty-ninth Congress, first session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, investigations, and surveys, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,800, or so much thereof as may be necessary, to be expended for the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, does the Senator from Virginia desire to proceed further with the market bill this evening?

Mr. GLASS. No, Mr. President.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened.

SLAVERY CONVENTION SIGNED AT GENEVA ON SEPTEMBER 25, 1926

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom and from the resolution agreed to in connection therewith:

To the Senate:

To the end that I may receive the advice and consent of the Senate to accession by this Government, I transmit herewith a certified copy of the slavery convention signed at Geneva on September 25, 1926.

I further transmit for the information of the Senate a report from the Secretary of State recommending that the slavery convention be acceded to by this Government.

I concur in the recommendation made by the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to accession by this Government, if his judgment approve thereof, a certified copy of the slavery convention signed at Geneva on September 25, 1926.

There are 36 signatories to the slavery convention which has been ratified or acceded to by Australia, Austria, Belgium, the British Empire, Bulgaria, Denmark, Egypt, Finland, Haiti, Hungary, India, Latvia, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Portugal, Spain, South Africa, Sweden, and the Sudan.

The convention was not signed on behalf of the United States. On May 19, 1927, however, the secretary general of the League of Nations addressed a note to the Government of the United States in accordance with article 11 of the convention which provides that the secretary general shall bring the convention to the notice of States which have not signed it, including States which are not members of the League of Nations, and invite them to accede thereto.

In article 11 of the convention signed at St. Germain en Laye on September 10, 1919, revising the general act of Berlin of February 26, 1885, and the general act and declaration of Brussels of July 2, 1890, the contracting parties agreed that they would endeavor to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea. The United States is a party to the general act of Brussels of July 2, 1890, for the repression of the African slave trade and is a signatory of but has not ratified the revising convention of September 10, 1919.

The purpose of the convention herewith submitted is to find a means for giving practical effect throughout the world to the intention of the contracting parties to suppress the slave trade and slavery as expressed in respect of certain territories in Africa in the international acts of earlier date. It embraces an undertaking on their part to take appropriate measures in their respective territories to carry out this intention and likewise to take all necessary measures to prevent compulsory or enforced labor from developing into conditions analogous to slavery.

By a provision in article 3 the high contracting parties undertake to negotiate as soon as possible a general convention with regard to the slave trade, which will give them rights and impose upon them duties of the same nature as those provided for in certain articles of the convention for the supervision of the international trade in arms and ammunition and in implements of war, signed at Geneva on June 17, 1925. The latter convention was submitted to the Senate by the President on January 12, 1926, with a view to receiving the advice and consent of that body to ratification, but has not yet been acted upon by the Senate.

Articles 7, 10, 11, and 12 of the slavery convention contain certain references to the League of Nations. Under article 7, the parties to the convention undertake to communicate to the secretary general of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the convention. Article 10 provides that notices of denunciation of the convention shall be given in writing to the secretary general of the League of Nations, who will communicate certified copies to other parties. Article 11 provides that States desiring to accede to the convention shall transmit their instruments of accession to the secretary general, that they shall be deposited in the archives of the league, and that the secretary general shall transmit certified copies to the other parties to the convention. Article 12 provides that instruments of ratification of the convention shall be deposited in the office of the secretary general. As the functions exercised by the secretary general of the League of Nations under these articles are merely those of a depository and of a transmitting agency, it is not considered that it would be necessary that accession to the convention by the United States be made subject to a reservation indicating the position of this Government with respect to the league. If, however, the Senate should consider that a reservation on this point is desirable one might be made.

Considering that the purposes sought to be attained by the slavery convention are in accord with modern thought and humane measures taken by civilized peoples with a view to the suppression of slavery and conditions analogous to slavery, it is believed that the United States should cooperate with other powers in the effort to eradicate these evils throughout the world, and that its cooperation might well be expressed through accession to the convention. Accordingly, it is recommended that, if this course meets with approval, the Senate be requested

to take suitable action advising and consenting to accession on the part of the United States to the slavery convention of September 25, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, May 22, 1928.

SLAVERY CONVENTION

Albania, Germany, Austria, Belgium, the British Empire, Canada, the Commonwealth of Australia, the Union of South Africa, the Dominion of New Zealand, and India, Bulgaria, China, Colombia, Cuba, Denmark, Spain, Estonia, Abyssinia, Finland, France, Greece, Italy, Latvia, Liberia, Lithuania, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Rumania, the Kingdom of the Serbs, Croats and Slovenes, Sweden, Czechoslovakia and Uruguay,

Whereas the signatories of the General Act of the Brussels Conference of 1889–90 declared that they were equally animated by the firm intention of putting an end to the traffic in African slaves;

Whereas the signatories of the Convention of Saint-Germain-en-Laye of 1919 to revise the General Act of Berlin of 1885 and the General Act and Declaration of Brussels of 1890 affirmed their intention of securing the complete suppression of slavery in all its forms and of the slave trade by land and sea;

Taking into consideration the report of the Temporary Slavery Commission appointed by the Council of the League of Nations on June 12th, 1924;

Desiring to complete and extend the work accomplished under the Brussels Act and to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to slave trade and slavery by the signatories of the Convention of Saint-Germain-en-Laye, and recognising that it is necessary to conclude to that end more detailed arrangements than are contained in that Convention;

Considering, moreover, that it is necessary to prevent forced labor from developing into conditions analogous to slavery,

Have decided to conclude a Convention and have accordingly appointed as their Plenipotentiaries:

THE PRESIDENT OF THE SUPREME COUNCIL OF ALBANIA:
Dr. D. Dino, Envoy Extraordinary and Minister Plenipotentiary to his Majesty the King of Italy.

THE PRESIDENT OF THE GERMAN REICH:
Dr. Carl von Schubert, Secretary of State for Foreign Affairs.

THE PRESIDENT OF THE FEDERAL AUSTRIAN REPUBLIC:
M. Emerich von Pflügl, Envoy Extraordinary and Minister Plenipotentiary, Representative of the Federal Government accredited to the League of Nations.

HIS MAJESTY THE KING OF THE BELGIANS:
M. L. de Brouckère, Member of the Senate, First Delegate of Belgium to the Seventh Ordinary Session of the Assembly of the League of Nations.

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:
The Right Honorable Viscount Cecil of Chelwood, K. C., Chancellor of the Duchy of Lancaster.

FOR THE DOMINION OF CANADA:
The Right Honorable Sir George E. Foster, G. C. M. G., P. C., L. L. D., Senator, Member of the King's Privy Council for Canada.

FOR THE COMMONWEALTH OF AUSTRALIA:
The Honorable J. G. Latham, C. M. G., K. C., M. P., Attorney-General of the Commonwealth.

FOR THE UNION OF SOUTH AFRICA:
Mr. Jacobus Stephanus Smit, High Commissioner of the Union in London.

FOR THE DOMINION OF NEW ZEALAND:
The Honorable Sir James Parr, K. C. M. G., High Commissioner in London.

AND FOR INDIA:
Sir William Henry Hoare Vincent, G. C. I. E., K. C. S. I., Member of the Council of the Secretary of State for India, former Member of the Executive Council of the Governor-General of India.

HIS MAJESTY THE KING OF THE BULGARIANS:
M. D. Mikoff, Chargé d'Affaires at Berne, Permanent representative of the Bulgarian Government accredited to the League of Nations.

THE CHIEF EXECUTIVE OF THE CHINESE REPUBLIC:
M. Chao-Hsin Chu, Envoy Extraordinary and Minister Plenipotentiary at Rome.

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA:
Dr. Francisco José Urrutia, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Representative of Colombia on the Council of the League of Nations.

THE PRESIDENT OF THE REPUBLIC OF CUBA:
M. A. de Agüero y Bethancourt, Envoy Extraordinary and Minister Plenipotentiary to the President of the German Reich and to the President of the Austrian Federal Republic.

HIS MAJESTY THE KING OF DENMARK AND ICELAND:
M. Herluf Zahle, Envoy Extraordinary and Minister Plenipotentiary to the President of the German Reich.

HIS MAJESTY THE KING OF SPAIN:
M. M. Lopez Roberts, Marquis de la Torrehermosa, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

THE PRESIDENT OF THE ESTONIAN REPUBLIC:
General Johan Laidoner, Member of Parliament, President of the Committee for Foreign Affairs and National Defense.

HER MAJESTY THE EMPRESS AND QUEEN OF THE KINGS OF ABYSSINIA AND HIS IMPERIAL AND ROYAL HIGHNESS THE PRINCE REGENT AND HEIR TO THE THRONE:
Dedjazmatch Guetatchou, Minister of the Interior;
Lidj Makonnen Endelkatchou;
Kentiba Gebrou;
Ato Tasfae, Secretary of the Imperial League of Nations Department at Addis-Abeba.

THE PRESIDENT OF THE REPUBLIC OF FINLAND:
M. Rafael W. Erich, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate of Finland accredited to the League of Nations.

THE PRESIDENT OF THE FRENCH REPUBLIC:
Count B. Clauzel, Minister Plenipotentiary, Head of the French League of Nations Department.

THE PRESIDENT OF THE HELLENIC REPUBLIC:
M. D. Caclamanos, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty.
M. V. Dendramis, Chargé d'Affaires at Berne, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF ITALY:
Professor Vittorio Scialoja, Minister of State, Senator, Representative of Italy on the Council of the League of Nations.

THE PRESIDENT OF THE REPUBLIC OF LATVIA:
M. Charles Duzmans, Permanent Representative accredited to the League of Nations.

THE PRESIDENT OF THE REPUBLIC OF LIBERIA:
Baron Rodolphe A. Lehmann, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Permanent Delegate accredited to the League of Nations.

PRESIDENT OF THE REPUBLIC OF LITHUANIA:
M. V. Sidzikauskas, Envoy Extraordinary and Minister Plenipotentiary to the President of the German Reich.

HIS MAJESTY THE KING OF NORWAY:
Dr. Fridtjof Nansen, Professor at the University of Oslo.

THE PRESIDENT OF THE REPUBLIC OF PANAMA:
Dr. Eusebio A. Morales, Professor of Law at the Panama National Faculty, Finance Minister.

HER MAJESTY THE QUEEN OF THE NETHERLANDS:
Jonkheer W. F. van Lennep, Chargé d'Affaires a. i. of the Netherlands at Berne.

HIS MAJESTY THE EMPEROR OF PERSIA:
His Highness Prince Arfa, Ambassador, Delegate of Persia accredited to the League of Nations.

THE PRESIDENT OF THE POLISH REPUBLIC:
M. Auguste Zaleski, Minister for Foreign Affairs.

THE PRESIDENT OF THE REPUBLIC OF PORTUGAL:
Dr. A. de Vasconcellos, Minister Plenipotentiary, in charge of the League of Nations Department at the Ministry for Foreign Affairs.

HIS MAJESTY THE KING OF RUMANIA:
M. N. Titulesco, Professor at the University of Bucharest, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Representative of Rumania on the Council of the League of Nations.

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES:
Dr. M. Jovanovitch, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF SWEDEN:
M. Einar Hennings, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:

M. Ferdinand Veverka, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

THE PRESIDENT OF THE REPUBLIC OF URUGUAY:

M. B. Fernandez y Medina, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain.

Who, having communicated their full powers, have agreed as follows:

ARTICLE 1

For the purpose of the present Convention, the following definitions are agreed upon:

(1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

(2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

ARTICLE 2

The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps:

(a) To prevent and suppress the slave trade;

(b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

ARTICLE 3

The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

The High Contracting Parties undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided for in the Convention of June 17th, 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24, and paragraphs 3, 4 and 5 of Section II of Annex II), with the necessary adaptations, it being understood that this general Convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties.

It is also understood that, before or after the coming into force of this general Convention, the High Contracting Parties are entirely free to conclude between themselves, without, however, derogating from the principles laid down in the preceding paragraph, such special agreements as, by reason of their peculiar situation, might appear to be suitable in order to bring about as soon as possible the complete disappearance of the slave trade.

ARTICLE 4

The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade.

ARTICLE 5

The High Contracting Parties recognise that recourse to compulsory or forced labor may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labor from developing into conditions analogous to slavery.

It is agreed that:

(1) Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labor may only be exacted for public purposes.

(2) In territories in which compulsory or forced labor for other than public purposes still survives, the High Contracting Parties shall endeavor progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labor exists, this labor shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the laborers from their usual place of residence.

(3) In all cases, the responsibility for any recourse to compulsory or forced labor shall rest with the competent central authorities of the territory concerned.

ARTICLE 6

Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention undertake to adopt the necessary measures in order that severe penalties may be imposed in respect of such infractions.

ARTICLE 7

The High Contracting Parties undertake to communicate to each other and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the present Convention.

ARTICLE 8

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they can not be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States Parties to such a dispute should not be parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration.

ARTICLE 9

At the time of signature or of ratification or of accession, any High Contracting Party may declare that its acceptance of the present Convention does not bind some or all of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage in respect of all or any provisions of the Convention; it may subsequently accede separately on behalf of any one of them or in respect of any provision to which any one of them is not a party.

ARTICLE 10

In the event of a High Contracting Party wishing to denounce the present Convention, the denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will at once communicate a certified true copy of the notification to all the other High Contracting Parties, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying State, and one year after the notification has reached the Secretary-General of the League of Nations.

Denunciation may also be made separately in respect of any territory placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage.

ARTICLE 11

The present Convention, which will bear this day's date and of which the French and English texts are both authentic, will remain open for signature by the States Members of the League of Nations until April 1st, 1927.

The Secretary-General of the League of Nations will subsequently bring the present Convention to the notice of States which have not signed it, including States which are not Members of the League of Nations, and invite them to accede thereto.

A State desiring to accede to the Convention shall notify its intention in writing to the Secretary-General of the League of Nations and transmit to him the instrument of accession, which shall be deposited in the archives of the League.

The Secretary-General shall immediately transmit to all the other High Contracting Parties a certified true copy of the notification and of the instrument of accession, informing them of the date on which he received them.

ARTICLE 12

The present Convention will be ratified and the instruments of ratification shall be deposited in the office of the Secretary-General of the League of Nations. The Secretary-General will inform all the High Contracting Parties of such deposit.

The Convention will come into operation for each State on the date of the deposit of its ratification or of its accession.

In faith whereof the Plenipotentiaries have signed the present Convention.

DONE at Geneva the twenty-fifth day of September, one thousand nine hundred and twenty-six, in one copy, which will be deposited in the archives of the League of Nations. A certified copy shall be forwarded to each signatory State.

ALBANIA	D. DINO
GERMANY	DR. CARL VON SCHUBERT
AUSTRIA	EMERICH PFLÜGL
BELGIUM	L. DE BROUCKERE

BRITISH EMPIRE	I declare that my signature does not bind India or any British Dominion which is a separate member of the League of Nations and does not separately sign or accede to the Convention. CECIL
CANADA	GEORGE EULAS FOSTER
AUSTRALIA	J. G. LATHAM
UNION OF SOUTH AFRICA	J. S. SMIT
NEW ZEALAND	J. C. PARR
INDIA	Under the terms of Article 9 of this Convention I declare that my signature is not binding as regards the enforcement of the provisions of Article 2, sub-section (b), Articles 5, 6 and 7 of this Convention upon the following territories; namely, in Burma: the Naga tracts lying West and South of the Hukawng Valley, bounded on the North and West by the Assam Boundary, on the East by the Nanphuk River and on the South by the Singaling Hkamti and the Somra Tracts; in Assam, the Sadiya and Balipara Frontier Tracts, the tribal area to the East of the Naga Hills District, up to the Burma boundary, and a small tract in the South of the Lushai Hills District; nor on the territories in India of any Prince or Chief under the suzerainty of His Majesty. I also declare that my signature to the Convention is not binding in respect of Article 3 in so far as that Article may require India to enter into any Convention whereby vessels, by reason of the fact that they are owned, fitted out or commanded by Indians, or of the fact that one-half of the crew is Indian, are classified as native vessels, or are denied any privilege, right or immunity enjoyed by similar vessels of other States Signatories of the Covenant or are made subject to any liability or disability to which similar ships of such other States are not subject. W. H. VINCENT
BULGARIA	D. MIKOFF
CHINA	CHAO-HSIN CHU
COLOMBIA	FRANCISCO JOSÉ URRUTIA
CUBA	ARISTIDES DE AGÜERO BETHANCOURT
DENMARK	HERLUF ZAHLE
SPAIN	For Spain and the Spanish Colonies, with the exception of the Spanish Protectorate of Morocco. MAURICIO LOPEZ ROBERTS MARQUIS DE LA TORREHERMOSA
ESTONIA	J. LAIDONER
ABYSSINIA	GUETATCHOU MAKONNEN KENTIBA GERBROU ATO TASFAE
FINLAND	RAFAEL ERICH
FRANCE	B. CLAUZEL
GREECE	D. CACLAMANOS V. DENDRAMIS
ITALY	VITTORIO SCIALOJA
LATVIA	CHARLES DUZMANS
LIBERIA	Subject to ratification by the Liberian Senate. BARON R. LEHMANN
LITHUANIA	VENCESLAS SIDZIKAUSKAS
NORWAY	FRIDTJOF NANSEN
PANAMA	EUSEBIO A. MORALES
NETHERLANDS	W. F. VAN LENNEP
PERSIA	*Ad referendum* and interpreting Article 3 as without power to compel Persia to bind herself by any arrangement or convention which would place her ships of whatever tonnage in the category of native vessels provided for by the Convention on the Trade in Arms. PRINCE ARFA
POLAND	AUGUSTE ZALESKI
PORTUGAL	AUGUSTO DE VASCONCELLO
RUMANIA	N. TITULESCO
KINGDOM OF THE SERBS, CROATS AND SLOVENES	M. JOVANOVITCH
SWEDEN	EINAR HENNINGS
CZECHOSLOVAKIA	FERDINAND VEVERKA
URUGUAY	B. FERNANDEZ Y MEDINA

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of Executive O, Seventieth Congress, first session, a convention to suppress the slave trade and slavery, signed at Geneva on September 25, 1926, subject to the following reservation:

That the Government of the United States, adhering to its policy of opposition to forced or compulsory labor except as a punishment for crime, of which the person concerned has been duly convicted, adheres to the convention except as to the first subdivision of the second paragraph of Article V, which reads as follows:

(1) Subject to the transitional provisions laid down in paragraph (2) below compulsory or forced labor may only be exacted for public purposes.

RECESS

Mr. CURTIS. In accordance with the order heretofore entered, I move that the Senate take a recess until 8 o'clock p. m.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of a recess.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 15655) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va., in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions of the Senate:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher,

Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill," approved May 1, 1928;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224; sec. 241, title 22, U. S. C.);

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; and

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

APPORTIONMENT OF REPRESENTATIVES

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement previously entered into, the Chair lays before the Senate House bill 11725, the business of the evening session.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11725) for the apportionment of Representatives in Congress.

Mr. STEPHENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

Barkley	Dale	Johnson	Stephens
Bayard	Dill	Jones	Thomas, Idaho
Bingham	Edwards	Norris	Trammell
Black	Fess	Phipps	Vandenberg
Blaine	Frazier	Pine	Wagner
Blease	George	Robinson, Ind.	Walsh, Mass.
Bratton	Glass	Schall	Warren
Caraway	Goff	Sheppard	Waterman
Copeland	Hayden	Smith	Watson
Curtis	Heflin	Steck	

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is very ill with the flu and is detained from the Senate for that reason.

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, a quorum is not present. The clerk will call the names of the absentees.

The legislative clerk called the names of the absent Senators.

Mr. BROUSSARD, Mr. COUZENS, Mr. GOULD, Mr. HASTINGS, Mr. MCMASTER, Mr. NEELY, and Mr. STEIWER entered the Chamber and answered to their names.

Mr. VANDENBERG. Mr. President, under subdivision 3 of Rule V, I move that the Senate direct the Sergeant at Arms to request the attendance of absent Senators.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. BLACK. I move, as a substitute, that the Senate take a recess until to-morrow at 11 o'clock.

The PRESIDING OFFICER. The Chair will declare the motion of the Senator from Alabama out of order, because no motion other than a motion to adjourn is in order until a quorum shall have appeared.

Mr. BLACK. Then, I move, as a substitute, that the Senate adjourn until 11 o'clock to-morrow.

Mr. CURTIS. Mr. President, there is already a unanimous-consent agreement that when the Senate concludes its work to-day it shall recess until 11 o'clock to-morrow.

The PRESIDING OFFICER. A motion to adjourn is always in order.

Mr. CURTIS. Not in the face of a unanimous-consent agreement.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. If the Senate should adjourn and the unanimous-consent order already having been registered when there was a quorum present that we would take a recess until 11 o'clock to-morrow, I rather think that the motion to adjourn would have the effect of winding up the business of the night and we would meet under the agreement to take a recess in the morning. That would be the effect of it.

Mr. CURTIS. Mr. President, in view of the unanimous-consent agreement, a motion to take a recess is in order.

Mr. HEFLIN. Mr. President, we have already adopted an order that, beginning to-morrow, the Senate will meet at the hour of 11 o'clock.

The PRESIDING OFFICER. The Senate has agreed to recess until to-morrow at 11 o'clock at the conclusion of its business to-day.

Mr. HEFLIN. But prior to that agreement I understand that we had agreed that, beginning to-morrow, the Senate would meet at 11 o'clock, and the order to-day was that when the Senate recessed it would recess until 11 o'clock to-morrow; so that there are two orders to that effect.

Mr. JOHNSON. Mr. President, the unanimous-consent agreement, as I recall it, provides that when the Senate concludes its business to-night it shall recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from California is correct.

Mr. JOHNSON. Very well. Now a motion to adjourn can not abrogate in that fashion the unanimous-consent agreement. I submit, therefore, that the motion to adjourn is not in order.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. The Chair will rule that a motion to adjourn, or under the unanimous-consent agreement, a motion to take a recess is in order. Without objection, the order will be made directing the Sergeant at Arms to request the presence of absent Senators.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. All debate is out of order until a quorum shall have been developed.

Mr. CARAWAY. What if we shall never develop a quorum?

The PRESIDING OFFICER. At 11 o'clock p. m. then, the Senate will take a recess.

Mr. NORRIS. Mr. President, I move that the Senate take a recess until 11 o'clock p. m.

The PRESIDING OFFICER. The Chair declares that motion to be out of order.

Mr. NORRIS. Then will the Chair tell us how we can quit? [Laughter.]

Mr. BLACK. Does that mean we shall have to remain here until 11 o'clock?

The PRESIDING OFFICER. The Senate will be in order and will let the Chair read the rule, which is as follows:

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. NORRIS. Then, I move that the Senate adjourn, if that will suit the Chair any better. That is in order according to the Chair's own ruling.

Mr. DILL. Mr. President, I do not think so. The Senate by unanimous consent agreed to remain in session from 8 o'clock to 11 o'clock.

Mr. NORRIS. But we did not agree to stay here without a quorum.

Mr. DILL. The Senate agreed to stay here until 11 o'clock.

Mr. HEFLIN. To stay here not later than 11 o'clock.

The PRESIDING OFFICER. All debate is out of order.

Mr. CURTIS. Mr. President, under similar circumstances, a good many years ago, when the question arose whether less than a quorum could take a recess, the then Presiding Officer, Mr. Hamlin, held that a motion to recess was in order though a quorum was not present. Senators will find that decision on page 503 of Gilfry's Precedents.

Mr. HEFLIN. I make the point of order that since the Chair has ruled that a motion to adjourn is not in order, there is only one other motion in order, and that is the motion to recess until 11 o'clock to-morrow, and such a motion is in keeping with the order already entered by the Senate.

The PRESIDING OFFICER. The Chair will ask the Senator from Kansas again to give the page of the citation which he has made.

Mr. CURTIS. It will be found on page 503 of Gilfry's Precedents, as follows:

APRIL 18, 1864.

On the question of a recess, Vice President Hamlin said: The impression of the Chair is that a less number than a quorum can take a recess.

It has been ordered by unanimous consent that at the conclusion of the business of the Senate to-day a recess shall be taken until 11 o'clock a. m. to-morrow. By reason of this fact, it seems to me that a motion to take a recess is in order.

The PRESIDING OFFICER. The Chair has the precedent before him, and upon that basis will hold that a motion to recess is in order.

Mr. SMITH. I move that the Senate take a recess.

Mr. NORRIS. Mr. President, a motion to recess has been made. Does the Chair hold now that it is in order?

The PRESIDING OFFICER. The Chair holds that a motion to take a recess is in order.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry, Am I entitled to ask for a roll call upon that motion?

The PRESIDING OFFICER. The Chair so holds.

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HEFLIN. That motion is that of my colleague [Mr. BLACK] that the Senate take a recess until 11 o'clock.

Mr. BLACK. I made a motion to adjourn before the motion to take a recess was made.

The PRESIDING OFFICER. The Chair will hold under the rules of the Senate that a motion to take a recess is in order because of the precedent back in 1864. The clerk will call the roll on the motion to take a recess.

The Chief Clerk proceeded to call the roll.

Mr. BLEASE (when Mr. TYSON's name was called). I wish to announce that the Senator from Tennessee [Mr. TYSON] is absent on account of illness.

The roll call was concluded.

Mr. BAYARD (after having voted in the affirmative). I have a general pair with the Senator from Pennsylvania [Mr. REED]. In his absence I transfer that pair to the senior Senator from Mississippi [Mr. HARRISON] and allow my vote to stand.

Mr. CURTIS (after having voted in the negative). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the Senator from Massachusetts [Mr. GILLETT], and let my vote stand.

The result was announced—yeas 11, nays 31, as follows:

YEAS—11

Barkley	Blaine	Dale	Smith
Bayard	Blease	Glass	Stephens
Black	Bratton	Heflin	

NAYS—31

Bingham	George	Phipps	Trammell
Copeland	Goff	Pine	Vandenberg
Couzens	Hastings	Robinson, Ind.	Wagner
Curtis	Hayden	Schall	Walsh, Mass.
Dill	Johnson	Sheppard	Warren
Edwards	Jones	Steck	Waterman
Fess	McMaster	Steiwer	Watson
Frazier	Neely	Thomas, Idaho	

NOT VOTING—53

Ashurst	Gould	McNary	Sackett
Borah	Greene	Mayfield	Shipstead
Brookhart	Hale	Metcalf	Shortridge
Broussard	Harris	Moses	Simmons
Bruce	Harrison	Norbeck	Smoot
Burton	Hawes	Norris	Swanson
Capper	Howell	Nye	Thomas, Okla.
Caraway	Kendrick	Oddie	Tydings
Deneen	Keyes	Overman	Tyson
Edge	King	Pittman	Walsh, Mont.
Fletcher	La Follette	Ransdell	Wheeler
Gerry	Larrazolo	Reed, Mo.	
Gillett	McKellar	Reed, Pa.	
Glenn	McLean	Robinson, Ark.	

So the Senate refused to take a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan [Mr. VANDENBERG].

Mr. BLACK. I call for the yeas and nays.

Mr. COUZENS. What is the motion, Mr. President?

The PRESIDING OFFICER. That the Sergeant at Arms be directed to request the presence of absent Members.

Mr. HEFLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. NEELY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NEELY. What is the question?

The PRESIDING OFFICER. The question is on the motion to authorize the Sergeant at Arms to request the presence of the absent Members. On that question the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE], and will vote. I vote "yea."

The roll call was concluded.

Mr. BAYARD (after having voted in the affirmative). I have a general pair with the Senator from Pennsylvania [Mr. REED]. He is absent, but I am informed that if he were present he would vote as I have voted. I shall, therefore, let my vote stand.

Mr. CURTIS (after having voted in the affirmative). Making the same announcement as on the previous roll call, I will permit my vote to stand.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Ohio [Mr. BURTON] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD]; and

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 44, nays 2, as follows:

YEAS—44

Barkley	Dill	Johnson	Steck
Bayard	Edwards	Jones	Steiwer
Bingham	Fess	McMaster	Stephens
Black	Frazier	Neely	Thomas, Idaho
Blaine	George	Norris	Trammell
Bratton	Glass	Phipps	Vandenberg
Broussard	Goff	Pine	Wagner
Caraway	Gould	Robinson, Ind.	Walsh, Mass.
Copeland	Hastings	Schall	Warren
Couzens	Hayden	Sheppard	Waterman
Curtis	Heflin	Smith	Watson

NAYS—2

Blease	Dale

NOT VOTING—49

Ashurst	Hale	Mayfield	Shipstead
Borah	Harris	Metcalf	Shortridge
Brookhart	Harrison	Moses	Simmons
Bruce	Hawes	Norbeck	Smoot
Burton	Howell	Nye	Swanson
Capper	Kendrick	Oddie	Thomas, Okla.
Deneen	Keyes	Overman	Tydings
Edge	King	Pittman	Tyson
Fletcher	La Follette	Ransdell	Walsh, Mont.
Gerry	Larrazolo	Reed, Mo.	Wheeler
Gillett	McKellar	Reed, Pa.	
Glenn	McLean	Robinson, Ark.	
Greene	McNary	Sackett	

So Mr. VANDENBERG's motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the presence of the absent Senators.

Mr. NEELY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NEELY. Did the Chair's instructions to the Sergeant at Arms include a direction that he shall, if necessary, compel as well as request the presence of the absent Senators?

The PRESIDING OFFICER. No; he was only directed to request their attendance.

Mr. BLEASE. You can not arrest a Senator, under the Constitution——

Mr. NEELY. The rule provides that the Sergeant at Arms shall request, and if necessary compel, the attendance of the absent Senators.

The PRESIDING OFFICER. That comes in the form of a second motion, later on.

Mr. JOHNSON. Mr. President, will the Chair pardon me for a disagreement in that regard? The rule, if the Chair will observe, is that—

A majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate.

"Which order": The order is that the Sergeant at Arms may be directed to request, and, when necessary, to compel; and it seems to me from the context that it all ought to be in one order. I understood that the Chair had ruled that the matter should be divided, but I do not think the rule so provides. Let me repeat it:

A majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate.

And the order, I take it, should be that the Sergeant at Arms be directed to request, and, if necessary, to compel the attendance of the absent Senators.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. The Chair will state to the Senator from California and also to the Members of the Senate generally that the practice of the body is to make the suggestion first in the form of a request; then, when the Sergeant at Arms reports that he has not succeeded, a second motion is made to compel the attendance of Senators. That is the practice under the precedents.

Mr. JOHNSON. I realize, sir, that in two previous filibusters of which I was the victim, that was the order that the Chair directed to be made—that is, that they be segregated into two different motions, and with those motions on the occasions referred to I complied; but I submit to the Chair that the rule itself apparently provides that one order shall be all that is essential. The request is made by the Sergeant at Arms, apparently. If that request is not complied with instanter, then the Sergeant at Arms invokes the authority that he has to compel the attendance of the recalcitrant Members.

The PRESIDING OFFICER. If any Senator should make a motion now to proceed to compel the attendance of absent Senators, the Chair would have to regard it in order.

Mr. VANDENBERG. Mr. President, in order to save time, I supplement the previous motion by moving that the Sergeant at Arms be directed to compel the attendance of absent Senators if they fail to respond to the request.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to compel the presence of the absent Senators.

Mr. NEELY. Mr. President, for the benefit of the Sergeant at Arms——

The PRESIDING OFFICER. Nothing is in order until a quorum is developed.

Mr. NEELY. Nothing except something that pertains to the absence of it; and that is the point to which I wish to speak.

For the benefit of the Sergeant at Arms, who may not remember the experience we had in obtaining a quorum when the Boulder Dam question was up two years ago, I call his attention to the fact that there is an appropriate form of warrant for the arrest of the absent Senators on page 4456 of the CONGRESSIONAL RECORD of the Sixty-ninth Congress, volume 4.

The PRESIDING OFFICER. The Senator from West Virginia is out of order.

Mr. NEELY. We shall have to have that warrant sooner or later, Mr. President.

At 8 o'clock and 57 minutes p. m. Mr. THOMAS of Oklahoma entered the Chamber and answered to his name.

At 9 o'clock and 3 minutes p. m. Mr. GREENE entered the Chamber and answered to his name, and a minute later Mr. ODDIE, Mr. HARRISON, and Mr. NYE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum present. The bill is as in Committee of the Whole and open to amendment.

Mr. VANDENBERG. Mr. President, I am perfectly willing to have a vote taken on the bill.

Mr. BLACK. Mr. President, I desire to submit a few remarks upon the bill. The bill under consideration is entitled "An act for the apportionment of the Representatives in Congress." This is a misnomer. It is not an act for the apportionment of Representatives in Congress. It does not even resemble an act for the apportionment of Representatives in Congress. It has been heralded by the great metropolitan press as a bill for the apportionment of Representatives.

Congress has been chastised by reason of the alleged charge that Congress has not done its duty and that the bill now under consideration will perform a function required by the Constitution which has long been neglected. If this were a fair bill designed to apportion equitably the membership in the House of Congress I would gladly support it. It is not, however, such a bill. On the contrary, it is a bill which does not make an apportionment of Representatives in Congress, but it attempts by a very inequitable and unjust method to provide a rule by which Congress can pass on more of its powers to another bureau and whittle away the constitutional privileges and prerogatives which have been vested in the legislative body of the Nation.

I desire first to refer to the method by which it is proposed that our bureaus, already rich with power, shall have some more congressional prerogatives in order that another bureau make laws for the people of the Nation—no, not make laws, but perform a more sacred function in a democracy, and that is to determine the representation which shall come from the various States of the Republic. The method which is proposed, by which the Secretary of Commerce shall be guided in this legislative function which is about to be bestowed upon him, is one which is designated as the method of major fractions.

It was a little strange to me to see the activity on the part of certain members of the great metropolitan press, which had never before evidenced any anxiety for an obedience to constitutional principles, in their intense desire to coerce the Congress into the passage of this measure, and so I concluded that it might be wise to investigate. I found the reply to the query which naturally arose in my mind in the statement of a Representative from the State of New York, in which he said:

The larger States gain more under major fractions than under equal proportions, and the smaller States get less.

When I read that statement it brought about some reflection with reference to some great controversies which have occurred in this Nation heretofore. I remembered one of the chief bones of contention in the great Constitutional Convention in Philadelphia was with reference to the Representatives of the great States and the small States. I recalled that this great controversy became so keen that on practically the last day of the session of that great convention General Washington for the first time stepped down from his position as the presiding officer of the convention and requested that more consideration be given to the rights of the people in the proportion of their legislative representatives. I recalled also that day after day and week after week there was developed in that great convention debate hinging around the proposition as to whether one State should be given an unjust privilege over and above another. Then I read again the statement of the Representative from the great State of New York, in which he said:

The larger States gain more under major fractions than under equal proportions, and the smaller States get less.

Then I looked at the bill again, and I saw a bill destined for the first time to attempt to engraft on the statute laws of America an unchanging and inflexible system if we adopted the method of major fractions. I then recalled the fact that the great President of this Republic, who first served and who has been designated as the Father of his Country, vetoed the first apportionment bill by reason of his disapproval of the method of the selection of the Representatives.

Then I concluded to look at the evidence which was before the House committee, wondering why there had been rushed over to this body, with such great momentum that it seemed impossible to stop it, this unique method not only abdicating on the part of Congress its constitutional prerogative but laying down a rule by which it was hoped the membership could be shifted from one State to another. An investigation of the record disclosed the fact, which can not be resisted, that that shifting is from the small and rural States of this great country of ours into the great States in which the metropolitan press daily sends forth its anathemas against Congress by reason of its alleged failure to perform its constitutional duty.

I found that there was a committee appointed, an advisory committee to the Census Department, in 1921, composed of some of the ablest statisticians, mathematicians, and political economists in the Nation. I found that that committee had unanimously reported to the Congress against the system of major fractions and in favor of the system known as that of equal proportions which would more nearly equalize the rights of the various States of the Union. They did it in this language:

The method of equal proportions is somewhat more favorable to the small States than is the method of major fractions. By the method of minimum range—

Another method which, it seems to me, is still fairer and more equitable to all the States in the Union—

By the method of minimum range the small States as a group get 11 more Representatives and the large States 12 fewer.

That was the statement of Doctor Wilcox. Doctor Willcox is the gentleman who recommended to the Congress the adoption of the system of major fractions.

Of course, as we go along with the exposition of the evidence which has been introduced before the House committee we shall find still more reasons for the activities of the great newspapers and the metropolitan press and for their suddenly de-

veloped yearning to impress upon Congress a duty in reference to obedience to the Constitution of the United States. Prof. Charles E. Hill, of the department of constitutional law of the George Washington University, said this to the committee:

While the method of major fractions of equal proportions would carry out the intent of the framers of the Constitution with greater exactness, that solution is, in my opinion, less easily comprehended.

In other words, Doctor Hill in his testimony stated that, in his judgment, the method of equal proportions would more nearly carry out the intent of the framers of the Constitution; but this bill which has been sent into this Chamber has not adopted the system which would more nearly carry out the intentions of the framers of the Constitution. It has abdicated the privileges and prerogatives which were granted to Congress, and, in addition to that, it has adopted a method designed and intended unduly to prejudice the rights of the small rural States of this Nation to the advantage and the benefit of the great States with teeming millions of people from all sections of the world.

Mr. HARRISON. Mr. President, may I ask the Senator a question, if it will not interrupt him?

Mr. BLACK. I yield.

Mr. HARRISON. How long was this bill before the Senate Committee on Commerce, and does the Senator know whether the experts there had a different opinion from that of advisory committee as to the course which should be pursued?

Mr. BLACK. My understanding is that there were no experts before the Senate Commerce Committee.

Mr. DALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. BLACK. I yield.

Mr. DALE. I can answer that question. I have the honor to be a member of the Senate Committee on Commerce. There was not one minute of time given to any hearing or consideration whatever of this bill. I was present when the matter came up. I had men with me, and had hoped there would be a hearing, but there was no attention whatever given to this bill by the Commerce Committee.

Mr. HARRISON. In the time of the Senator from Alabama, may I ask the Senator from Vermont, as a member of the Commerce Committee, if the Committee on Commerce on the part of the Senate on an important bill like this had no one before it and reported the bill out in such fashion as that?

Mr. DALE. That is absolutely correct.

Mr. VANDENBERG. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. BLACK. I yield.

Mr. VANDENBERG. The solicitude of my genial friend from Mississippi for the Commerce Committee and its activities is very impressive. The fact is, however, the Commerce Committee had before it all the hearings that had been had in the House of Representatives; they were available for any consultation that might be desired. So far as the iniquity of the terrible imposition called "major fractions" is concerned, the fact is that the advisory committee to the Director of the Census recommends that the system of major fractions be employed.

Mr. HARRISON. May I ask the Senator from Michigan a question before he takes his seat?

Mr. BLACK. I read what the advisory committee said.

Mr. VANDENBERG. What is the question of the Senator from Mississippi?

Mr. HARRISON. I merely wanted to inquire—I do not want to see any contention between Senators on the other side of the aisle—is the Senator from Michigan [Mr. VANDENBERG] in accord with what the Senator from Vermont [Mr. DALE] has stated with reference to there having been no hearings before the Commerce Committee on this bill?

Mr. VANDENBERG. There were no hearings before the Commerce Committee.

Mr. HARRISON. How long had the bill been before the Committee on Commerce before it was reported to the Senate?

Mr. VANDENBERG. It was reported to the Senate in 48 hours, and that is the only thoroughly honorable thing I know of in the history of the Senate for the last 10 years in connection with reapportionment.

Mr. HARRISON. This is the first time the Senator ever got on a committee, and perhaps that is the reason why he thinks the action was honorable.

Mr. BLACK. Mr. President, perhaps it was not necessary to have a hearing before the Senate committee——

Mr. DALE. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. Let me make this suggestion. Perhaps it was not necessary to have hearings before the Senate committee, because there was on that committee my genial, affable, intellectual, and able friend from Michigan, but it so happened that there were two Members on the House committee from the city of Detroit. So far as I have been able to ascertain, there is no other committee of the House of Representatives on which there are two members from the same city. It was not necessary to have hearings; of course, my friend could have gotten his information from the two Representatives from Michigan who pressed this bill in the House, but since the statement has been made that the advisory committee recommended the system of major fractions, I shall read from the report in the House, which, as my friend from Michigan has stated, was available to the Committee on Commerce of the Senate, and see what they said about it or what was printed in the report.

VII. SUMMARY

1. It is clear that the Constitution requires that the allocation of Representatives among the several States shall be proportionate to the distribution of population. It is not equally clear that there is anything in the constitutional requirement which suggests that one of the forms in which such apportionment ratios or proportions may be expressed should be preferred to another.

2. The "method of major fractions" utilizes only one of several ways of expressing apportionment ratios. The "method of equal proportions" utilizes all of these ways without inconsistency. The latter method, therefore, has a broader basis.

3. There is no mathematical or logical ground for preferring the one form of expression of the apportionment ratio used in the method of major fractions to other forms of expression. These other forms lead, when similar processes of computation are employed, to different and therefore inconsistent results.

4. The method of major fractions logically implies preference for a special meaning which may be attached to one of the forms in which apportionment ratios may be expressed. To attach to ratios meanings which vary with the forms in which the ratios are expressed is to interpret them as something else than ratios.

5. In the "method of major fractions" the "nearness" of the ratios of Representatives and population for the several States is measured by absolute differences. The "method of equal proportions" utilizes relative differences. The relative scale is to be preferred.

That is the summary of the report of the advisory committee which was printed in the House hearings and which was available to the Senate Committee on Commerce.

Mr. VANDENBERG. Mr. President, if it will not interrupt the Senator inopportunely, I should like to ask him a question.

Mr. BLACK. I yield.

Mr. VANDENBERG. Has the system of equal proportions ever been used in any reapportionment?

Mr. BLACK. Yes.

Mr. VANDENBERG. When?

Mr. BLACK. The Senator from Michigan knows, does he not?

Mr. VANDENBERG. I am asking the Senator from Alabama.

Mr. BLACK. If the Senator from Michigan knows and wants to place the information before the Senate, he can state it.

Mr. VANDENBERG. I judge the Senator does not care to testify on the subject.

Mr. BLACK. No; I am not a witness. I am taking the evidence before the House committee.

Mr. VANDENBERG. The Senator certainly is not a witness.

Mr. COPELAND. Mr. President, will the Senator yield to me for a question?

Mr. BLACK. I yield.

Mr. COPELAND. The Senator made reference to the metropolitan newspapers and the anxiety of certain great dailies. Surely the Senator did not refer to the newspapers of New York City when he said that?

Mr. BLACK. I referred to all the newspapers in the great city districts which have been lambasting Congress for a failure to perform its constitutional functions, but which have not been so anxious about the performance of other constitutional functions.

Mr. COPELAND. I take it the Senator does not mean the newspapers of the city of New York, because the Senator will recall that in all probability the State of New York will lose one Representative under this bill.

Mr. BLACK. Yes, sir; and the State of New York will lose two Representatives if the proper method shall be adopted. It has been so testified by a Representative in Congress who spoke in behalf of this bill.

Mr. COPELAND. The Senator does not encourage me, then, to vote his way.

Mr. BLACK. I do not know. I do not think the Senator would vote against a bill simply because it would lose for his State a Representative in Congress. With my knowledge of the Senator from New York, I can not believe that he would permit the mere losing of a Representative in Congress to turn his mind from the straight and narrow path of rectitude and duty.

Mr. COPELAND. I am very much obliged to the Senator, but I wish he would answer my question. Does he mean that the New York newspapers have advocated this measure and does he refer to them as being in this thickly populated and wicked part of the United States?

Mr. BLACK. I did not say "wicked."

Mr. COPELAND. No?

Mr. BLACK. No. The Senator has interpreted and interpolated that for me in the statement which he has made. If the Senator thinks they are wicked, the Senator lives there and he knows better than I do. I do not say it.

Mr. COPELAND. I just came from Chicago and was not "bumped off" while I was there.

Mr. BLACK. The Senator was fortunate.

Mr. COPELAND. Yes; and a man there lives within gunshot of his neighbor. I should like to ask the Senator does he refer to the New York newspapers?

Mr. BLACK. I refer to those newspapers—I do not care to make a list of them now, but if the Senator wants me to, I will try to prepare a list and put it in the RECORD—which have been attacking Congress with reference to this particular bill and insisting and urging that this was a reapportionment bill when it is not a reapportionment bill.

Mr. COPELAND. Perhaps, when those newspapers are as well enlightened as is the Senator from Alabama they will not be so insistent.

Mr. BLACK. That is possible.

Mr. COPELAND. But is it not perfectly natural that newspapers, if they represent the public thought, should desire that Congress should act in a constitutional way and proceed to make a reapportionment? The Senator certainly is not opposing a reapportionment.

Mr. BLACK. I should think it would be very natural for those newspapers not only to want that constitutional provision obeyed, but the eighteenth amendment. Some of them, however, are using their columns daily to attack and break down the enforcement of that provision of the Constitution, while they set themselves up as the great arbiters to determine for us when we shall vote, how we shall vote, and in what way we shall vote.

Mr. COPELAND. If the Senator will permit me, let me say that I think it is unfair to speak in that way in the absence of the Senator from Maryland (Mr. BRUCE). He is not here tonight. [Laughter.]

Mr. BLACK. I should like to say for the benefit of the Senator that I voted for the motion to invite all Senators to come in, and thought the Senator from Maryland would be here.

Mr. DALE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. BLACK. I yield.

Mr. DALE. Will the Senator tell us whether it is possible for this Congress to pass any reapportionment bill that will take effect?

Mr. BLACK. That will take effect?

Mr. DALE. Yes, sir.

Mr. BLACK. I very seriously doubt it at this time. It would certainly be necessary to amend the pending bill. If they could take the title, which is now a misnomer, and write a bill after it, and then if they could get the House to accept it, it would be possible to pass a reapportionment bill based on the 1920 census, but not one based on the 1930 census.

Mr. DALE. But before such a bill could take effect the 1930 census will have been taken.

Mr. BLACK. That is correct.

Mr. DALE. And we can not pass a bill based on the 1930 census.

Mr. BLACK. We can not pass a bill based on the 1930 census; that is correct.

Mr. DALE. We are undertaking now to do what is absolutely impossible for us to do and have any effect.

Mr. BLACK. We are attempting, if I understand this bill correctly, to leave the world under the impression that this particular Congress has a monopoly on virtue and right.

Mr. DALE. Yes, sir.

Mr. BLACK. And that we can not trust the Congress in 1930 or the ones in 1931 or 1932 or 1933 or 1934.

Mr. DALE. Precisely.

Mr. BLACK. That this is the only good Congress which has ever been in existence.

Mr. VANDENBERG. The Senator will concede, I think, that no Congress has been trustworthy since 1921 on the subject of reapportionment.

Mr. BLACK. I do not.

Mr. VANDENBERG. What has happened to make the Senator think it has been trustworthy?

Mr. BLACK. One thing is that a reapportionment bill was passed by the House, but two Representatives from the State of Michigan were active and instrumental in having that bill recommitted to the committee, where it was killed. Major fractions were not even in that bill.

Mr. VANDENBERG. What happened in 1921?

Mr. BLACK. In 1921, according to my information, a bill came into the Senate.

Mr. VANDENBERG. Yes; and what happened to it?

Mr. BLACK. My understanding is that it was passed by the House, but this body had the privilege and the right to decline to pass a bill which, in their judgment, was not right. Has the time come when, because the Senator thinks the Constitution requires reapportionment, the Members of this body are compelled to subordinate their personal belief as to what is right, and swallow the bill hook, line, and sinker, and say, "We take it; we know it is wrong, but in the end it may bring about reapportionment."

Mr. VANDENBERG. The Senate did not even pass on the bill of 1921. It throttled it in the dark in a committee. There have been three Congresses since, and the Senator from Alabama has sat in one or two of them; and I have not heard his voice raised in any great anxiety that the constitutional mandate should be constitutionally liquidated.

Mr. BLACK. In the first place, there has been no reapportionment bill in this body.

Mr. VANDENBERG. Why has there not been?

Mr. BLACK. I have not been here. Perhaps it is because the Congressmen from Michigan and the Senators from that State have not offered one. I do not know. I can not be responsible for the consciences of the Congressmen from Michigan and the Senators from Michigan. I have all I can do to attend to my own.

Mr. VANDENBERG. The Senator apparently is responsible only for a negative interest in this particular constitutional problem.

Mr. BLACK. It is the Senator's privilege to make that statement. At the same time, I stated in the beginning and I state now that while I do not agree with the Senator that there is an express and explicit mandate in the Constitution for reapportionment every 10 years, it is my judgment that it should be made, and I shall vote for any bill that comes to this House which fairly and equitably apportions the Representatives among the States of this Union at any time it comes; but I will not, by reason of the fact that Congress has not heretofore passed a good act, stand up and support a bill which is unjust and unrighteous and is written and designed for the benefit of the big States of this Union and against the small and rural States.

Mr. VANDENBERG. May I ask the Senator just one more question?

Mr. BLACK. Yes; I yield.

Mr. VANDENBERG. Then I will desist from contributing to the filibuster against myself.

Mr. BLACK. This is not a filibuster. The bill is bad.

Mr. VANDENBERG. I beg the Senator's pardon. I understand that.

The Senator, as I understand his position, would be glad, on the basis of the 1930 census, to vote immediately for such a reapportionment measure as would appeal to him as being fair and equitable. Is that correct?

Mr. BLACK. It is correct that I would vote immediately for any fair and equitable reapportionment.

Mr. VANDENBERG. Will the Senator now kindly point out what there is in the pending measure which would prevent precisely that thing happening in 1931?

Mr. BLACK. That is exactly what I expect to do if I am permitted to reach it. I am on my way. I can not say it all at once. I am just beginning to show the Senator a part of it, and I am going to show him some more before I finish if he will stay with me.

Mr. VANDENBERG. The only thing there is in this bill is a warrant that the Senator would have to participate in that sort of a reapportionment in 1931 or else face an automatic rule

which 11 years later would validate this particular constitutional mandate.

Mr. BLACK. Yes, sir; and I desire to state that if the time has come when one Congress feels itself so bloated with virtue and righteousness and having so much of a monopoly upon goodness and truth and obedience to the Constitution that that Congress is the only one that considers itself capable of obeying the Constitution of the United States, it should have itself erected upon a pedestal, and should be held up to the world as the model of virtue and beauty and justice.

My opinion is that the right to reapportionment ought to remain where the fathers who wrote the Constitution put it, in the hands of the Congress of the United States, and that any effort to remove it from the hands of the Congress of the United States is an assault upon the wisdom, upon the statesmanship, and upon the political ideals of the framers of the Constitution, which has been designated as the greatest instrument that ever came from the hearts or the minds of men.

Mr. VANDENBERG. At last the Senator and I can agree upon one thing. I agree that it ought to remain in the hands of the Congress, and not in its pockets.

Mr. BLACK. Mr. President, the Senator desired to know why I thought this bill was unjust, and I am just beginning to tell him.

Prof. J. W. Young, professor of mathematics at Dartmouth College, said this:

> It is true, after all, that the members of a congressional committee, and the Members of Congress as a whole, will not readily understand any one of the three methods, and whatever method is adopted the States unfavorably affected will protest. If the method of major fractions continues to be used—

I desire to call the attention of the Senator from Michigan to this. He wished to know why I thought this bill might be bad, and I am attempting to read to him the evidence which was before his committee, and which the committee evidently did not read, from the statement of Prof. J. W. Young, professor of mathematics at Dartmouth College—

> if the method of major fractions continues to be used, the protesting States will, it seems to me, have the best authority on their side, and in any case it would seem to me unwise to adopt a poorer method merely because a better method is more difficult to explain.

An example of the difference under the different methods, shown on page 53 of the House hearings, which I assume the Senators on the committee have read, shows, for instance, that New York under the plan of major fractions would receive 43, under the plan of equal proportions would receive 42, and under the plan of minimum range would receive 41.

The State of Pennsylvania under the major fractions would receive 36, under the equal proportions 37, and under the minimum range 36.

This is according to the census of 1920.

Mr. HARRISON. Has the Senator the figures for Michigan?

Mr. BLACK. No; I have not the figures for Michigan, but I am informed from the statement made on the floor of the House that Michigan will gain two or three or four Representatives under the system of major fractions—I do not recall the exact number—and that it will gain fewer Representatives under the system of equal proportions, or minimum range.

In other words, the undisputed evidence before the Congressional committee, which was brought over to the Senate and which the Senate committee did not have time to read, shows beyond the shadow of a doubt that the method of major fractions was designed for the purpose of extending the Representatives in the large States to the detriment of the small States and the rural communities.

The same thing is true with reference to California.

Now, I desire to show to the committee what was stated with reference to the system known as the minimum range.

There are three, or really four, systems. There is one system which was first adopted, and which was used until 1840, known as the system of rejected fractions. All these systems with reference to fractions come about for this reason:

We will take, for instance, a State which would have conceded to it eight Representatives. If you divide the total population of that State by eight, or if we say that you are going to give 200,000 constituents to each Congressman, that will not give you an even number, but will give you eight and a fraction; so the question comes up, How will you apportion the fractions?

That has never been of any importance until the time has come when it seems that the policy will be established of not increasing the membership in the House. That is the reason why heretofore there has been no controversy over the question. That is the reason why my friend asked me a moment ago if they had used the system of major fractions before. They have; but when they used the system of major fractions they did not take away from one State to give to another. When they used that system before, they increased the size of the House so that no State lost a Congressman, but other States gained. Now we have reached the time when we are adopting the policy that the membership remains unchanged. When you take a Congressman away from one State you give him to another, and when you give a Congressman to one State he comes from another. The result is that the system of determining the method is of vital importance. Not only is it of vital importance to-day, but if this monstrous legislation goes through it will be important in all the years to come. There will be some, if this legislation goes through, who vote for it to-day who will live to regret the time that they ever cast their ballots for this legislation.

What does that mean?

The other system is the system of minimum range. Here is what Doctor Willcox said about it; and Doctor Willcox is the gentleman who recommends major fractions. Here is his language:

> If the main purpose is to give the congressional districts as nearly as possible the same population, making the smallest possible difference between the State with the largest average congressional districts and the State with the smallest, so far as Congress by apportionment can bring about that result, the method of minimum range is to be preferred.

Of course, if we are to depart from the system of attempting to give to each congressional district as nearly as possible the same number of constituents, and if, instead of that, we believe in the method which is proposed here of giving Representatives to the large States and taking them away from the small States, then we should prefer the system of major fractions over and above the system of minimum range.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. BLACK. I yield.

Mr. TRAMMELL. Just for my information, I should like to ask the Senator whether the State of Alabama gains or loses in its representation under the system proposed in the bill?

Mr. BLACK. Under the system proposed by this bill it is absolutely and completely impossible to determine whether Alabama will gain or lose. Under the conjectural method of computation, Alabama is listed as one of the States that would lose a Representative. Perhaps it might under the system of major fractions. Personally, I very seriously doubt it. But whether it would or not is immaterial. I will vote in 1931 or in 1930, whenever it comes up, for a just and fair reapportionment bill if it takes 1 or 2 or 3 Representatives away from the State of Alabama; but I will not vote for a measure which is destined in the long run to change prematurely the great balance of legislative power in this Nation from the rural districts into the great metropolitan areas.

Mr. TRAMMELL. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. Does the Senator from Alabama further yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. TRAMMELL. In the study of this question by the Senator, does he not realize that there are a number of States which, under the present system, have not anything like the proportionate representation in the House of Representatives that they should have according to the number of Representatives in other States?

Mr. BLACK. That is absolutely correct; yes, sir.

Mr. TRAMMELL. Among those Sates is the State of Florida.

Mr. BLACK. That is correct.

Mr. TRAMMELL. We have only four Congressmen, and there are many States of no larger population that have from 7 to 10 Congressmen.

Mr. BLACK. That is correct.

Mr. TRAMMELL. We should like the Senator to assist us in some plan to correct that discrimination against the State of Florida and other States in a similar position.

Mr. BLACK. That is correct, and I will show the Senator in a few moments that under the system proposed here it was figured out—this was called the Alabama paradox—in such a way that if the number of Representatives was increased, Alabama received 9; if the number was decreased, Alabama received 10. That is the method which is proposed in this bill; and I will read the Senator in a few moments just exactly what that means.

I agree with the Senator that the State of Florida is underrepresented. As I stated in the beginning, I believe in a fair and just and equitable reapportionment; but I do not believe, because a State may get something from this bill, that it ought to be willing to sell its birthright for a mess of pottage and tie

itself down for generations to a method which is unfair and unjust, and which, sooner or later, will take away from it that which it has.

Mr. DILL. Mr. President——

Mr. TRAMMELL. I do not think a State ought to do that.

Mr. BLACK. I know that.

Mr. TRAMMELL. On the other hand, I do not think some State that might perchance lose should take any such attitude, either.

Mr. BLACK. There is no difference between the Senator and me on that. I state again, as I stated in the beginning, that there should be a fair reapportionment after the census is taken. If this bill had been brought in here during my term in the Senate on a basis of reapportionment on the census, even though I think the census of 1920 was incomplete, I should have voted for it.

Mr. DILL. I wanted to ask the Senator what would be the effect on the State representation under this other method, known as the minimum range, about which he has spoken.

Mr. BLACK. I have not looked at that. I do not think they would lose any.

Mr. DILL. What is the great difference? I have not heard it clarified by the Senator.

Mr. BLACK. I have not attempted to explain it, except as to results. A little later I will explain it, as far as a layman can. I do not claim that I can explain it so accurately that it will be understood, but I will read the Senator what has been said about it. Doctor Willcox said again, and this is his explanation of the minimum range:

> I do not know whether I make my explanation clear, but I should say that the principle of minimum range is that we invariably give each additional Representative to the State, which at that point, has the largest average population per Representative.

In other words, if they are attempting to apportion the Representatives, and they find that one State has a larger proportionate representation to the State than another, then that State would first get an additional Representative. That is the method of minimum range.

Mr. DILL. Then the State with the next highest average per Congressman——

Mr. BLACK. Would get the next.

Mr. DILL. Where there was a case over and above the figure fixed by the law.

Mr. BLACK. That is correct.

Again Doctor Willcox said, and I would like to have the Senator listen to this:

> If the committee desires to cut loose entirely from controversy between the large and the small States—

This is Doctor Willcox, who recommended the system of major fractions.

> If the committee desires to cut loose entirely from controversy between the large and small States, and adopt a principle of apportionment which secures the least possible difference between the States with largest population for Representatives, and the States with the smallest population for Representatives, I think that end can be secured by the method of minimum range.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. BLACK. I yield to the Senator.

Mr. VANDENBERG. Will the Senator permit me to quote from his favorite author for just a moment.

Mr. BLACK. I will when the Senator's time comes to speak.

Mr. VANDENBERG. I will be glad to wait.

Mr. BLACK. Doctor Willcox is not my favorite author. I have stated from the beginning that he is the gentleman who is recommending the system of major fractions, but on questions being propounded by members of the committee, he was compelled to admit the statements which I have just read.

With reference to the method of equal proportions, here, as I understand it, is the difference between equal proportions and major fractions, that is, so far as it can be understood at the present time, but I shall show in a few minutes, by the statement of the Assistant Director of the Census, that the Census Bureau could not act under this bill if it so desired. It leaves it entirely to their discretion.

The difference is this: We will assume, now, that a division has been made, and certain fractions are left over. Under the original system of major fractions, the idea was that if any State had a fraction of more than 50 per cent of the total amount needed for a Representative, that would entitle them to an additional Representative. That has been modified now, as I shall show in a few moments.

Under the system of equal proportions, the statisticians and scientists have agreed that the proper method is not the absolute difference in figures, that that does not comply with the spirit or the letter of the Constitution, but we should take the relative proportion of the fraction to the population of the State. In other words, the Senate can readily see that under that system the State with a small population would have an advantage over the State with the largest population, but the State with the medium population would always get that to which it was justly entitled.

Doctor Hill said with reference to the method of equal proportions:

> The method of equal proportions is the method by which the relative or percentage differences in either the number of inhabitants per Representatives or the number of Representatives per inhabitants are as small as possible.

Doctor Hill, the Assistant Director of the Census said:

> The method of equal proportions is more favorable to the large States than the method of minimum range, and less favorable than the method of major fractions.

In other words, the system of equal proportions stands on middle ground between that of the minimum range and that of major fractions.

This committee has presented to the Senate a bill which is in the interest and to the benefit, according to the statements of every statistician and mathematician in the United States, of the large States and against the States of medium size and the States of smaller size.

Doctor Hill said further:

> If it be desired to have a method which shall be as favorable to the large States as possible, then the method of major fractions should be used.

Remember, that is the method which is offered here, and Doctor Hill says, and I call it to the attention of Senators. If it be desired to adopt a method which is as favorable as possible to the large States, then adopt the method of major fractions.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. DILL. Have the statisticians worked out the number of Representatives that each State would have under these three systems?

Mr. BLACK. They have; according to the 1920 census but not according to the 1930 census. They may have worked it out according to their conjecture of the 1930 census.

Mr. DILL. Do their figures appear in the hearings?

Mr. BLACK. They are in the hearings. These statements are made largely from the figures given in the hearings, and the statements were made by the experts who testified before the committee.

Going further, Doctor Hill said:

> If it be desired to have a method to favor the small States as much as possible, then the method of minimum range should be used. If it be desired to adopt a method intermediate between these two not as favorable to the large State as major fractions nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

I call attention to that statement from the man who knows. He is the Assistant Director of the Census. He says that if it is the desire to adopt a method which will be as favorable as possible to the large State and as unfavorable as possible to the small States, then the system of major fractions should be adopted, which my friend says we must vote for or be disloyal to the Constitution of the United States.

Doctor Hill said further that if we want to get the intermediate method, which will be fair to both, we should adopt the system of equal proportions.

Doctor Hill said further:

> I would agree, and everybody understands, that the method of equal proportions is more advantageous to the smaller States than major fractions, and vice versa.
>
> The method of equal proportions is the method by which the relative or percentage differences in either the number of inhabitants per Representative or the number of Representatives per inhabitants are as small as possible.

I read a few moments ago from what the advisory committee unanimously stated with reference to this method.

Mr. HEFLIN. Mr. President, will my colleague yield to me?

Mr. BLACK. I yield.

Mr. HEFLIN. My colleague is making a very able speech against this monstrosity that has been offered here, and I think

the Senators who have to pass on this question ought to be here; so I suggest the absence of a quorum.

Mr. VANDENBERG. Mr. President, a point of order. No business having intervened, I make the point of order that the suggestion of a lack of a quorum is out of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HEFLIN. Mr. President, I suggest that business has intervened. Discussion of a very important question has been going on, and several Senators have participated in the debate, including the Senator from Michigan [Mr. VANDENBERG]. I would like to know, if we are not transacting any business, why we should stay here.

Mr. BLACK. Do we have to wait until we have a vote on something?

The PRESIDING OFFICER. The Chair will state that under the rule the roll can not be called for a quorum unless business has intervened, and discussion is not business. There has been no business transacted since the last quorum call.

Mr. HARRISON. I move that the Senate take a recess for 10 minutes.

The PRESIDING OFFICER. The Chair holds that the motion is out of order.

Mr. HARRISON. I appeal from the decision of the Chair, and on that I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the appeal from the decision of the Chair. The Chair ruled that the motion to take a recess for 10 minutes was out of order, on the ground that no motion is in order except a motion to adjourn, or a motion to take a recess, which would have to be a motion to take a recess until to-morrow, and not a recess for 10 minutes. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question the Senator from Mississippi demands the yeas and nays.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. No business having intervened——

Mr. HARRISON. I submit that business has intervened, Mr. President.

The PRESIDING OFFICER. There has been no decision made yet.

Mr. HARRISON. Very well. I ask for the yeas and nays on my appeal from the decision of the Chair.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question if present, I withhold my vote. I desire to be marked present for a quorum.

The roll call was concluded.

Mr. GEORGE. I inquire if the senior Senator from Colorado [Mr. PHIPPS] has voted?

The PRESIDING OFFICER (Mr. WATSON in the chair). That Senator has not voted.

Mr. GEORGE. Having a pair with that Senator, I withhold my vote.

The result was announced—yeas 32, nays 6, as follows:

YEAS—32

Ashurst	Frazier	Nye	Thomas, Idaho
Bingham	Goff	Oddie	Thomas, Okla.
Bratton	Hastings	Pine	Trammell
Copeland	Hayden	Robinson, Ind.	Vandenberg
Couzens	Johnson	Schall	Wagner
Dale	Jones	Sheppard	Walsh, Mass.
Dill	McMaster	Smith	Waterman
Edwards	Neely	Steiwer	Watson

NAYS—6

Barkley	Blaine	Heflin	Stephens
Black	Blease		

NOT VOTING—57

Bayard	Gillett	McKellar	Sackett
Borah	Glass	McLean	Shipstead
Brookhart	Glenn	McNary	Shortridge
Broussard	Gould	Mayfield	Simmons
Bruce	Greene	Metcalf	Smoot
Burton	Hale	Moses	Steck
Capper	Harris	Norbeck	Swanson
Caraway	Harrison	Norris	Tydings
Curtis	Hawes	Overman	Tyson
Deneen	Howell	Phipps	Walsh, Mont.
Edge	Kendrick	Pittman	Warren
Fess	Keyes	Ransdell	Wheeler
Fletcher	King	Reed, Mo.	
George	La Follette	Reed, Pa.	
Gerry	Larrazolo	Robinson, Ark.	

The PRESIDING OFFICER. The roll call having disclosed the absence fo a quorum, the clerk will call the roll.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum, and make the point that the vote just taken discloses the fact that there is no quorum present.

The PRESIDING OFFICER. The Senator from Alabama demands the presence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Stephens
Barkley	Frazier	Neely	Thomas, Idaho
Bingham	George	Oddie	Thomas, Okla.
Blaine	Goff	Pine	Trammell
Blease	Harrison	Robinson, Ind.	Vandenberg
Bratton	Hastings	Schall	Wagner
Copeland	Hayden	Sheppard	Walsh, Mass.
Couzens	Heflin	Shortridge	Waterman
Curtis	Johnson	Smith	Watson
Dill	Jones	Steiwer	

The PRESIDING OFFICER. There are 39 Senators present who have answered to their names, which discloses the fact that there is not a quorum present.

Mr. NEELY. Mr. President, I now propose the following order and ask for its immediate consideration:

Whereas under the rules of the Senate a call of the Senate has been ordered; and

Whereas the following-named Senators are absent without leave of the Senate, to wit (names to be filled in);

Whereas it is necessary to compel the attendance of said absent Senators in order that the Senate may proceed to the transaction of its business: Therefore it is

Ordered, That the Sergeant at Arms, be, and he is hereby, directed to compel the attendance on the Senate of said-named absent Senators, unless they be ill; and it is further

Ordered, That warrants for the arrest of said Senators be forthwith issued under the signature of the Presiding Officer, attested by the Secretary, and that the Sergeant at Arms be, and he is hereby, directed to execute such warrants forthwith by arresting each of said-named absent Senators and bringing them, and each of them, before the bar of the Senate; and that he make due return to the Senate of the execution of said warrants; and that this order shall be continuing until fully executed unless otherwise ordered by the Senate.

The PRESIDING OFFICER. Does the Senator make that as a motion?

Mr. NEELY. I do.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. NEELY].

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. BLACK. I desire to move a reconsideration.

The PRESIDING OFFICER. The decision of the Chair is that under the unanimous-consent agreement heretofore entered into and the fact that a quorum is not present, as having been disclosed by the roll call, there are but two courses open to the Senate at this time and only two matters of business are in order. One is a motion to take a recess and the other is a motion to instruct the Sergeant at Arms to secure the presence of a quorum. The latter course has been adopted, and therefore the Chair holds that everything else is out of order except the motion to take a recess.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEFLIN. The rule declares that a motion to adjourn is always in order. If a motion to adjourn should prevail, the Senate having previously, when it had a quorum, entered into a unanimous-consent agreement to take a recess upon the conclusion of business to-day and to meet at 11 o'clock to-morrow morning, would a motion to adjourn, if carried, affect that order?

The PRESIDING OFFICER. It would not, because a motion to adjourn is not in order at this time.

Mr. HEFLIN. Would a motion to take a recess be in order?

The PRESIDING OFFICER. A motion to take a recess is in order under the unanimous-consent agreement hitherto adopted.

Mr. HEFLIN. I believe it will take longer than 45 minutes to bring absent Members to the Chamber. Therefore, I move that the Senate take a recess until 11 o'clock to-morrow.

The PRESIDING OFFICER. That motion is in order.

Mr. VANDENBERG. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

The roll call was concluded.

Mr. GEORGE. Making the same announcement in reference to my pair as previously, I withhold my vote.

The result was announced—yeas 7, nays 34, as follows:

YEAS—7

Barkley	Broussard	Harrison	Nye
Blaine	Frazier	Heflin	

NAYS—34

Ashurst	Fess	Robinson, Ind.	Thomas, Okla.
Bingham	Goff	Schall	Trammell
Black	Hastings	Sheppard	Vandenberg
Blease	Johnson	Shortridge	Wagner
Bratton	Jones	Smith	Walsh, Mass.
Copeland	McMaster	Steck	Waterman
Couzens	Neely	Steiwer	Watson
Curtis	Oddie	Stephens	
Dill	Pine	Thomas, Idaho	

NOT VOTING—54

Bayard	Gillett	Larrazolo	Reed, Pa.
Borah	Glass	McKellar	Robinson, Ark.
Brookhart	Glenn	McLean	Sackett
Bruce	Gould	McNary	Shipstead
Burton	Greene	Mayfield	Simmons
Capper	Hale	Metcalf	Smoot
Caraway	Harris	Moses	Swanson
Dale	Hawes	Norbeck	Tydings
Deneen	Hayden	Norris	Tyson
Edge	Howell	Overman	Walsh, Mont.
Edwards	Kendrick	Phipps	Warren
Fletcher	Keyes	Pittman	Wheeler
George	King	Ransdell	
Gerry	La Follette	Reed, Mo.	

So the Senate refused to take a recess.

RECESS

Mr. VANDENBERG. Mr. President, in view of the repeated and decisive demonstrations that the friends of the Constitution are willing to stand by it in this fight, but equally in view of the fact that we have but 40 minutes remaining for the session to-night—and obviously no decision can be reached in that time—in deference to the wishes of several Senators present, I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 20 minutes p. m.), pursuant to its previous order, the Senate took a recess until to-morrow, Tuesday, February 26, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 25, 1929

UNITED STATES COAST GUARD

Lieut. (Temporary) Niels S. Haugen to be a lieutenant in the Coast Guard of the United States, to rank as such from date of oath.

The above-named officer has met the requirements for appointment in the regular Coast Guard, as set forth in section 5 of the act of July 3, 1926.

PROMOTIONS IN THE NAVY

Lieut. Commander Charles M. Elder to be a commander in the Navy from the 25th day of December, 1928.

Lieut. Commander Rush S. Fay to be a commander in the Navy from the 15th day of February, 1929.

Lieut. Commander Charles M. Cooke, jr., to be a commander in the Navy from the 18th day of February, 1929.

Lieut. Robert L. Porter, jr., to be a lieutenant commander in the Navy from the 15th day of February, 1929.

Lieut. (Junior Grade) Roy R. Darron to be a lieutenant in the Navy from the 3d day of September, 1928.

Ensign Isaac S. K. Reeves, jr., to be a lieutenant (junior grade) in the Navy from the 4th day of June, 1928.

POSTMASTERS

ALABAMA

Phala B. Atkins to be postmaster at Crichton, Ala., in place of J. A. Stallworth, deceased.

ARKANSAS

Carrick W. White to be postmaster at Walnut Ridge, Ark., in place of C. W. White. Incumbent's commission expired January 3, 1928.

DELAWARE

Jay C. Davis to be postmaster at Middletown, Del., in place of J. J. Jolls, removed.

GEORGIA

Nellie B. Brimberry to be postmaster at Albany, Ga., in place of N. B. Brimberry. Incumbent's commission expired January 28, 1929.

Lonnie E. Sweat to be postmaster at Blackshear, Ga., in place of L. E. Sweat. Incumbent's commission expires March 3, 1929.

John L. Dorris to be postmaster at Douglasville, Ga., in place of J. L. Dorris. Incumbent's commission expired February 21, 1929.

IDAHO

Haly C. Kunter to be postmaster at Ririe, Idaho, in place of H. C. Kunter. Incumbent's commission expired February 21, 1929.

IOWA

Clarence B. Moser to be postmaster at Strawberry Point, Iowa, in place of G. F. Scofield. Incumbent's commission expired August 29, 1923.

KENTUCKY

Hallie M. Duncan to be postmaster at Horse Branch, Ky., in place of Stanley Byers. Appointee declined.

Rex P. Cornelison to be postmaster at Paducah, Ky., in place of I. C. Byerley. Incumbent's commission expired February 1, 1928.

Rachel F. Adams to be postmaster at Whitesburg, Ky., in place of F. G. Fields, resigned.

MASSACHUSETTS

William H. Whitham to be postmaster at Clinton, Mass., in place of P. H. McIntyre. Incumbent's commission expired December 13, 1928.

MINNESOTA

Wilbert D. Hanson to be postmaster at Grove City, Minn., in place of W. D. Hanson. Incumbent's commission expires March 3, 1929.

MISSISSIPPI

Will N. Guyton to be postmaster at Blue Mountain, Miss., in place of W. N. Guyton. Incumbent's commission expires February 27, 1929.

NEVADA

Robert B. Griffith to be postmaster at Las Vegas, Nev., in place of R. B. Griffith. Incumbent's commission expires March 3, 1929.

NEW JERSEY

William B. Brown to be postmaster at Beachwood, N. J., in place of W. B. Brown. Incumbent's commission expires February 27, 1929.

William J. Hart to be postmaster at Fort Lee, N. J., in place of W. J. Hart. Incumbent's commission expires March 3, 1929.

Gustav L. Meyn to be postmaster at Palisade, N. J., in place of G. L. Meyn. Incumbent's commission expired December 13, 1928.

NORTH CAROLINA

Robert K. Hallifield to be postmaster at Forest City, N. C., in place of M. M. McCurry. Incumbent's commission expired January 26, 1929.

OHIO

Hattie L. Davison to be postmaster at Magnolia, Ohio, in place of H. L. Davison. Incumbent's commission expires March 2, 1929.

PENNSYLVANIA

Horace G. Likeley to be postmaster at Carbondale, Pa., in place of J. N. Gelder, deceased.

TENNESSEE

Minna M. Carson to be postmaster at Old Hickory, Tenn., in place of M. M. Carson. Incumbent's commission expires February 26, 1929.

TEXAS

Lawrence D. Karger to be postmaster at Cat Spring, Tex., in place of G. H. Fricke. Incumbent's commission expired May 14, 1928.

John A. Noland to be postmaster at Crawford, Tex., in place of J. A. Noland. Incumbent's commission expired February 7, 1929.

Tenos W. Elkins to be postmaster at Freeport, Tex., in place of T. W. Elkins. Incumbent's commission expires March 3, 1929.

Joseph R. Gilliland to be postmaster at Paradise, Tex., in place of J. R. Gilliland. Incumbent's commission expires March 3, 1929.

Fannie Fuqua to be postmaster at Shiro, Tex., in place of G. W. Leonard, resigned.

Robert W. Scurlock to be postmaster at Tenaha, Tex., in place of R. W. Scurlock. Incumbent's commission expires February 28, 1929.

VERMONT

John Noble to be postmaster at Bethel, Vt., in place of J. S. Kimball. Incumbent's commission expired June 6, 1928.

Dennis A. Brahana to be postmaster at Irasburg, Vt., in place of O. N. Washer. Incumbent's commission expired January 8, 1929.

Grace B. Adams to be postmaster at Wells River, Vt., in place of G. E. Moore, resigned.

WEST VIRGINIA

Etta Halstead to be postmaster at Dorothy, W. Va.. Office became presidential July 1, 1928.

WISCONSIN

Francis Stone to be postmaster at Park Falls, Wis., in place of Paul Herbst. Incumbent's commission expired January 10, 1929.

Ralph H. Tolford to be postmaster at Thorp, Wis., in place of R. H. Tolford. Incumbent's commission expired February 21, 1929.

August J. Christianson to be postmaster at Webster, Wis., in place of A. J. Christianson. Incumbent's commission expired February 20, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25, 1929

POSTMASTERS

ALASKA

William Arthur, Nome.

ARKANSAS

Carrick W. White, Walnut Ridge.

COLORADO

Martha E. Williams, Bonanza.
William B. Edwards, Erie.
Cornelia Coleman, La Veta.

CONNECTICUT

Philip K. Dewire, New London.

ILLINOIS

Alfred P. Goodman, Verona.

KANSAS

Alice B. Stark, Bonner Springs.
Edna Gordon, Dwight.

KENTUCKY

Vera Baird, Crab Orchard.
John E. Skaggs, Neon.
John H. Meyer, Newport.

MASSACHUSETTS

Charles W. Cole, Dighton.
Richard B. Eisold, Ludlow.
Edmund V. O'Brien, North Brookfield.
Clarence J. Conyers, Seekonk.

MICHIGAN

Charles C. Kellogg, Detroit.
James F. Jackson, Mohawk.

MINNESOTA

Lesley S. Whitcomb, Albert Lea.
George H. Hopkins, Battle Lake.
E. Arthur Hanson, Benson.
Thomas Clarkson, Bethel.
Elias A. Quale, Clarkfield.
Nels E. Berg, Cokato.
John R. Norgren, Foreston.
Floyd C. Fuller, Grey Eagle.
Bernard O. Stime, Jasper.
Mary Zakula, Kinney.
Alvin E. Comstock, Lakefield.
Edith Steinbring, Markville.
Frank L. Hoagland, Marshall.
Albert Groenke, New Germany.
Bennie H. Holte, Starbuck.

MISSOURI

Bertha D. Marling, Elsberry.
Charles C. Stobaugh, Triplett.

MONTANA

Ernest M. Hutchinson, Whitefish.

NEBRASKA

Edward G. Hall, David City.
Ernest J. Kaltenborn, Waco.

NEVADA

James W. Johnson, Fallon.

NEW JERSEY

Harvey E. Harris, Bloomfield.

NORTH CAROLINA

Cephus Futrell, Murfreesboro.

NORTH DAKOTA

Henry D. Mack, Dickey.
Harry A. Hart, Ray.
Carrie E. Kempshall, Taylor.
Katherine Ritchie, Valley City.

OHIO

Ferdinand H. Schuster, Bellevue.
Katharine M. Crafts, Mantua.
Ethel Brown, Mount Blanchard.
Earl T. Ewing, Wellsville.

PENNSYLVANIA

Charles J. Williamson, Greensboro.
James B. Maugle, New Ringgold.
Arthur J. Davis, Noxen.
Charles W. High, Quincy.
Daniel F. Pomeroy, Troy.

PORTO RICO

Pablo Vilella, jr., Lares.

SOUTH CAROLINA

Raymond S. Younginer, Irmo.
Ellen M. Williamson, Norway.

SOUTH DAKOTA

Thomas A. Krikac, Dupree.
Emmett O. Frescoln, Winner.

TEXAS

Kathryne Witty, Hamilton.
Leslie W. Garrett, Quitman.
Paul A. Taylor, Winfield.

VIRGINIA

Robert N. Goodloe, Afton.
Margaret H. Hardy, McKenney.
John H. Tyler, Upperville.
Mary O. Pumphrey, West Point.

WEST VIRGINIA

Levi Gay, Eccles.
Millard M. Mason, Seth.
Fred E. Cowl, Wheeling.

WISCONSIN

Earle R. Adamson, Belleville.
Arthur G. Besse, Butternut.
Leroy G. Waite, Dousman.
Hjalmar M. Johnson, Eau Claire.
Leo E. Butenhoff, Markesan.
John A. Dysland, Mount Horeb.
Carl C. Martin, New Lisbon.
Libbie M. Bennett, Pewaukee.
Grace R. Morgan, Spring Green.
Jessie M. McGeorge, Stone Lake.
James E. Robar, Walworth.
Albert J. Topp, Waterford.
Louis A. Meininger, Waukesha.
Robert R. Porter, Wheeler.

HOUSE OF REPRESENTATIVES

MONDAY, *February 25, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou God of the Universe, whose infinite spirit moves along the paths of space and from whom the earth and the seas flee away. In the volume of the Book it is written, "I delight to do Thy will"; write Thy law in all our hearts and build in each one a definite altar dedicated to a definite God. O may our zeal in well-doing begin with this new week day, thinking true thoughts and speaking true words. O to be alive dear Father; alive, taking a living world to our breasts; walking in its brotherly ways, feeling that we are moving on and on to a wonderful great forever. Yes, with Thee all along the way, with sweet fidelity, holy trust, and with deep humility. Take us, mold us into the sons of the morning, walking in the

light as Thou art in the light, and when the shadows flee and the night is gone our souls shall break into full-throated praise forever. Through Jesus Christ our Savior. Amen.

The Journal of the proceedings of Saturday, February 23, 1929, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 8551. An act to create an additional judge in the District of South Dakota;

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York;

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina; and

H. J. Res. 425. Joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit; and

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania; and

S. J. Res. 209. Joint resolution to create a congressional committee to be known as the committee on narcotic traffic.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 15.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate Concurrent Resolution 15. The Clerk will report the resolution.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives hereby are authorized and directed to pay, out of the contingent funds of the Senate and House of Representatives, respectively, the sum of $2,000, or so much thereof as may be required, one half of said sum to be paid by the said Secretary of the Senate, the remaining half by the said Clerk of the House upon vouchers duly approved by the chairman of the of the joint committee of both Houses authorized by S. J. Res. 110 (Public Resolution No. 70, 69th Cong.), to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of the copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System, for all governmental, administrative, or publication purposes for which the same may be desirable.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate concurrent resolution was agreed to.

WASHINGTON AND LINCOLN

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject of Washington, Lincoln, and our national life.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. WINTER. Mr. Speaker, it is well, 'mid the constant and engrossing activities of life, to occasionally pause and turn our thoughts upon the times, the measures, and the men who molded and founded our national existence and institutions. When we do homage to a great man, a great principle, a great cause and its defenders, we open our minds and hearts not only to give forth our meed of devotion to them, but there flows in a new measure of appreciation and gratitude. We realize in a larger degree the price of our inheritance. We are infused with new impulses. We are filled with higher purposes and nobler motives. It is most fitting and necessary that we occasionally remind ourselves of our debt to the forefathers, of the heroism of the creators of the Republic, of the high character of our leaders, of our duties as citizens, and of the destiny of this Republic.

What makes men great? Wherein are they great? What is true greatness? In the galaxy of those whom the world immortalizes are men of varied stamp and kind:

Socrates, the Athenian, dissipated error and superstition. His intellect and philosophy led the world nearer to truth. They bestowed upon him the laurel wreath of greatness.

Hannibal, terror of Rome, renewed the lost fire and strength of the Carthaginian race. He led them to victory with an inexorable purpose. He battled with and for his people through life unto death. For this they called him great.

Cæsar, builder of empire, with superior mind and skill flung far the armies and the borders of Rome. Where he marched the eagles of Rome remained. He ruled in peace. When he spoke the Roman Senate listened. He was acclaimed great.

Napoleon, prodigy of ages, towered in his military genius to heights of loneliness and solitude, an object of wonder, amazement, and pity. Victorious over continents, they hailed him great.

A youth conquered the world and they called him Alexander the Great.

To-day we honor and revere the name and the memory of George Washington, and we proclaim him greatest among the great. Greatest because he extended ordered liberty instead of military power; greatest because he fathered a nation of freemen upon the everlasting basis of self-government; greatest because surrounded by the most remarkable group of statesmen ever gathered in the world's history to found a new government, he towered above all, chosen and acknowledged, in leadership, in judgment, in wisdom, and in patriotic, unselfish devotion to his country and humanity.

He was great as was Alfred the Great; as was Lincoln; great in undying and unending benefit to the race; great in goodness of heart, in simplicity of life, in steadfastness of purpose, in purity of character, in service to his fellow men.

And so we bow in obeisance this day at the shrine of him who was "first in war, first in peace, and first in the hearts of his countrymen," and seek to imbue ourselves anew with that mighty spirit which sustained him and a whole people at a time which "tried men's souls." When the cause of liberty and free self-government was hanging in fateful balance he prevailed and conquered, human though he was, over ambition and pride, over dissension and betrayal, over neglect and opposition, over apathy and treason, over humiliation and shame, and lifted himself and a people to the heights of sacrifice, victory, independence, and glory. We would catch this morning a message from that valiant soul.

The world acclaims to-day that tall, strong, serene, just, good, and grand character so perfectly represented by yonder monument which rises in beautifully severe lines to its majestic heights—Washington, of whom Lincoln said:

His is the mightiest name of earth. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on.

Imbued with his spirit let us meet the problems of this day and age. They are great and they are many. In State and church and court and home and school and office, in commercial mart, and in legislative hall we have need of integrity, wisdom, and patriotism. We have need, in this day of marked lawlessness and crime, not only of enforcement of law, but above all obedience to law. The time has arrived when it must be on the conscience of men and women in these United States, of every true American, to decide whether or not he or she will support the Constitution or support the Constitution breakers. With prophetic soul, looking far into the future, Washington in his Farewell Address said:

The basis of our political system is the right of the people to make and alter their constitutions of government; but the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and right of the people to establish government presupposes the duty of every individual to obey the established government.

All combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities are destructive to this fundamental principle and of fatal tendency.

It is time for and I anticipate in the near future a universal wave of loyalty to law. That is the genius of the American people. The United States of America is being challenged by the lawless, and I look to see the American citizenry accept that challenge and rise en masse in support of our officials in asserting the dignity, the power, and the might of this Nation.

We are a peace-loving and not a warlike Nation. We desire no conquests. We are all for peace. No one wants war. But no man can say that war will never come again. We are the richest nation on the face of the globe. Besides civilized nations whose politics and national philosophy is to impose their rule upon other peoples, there are semibarbarian hordes of hundreds of millions, who like the Goths, Vandals, and Tartars of old may seek to overrun the earth. We know not what the distant future may bring forth. I trust that never again will we find ourselves utterly unprepared for war, thereby immeasurably increasing its cost in treasure and lives. If we are attacked, though we do not want war, we are at war. So far as I am concerned, we have, in my judgment, reached the irreducible minimum of our Army and Navy forces. Should we ever fail to properly defend our country against attack, we would be faithless to the teachings and the admonitions of Washington and our Revolutionary forbears. "Eternal vigilance is the price of liberty."

A mighty responsibility rests upon this age. We must so live that posterity may inherit as we have inherited; that the blessings of freedom may be preserved to them; that the infinite suffering of the past shall not have been in vain. This is the charge that rests upon this age—that liberty, now robed in the starry garment of the American goddess, armed with the sword of speech, protected by the white shield of the ballot, crowned with the coronet of equality, shall never be overthrown but shall stand erect and secure. If we shall fail through negligence or passion, partisanship or ambition, greed or selfishness, and endanger the life of this Nation, the spirit of liberty may withdraw from us forever.

If we shall continue in virtue, sobriety, morality, and spiritual ideals, and in vital power, as I believe we will; if we also continue to worship that great earthly trinity—Washington the father, Lincoln the emancipator, and Patriotism the monitor—our flag will continue to wave over a free and invincible Nation. American institutions will endure, and "this Government of the people, by the people, and for the people shall not perish from the earth."

Some days ago I saw a picture of a spring of water on the old Lincoln farm, where Lincoln as a child played. Who may say what strength, hopes, ideals, and inspirations, what visions, may have come to him in his plastic youth, mentally, morally, and spiritually, by the constant contemplation of that everlasting wellspring of pure water, one of the beautiful and useful manifestations of nature?

A noted writer of France in a work of fiction describes a spring of water which possessed miraculous qualities. Its magic elements gave to whomsoever might bathe in its pure depths vigor and inspiration. Those who sought its healing influence plunged beneath its surface, rose with energy flowing into every limb, with clearness of vision restored, with new and glorious life throbbing in their veins and on their lips a song of victory.

The recurring anniversary of Lincoln's birth should be to all of us a spring of patriotism renewing inspiration. As we remember the glorious history of our Nation and realize the blessings of our citizenship, as we review the splendid record and speak of Lincoln our visions should become clearer, our hearts should throb with new life and enthusiasm, and our purposes be strengthened.

On the 12th day of February the world honors one of its supremely great characters. The American Nation remembers the name of a martyred President, the deeds of a true statesman, the virtues of an ideal citizen. The people love the memory of a loving man.

On that day—and it is a magnificent thought and fact—representatives of state, of church and fraternity, of education and business throughout the length and breadth of this Republic and across the seas pay homage to this character of plain grandeur and receive inspiration from the act. But the most significant tribute, doubtless, uttered by a million lips from the rising to the setting of the sun is the ordinary expression of the ordinary citizen amid the ordinary scenes of life: "Yes; Lincoln was a great man." How common the phrase, but, echoed from the hearts of millions, it rises to the grandest pean of praise ever given to mortal man. Behold the sublime spectacle of a Nation of free men who that day in spirit turn their faces to that simple monument at Springfield where rests their great captain!

THE MAN

With his wisdom, his sympathy, his care, Lincoln seemed the very parent of all the people. Thus it was the soldiers in the heat of battle, in the weariness of the march, in the pain of the hospital, spoke simply, naturally, and lovingly of "Father Abraham." What a world of meaning that simple appellation conveys!

Ah, it is because Lincoln was a man of the people, which I interpret to mean that though raised to the highest eminence this world can offer, his heart yet throbbed with sympathy for his kind; though he was the leader of a people, he yet remained humble in spirit; though he was the instrument of a mighty Providence to perform mighty things, yet he was ever intensely human; and though, in the words of an eloquent American—

He was the grandest figure of the fiercest Civil War, yet he is the gentlest memory of our world.

THE PRODUCT OF NATIONALITY

Composite of all their trials, virtues, and aspirations, Lincoln was the people's spirit incarnate. He was the product of nationality. He was the essence of Americanism. I once read a poem the words of which I can not recall or the name of the author, but the theme and ideal was that the forces and influences that produced Lincoln lie deep in the century-long background of a people's life. There was the Puritan, idealist, ribbed with fortitude and stern conviction; there was the Quaker, altruist, blessed with peace and brotherly love; there was the cavalier, enthusiast, graced with chivalry and splendid gallantry; there was the frontiersman, of primal vigor, raised through danger and toil to higher ways, and passing down through generations the elements of sturdy growth.

The log settlements, danger environed, contributed the ingredient of kinship; the wild border recreation gave the saving grace of humor: axe and plow lent strength and power; the long years of waiting and battling bred self-control and courage; the illimitable distances of the open were reflected in deep, far-seeing eyes; the mountains and plains infused independence; the freedom of the West ingrained love of liberty; the contemplation of nature wrought reverence. And behold! In the fullness of time came the resultant product of all—Lincoln, the American!

THE STATESMAN

The greatest qualities of Lincoln as a statesman I conceive to be his wonderful insight and marvelous poise. He stood between two factions in the North. There were those whose mission it was to agitate. They were the radicals, the firebrands. They flamed over the Nation and thundered into the ears of the people, "slavery is a crime." They roused the North from its lethargy. Then there were those who cared not for the slave or slavery, but all for the Union.

Abraham Lincoln came to supreme control amid threats of violence, amid discord, tumult, and frenzy. The very foundations of the Government seemed to be sinking away. But his convictions and resolutions remained unshaken, his judgment stood firm. He gave to all things their relative proportion, and to each its importance and its time. He steadily kept in view the two great objects: First, to save the Union; second, to free the slave. Through all the din and smoke and confusion of battle, amid the exhortations of the radicals and the warnings of the conservatives he kept balanced and poised; and, in the very vortex of clashing influences that raged and beat about him, unerringly foresaw the time for the final act in the stupendous drama of the Union, the awful tragedy of slavery.

The border States, the pro-slavery unionists, were threatening to throw down their arms did he free the slave. The anti-slavery men of the North were threatening to defeat him and his policies at the election did he not comply with their demand and issue the Emancipation Proclamation. England was threatening war. The Union armies had met with repeated defeat. The people were clamoring for something, they knew not what. But amid it all that great figure at Washington stood steadfast.

Lincoln refused all demands. Yet at that very time there reposed in his desk the order for emancipation, written by his hand, alone and unseen of men, waiting, waiting for the time to come, the hour to strike. The gaunt, awkward, lonely man in the White House was the one amid all the surging millions, the legions of soldiery, the scores of generals, the army of statesmen whose vision was true.

The Constitution made slavery lawful; he had taken solemn oath to uphold the Constitution. Only as a military necessity, as a measure of war, to save the very existence of the Nation created by the Constitution, could he free the slave. Moreover,

when done it must be sustained by public sentiment. Lastly, there must come a Union victory at arms to give the North the spirit and courage to sustain the act and press the war to successful conclusion. All these vital events and conditions must first concur.

With marvelous tact he restrained the Union abolitionists and led forward the slave unionists. Oh, the wonderful patience of this man! His soul was as eager as any to see slavery abolished. That had been his hope from the beginning of his administration, aye, from the day when, as a boy, he witnessed the sale of slaves from the auction block at New Orleans and took a vow that if the opportunity ever was given him he would strike that institution and strike it hard. But with the wisdom of a seer, the vision of a prophet, he waited. He knew the agony of spirit that comes to those who must stand and wait.

No wonder that rugged face grew sad. Every line and wrinkle and furrow spoke pathetically of sorrow and suffering and patience. But at last, at last, the time came! The booming of the victorious cannon of the Union at Antietam struck the hour! Lincoln stretched forth his mighty arms, the chains clanked, and 4,000,000 slaves were lifted from the darkness of bondage into the light of liberty!

And then there came a man, a silent man, from out the West, who moved like a figure of destiny across the lines to the forefront of battle, and the armies of the Confederacy surrendered to General Grant. The Union, the Union, was preserved to give force and effect to every line of that decree; the Union remained, and self-government, Lincoln's government of the people, by the people, and for the people, ceased to be an experiment among men and became an everliving fact. The Government had proven that it could survive a civil war. God's will was done. The Republic lived! The slave was free! "Union and liberty" were "now" in reality, "and forever, one and inseparable!"

Behold him through the lens of passing time—
The furrowed face of deep and careworn line,
The dim, sad, vision-seeing eyes that peered
To read the future grim and black and feared;
That massive head with contour nobly strong,
That tall, bent form that bore a Nation's wrong.
What agony, which creased that rugged brow!
What grief, which caused that mighty frame to bow!
Upon his soul lay big his ancient pledge
To smite the curse of human vassalage;
Upon his conscience sat the weight of state,
To save his country from disunion's fate.
When voices urged and sharpened pens reviled,
When prayers arose and threats rang loud and wild,
And while the struggling forces surged and heaved
While wide the line of battle swung and weaved,
When shook the great Republic's pillared wall
And all seemed tott'ring to its awful fall,
With patience then—and poise sublime—he stood
And held, restrained and calmed, hot souls who would
Have ruined all with blind, fanatic haste,
Wrecked freedom's cause, yet laid the Union waste.
With courage firm he roused the Union heart
To save the Nation though it took slave mart;
To keep the country as one, lasting whole
Yet answer true the promptings of its soul;
Foresaw the time, with prophet ken, to give
The slave his boon and bid him rise and live.
Oh, mighty patience that could firmly stand
While clamor raged throughout the flaming land!
Oh, mighty wisdom that could see the hour
To use the lever of that pen and power!
Oh, mighty purpose that could wake and raise
A people's heart and life to higher ways!
'Twixt Scylla and Charybdis held he firm
The Ship of State. Ours now to see and learn,
And ever know the greatness of the man
Who, in the wondrous scope of God's great plan,
From lowly station came and climbed and rose
To pinnacle of power; to break the woes
And right the wrong of unrequited toil;
Secession's armed force forever foil;
Preserve self-government unto mankind,
That all the earth that blessing yet may find—
And then was taken. To forever own
A name that finds in every heart a throne.

What is the message of the life of Lincoln to us?—

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on.

On in the spirit of brotherhood; on in the performance of duty; on in the attainment of wisdom; on to a patriotism as pure as the firmament and as deathless as the stars; on to a civilization and a grandeur higher and more exalted than has yet been conceived in the dreams and hopes of man.

THE PRESENT

There are those in these days who are sometimes discouraged and dismayed. They point to the agitation and unrest, the evils of corporate rapacity, the strife between capital and labor, the instances of official corruption. They tell us that we are growing worse. Friends, I am an optimist. I would believe that this Nation, by force of the nature of things, by force of the logic of history, by force of the virtue inherent in our institutions and our people, is not only to elevate itself but is to lead this world in every good thing that is to come to mankind. I would so believe if the evidences of evil were multiplied an hundredfold. For the eye of faith and reason can behold the rising of a still more glorious light upon this Nation than has ever yet illuminated its face. Beneath the discreditable things that have broken out upon the surface of our national life you can hear, if you will put your ear to its breast, the deep, rythmic beats of the great, strong, sound, honest American heart; that heart is still there as pure as ever, and more powerful than ever to distribute the lifeblood of purity and patriotism into every artery of the body politic. These dark things are but spots upon the sun! That they sometimes seem to increase and grow more malignant is but the result of a cleansing process that is driving them from our national system; the Nation is throwing off these evils, it is purging itself and will stand forth renewed and purified.

"Let not your heart be troubled." We are not retrograding; we are but in the turbulent center of another tremendous movement in advance. This whole Nation will rise, aye, has risen, and is rising to a higher, better, cleaner moral plane. And, after all is said and done, all this regeneration and cleansing is but the stirring inmpulse toward righteousness, always pulsating in the great, true heart of the American common people.

Our beloved country will go on in her great mission, cherishing her matchless history, cherishing her stainless honor, cherishing that spirit of fraternity, that spirit of equality, that spirit of unity, faith, and hope, the spirit of Washington and Lincoln, which alone can lift us to that high destiny that dwells for us in the coming years.

ADDRESS OF HON. NICHOLAS LONGWORTH

Mr. TILSON. Mr. Speaker, I have a series of unanimous-consent requests to make. I ask unanimous consent to extend my remarks in the RECORD by printing the address delivered by the distinguished Speaker of this House at Philadelphia on February 22, 1929, on the occasion when the University of Pennsylvania conferred upon him the degree of doctor of laws. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, before the University of Pennsylvania, Philadelphia, Pa., on February 22, 1929:

GEORGE WASHINGTON AND THE EFFECT OF HIS EXAMPLE AND PRECEPTS UPON THE GOVERNMENT OF THE UNITED STATES TO-DAY

I need hardly say, I think, that I am profoundly appreciative of the honor you have done me in inviting me to speak to-day at this meeting held in commemoration of the birth of the Father of our Country.

No man could fail to be. These ceremonies held by this great and ancient university have become historic. They have endured, as I understand, for nearly a hundred years, and men of great distinction have accepted the invitation to address you upon these occasions. Certainly the roster of your orators in the past 30 years contains the names of men of peculiarly high standing in their day and generation—Presidents of the United States, ministers of foreign governments, American ambassadors, members of the Cabinet, governors of States, Senators, Members of the House of Representatives, presidents of universities, eminent divines, authors, men internationally known for their intellectual accomplishment—truly it is a roll of honor.

So far as I know this is the first time that anyone holding the office of the Speaker of the House of Representatives has appeared here. I rejoice to be here, because it confers honor upon me not only as an individual but added honor and dignity to the office I hold.

It is peculiarly fitting that these ceremonies should be held in the great city of Philadelphia, which has been truly called the cradle of American liberty, and under the auspices of the great university which conferred upon Washington the honorary degree of doctor of laws, and in which many of his family connections were students.

George Washington was one of the great Americans of all times, and if versatility is to be considered as the supreme test, certainly the greatest. Eminently successful in all his many sides, he was a farmer, a business man, an explorer, a founder of corporations, an engineer, a matchless military commander, a consummate statesman, and a great President. In fine, in their completeness, the mighty deeds of Washington are unsurpassed, unsurpassable, and beyond compare.

He was one of the first educators of his time in the sense that he continually advocated education and learning for the youth of the country. In his will he left a sum, very substantial in those days, for the endowment of a university to be established within the limits of the District of Columbia under the auspices of the General Government, and in that part of the will providing for the endowment he said:

"That as it has always been a source of serious regret with me to see the youth of these United States sent to foreign countries for the purpose of education, often before their minds were formed or they had imbibed any adequate ideas of the happiness of their own, contracting too frequently not only habits of dissipation and extravagance but principles unfriendly to republican government and to the true and genuine liberties of mankind, which thereafter are rarely overcome. For these reasons it has been my ardent wish to see a plan devised on a liberal scale which would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away with local attachments and State prejudices as far as the nature of things would, or, indeed, ought to admit, from our national councils. Looking anxiously forward to the accomplishment of so desirable an object as this is (in my estimation), my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a university in a central part of the United States to which the youth of fortune and talents from all parts thereof might be sent for the completion of their education in all the branches of polite literature, in arts and sciences, in acquiring knowledge in the principles of politics and good government, and, as a matter of infinite importance, in my judgment, by associating with each other and forming friendships in juvenile years, be enabled to free themselves in a proper degree from those local prejudices and habitual jealousies which have just been mentioned and which, when carried to excess, are never failing sources of disquietude to the public mind and pregnant of mischievous consequences to this country."

It would be hard to conceive of a stronger and more illuminating argument as to the necessity for the youth of the country to steer clear of geographical, racial, and religious prejudices, and to acquire knowledge of and respect for the principles upon which the Government of this country is founded.

As an engineer, Washington was undoubtedly the leader in his time, and perhaps under all the conditions one of the greatest in history. Certainly no one has ever excelled him in clear vision and farsightedness. He was the father of our system of internal waterways, which has done so much to develop all sections of the country. In a few months the greatest canalization project that America has ever undertaken, with the sole exception of the Panama Canal, will be completed. By a system of locks and dams the Ohio River will be made navigable at all seasons of the year from Pittsburgh to the Mississippi River. It can not fail to be of immense benefit not only to the fertile and industrial sections through which the Ohio River flows but to the country as a whole.

Washington was an earnest advocate of the improvement of waterways through canalization and initiated and completed many such projects. From the fact that he surveyed great areas along the Ohio and purchased large tracts of land in these sections I have not the least doubt that he foresaw a day in which this great project would be completed.

As an example of Washington's marvelous foresight, due in large part to his engineering skill, I am about to quote a writing of his in 1793. At a meeting of the Washington Bicentennial Commission, of which I am a member, at the White House the other day, presided over by President Coolidge, the historian of the commission, Prof. Albert Bushnell Hart, mentioned the fact that a document was in existence in which it was made plain that Washington foresaw the development of aviation.

Doctor Hart said, I think, that he had not seen the document. Through the courtesy of Mr. Henry Woodhouse, president of the Aerial League of America, I have obtained a copy of it. It is in the form of a passport, delivered by him to J. P. Blanchard as he was starting on the first ascension ever made by a human being on the Western Hemisphere, and runs as follows:

GEORGE WASHINGTON,
President of the United States of America.

To all to whom these presents shall come:

The bearer hereof, Mr. Blanchard, a citizen of France, proposing to ascend in a balloon from the city of Philadelphia at 10 o'clock a. m., this day, to pass in such direction and to descend in such place as circumstances may render most convenient. These are therefore to recommend to all citizens of the United States, and others, that in his passage, descent, return, or journeying elsewhere they oppose no hindrance or molestation to the said Mr. Blanchard; and, that on the contrary, they receive and aid him with that humanity and good will which may render honor to their country and justice to an individual so distinguished by his efforts to establish and advance an art, in order to make it useful to mankind in general.

Given under my hand and seal at the city of Philadelphia this 9th day of January, 1793, and of the independence of America the seventeenth.

GEORGE WASHINGTON.

Nearly 200 years after the birth of Washington there comes for the first time another engineer to succeed him in the Presidency, one whose professional career bears worthy comparison with that of Washington, and if I may be permitted a prediction it is that his administration of the greatest and most influential governmental position in the world, the Presidency of the United States, will bear worthy comparison with that of the father.

Time will not permit reference to the mighty accomplishments of Washington as a military commander, as a statesman, and as President of the United States. They are known of all men. No word of mine could add or detract one iota from their eternal glory.

It is of cretain characteristics of his mind and personality that I desire to make mention, which influenced his entire life both private and public, influenced the creation and establishment of our system of Government, influenced our growth and progress as a Nation, and profoundly influence us to-day. I refer to his rugged patriotism, his love of his fellowmen and his broad tolerance of their racial customs and their religious beliefs.

He was a stern opponent of sectionalism. He believed in the development of the country as a whole, and not of one section in preference to or at the expense of another. He cared nothing as to the race from which any man might have sprung, provided only he was a good citizen.

He was a religious man but was as far from being a bigot as it is possible for anyone to be. While he was an Episcopalian, he attended many different forms of religious worship. We find in his diary, in July, 1791, this paragraph:

"Sunday, 3rd: Received, and answered an address from the inhabitants of York town and there being no Episcopal minister present in the place, I went to hear morning service performed in the Dutch Reformed Church, which, being in that language not a word of which I understood, I was in no danger of becoming a proselyte to its religion by the eloquence of the preacher."

While not in nearly so great numbers as now, there were many different forms of religious worship practiced in Washington's time. Shortly after his inauguration as President he received, I believe, from every church in the Nation addresses assuring him of its respect, support, and cooperation in his administration of the office of the Presidency.

To express the sentiments of the Roman Catholics, John Carroll, Bishop elect of Baltimore, on behalf of the clergy, and Charles Carroll and others for the laity, presented to President Washington the following address, in part as follows:

"You encourage respect for religion and inculcate by words and actions that principle on which the welfare of nations so much depends that a superintending Providence governs the events of the world and watches over the conduct of men. Your exalted maxims and unwearied attention to the moral and physical improvement of our country have produced already the happiest effects. Under your administration America is animated with zeal for the attainment and encouragement of useful literature. She improves her agriculture, extends her commerce, and acquires with foreign nations dignity unknown to her before."

President Washington's reply was, in part, as follows:

"To the Roman Catholics in the United States of America.

"America, under the smiles of Divine Providence—the protection of a good government—and the cultivation of manners, morals, and piety, can not fail in attaining an uncommon degree of eminence in literature, commerce, agriculture, improvements at home, and respectability abroad. I hope ever to see America among the foremost nations in examples of justice and liberality. And I presume that your fellow citizens will not forget the patriotic part which you took in the accomplishment of this revolution, and the establishment of your Government, or the important assistance which they received from a nation in which the Roman Catholic faith is professed. May the members of your society in America, animated alone by the pure spirit of Christianity, and still conducting themselves as the faithful subjects of our free Government, enjoy every temporal and spiritual felicity."

The German Reformed Church dispatched an address to the same effect, to which Washington made appropriate reply, saying in one sentence,

"I am happy in believing that I shall always find in you and the German Reformed congregations in the United States a conduct corresponding to such worthy and pious expression."

In reply to an address presented by the general assembly of the Presbyterian Church, he said:

"I will observe that the general prevalence of piety, philanthropy, honesty, industry, and economy seems in the ordinary course of human

affairs particularly necessary for advancing and confirming the happiness of our country. While all men within our territories are protected in worshipping the Deity according to the dictates of their consciences, it is rationally to be expected from them in return that they will all be emulous in evincing the sincerity of their professions by the innocence of their lives and the beneficence of their actions; for no man who is profligate in his morals, or a bad member of the civil community, can possibly be a true Christian, or a credit to his own religious society."

In reply to an address from the committee of the United Baptist Churches of Virginia, he said:

"If I could have entertained the slightest apprehension that the Constitution framed in the convention, where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the General Government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."

Among other religious bodies presenting addresses was the religious society called Quakers, the bishops of the Methodist Episcopal Church, the German Lutherans, the Reformed Dutch Church, the directors of the Society of the United Brethren for Propagating the Gospel Among the Heathen, the convention of the Universal Church, and the non-Christian Hebrews. In reply to this last address, Washington wrote:

"I thank you with great sincerity for your congratulations. I rejoice that a spirit of liberality and philanthropy is much more prevalent than it formerly was among the enlightened nations of the earth, and that your brethren will benefit thereby in proportion as it shall become still more extensive * * *. May the same wonder-working Deity, who long since delivered the Hebrews from their Egyptian oppressors and planted them in the promised land, whose providential agency has lately been conspicuous in establishing these United States as an independent nation, still continue to water them with the dews of Heaven, and to make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people, whose God is Jehovah."

While there have been occasional outbursts of bigotry and intolerance in this country, we have in the main followed the precepts of Washington in this regard, and to my mind that is one of the fundamental reasons why we have grown to be so immensely great, prosperous, and influential a nation. It is impossible for me to conceive how we could have so progressed had the American people divided into groups inveighing against each other on questions of social or racial hatred.

It is for that reason that I am a firm believer in responsible party government in America, without which I do not believe that a representative democratic republic like ours can long endure.

I believe that the governmental affairs of the Nation must always in the long run be administered by a majority political party, commissioned by the people to act for them with the power to so act and the will to accept full responsibility for such action.

So far as the Congress of the United States is concerned, I believe in the two-party system of Government. I believe that there always should be in the Congress a party having sufficient votes to pass legislation as commissioned by the American people, and to accept praise or blame for what they may do, and, as a corollary, I believe that there should be a strong cohesive minority party prepared to criticize the action of the majority, that the people may fully understand wherein the majority party has lived or failed to live up to its trust. I insist, too, that these two great national parties should be united within each other on fundamentals of economic policy, and not on ephemeral questions due to temporary public hysteria, and, above all, not upon questions of geography, race, or religion. Such political divisions as these I believe to be the bane of Europe and of most of the world to-day, and the reason for the inefficiency and lack of stability of most of their governments.

You may ask why I have declared that the precepts of Washington are in the greatest degree influential on our mode of party government to-day. You may say that there were no great national political parties when he was President. That is true, in a sense, because the country had not yet become entirely adapted to its new form of government, and there had been no time for great parties to be organized on fundamentals of economic policy. But Washington and his supporters were firmly united on certain great fundamentals of policy. He frequently voiced his opposition to factionalism, and I have read enough to-day of his writings to show that he was a stern opponent of political divisions dependent upon sectionalism or racial or religious hatred.

Again, Washington was more responsible than anyone for the adoption of the Constitution, which contained at least two provisions entirely different from any constitution then in existence, written or otherwise, of any other nation. I allude to the sections providing for the election every two years of the entire House of Representatives and for the complete divorcement between the legislative and executive branches of the Government. These two provisions were unique at that time, and are practically unique to-day among the nations. To my mind they are among the most beneficent provisions of the Constitution, because they insure, on the one hand, against Executive usurpation of power, and, on the other, insure stability of government. There is no chance in America of governments falling overnight as they do in other nations. The Government of France has fallen a dozen times in the last two years and came within six votes of falling only a few days ago. There is no country to-day in Europe, except England at the moment, and few countries in the world, where there is in their legislative body any one party with power to legislate. There they have all sorts of blocs, based upon every degree of political hair splitting.

Imagine a House of Representatives of the United States made up of political parties calling themselves conservatives, laborites, liberals, independents, socialists, communists, constitutionalists, agrarians, liberal prohibitionists, lefts, Democrats, Republicans, antisemites, Catholics, radicals, peoples' party, orthodox Calvinists, coalitionists, progressives, unionists, standpatters, evolutionists, nationalists, social democrats, national socialists, Republican Democrats, and national conservatives—and yet these are only some of the parties which have elected representatives in the national legislatures in Europe.

Of course, in all of these legislatures the executive branch of the Government is represented by the responsible ministry and can exercise some control and can produce some results by trading and barter among various groups. They manage to wobble along somehow.

But such methods do not fit into our institutions. In Europe there may be politicians sufficiently adept in legerdemain to place in the silk hat the fragile eggs of coalition among a score of minority blocs and then triumphantly lift out the expected rabbit by the ears, but it simply can not be done in the House of Representatives. We have no direct connection with the executive whatever. We are responsible only to ourselves and to our constituents. To legislate for the benefit of the whole country we must have at all times a sufficient number of members united together on fundamental policies, a cohesive majority able to carry out those policies.

Let me speak for a moment of the body over which I have the honor to preside. It is composed of 435 Members. They come from every section of the country, from districts varying in climatic conditions almost from the Arctic to the Tropic. As a consequence the interests of their constituencies are not only diverse but often absolutely antagonistic one to the other. If they were to divide on sectional lines, what hope would there be for the prosperity and progress of the country as a whole? Among the citizens of the country there are 40 different races, either born abroad or of foreign racial origin. Forty different languages are daily spoken in America. Can you conceive of a House of Representatives composed of groups and blocs based on racial origin? Yet that is what might happen if we strayed away from our present system.

There are 60 different forms of religious practice and belief in America. Conceive of a House of Representatives divided into groups and blocs based upon religion! Yet these are the recognized bases of political divisions in most countries of Europe.

We must realize that there are only three alternatives for a representative democratic republic of which we are to-day the only pure example—a monarchy, a dictatorship, or some form of communism. The surest way to drift toward any one of these alternatives is to abandon our party system in favor of the foreign group or bloc system. I pray that the day may never come when great political parties in America shall divide on the basis of sectionalism, race prejudice, or religious bigotry.

Twelve times on the opening day of Congress I have taken the solemn oath, pronounced for every Member, to "support and defend the Constitution of the United States against all enemies, foreign and domestic, and to bear true faith and allegiance to the same." As we raise our hands we are confronted by two portraits. The one on the left of the Speaker's table, George Washington, and on the right, his friend and comrade in arms, General Lafayette. An oath taken under these circumstances makes one feel almost as if one were in the physical presence of these two great men, both so largely responsible for the creation of the Government, the beneficent results of which we are to-day enjoying more fully than ever before. Let us see to it that we may never depart from the fundamental principles of that Government, and if we so adhere, we may go on, confident in the knowledge that government of the people, for the people, and by the people may not perish from the earth, and that America may go forward along her triumphant march of progress to heights undreamed of even by him whose memory we publicly revere here to-day, and whom we reverently hail as "first in war, first in peace, and first in the hearts of his countrymen!"

RECESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on the calendar days of March 1, 2, and 3 it may be in order at any time to move to take a recess.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order to move to take a recess on any of the calendar days of March 1, 2, and 3. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, are we to have a session on Sunday?

Mr. TILSON. Mr. Speaker, I am making this request as a matter of precaution. On March 1 I have been informed it is the desire of our Democratic friends to hold a caucus in this room in the afternoon of that day. I wish, if necessary, to be able to move to take a recess for that purpose. On Saturday it is the hope of the Republicans of the House to hold our caucus in this room, and I wish to be able to take a recess for that purpose, and it will surely be necessary to take a recess in order to meet on March 4.

Mr. RAYBURN. The gentleman does not mean to say that the Republicans are going to hold a caucus?

Mr. TILSON. Well, the Republicans have held such things in the last two or three Congresses.

Mr. BERGER. Mr. Speaker, reserving the right to object, how about the Socialists having a caucus?

Mr. TILSON. After this request is granted, if necessary I shall ask that the Socialist Party may hold their caucus in this room at any time that it is not otherwise occupied. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ENGROSSMENT AND ENROLLING OF BILLS AND JOINT RESOLUTIONS

Mr. TILSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the Clerk's desk.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 59

Resolved by the House of Representatives (the Senate concurring) That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress, approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

Mr. TILSON. Mr. Speaker, this is the usual resolution made necessary on account of the pressure of business at the end of the session.

The SPEAKER. Is there objection?

Mr. SWING. Mr. Speaker, reserving the right to object, I want to ask the leader when we can hope to take up the Private Calendar? There are a number of bills on that calendar and they will have to be acted upon by the Senate, so we ought not to wait until the last days before sending them over to the Senate.

Mr. TILSON. I hope that it may not be necessary to wait so long as the gentleman suggests.

Mr. SWING. Can the gentleman give us any idea when the Private Calendar will be called?

Mr. TILSON. The Consent Calendar, covering public bills, should first be considered.

Then, there are some special rules on very important matters which will be presented for consideration; but it is my hope that we may have consideration of the bills on the Private Calendar at an early date.

Mr. SWING. Why can we not have a night session either to-night or to-morrow night and dispose of the bills unobjected to on the Private Calendar?

Mr. TILSON. I am not willing to promise at the present moment to ask for what the gentleman suggests.

Mr. SWING. I hope the gentleman will arrange to dispose of them at an early time.

Mr. TILSON. I hope that we may soon have time to consider at least the bills unobjected to on the Private Calendar.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. GARNER of Texas. There was so much noise and confusion in the Hall a moment ago that I did not understand the gentleman with respect to his resolution authorizing the engrossment of bills in the most expeditious method possible. That is about what the resolution provides?

Mr. TILSON. Yes.

Mr. GARNER of Texas. This is the usual resolution passed at the end of each Congress?

Mr. TILSON. Yes; the one I sent to the desk is the one passed two years ago at this time and is in exactly the same language.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

Mr. UNDERHILL. Mr. Speaker, I have several privileged reports from the Committee on Accounts, presenting resolutions, and I ask for their immediate consideration.

FRED R. MILLER

The SPEAKER. The Clerk will report the first resolution.

The Clerk read as follows:

House Resolution 280

Resolved, That there be paid out of the contingent fund of the House $1,200 to Fred R. Miller for extra and expert services as expert legal examiner to the Committee on Pensions from March 4, 1928, to March 4, 1929, first and second sessions of the Seventieth Congress.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution from the Committee on Accounts.

ASSISTANT CLERK TO THE COMMITTEE ON ENROLLED BILLS

The Clerk read as follows:

House Resolution 316

Resolved, That the chairman of the Committee on Enrolled Bills be authorized to appoint an assistant clerk to the Committee on Enrolled Bills, who shall receive compensation at the rate of $6 per diem during the sessions of the Seventieth Congress, to be paid out of the contingent fund of the House, payment to commence from the date such clerk entered upon the performance of duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

With the following committee amendments:

In line 6, after the word "from," insert "February 14," and strike out all other words on lines 6, 7, 8, and 9, and in line 7, in lieu of the language therein, the following: "Services to terminate on March 4, 1929."

Mr. SNELL. Mr. Speaker, I would like to ask the gentleman a question about the first resolution. Was that to take care of the pension men?

Mr. UNDERHILL. Yes; one of them.

Mr. SNELL. Is there a resolution for the other one?

Mr. UNDERHILL. Yes.

The committee amendments were agreed to.

The resolution was agreed to.

The Clerk will report the next resolution.

MARGARET ELMA NAYLOR

The Clerk read as follows:

House Resolution 311

Resolved, That there be paid out of the contingent fund of the House $1,000 to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions, from December 15, 1927, to October 20, 1928, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

LEGISLATIVE CLERK

The Clerk read as follows:

House Resolution 315

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $2,740 per annum for the services of a legislative clerk subject to appointment and removal by the minority leader of the House.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

BINGHAM W. MATHIAS

The Clerk read as follows:

House Resolution 301

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Bingham W. Mathias, clerk of the Committee on Invalid Pensions, the sum of $420 per annum, payable monthly, as additional compensation until otherwise authorized by law.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

ADDITIONAL CLERICAL SERVICES IN ENROLLING ROOM

The Clerk read as follows:

House Resolution 338

Resolved, That there shall be paid out of the contingent fund of the House of Representatives during the remainder of the present session not exceeding $100 for additional clerical services in the enrolling room.

The resolution was agreed to.

APPROPRIATIONS FOR THE NAVY DEPARTMENT AND THE NAVAL SERVICE

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, with Senate amendments, disagree with the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Idaho? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. FRENCH, HARDY, TABER, AYRES, and OLIVER of Alabama.

MEMORIAL SERVICES

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that all Members of the House, all of whom heretofore have been granted leave to extend their remarks in connection with the life, character, and public services of Members whom we memorialized the other day, be granted additional time within which to extend their remarks, so that the remarks may be included in the final issue of the RECORD.

The SPEAKER. The gentleman from Idaho asks unanimous consent that all Members may have until the final day of printing the RECORD permission to extend their remarks in the manner indicated. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, and of course I shall not object, I should like to impress upon the membership of the House the desirability and appropriateness of putting something in the RECORD concerning those deceased colleagues with whom they were most intimately associated. In order to make these memorial volumes what they ought to be, at least the usual number of Members who have known our deceased colleagues best should write something about them so that it may be placed in the memorial volume. Unless this is done I am afraid that the program which we have laid out for ourselves in connection with memorial services will lose much of its significance.

Mr. FRENCH. Mr. Speaker, I would like to have included in the request that the four pages that appear in the CONGRESSIONAL RECORD giving the exercises that occurred on February 20, 1929, be reprinted immediately preceding the extensions in the RECORD that will then appear.

Mr. LINTHICUM. May I ask the gentleman a question?

Mr. FRENCH. Yes.

Mr. LINTHICUM. I want to ask how it is proposed to finally print these volumes. Are they to be printed as memorials just as we have been doing in the past?

Mr. FRENCH. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

CLAIMS OF THE SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the conference report on the bill (S. 710) conferring jurisdiction on the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Idaho calls up the conference report on the bill S. 710 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendments of the House numbered 3 and 4, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the words "for the benefit of any" and before the words "of said Indians," insert the words "band or bands," so as to make the amendment read: "Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit"; and the House agree to the same.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

LYNN J. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendment No. 1: Clarifies and completes the statement to which it is added and does not change the intention of the section. The Senate agrees.

On amendment No. 2: Places a restriction as to the maximum attorneys' fee, in addition to the "not to exceed 10 per centum of the recovery" already in the bill. The Court of Claims is empowered to set the fee within the percentage limitation, and their action in cases of this type over a number of years has been studied. As a result, no reason for the second limitation is seen. It is therefore recommended that the House recede.

On amendment No. 3: Reduces the interest rate to be paid from date of judgment from 5 to 4 per cent. It is agreed that this is reasonable; and the Senate recedes.

On amendment No. 4: Provides that the proceeds shall be subject to appropriation by Congress only for the health, education, and industrial advancement of said Indians. This is considered a wise provision; and the Senate conferees agree.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

The conference report was agreed to.

CONSTRUCTION OF BUILDINGS AT BOLLING FIELD

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13931) authorizing an appropriation for the construction of buildings for barracks at Bolling Field, D. C., disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 13931, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, so far as I could understand the reading this is the House bill with reference to certain construction at Bolling Field. My reading of the Senate RECORD leads me to believe that the Senate has reverted to any old-time habit of putting on these bills riders that are not at all germane. As I understand, to this minor bill, affecting certain construction at Bolling Field, there have been added two amendments embodying matters unrelated to each other and unrelated to the bill. One of them is for two so-called sea-going retrievers which are to be constructed, and another is new construction at a military post in New York State. All of these are for new construction and not at all related to the matter in the House bill.

As to these matters the House has no information, no report before it, no examination has been had by the Budget so far as the House knows. While it may be that in conference information may be furnished to the conferees, the House will never know anything about it. It seems to me that the House ought to call a halt on this orgy of legislation for new construction by the War Department.

My view is strengthened by the fact that we find so much difficulty in getting the War Department to cooperate with other branches of the Government in the use of those facilities that are so freely being given to the War Department, to secure their use for the Government and for saving to the Treasury. Particularly in the last two years very important work of the topographical survey has been held up in a great measure by the refusal of the War Department, or by the failure to act,

which comes to a refusal, to make available units of the Air Service in aerial photography.

Under such circumstances the result has been the slowing up of the national topographic map which is being made at joint expense of the States and the Nation. Our committee having in charge appropriations for the Geological Survey feel that much of this work could, without interference with their military duties, be done by the Army Air Service, resulting in saving to the treasuries of the States and the Federal Government as well, material speeding up of the topographic map of the country. The matter is covered by an item in the Interior appropriation bill for 1930, where authority is given for such cooperation. The matter was also considered in connection with the 1930 Army appropriation bill, and I have understood that such cooperation would be granted by the Army Air Service, in so far as possible, without interference with their military duties.

The trouble is the Assistant Secretary of War, Mr. Davison, has the theory that private concerns should be built up by Government contracts. We feel that such action is a subsidy, an unnecessary subsidy, as to contracts for service which the Army Air Corps is in a position to render.

We supposed, however, the coming year would see a real effort at such cooperation by the Army. Reports now come to me that Assistant Secretary Davison is taking an attitude as to this in his statements to the commercial concerns that is not at all reassuring as to the prospect for any such cooperation. The department knows the desire of Congress, but so far as the Assistant Secretary is concerned does give evidence of compliance.

There needs to be a readjustment of views between the Army and the Congress.

Mr. EDWARDS. I demand the regular order.

Mr. CRAMTON. I object.

TEMPORARY COMMITTEE ON ACCOUNTS

The SPEAKER. Under authority of United States Code, page 8, paragraph 97, providing for the appointment of a temporary committee on accounts to act until the meeting of the next session of the House of Representatives, the Chair appoints the following committee: Mr. UNDERHILL, Mr. PERKINS, and Mr. CANNON.

TRANSFER OF WATER RIGHTS—BOISE RECLAMATION PROJECT

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project, with Senate amendments, and agree to the Senate amendments.

The Senate amendments were read and agreed to.

RELIEF OF CERTAIN ARMY OFFICERS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4266) for relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 4266, with Senate amendments thereto, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

AUSTRIAN DEBT SETTLEMENT

Mr. SNELL. Mr. Speaker, I ask unanimous consent that House Resolution 221, relating to the Austrian debt settlement, reported by the Committee on Rules, be laid on the table, as the matter taken up in that resolution has been attended to in another way.

The SPEAKER. The gentleman from New York asks unanimous consent that House Resolution 221, from the Committee on Rules, may be laid on the table. Is there objection?

There was no objection.

AMENDING THE NATIONAL PROHIBITION ACT—MINORITY VIEWS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that I may have until to-morrow at 1 o'clock p. m. to file a minority report upon the bill S. 2901, to amend the national prohibition act, as amended and supplemented.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, could not the gentleman file his minority views by midnight to-night?

Mr. LAGUARDIA. I expect to be engaged on the Consent Calendar all day, and I do not believe the bill will be called up before the minority report is printed. I would appreciate very much to have until 1 o'clock to-morrow afternoon.

Mr. CRAMTON. Mr. Speaker, as I understand, whether the minority report is printed or not will not affect the calling up of the bill.

The SPEAKER. The Chair does not think that would affect the calling up of the bill at all.

Mr. MICHENER. I have no objection.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, were hearings had on that bill?

Mr. GRAHAM. We had hearings on the bill.

Mr. CRAMTON. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

There was no objection.

SUSIE MINOR

Mr. PERKINS. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House Resolution 324

Resolved, That there shall be paid, out of the contingent fund of the House, to Susie Minor, widow of Harry E. Minor, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said Harry E. Minor.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EIGHTH AND TENTH JUDICIAL CIRCUITS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16658) to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States and to create a tenth judicial circuit, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 16658, with Senate amendments thereto, and concur in the Senate amendments. The Clerk will report the title of the bill and the Senate amendments.

The Clerk reported the title of the bill and the Senate amendments.

The Senate amendments were agreed to.

ADDITIONAL JUDGE, NINTH JUDICIAL CIRCUIT

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8295, for the appointment of an additional circuit judge for the ninth judicial circuit, with Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 8295, with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The Senate amendment was agreed to.

TWO ADDITIONAL JUDGES, EASTERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 14659, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

The Chair appointed the following conferees: Mr. GRAHAM, Mr. LAGUARDIA, and Mr. SUMNERS of Texas.

DEFICIENCY APPROPRIATION BILL

The SPEAKER. When the House adjourned on Saturday last the previous question had been ordered upon the bill H. R. 17223, the deficiency appropriation bill, and the amendments thereto. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BACHMANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BACHMANN. When this bill was before the committee I made a motion to strike out section 2 in the bill. Now I understand there is to be a motion made to recommit the bill by the gentleman from Tennessee [Mr. BYRNS]. I would like to propound the inquiry as to whether or not another motion to recommit the bill could be made with instructions to send the bill back to the committee to report it back without section 2?

The SPEAKER. Only one motion to recommit can be made.

Mr. BACHMANN. Another inquiry: I am opposed to the bill. I wish to make the motion to recommit the bill under the circumstances.

The SPEAKER. The Chair will give preference to a member of the committee on the minority side.

Mr. BACHMANN. Even if the Member is not opposed to the bill?

The SPEAKER. He has to be opposed to the bill in its present form.

Mr. BYRNS. Mr. Speaker, I am opposed to the bill in its present form.

The SPEAKER. The Clerk will report the motion of the gentleman from Tennessee to recommit the bill.

The Clerk read as follows:

Mr. BYRNS moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith, with the following amendment: Strike out the Wood amendment on page 59 and insert in lieu thereof the following: "For the enforcement of the eighteenth amendment to the national prohibition act and supplementary acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquor and narcotics, the sum of $24,000,000, or such portion thereof as the President may deem useful to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, Prohibition Bureau: And he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned, in accordance with existing law, and to remain available until June 30, 1930."

Mr. WOOD, Mr. MAPES, and other Members rose.

Mr. WOOD. Mr. Speaker, I move the previous question.

Mr. MAPES. Mr. Speaker, I desire to raise a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. MAPES. As I understood the reading of the motion to recommit, it is to disagree to the so-called Wood amendment which has just been adopted by the House.

The SPEAKER pro tempore [Mr. TILSON]. Will the gentleman please restate his parliamentary inquiry?

Mr. MAPES. If I understood the reading of the motion of the gentleman from Tennessee to recommit the bill, it is to disagree to the Wood amendment, which was adopted by the Committee of the Whole and by the House this morning a few minutes ago in its blanket adoption of all of the amendments reported from the committee to the House. Now, if the motion to recommit on the question of the Wood amendment stood alone, as I understand it, there is no question but what it would not be in order, because the House has, within the last few minutes, acted upon that amendment and adopted it.

I raise this question as to whether or not, if the gentleman from Tennessee desired to modify that amendment, should he not have demanded a separate vote on the committee amendment and offered the amendment before it was voted upon by the House? I raise the parliamentary inquiry whether or not the motion to recommit under the circumstances is in order. I desire to reserve a point of order and then to make it.

Mr. BANKHEAD. Mr. Speaker, that is the very question I was going to submit. If there is any dispute, Mr. Speaker, I do not object to the gentleman's parliamentary inquiry, because, of course, he had a right to make it. But as a matter of fact, the RECORD will show that the motion to recommit had been offered and read, and thereupon the gentleman from Indiana [Mr. WOOD] had moved the previous question, and the parliamentary situation, or the regular order pending, was the motion of the gentleman from Indiana moving the previous question. The gentleman from Michigan waived his right to make the point of order by delaying it until the motion for the previous question had been made.

Mr. MAPES. I am not in charge of this legislation. The Speaker quite naturally recognized the chairman of the committee in charge of the legislation first. I made the point of order as soon as it was possible to make it. That is entirely too technical for the Speaker to hold that any rights have been lost by failure to recognize me before recognizing the chairman in charge of the bill. I think this parliamentary situation ought to be settled on its merits and not by any technical ruling of that kind.

Mr. LEHLBACH. In furtherance of the suggestion made by the gentleman from Alabama [Mr. BANKHEAD], I desire to say that the gentleman from Michigan [Mr. MAPES] simply sought recognition at the same time that the gentleman from Indiana [Mr. WOOD] sought recognition. Now, if he sought recognition for the purpose of raising a point of order, he could have given notice and said, "Mr. Speaker, I rise to a point of order." This he did not do, but allowed the recognition of another Member, who had a parliamentary motion to make, which was placed before the House. Therefore, the point of order now comes too late.

Mr. MAPES. Oh, well, Mr. Speaker, this is a parliamentary body and not a competition in noise. This is a question of orderly procedure. I was on my feet asking for recognition all the time, and I think I obtained recognition as soon as it was at all necessary.

The SPEAKER pro tempore. The Chair is confronted with this situation: That the House has taken action on a motion made by the gentleman from Indiana [Mr. WOOD.]

Mr. BLACK of Texas. There has been no motion for the previous question put to the House.

The SPEAKER pro tempore. The motion of the gentleman from Indiana was made, is still pending for action.

Mr. WOOD. I was recognized, and after I was recognized and the motion made, the gentleman from Michigan got up and made a parliamentary inquiry.

Mr. MAPES. It does not matter whether the gentleman from Indiana was recognized first or not.

The gentleman from Michigan had a perfect right to assume that the chairman of the committee would make that point of order and was waiting for him, in the regular course of procedure, to be recognized. If a Member must get up and inject himself into these proceedings when he is not in charge of the legislation that can be done, but it ought not to be made necessary by any ruling of the Speaker.

The SPEAKER pro tempore. Of course, the gentleman from Michigan, when he saw that the chairman of the subcommittee in charge of the bill was proceeding to make a motion, had the right to interrupt him and make his point of order.

Mr. MAPES. There is not much chance to interrupt when a man simply says he moves the previous question. There is not much chance to interrupt until he completes his statement. The gentleman from Michigan does not care to argue this particular right any further, but he submits his views on the question.

Mr. BYRNS. Mr. Speaker, the gentleman from Indiana was recognized and moved the previous question. After that the gentleman from Michigan was recognized by the Chair on a parliamentary inquiry. He did not make a point of order, but he made a parliamentary inquiry, instead of interposing a point of order or reserving a point of order.

The SPEAKER pro tempore. On the statement of the gentleman from Michigan the Chair would be compelled to rule that a point of order now made would come too late, and this is the Chair's answer to the gentleman's parliamentary inquiry.

Mr. MAPES. Just to clear up the record, will the Chair ask the stenographer to read just what the gentleman from Michigan did say at the beginning.

The SPEAKER pro tempore. Without objection, the reporter may read his notes. [After a pause.] It appears that the notes have gone downstairs for transcription. The gentleman from Indiana moves the previous question.

The previous question was ordered.

Mr. BYRNS. Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The SPEAKER pro tempore. Does the Chair understand that the gentleman demands the yeas and nays on the previous question?

Mr. BYRNS. No; I thought the Chair declared the previous question ordered. This is on the motion to recommit.

The SPEAKER pro tempore. The Chair so declared. The question is now on the motion of the gentleman from Tennessee to recommit the bill, and on that the gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 240, not voting 63, as follows:

[Roll No. 29]

YEAS—125

Abernethy	Driver	Lozier	Rutherford
Allgood	Edwards	McDuffie	Sanders, Tex.
Almon	Eslick	McFadden	Sandlin
Aswell	Evans, Mont.	McKeown	Sears, Fla.
Ayres	Fisher	McMillan	Schallenberger
Bankhead	Gardner, Ind.	McReynolds	Speaks
Bell	Garner, Tex.	McSwain	Steagall
Bland	Garrett, Tex.	McSweeney	Steele
Box	Gasque	Major, Ill.	Stevenson
Brand, Ga.	Gilbert	Major, Mo.	Sumners, Tex.
Briggs	Goldsborough	Milligan	Swank
Browning	Gregory	Montague	Tarver
Bulwinkle	Green	Moore, Ky.	Taylor, Colo.
Busby	Greenwood	Moore, Va.	Tucker
Butler	Hare	Moorman	Vinson, Ga.
Byrns	Harrison	Morehead	Vinson, Ky.
Canfield	Hastings	Morrow	Warren
Cannon	Hill, Ala.	Nelson, Mo.	Weaver
Carss	Hill, Wash.	Norton, Nebr.	Whitehead
Chapman	Howard, Nebr.	O'Brien	Whittington
Collier	Huddleston	Oldfield	Williams, Mo.
Collins	Hull, Tenn.	Oliver, Ala.	Williams, Tex.
Connally, Tex.	Jeffers	Parks	Wilson, La.
Cox	Johnson, Tex.	Patterson	Wilson, Miss.
Crisp	Jones	Peery	Wingo
Davis	Kemp	Pou	Woodrum
Dickinson, Mo.	Kerr	Quin	Wright
Dominick	Kincheloe	Ragon	Yon
Doughton	Langley	Rankin	Zihlman
Dowell	Lankford	Rayburn	
Drane	Larsen	Robinson, Iowa	
Drewry	Lowrey	Romjue	

NAYS—240

Ackerman	DeRouen	Kading	Reed, N. Y.
Aldrich	Dickinson, Iowa	Kahn	Reid, Ill.
Allen	Dickstein	Kearns	Robsion, Ky.
Andresen	Douglas, Ariz.	Kelly	Rowbottom
Andrew	Douglass, Mass.	Kendall	Sabath
Anthony	Dyer	Ketcham	Sanders, N. Y.
Arentz	Elliott	Kiess	Schafer
Bacharach	Englebright	Knutson	Schneider
Bachmann	Estep	Kopp	Sears, Nebr.
Bacon	Evans, Calif.	Korell	Selvig
Barbour	Fenn	Kurtz	Shreve
Beck, Pa.	Fish	Kvale	Simmons
Beedy	Fitzgerald, Roy G.	LaGuardia	Sinclair
Beers	Fitzgerald, W. T.	Lampert	Smith
Begg	Fitzpatrick	Leavitt	Snell
Berger	Fort	Leech	Spearing
Black, N. Y.	Foss	Lehlbach	Sproul, Ill.
Black, Tex.	Frear	Letts	Sproul, Kans.
Bloom	Free	Lindsay	Stalker
Bohn	Freeman	Linthicum	Stobbs
Bowman	French	Luce	Strong, Kans.
Boylan	Fulmer	McCormack	Strong, Pa.
Brand, Ohio.	Furlow	McLaughlin	Sullivan
Brigham	Gambrill	McLeod	Summers, Wash.
Britten	Garber	Magrady	Swick
Browne	Gibson	Manlove	Swing
Buchanan	Gifford	Mansfield	Taber
Buckbee	Glynn	Mapes	Tatgenhorst
Burdick	Goodwin	Martin, La.	Taylor, Tenn.
Burtness	Graham	Martin, Mass.	Temple
Campbell	Griffin	Mead	Thatcher
Carew	Guyer	Menges	Thompson
Carter	Hadley	Merritt	Thurston
Chalmers	Hale	Michener	Tilson
Chase	Hall, Ill.	Miller	Timberlake
Chindblom	Hall, Ind.	Monast	Tinkham
Christopherson	Hall, N. Dak.	Moore, Ohio	Treadway
Clague	Hancock	Morgan	Underhill
Clancy	Hardy	Morin	Underwood
Clarke	Haugen	Murphy	Vestal
Cochran, Mo.	Hawley	Nelson, Me.	Vincent, Iowa
Cochran, Pa.	Hersey	Nelson, Wis.	Vincent, Mich.
Cole, Iowa	Hickey	Newton	Wainwright
Cole, Md.	Hoffman	Niedringhaus	Ware
Colton	Hogg	Norton, N. J.	Wason
Combs	Holaday	O'Connell	Watres
Connery	Hooper	O'Connor, La.	Watson
Cooper, Ohio	Hope	O'Connor, N. Y.	Welch, Calif.
Cooper, Wis.	Houston, Del.	Palmisano	White, Colo.
Corning	Howard, Okla.	Parker	White, Me.
Crail	Hudson	Peavey	Wigglesworth
Cramton	Hughes	Perkins	Williams, Ill.
Crosser	Hull, Morton D.	Porter	Williamson
Crowther	Hull, Wm. E.	Prall	Winter
Culkin	Igoe	Pratt	Wolfenden
Cullen	Irwin	Purnell	Wolverton
Dallinger	Jenkins	Quayle	Wood
Darrow	Johnson, Ind.	Ramseyer	Woodruff
Deal	Johnson, S. Dak.	Ransley	Wurzbach
Denison	Johnson, Wash.	Reece	Wyant

NOT VOTING—63

Adkins	Davey	James	Palmer
Arnold	Dempsey	Johnson, Ill.	Rainey
Auf der Heide	Doutrich	Johnson, Okla.	Reed, Ark.
Beck, Wis.	Doyle	Kent	Rogers
Blanton	Eaton	Kindred	Seger
Boies	England	Kunz	Sirovich
Bowles	Fletcher	Lanham	Somers, N. Y.
Bushong	Fullbright	Lea	Stedman
Carley	Garrett, Tenn.	Leatherwood	Strother
Cartwright	Golder	Lyon	Tillman
Casey	Griest	McClintic	Updike
Celler	Hammer	Mass	Weller
Cohen	Hoch	Michaelson	Welsh, Pa.
Connolly, Pa.	Hopkins	Mooney	White, Kans.
Curry	Hudspeth	Moore, N. J.	Yates
Davenport	Jacobstein	Oliver, N. Y.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Tillman (for) with Mrs. Rogers (against).
Mr. Lyon (for) with Mr. Somers of New York (against).
Mr. Johnson of Oklahoma (for) with Mr. Hoch (against).
Mr. Hammer (for) with Mr. James (against).
Mr. Cartwright (for) with Mr. Adkins (against).
Mr. McClintic (for) with Mr. Golder (against).
Mr. Reed of Arkansas (for) with Mr. Welsh of Pennsylvania (against).
Mr. Rainey (for) with Mr. Weller (against).
Mr. Lanham (for) with Mr. Oliver of New York (against).
Mr. Stedman (for) with Mr. Carley (against).
Mr. Davey (for) with Mr. Auf der Heide (against).
Mr. Fletcher (for) with Mr. Doyle (against).
Mr. Blanton (for) with Mr. Kunz (against).

Until further notice:

Mr. Bowles with Mr. Garrett of Tennessee.
Mr. Connolly of Pennsylvania with Mr. Hudspeth.
Mr. Eaton with Mr. Casey.
Mr. Michaelson with Mr. Arnold.
Mr. Seger with Mr. Kindred.
Mr. Palmer with Mr. Celler.
Mr. Leatherwood with Mr. Mooney.
Mr. Griest with Mr. Cohen.
Mr. Curry with Mr. Kent.
Mr. Dempsey with Mr. Moore of New Jersey.
Mr. England with Mr. Lea.
Mr. Davenport with Mr. Jacobstein.
Mr. Johnson of Illinois with Mr. Sirovich.

Mr. JONES. Mr. Speaker, I desire to state that my colleague Mr. LANHAM is absent on account of illness.

The SPEAKER pro tempore. Without objection, the statement made by the gentleman from Texas will appear in the RECORD.

There was no objection.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSENT CALENDAR

The SPEAKER pro tempore. Under the special order the Consent Calendar will be called beginning at the point at which the last call left off.

IMPORTATION OF MEXICAN CATTLE

The first business on the Consent Calendar was the joint resolution (S. J. Res. 21) to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. JONES. Mr. Speaker, I object.

HYDROGRAPHIC OFFICE AT HONOLULU

The next business on the Consent Calendar was the bill (H. R. 8917) to establish a hydrographic station at Honolulu, Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I conferred with the Delegate from Hawaii, and as much as I would like to agree with him—I have looked into this very carefully, and we have a naval officer now assigned to this office, an office which the distinguished gentleman from Hawaii himself held some time ago; we have a Geodetic Survey office there at this time doing the same work. The Bureau of the Budget recommends against the bill and there is no immediate necessity. I am constrained to object.

Mr. HOUSTON of Hawaii. Will the gentleman reserve his objection?

Mr. LAGUARDIA. I will reserve the objection.

Mr. HOUSTON of Hawaii. This office is now in Honolulu upon a temporary basis and the funds are chargeable against the Naval Establishment. It serves a commercial purpose and there is no legislative authority for the maintenance of the office there now. It fills a very great want.

The statement of the Hydrographer, upon my request before the committee, is to the effect that it would fill a vital need to American commerce.

There are at the present time 9 such offices in the Atlantic area, there are 6 offices in the Lake area, and there are only 4 in the enormous Pacific area in which our commerce at the present time is growing by leaps and bounds.

There are four thousand and odd charts issued by the Hydrographic Office which are not issued by any other agency of the Government. The Coast and Geodetic Survey issues less than half of this number.

Mr. LAGUARDIA. Will the gentleman explain that it is only to keep these charts up to date.

Mr. HOUSTON of Hawaii. It is only in order that when mariners buy charts at the recognized agency there may be some one there who will see that the chart is corrected before they take it and use it.

Mr. LAGUARDIA. And that is being done?

Mr. HOUSTON of Hawaii. That is not altogether being done. Only on a very restricted basis can it be done with the establishment there now, and there are four thousand and odd shoals and hazards that come into chart construction every year that were not there before, nad the gentleman may realize therefore the necessity for this, which has been pointed out by the Hydrographer and which is felt to be a need by the department, but the department simply could not approve it because of budgetary opposition.

Mr. LAGUARDIA. The gentleman knows my high regard for the gentleman's opinion and how carefully I consider anything he is interested in. I have taken this up with the Navy Department, with the bureau, and I find it would be most imprudent to pass the bill at this time. I trust the gentleman can understand my position in the matter.

Mr. HOUSTON of Hawaii. I understand the Budget's position, but I can not understand the legislative position.

Mr. LAGUARDIA. I object, Mr. Speaker.

FEDERAL POWER COMMISSION

The next business on the Consent Calendar was the bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservation, Ariz.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Federal Power Commission is hereby authorized, in its discretion, to issue permits and licenses in accordance with the Federal water power act for the development of hydroelectric power on Salt River within the Fort Apache and the White Mountain or San Carlos Indian Reservations, Ariz.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDRESS OF HON. JAMES P. BUCHANAN

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a very able speech delivered over the radio by my colleague the gentleman from Texas [Mr. BUCHANAN] on the important subject of soil erosion.

The SPEAKER pro tempore. Without objection, the request is granted.

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Hon. JAMES P. BUCHANAN, a Representative from the State of Texas, over the radio on Saturday, February 23, 1929, on the subject of soil erosion:

SOIL EROSION

Mr. BUCHANAN. Through the courtesy of this radio station, whose management is so intensely interested in the welfare of national agriculture, I will discuss for a short time one of the most vital problems now confronting not only the American farmer but our Nation.

We have in our midst a master criminal, a gigantic thief, a highwayman. I want you, my unseen audience, to act as a jury, listen to the evidence, render a righteous verdict upon the destructive depredations of this, the master criminal of our age, and by your verdict not only find this criminal guilty, but condemn the inaction and neglect of the Government of States and Nation in not sooner apprehending and condemning to eternal confinement this master criminal, thereby stopping his depredation. The name of this master criminal is soil erosion, the washing away of the soil of our farm and pasture lands by the uncontrolled rain water that falls upon their surface. Uncontrolled surface water is the enemy of man. Controlled, it is a priceless blessing. Every drop of water which falls upon the agricultural land of our Nation and finds its way to the sea is an economic loss to our country.

If the priceless heritage transmitted to us by our forefathers is to be preserved unmarred, and by us transmitted to our children, we must control our surface water and conserve our soil. The three most valuable gifts of God to man are soil, sunshine, and rain. They constitute the earthly trinity, absolutely essential to the existence of man. If either is destroyed, then our civilization and our people will perish from the earth.

Now listen to the evidence against this master criminal, soil erosion. For several years the Agricultural and Mechanical College of Texas, the Missouri Experimental Station, the North Carolina Experimental Station, and the Bureau of Soils and Chemistry in the United States Department of Agriculture have conducted experiments, made surveys, and recorded observations upon the present and ultimate effect upon our Nation of the uncontrolled surface water, washing away our soil and carrying it to the sea. It has been determined that 1,500,000,000 tons of soil matter is washed from our farms and pasture lands and carried to the sea every year.

This soil, thus stolen from us by erosion, contains 126,000,000 pounds of plant food, which is twenty-one times more plant food than is removed from the soil by crops.

You must remember that when plant food is removed from the soil by agricultural crops it can be restored by fertilizer and soil legumes, but when the soil is washed away it can not be restored by man, and the land from which it is washed is forever lost to agriculture.

It has been conservatively estimated that the value of the soil our country loses each year by erosion amounts to $2,000,000,000, and the farmers of the Nation suffer a direct primary loss of two hundred million a year by reason of the destructive depredations of this master criminal—erosion.

In 1879, when erosion had not inflicted such enormous damage on the agricultural soil of the Nation, the farmers spent only $28,000,000 for fertilizer.

In 1919, as a result of erosion, they were compelled to spend $326,000,000. Thus, year by year, as the fertility of the soil of the farmers is decreased, and the soil is washed away, the farmers' burdens for fertilizer increases.

I will give you a few facts demonstrated by some of our experimental stations.

At the North Carolina experimental station it has been established beyond question that land sodded in grass holds back four hundred and sixteen times more water and soil than bare ground, and two hundred and thirteen times more water and soil than unterraced cultivated land, and yet by a scientific system of terracing more water and soil can be held on the ground, in cultivated land, than is held there by grass sod.

At the Missouri Experimental Station, it has been found by actual experiment, with only 3½-foot slope in 100 feet of bare ground, 7 inches of surface soil was washed away in 24 years, but on the same type of soil, with the same slope and with the same rainfall, sodded in blue grass, it will take 3,547 years to wash away the same 7-inch layer of surface soil; and yet by scientific terracing, the surface water can be held upon the land and the soil conserved to a greater extent than it is, by being sodded in blue grass.

At the experimental station, Spur, Tex., it was demonstrated by actual experiments and measurements that on land, sloping only 2 feet in 100, with 27 inches of rainfall per year on unterraced cultivated land 40.7 tons of soil was washed away per year on each acre, and 44 per cent of the total rainfall ran off.

On adjoining plots of same land, same rainfall, same slope, properly terraced, all the rainfall and all the soil was conserved and by reason of the increased moisture absorbed by the soil, as a result of this conservation, 20 per cent increase yield was procured.

The average depth of productive surface soil, on our sloping farm lands is 6 to 8 inches, and each acre has about 1,000 tons of productive soil.

If erosion is permitted to run wild in the future, as it has in the past, with a loss of 40 tons of soil per acre per year, in 25 years, at least 50 per cent of our agricultural lands will be destroyed for agriculture and 75 per cent in 50 years.

If you will take a retrospective view of the vast and dreary solitudes of past ages, you will find that archæological and other scientific research has now established that there once existed countries that were inhabited by a prosperous and highly civilized people. They did nothing to check soil erosion, and this master criminal, year by year, gradually washed the soil of such countries to the sea and ultimately destroyed such people and their civilization, and now there is nothing but barren waste and rocky surface where once existed a happy, prosperous, contented, and highly civilized people. Such will be the ultimate end of our country unless effective steps are taken to control our surface water, and conserve our soil for ourselves and our posterity.

Erosion is not a sectional problem. Its prevention is vital to our continued national existence. It has carried on its fearful destruction in every section of our country. Wherever water runs over the surface of the soil, erosion is gradually taking place, and because it seemingly operates under natural laws, its insidious conduct does not challenge our attention, and we attribute our decreased acre yield to exhaustion of the soil, when, in fact, 99 per cent of it on eroding areas is due to erosion.

In a few years the land ceases to be as productive as formerly, and the farmer concludes that the land is being exhausted by his crops, and resorts to expensive fertilizers and legumes to restore the fertility of soil he no longer has. He is fertilizing an unproductive clay subsoil, incapable of retaining either the fertilizer or moisture.

Let me call your attention to the widespread destruction of erosion throughout the Union. There are 18 distinct types of soil of material agricultural acreage in the United States. One type is located in the Piedmont region, containing an area of 46,000,000 acres, and includes parts of Alabama, Georgia, North Carolina, Virginia, Maryland, Pennsylvania, and Delaware. From 4 to 8 inches of soil has been washed off of 65 per cent of this area, or 30,500,000 acres of land totally destroyed or severely injured for agricultural purposes.

The sandstone type of soil, containing an area of 5,000,000 acres, part of North Carolina, Virginia, Maryland, and Pennsylvania, from 2 to 10 inches of soil have been washed off of 40 per cent of this area, or 2,000,000 acres destroyed for agricultural purposes.

The Appalachian Mountain region type of soil contains 78,000,000 acres, located in Alabama, Georgia, Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Ohio, Pennsylvania, New York, and New Jersey. Of this vast area 12,500,000 acres have been severely eroded and now of little value for agricultural purposes.

The fourth type of soil is in Illinois, Ohio, Indiana, and Kentucky, containing 18,000,000 acres. From 3 to 12 inches of soil have been washed off of 6,000,000 acres of this area.

The fifth soil type is in Indiana and Kentucky, containing an area of 7,000,000 acres. From 3 to 4 inches of soil have been washed off of 2,000,000 acres.

The sixth soil type is in Mississippi, Alabama, and Georgia sandy land, containing 27,000,000 acres, of which more than 5,000,000 acres have been severely eroded.

The southern brown-loam region type of soil in Louisiana, Missouri, Tennessee, Kentucky, Arkansas, and Mississippi, containing 17,000,000 acres. From 4 to 20 inches of soil have been washed off of 8,000,000 acres of this region.

The northern brown-loam type of soil in Missouri, Iowa, Kansas, Nebraska, Illinois, South Dakota, and Minnesota containing 18,000,000 acres. Nine million acres of it have been severely eroded and are practically useless for agricultural purposes.

The ninth type of soil is in Iowa and Missouri, containing 6,000,000 acres, with 2,000,000 acres practically destroyed for agricultural purposes and 65 per cent of the area severely damaged.

The tenth type of soil is in Wisconsin, Missouri, and Iowa, containing 11,000,000 acres, with 4,000,000 acres severely eroded.

The sandy-land type of soil in Texas, Arkansas, Louisiana, and Oklahoma, containing 33,000,000 acres, with 10,000,000 acres severely eroded, and much of it abandoned as useless for agricultural purposes.

In the Texas, Alabama, and Mississippi black-land type of soil, containing 12,000,000 acres, 4,500,000 acres of it has been severely eroded with a loss of from 4 to 30 inches of soil.

The red plains type of soil in Texas, Oklahoma, and Kansas contain an area of 36,000,000 acres, 8,000,000 of which is severely eroded, and erosion is rapidly taking away the soil of the whole region.

The western Kansas and the Nebraska type of soil, containing an area of 6,000,000 acres, has lost the surface soil on 1,500,000 acres.

The southwestern valley and mountain grazing land States is another distinct type of soil, containing 379,000,000 acres, located in Texas, New Mexico, Arizona, California, Colorado, Utah, Nevada, Idaho, Oregon, Washington, and Wyoming.

Fifty per cent of this entire region has been severely eroded, and erosion is extending rapidly over the balance.

To bring home to you the enormous amount of damage that the American people have permitted erosion to inflict upon our Nation let us summarize: In 1924 the total area planted in crops in the United States was 391,459,902. The total area in pasture was 409,935,550 acres, making a total planted in crops and in pasture of 801,395,550 acres.

Uncontrolled surface water has washed the most productive and larger part of the soil off of 284,050,000 acres, or more than one-third of the entire agricultural and pasture land of the Union, and yet by the expenditure of $5 per acre for the first year in the construction of the character of terrace suitable to the respective soil type, and a maintenance charge of 50 cents an acre thereafter, this soil could have been saved and the surface water conserved for the production of crops and the replenshing of our underground reservoirs, which we yearly tap by wells for the industrial use of the Nation.

Not only this, but when you remember that 20 per cent of the water that now flows into our rivers can be prevented from doing so by terracing and sodding, and practically all of the soil that is washed into the channels of our rivers and augments destructive floods can be conserved and prevented from doing so, you will realize that it will constitute the greatest crime of the age for the Nation to longer permit this master criminal, erosion, to go unchained.

In this last Congress I offered an amendment and procured its adoption appropriating $160,000 for the Bureau of Soils and Chemistry and the Bureau of Public Roads, in cooperation with the agricultural colleges of the States and other agencies, for the purpose of establishing demonstration stations on different soil types in various States of the Union, to the end that this great problem might be carefully studied and solved. This amount of money will establish about seven demonstration stations in the Union. There should be one station established on each type of soil of material agricultural area in order that that particular soil may be studied and the character of terracing that will hold ascertained and the information furnished to the farmer.

This is a national question, and the whole burden should not fall upon the farmer, but chambers of commerce and other civic organizations should cooperate in its solution. Nation-wide conferences should be called to the end that all States and the National Government, in their organized capacity, should join farmers and their organizations in the conservation of our soil, which is absolutely essential to our present prosperity and to the destiny of our Nation.

God created the world; and when He came to the creation of the United States He must have been in a good humor and smiled, because He showered his blessings upon our country. He studded our sky, with stars unutterably bright; He planted within the bowels of the earth abundant minerals to serve every need of a great people. He gave to us abundant sunshine and fructified our land with teeming waters. He bestowed upon us an abundant fertile soil upon which to produce all the necessities of life. The sun in his majestic course does not look down upon a fairer land or one more capable of administering to the wants and gratifying the luxuries of man. Shall a progressive, scientific, intelligent, wealthy nation permit this master criminal, erosion, to rob us of God's priceless gift—the soil—which will ultimately destroy our civilization and our country? Forbid it, Almighty God.

AMENDMENT OF THE WAREHOUSE ACT

The next business on the Consent Calendar was the bill (H. R. 16720) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill brings in an entirely new policy. I understood the gentleman from Minnesota [Mr. NEWTON] is interested in it. Is he in favor of the bill or not?

Mr. KETCHAM. This is a unanimous report from the committee and it is a very meritorious measure.

Mr. LAGUARDIA. I feel that way about it.

Mr. HOOPER. I notice throughout the bill that wherever reference is made to the Secretary of Agriculture it usually refers to his designated representative. What is the meaning of that language; who is the designated representative expected to be?

Mr. KETCHAM. It simply means the designated representative for a very small duty, namely, the approval of bonds.

Mr. HOOPER. Does the gentleman think that is the best way to treat it?

Mr. KETCHAM. It was gone into very carefully. The committee feel that the powers are carefully circumscribed.

Mr. JONES. It takes a great deal of time, and the Secretary, of course, is very busy.

Mr. HOOPER. The language came to my attention and I simply wondered who the representative was to be or what the language meant.

Mr. KINCHELOE. It is simply to expedite the administration.

Mr. LAGUARDIA. It will facilitate the matter, and the negotiability of the warehouse certificates.

Mr. KETCHAM. That is the idea exactly.

The SPEAKER pro tempore. Is there objection?

There was no objection.

H. R. 16720, Seventieth Congress, second session

A bill (H. R. 16720) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended

Be it enacted, etc., That section 4 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 244), is amended to read as follows:

"SEC. 4. That the Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder."

SEC. 2. That section 6 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 247), is amended to read as follows:

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the

granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

SEC. 3. That section 8 of the United States warehouse act of August 11, 1916, as amended (U. S. C., title 7, sec. 250), is amended to read as follows:

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked."

SEC. 4. That section 9 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 248), is amended to read as follows:

"SEC. 9. That the Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products, and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder."

SEC. 5. That section 10 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 251), is amended to read as follows:

"SEC. 10. That the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under the provisions of this act the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts."

SEC. 6. That section 11 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 252), is amended to read as follows:

"SEC. 11. That the Secretary of Agriculture, or his designated representative, may, upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products stored or to be stored in a warehouse licensed under this act, according to condition, grade, or otherwise, and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him."

SEC. 7. That section 12 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 253), is amended to read as follows:

"SEC. 12. That any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture, or his designated representative, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 8. That section 25 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 246), is amended to read as follows:

"SEC. 25. That the Secretary of Agriculture, or his designated representative, may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 9. That section 29 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 269), is amended to read as follows:

"SEC. 29. That in the discretion of the Secretary of Agriculture he is authorized to cooperate with State officials charged with the enforcement of State laws relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this act shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect. This act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or to warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States."

SEC. 10. That section 30 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 270), is amended to read as follows:

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than 10 years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this act, or who shall classify, grade, or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than $500, or imprisoned for not more than six months, or both, in the discretion of the court."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BATTLE FIELD OF STAR FORT, S. C.

The next business on the Consent Calendar was the bill (H. R. 16451) to provide for the inspection of the battle field of Star Fort, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, and I do not intend to object, what is the purpose of this bill, to establish a park or simply a memorial?

Mr. DOMINICK. It is for the establishment of a memorial under the general act passed a few years ago. We are following the procedure and go no further until Congress authorizes a further inspection.

Mr. HOOPER. Where is Star Fort?

Mr. DOMINICK. It is in Greenwood County, S. C., about 3 miles distant from Ninety Six. It is a section rich in history. It was at that point that the first blood was shed in the Revolutionary War in South Carolina. It is a very unique fortification, the remains of which are there to-day. It is in the shape of a star, possibly about the size of this Hall.

Mr. HOOPER. Is it in an accessible region?

Mr. DOMINICK. Yes; two excellent improved roads.

Mr. CRAMTON. Reserving the right to object, I understand this will not lead to the establishment of a military park?

Mr. DOMINICK. No.

Mr. CRAMTON. You do not expect to ask that the Government buy an extensive amount of land?

Mr. DOMINICK. No.

Mr. CRAMTON. We are doing this rather for the fort than any large battle field?

Mr. DOMINICK. It is proposed and included in the report made by the Secretary of War at the beginning of this Congress.

Mr. CRAMTON. In view of what the gentleman says I am not going to object; but there is one suggestion, and if he thinks it does not appeal to him I will not press it, because it does not appear to be a matter of great financial importance. In the commission it requires two local men and one commissioned officer of the Army.

Mr. DOMINICK. No; there is a committee amendment to the bill to cure a typographical error.

Mr. CRAMTON. What does the committee propose?

Mr. DOMINICK. To have an engineer commissioner and one citizen.

Mr. CRAMTON. Only two men on the commission?

Mr. DOMINICK. Only two.

Mr. CRAMTON. I think that is better; I think there ought not to be a majority from the community.

Mr. DOMINICK. That was a typographical error.

Mr. BLACK of Texas. The bill I have before me does not contain the committee amendment. Will the gentleman offer it?

Mr. DOMINICK. It is in the report. I offer it. On page 1, line 6, insert the word "two" immediately preceding the word "citizens."

Mr. BLACK of Texas. I understood from the colloquy it was the intention to have but one citizen. The bill itself provides for one Army engineer and two citizens.

Mr. DOMINICK. Then it should be one, and I shall modify my amendment in that respect.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; and (2) two citizens and residents of Greenwood County, State of South Carolina.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Star Fort, S. C., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Star Fort, S. C., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1929.

SEC. 4. There is authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $1,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

With the following amendment:

Line 6, page 1, strike out the word "two" and insert "one."

The amendment was agreed to.

Mr. DOMINICK. Mr. Speaker, I move to amend by striking out the word "citizens" and inserting in lieu thereof the word "citizen," in line 6, page 1.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DOMINICK: Page 1, line 6, strike out "citizens" and insert "citizen."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DOMINICK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point by including a statement prepared by the historical section of the War Department upon this fort.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The matter referred to is as follows:

THE SIEGE OF STAR FORT AND NINETY SIX, S. C., MAY 22 TO JUNE 19, 1781

The siege of Star Fort and Ninety Six is one of the most interesting and spectacular of the operations which occurred during the closing months of the Revolutionary War. The four weeks from May 22 to June 19 were crowded with the drama of siege warfare, with novel expedients to secure military advantage, and with examples of chivalrous conduct on the part of all the combatants, somewhat exceptional in the southern campaign. After Lord Rawdon burned and abandoned his post at Camden, S. C., on the 8th and 9th of May, 1781, the ruins of the town were immediately occupied by the Continental Army, commanded by Gen. Nathanael Greene. Plans were at once made by the Americans to press the advantage gained over the British by the latters' evacuation of Camden, and to augment their good fortune by forcing the evacuation of the strong frontier posts of Augusta and Ninety Six. At this time Lord Charles Cornwallis was operating in Virginia at the head of the main British Army in the South.

Upon abandoning Camden, Lord Rawdon fell back in the direction of Charleston, for the purpose of receiving expected reinforcements, to cover the lower country, and to give protection to Charleston itself. Several expresses were sent by him to Lieut. Col. John H. Cruger, commanding at Ninety Six, to withdraw his garrison and join that of Augusta, about 60 miles to the south, on the Savannah River. None of the several messengers sent with these dispatches for Cruger succeeded in reaching their destination.

Ninety Six derives some celebrity in the annals of this country from having been the scene of the first conflict in South Carolina of the Revolutionary War. At that place commenced, on the 19th day of November, 1775, the sanguinary conflict between Whig and Tory which never ceased during the entire period of the war. The settlement of Ninety Six was surrounded by a stockade, as a defense against incursions of Indians who were not far removed from it. The stockade still stood when the British subjugated the Province of South Carolina in 1780, and Ninety Six was garrisoned by them and make a principal point in the chain of their military posts. Its situation on the Cherokee Trail rendered it peculiarly important and of great strategic value to the British. It maintained communication with the Indians, kept in check the Whig settlements to the west of it, and covered those of the loyalists to the north, east, and south. It was the most advanced post occupied by the British, and by its approach to the upper parts of North Carolina and Georgia, supported Camden and Augusta in their influence upon the population of these two Provinces. It was also a depot for recruits, and it was here that Major Ferguson made his headquarters in 1780, as organizer and inspector of Tory militia recruited in the adjacent country.

Ninety Six was garrisoned by about 550 loyalists at the time General Greene marched from Camden to lay siege to it. Of this number 350 belonged to the Provincial Corps, made up of troops recruited in the United States. In Delancey's battalion of New York loyalists there were 150 men, and in the second battalion of New Jersey Volunteers, 200 men. These corps had been raised in 1776, were well disciplined, and from the active service in which they had been engaged ever since their first landing in Georgia, had become equal to any troops. The remainder of Cruger's command consisted of about 200 South Carolina Tories, under Colonel King. These were given an opportunity to quit the garrison when it became known that Greene's army was approaching, but they preferred to remain. The entire garrison of Ninety Six was composed of Americans, Colonel Cruger being a native of the State of New York.

When Cruger learned that the British had abandoned Camden and fallen back on Charleston, it appeared quite probable to him that a strong force of Americans would be sent against Ninety Six to effect its subjugation, and energetic measures were at once put into effect to strengthen the post. The entire garrison was set to work to throw up a parapet outside the stockade, and slaves were called in from the neighborhood to assist in the work. Beyond the ditch created by throwing up the parapet, abatis was constructed. To the left of the stockaded village was a ravine, through which ran a rivulet that supplied the troops with water. Lying contiguous to the village, between it and the rivulet, and within the confines of the stockade, was the county prison. This was fortified, and its cannon and musketry fire covered the valley of the rivulet on the side next to the village. On the opposite side of the valley, and within reach of the gun posted at the prison, there was constructed a strong stockade fort with two blockhouses, which covered the communication with the rivulet in that quarter. A covered way led from the village to the rivulet, and

by this passageway water was obtained during the siege. Within the village blockhouses were erected and caponiers prepared by which communication was maintained between the several parts of the works. Traverses were thrown up to prevent the execution of shells and ricochet shots.

On the right side of the village was located the only part of the works that constituted a strong defensive position. This had been planned some time before by Lieutenant Haldane of the engineers, aide-de-camp of Lord Cornwallis. It consisted of a work of 16 salient and reentrant angles, with a dry ditch and abatis, and was called the Star. One hundred and fifty men of the Provincial Corps and 50 militia, under the command of Major Greene, of Delancey's battalion, were selected to occupy the Star. A captain's party and some militia were placed in the stockade beyond the rivulet, and a subaltern's guard in the prison. The remainder of the troops was held by Cruger under his immediate command in the village. There was only three 3-pounder cannon in the garrison, and but a very small quantity of ammunition. Food had been stored within the stockade surrounding the village in anticipation of a siege.

General Greene appeared in front of Ninety Six on the 22d of May, 1781. His effective force, exclusive of militia, was about 1,000 men, and a park of artillery. His command included the Maryland and Virginia brigades, and the Delaware and North Carolina battalions. Reconnaissance was made of the position by Greene and his engineer officer, the Polish count, Kosciusko, and it was decided to demolish the Star, the strongest point in the enemy's defenses, rather than to attempt to secure the rivulet and cut off the water rupply. This latter plan was rejected, as it was believed at the time that the besieged could obtain water within the stockade by sinking wells.

Breaking ground close to the Star, Kosciusko labored with diligence during the first night, but by daybreak only very little headway had been made. Cruger hastily completed platforms for his guns in the Star and moved them into the salient nearest to the besiegers and opened fire on the working party, not more than 70 paces distant. Under cover of the gunfire, supported by musketry, 30 men debouched from the Star about noon on the 23d and rushed the working party, putting every man they could reach to the bayonet. This raiding force was followed by a detachment of militia, who quickly demolished the works and carried off the intrenching tools. So judiciously was this double sally planned and so rapidly executed, that although Greene promptly sent a detachment to support Kosciusko, the object of the raiders was accomplished before the supporting troops could arrive. Taught by this essay that the enemy was of a cast not to be rashly approached, Greene ordered Kosciusko to resume his labors under cover of a ravine at a more respectable distance. Kosciusko broke ground again on the night of the 23d at a distance of 400 paces, still directing his approaches against the Star, and by the 3d of June completed the second parallel.

In the meantime General Pickens and Lieut. Col. Henry Lee besieged and captured Forts Cornwallis and Grierson at Augusta, and then hastened to the assistance of Greene. Lee arrived on the 8th of June and Pickens soon afterwards.

As soon as the second parallel was completed Greene summoned the garrison to surrender, but Cruger replied that "My duty to my sovereign renders inadmissible at present" such a step. The temporary truce entered into to conduct this parley thereupon ceased, and Greene opened fire with his batteries, which enfiladed some of the works. The cannonading was continued at intervals for several days, and at the same time a sap was pushed against the Star, and the batteries advanced as the work progressed. One of the saps, constructed of fascines and gabions, at no greater distance from the abatis than 35 paces, was elevated 40 feet from the ground and upon it a number of riflemen were stationed who, as they overlooked the British works, did great execution. The garrison crowned their parapet with sandbags, leaving apertures through which to fire their rifles. African arrows were thrown by the besiegers on the roofs of the barracks within the stockade to set them on fire, but this design was immediately counteracted by Colonel Cruger, who directed that all the buildings be unroofed. These arrows fitted into the bore of muskets from which they were discharged. They were armed at the end with a barbed spear, entwined with flax, dipped in combustibles, lighted, and shot into the wooden buildings.

With the intention of burning a battery position of the assailants, constructed of crib work, attempts were made by the British to heat shot, but these efforts were frustrated for want of furnaces. The personnel in the Star now found themselves unable to continue firing their guns from the platform in the daytime, so withdrew them through the day and used them only at night.

When on the 8th of June the command of Lieutenant Colonel Lee joined from the successful siege of Augusta, the garrison of Ninety Six had the mortification of seeing their comrades in arms from Augusta marched by them as prisoners of war. With the British standard reversed, drums beating, and fifes playing, the exhibition instead of producing a depressing effect upon the besieged had quite a contrary effect. The regular soldiers were convinced by their officers that death was preferable to captivity under such humiliating circumstances, and the Tories within the works felt more certain than ever before that each was "fighting with a halter around his neck."

On the evening of the 9th of June two parties made a sortie from the works to obtain more definite information relative to the nature and progress of the siege operations being conducted by the Americans. One party from the Star penetrated to one of the 4-gun batteries, but was unable to damage the guns for want of spikes and hammers. This party discovered the mine designed to be carried under a curtain of the Star and inflicted a wound upon Count Kosciusko, who was engaged at the time in examining it. The other party from the left of the works fell in with a covering party of the besiegers and put a number of them to the bayonet, capturing the officer in command. On the 12th of the month, at 11 o'clock in the forenoon, a sergeant and nine privates from Colonel Lee's command advanced with lighted combustibles to set fire to the abatis on the left of the works. This bold enterprise was conducted under cover of a concentrated fire from all the batteries and during a heavy storm. Just as the sergeant was in the act of applying the fire his party was discovered and himself and five privates were killed. The remaining four men succeeded in reaching their lines.

Work on the approaches was being pushed by both Greene and Lee. Several batteries for cannon, one more than 20 feet high, had been raised within 140 yards of the Star. A rifle battery was constructed within 30 yards to prevent the British from annoying the workmen of the besiegers. On Colonel Lee's front approaches drew nearer and nearer to the stockade on the left of the stream from which the besieged obtained their supply of water. Firing along the front was almost incessant day and night; not a man could show his head without being fired upon.

About this time a countryman was seen riding along the American lines conversing familiarly with the officers and soldiers on duty. He was not regarded with suspicion and was permitted to go wherever his curiosity led him. At length he reached the main road leading to the village and putting spurs to his horse rushed with full speed into the town, receiving the ineffectual fire of the American sentinels and guards nearest to him, and holding up a letter in his hand to attract the attention of the garrison within the works. The demonstrations of joy with which this messenger was received made it evident to General Greene that he was the bearer of good news, which could be nothing other than that relief was being sent to the beleaguered force.

On the 2d of June a convoy of ships carrying three regiments from Cork had reached Charleston, and the newspaper of that date, announcing that a large fleet with powerful reinforcements for the Royal Army had just anchored off the bar, was dispatched to General Greene, who received it on or before the 10th of the month. Now that Greene interpreted the joyful demonstrations within the works as due to the promise of early relief for the garrison, it became necessary for him to strike a decisive blow without further delay. The message which had been received by Colonel Cruger was in fact from Lord Rawdon giving information that he had passed Orangeburgh and was marching to raise the siege. This comforting information came none too soon to the beleaguered garrison, for on the 17th of June Lee's guns brought a concentrated fire upon the stockade beyond the rivulet so intense as to render it untenable, and that night the British evacuated this portion of the works. A well was dug in the Star, but no water was obtained, and naked negroes, their black bodies indistinguishable at night from the fallen trees, were sent to the rivulet to secure an adequate supply.

On the 18th of June the third parallel was completed close to the abatis in front of the Star. The Americans turned the abatis, drew out the pickets, and ran forward two approach trenches within 6 feet of the ditch surrounding the Star. On the American right, where Lee commanded, the trenches were now within 20 yards of the enemy's ditch. The siege operations had progressed to the point where an assault could be launched with every hope of success and delay could no longer be countenanced, as Greene knew definitely by this time that Rawdon was en route with superior numbers to raise the siege.

Dispositions were accordingly made by Greene to take the works on the 18th, and at noon of that day the assailing columns advanced on signal from the center battery. Colonel Lee, with his legion infantry, and Captain Kirkwood's light infantry, made the attack on the right. Colonel Campbell, with the First Maryland and the First Virginia Regiments, attacked the Star. As the parapet of this work was about 12 feet high, with an additional 3 feet of sandbags, a detachment under Lieutenant Duvall, of the Maryland line, and Lieutenant Selden, of the Virginia line, was sent against it to pull down the sandbags by the use of hooks to enable the Americans to make a lodgment. American riflemen were posted upon the elevated battery to pick off the enemy wherever they appeared, while the Maryland and Virginia troops sustained the action by platoon fire from their trenches.

A furious cannonade was soon followed by the assaulting columns rushing to their respective tasks. The troops on the right were exposed to the fire of a 3-pounder and to musketry fire from the blockhouses in the village, but the British were driven out of their works on this front and Lee's men took possession. On the left the initial operations by Lieutenants Duvall and Selden did not meet with success. Their detachments entered the ditch surrounding the Star at different points, and Colonel Campbell stood prepared to support them. When the detachments succeeded in lowering the height of the parapet by pulling down the sandbags, Campbell's men were to rush through this partial breach and gain the interior of the fort.

The command of the Star was intrusted to Major Greene, who well justified the confidence placed in him by Colonel Cruger. Not only had careful preparations been made to meet the assailants should they reach the parapet, but his men were impatient to sally from the works and meet the enemy on his own ground. Two parties of 30 men each were therefore organized, one under Captain Campbell, of the New Jersey Volunteers, and the other under Captain French, of Delancey's corps. These officers led their men from the sally port in the rear of the Star, and upon entering the ditch separated, one party passing through the ditch in one direction, the other taking the opposite direction. With their bayonets projected well to the front, they encircled the ditch until the Americans working on the sandbags were encountered. Here ensued a desperate conflict with Duvall's and Selden's men. The Americans, fighting not only with the enemy in the ditch, but fired on by those overhead, gallantly sustained the unequal contest until both leaders became disabled by wounds, when they yielded and were driven back with great loss to the point of entry into the ditch. Finding the British defending their works with great obstinacy, and seeing but little prospect of succeeding without heavy loss, General Greene ordered a cessation of the attack.

The American losses during the entire siege amounted to 185 killed and wounded. The losses in the final action on the 18th of June, which lasted three-quarters of an hour, were about 40 killed and wounded. General Greene raised the siege upon the afternoon of the 19th, and on the morning of the 21st the reinforcements under Lord Rawdon made their appearance. The chivalrous conduct of all the participants in these siege operations gives a glamour to Ninety Six and Star Fort that is quite a happy contrast to the needless cruelties generally practiced by Whig and Tory partisan groups throughout the southern Provinces.

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ASSAY OFFICE AT DAHLONEGA, GA.

The next business on the Consent Calendar was the bill (H. R. 12451) to establish an assay office at Dahlonega, Lumpkin County, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, I object.

Mr. HOOPER. Mr. Speaker, I object.

ADDITIONAL JUDGE, MIDDLE DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (H. R. 16034) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, was this bill reported out by the unanimous vote of the Committee on the Judiciary?

Mr. GRAHAM. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to substitute for this bill the bill S. 5193, of similar title and text, which has been already passed by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional judge of the District Court of the United States for the Middle District of Pennsylvania, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation and allowances as the present judge of said district.

SEC. 2. This act shall take effect upon its approval by the President.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 16034) was laid on the table.

CONSULTING ENGINEERS FOR RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object which I do not intend to do, I want to offer certain amendments. I am not making this a condition, and the House may do what it pleases with the amendments. I give notice now that I shall move to strike out in line 5 the words "not to exceed three." That would be a substitute for the committee amendment. In lines 6 and 7, I shall move to strike out the words "on any one project." In other words, I am endeavoring to remove the limit, because there is no reason why a department that is charged with the responsibility for constructing large engineering works involving the safety of human beings as well as large financial outlays should be limited in the number of engineers that they employ.

Mr. SMITH. When the bill was under consideration in the committee, that amendment was suggested, and I see no objection to it.

The SPEAKER pro tempore. Is there objection?

Mr. McFADDEN. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Pennsylvania yield for a moment? I am sure the gentleman from Pennsylvania, who is the head of an important committee which will bring many bills into this House that are important to certain people in the country, does not want to lightly object to a bill just because it has to do with reclamation. This bill does not add one acre to the number of acres that will be under reclamation or available for reclamation. It does not add anything to or make competition with the product of Pennsylvania farms. It does give the department an opportunity to safeguard in the construction of engineering works that are authorized. If this bill fails, the works will be constructed just the same, but perhaps not so wisely, and I will not say safely, because they have always been constructed safely, but in these important works the department should have authority to occasionally consult outside engineers, so that the gentleman's objection will not operate at all to reduce the acreage now already proposed.

Mr. LAGUARDIA. It is just as necessary to the department as bank examiners are to the Federal reserve.

Mr. CRAMTON. Absolutely, and if the gentleman is to object to this kind of a bill because the word "reclamation" happens to be in the bill, there is apt to grow a prejudice in this House against bills in which the word "banking" happens to occur.

Mr. SMITH. Mr. Speaker, I think the gentleman from Pennsylvania merely wanted to afford me an opportunity to make a statement.

Mr. McFADDEN. Mr. Speaker, reserving the right to object, the statement of the gentleman from Michigan [Mr. CRAMTON] is entirely out of order. This is not a matter in which the Banking and Currency Committee is involved in any way whatsoever nor a matter in which the State of Pennsylvania should be brought in. It is the right of a Member of Congress to object to a bill that he thinks is improper, and I insist that this is an improper bill and should not be enacted.

The SPEAKER pro tempore. The Chair calls the attention of the House to the fact that it requires three objections to prevent the consideration of a bill on the Consent Calendar. There is a reservation of the right to object by one Member. The question is, is there objection.

Mr. McFADDEN. I object.

Mr. KETCHAM. I object.

The SPEAKER pro tempore. Two objections have been heard, not a sufficient number. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work not to exceed three consulting engineers, geologists, and economists, on any one project, at rates of compensation to be fixed by him, but not to exceed $50 per day for any engineer, geologist, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologists, or economist during any fiscal year shall not exceed $3,500: *Provided further*, That notwithstanding the provisions of any other act, retired officers of the Army or Navy

may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

SEC. 2. The joint resolution approved June 28, 1926, authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes, is hereby repealed.

Mr. CRAMTON. Mr. Speaker, I have an amendment.

The SPEAKER pro tempore. The Clerk will report the committee amendments first.

The Clerk read as follows:

Page 1, line 5, strike out the word "three" and insert in lieu thereof the word "five."

On page 2, line 1, strike out "$3,500" and insert in lieu thereof "$5,000."

Mr. CRAMTON. Mr. Speaker, may I offer an amendment as a substitute for the first committee amendment?

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman to the first committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 1, line 5, strike out the words "not to exceed three," and on page 1, lines 6 and 7, strike out the words "on any one project."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was rejected.

The SPEAKER pro tempore. The question now recurs to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 2, line 1, strike out "$3,500" and insert "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I would like to ask the gentleman from Idaho [Mr. SMITH] why should we increase the limit over the amount provided in the Senate bill?

Mr. SMITH. Because some of these dams are very stupendous, requiring a long time to construct, and it will be necessary to retain in employment some of these experts for several months in the aggregate.

Mr. BLACK of Texas. The gentleman realizes that the regular naval appropriation bill provides for the hiring of experts in a number of different cases, and the amount to be paid them is $20 a day.

Mr. SMITH. If the salary is increased to $50 a day, it will only permit him to work on the project for 70 days in one year. Some of these dams will take years to construct.

Mr. BLACK of Texas. The Reclamation Bureau has many engineers at its command, and can call in consulting engineers for consultation when necessary.

Mr. SMITH. This is to give the Secretary discretion to employ them for not exceeding 70 days if necessary.

Mr. BLACK of Texas. I do not think the committee amendment should be adopted, especially in view of the fact that retired Army and Navy officers who are drawing their compensation from the Government can be employed under this bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CRAMTON. Possibly we put too much emphasis on part of the language without referring to the other part. This bill is not limited alone to engineers. It says "engineers, geologists, or economists." That is to say, in these projects more attention is to be given than heretofore to the economic side. On the question of bringing in economic experts they might even attempt to go into the State of Pennsylvania and bring in agricultural experts. There is a demand to go outside of the Reclamation Service and hire economic experts. The Army and Navy officers would not, of course, be very valuable for this service in economic and agricultural studies.

Mr. BLACK of Texas. I know; but I think it is very bad policy to employ retired Army and Navy officers and pay them large compensation. When called to Government employment they ought to accept their Regular Army pay. I do not favor paying them these special sums.

Mr. SMITH. It is not unusual to employ experts in private employments at as much or more than $100 a day. We are employing these experts at $50 a day.

Mr. BLACK of Texas. Why is it that the naval appropriation bill prescribes only $20 a day? Why is it necessary for the Reclamation Service to pay $50 a day?

Mr. SMITH. This legislation is necessary because competent consulting engineers can not be secured to construct dams for $20 a day when employed only part of the time.

Mr. McFADDEN. The gentleman has spoken of what work these consulting engineers shall be put on. Will the gentleman repeat to me what he said?

Mr. SMITH. I will state to the gentleman that I had a consultation with the Chief of the Reclamation Bureau yesterday.

Mr. McFADDEN. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to strike out the last word.

Mr. SMITH. I had a conference yesterday with Doctor Mead, the Commissioner of Reclamation, and he assured me that he did not contemplate employing these expert engineers, economists, and geologists on the Columbia Basin project, which is not yet authorized, and where work is not contemplated at this time.

Mr. CRAMTON. Will the gentleman yield?

Mr. McFADDEN. I will say to the gentleman from Idaho, before I yield to the gentleman from Michigan, that my opposition to this measure is that these are additional employees who are unnecessary to conduct this work. It seems to me that the present force of the Bureau of Reclamation in the Interior Department is sufficient to handle these things inasmuch as assurance is given that they are not to undertake any new operations. The result of the reports of the studies of these engineers and experts usually is a recommendation for some new reclamation project. My opposition to this matter is to the whole scheme of reclamation, owing to the general economic condition which now confronts this country.

Mr. CRAMTON. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. CRAMTON. The assurance that the gentleman suggests could not well be given by any Member of the House or even by the Reclamation Service for the reason that this is permanent law and unless changed it will be the law 10 or 20 years from now. No person could say that none would ever be used on any one project.

Mr. McFADDEN. I will say to the gentleman that is the reason I object to the bill.

Mr. CRAMTON. But it can not be used, I will say to the gentleman, on the Columbia River Basin project until Congress authorizes a further study of that project. Now, if the gentleman wants the assurance that in the next year or two years, without the action of Congress, they would not be used on the Columbia River Basin project, then probably some such assurance could be given him, but if Congress should authorize a further study of the Columbia River Basin project then this bill would authorize the employment of the caliber of engineers and the number of engineers that would be necessary.

Mr. KETCHAM. Mr. Speaker, I rise in opposition to the pro forma amendment.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for five minutes.

Mr. KETCHAM. Mr. Chairman and gentlemen of the House, my opposition to this proposition follows the general line of that expressed by the gentleman from Pennsylvania, but particularly do I call to the attention of the House the language that is included in the amendment. We have geologists, we have engineers, we have economists, and perhaps one or two other classes of persons who are to do this work, but it does seem to me that while it is intended to be all inclusive one officer has been lost sight of, and that is an agricultural economist. I think such an economist should be included in the list of those who are to do this expert work, because, while water is important and geological studies are required, in the last analysis all of that is subordinate to the main purpose for which these projects are being undertaken, namely, the bringing in of new land for cultivation. If that be true it certainly seems to me that in future bills of this sort where economists are enumerated particular attention ought to be paid to the inclusion of agricultural economists.

Mr. CRAMTON. Will the gentleman yield?

Mr. KETCHAM. I yield.

Mr. CRAMTON. I wonder if my colleague and the gentleman from Pennsylvania could indicate the kind of language that would be necessary to authorize the employment, for instance, of Gifford Pinchot and experts of that type.

Mr. KETCHAM. Of course, I always appreciate the wit and humor of my colleague, but I know in this instance he seeks thereby to rather minimize the objection we make to his proposition. That is all very well and I will not seek to match him in that arena, where he is characteristically strong, but I come back to the particular point that I think is the vital one. Here is something of interest to men who come from agricultural sec-

tions of the country, who are familiar with the fact that there are 15,000,000 acres of abandoned farm lands east of the Mississippi River. If you provide for projects that increase the possibility of opening still larger areas of land, it seems to me that the employment of agricultural economists is worthy of careful consideration, and with that idea in mind I just simply submit this consideration to the House.

Mr. LEAVITT. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. LEAVITT. Let me say to the gentleman that there is no new project in this.

Mr. KETCHAM. My understanding is there is not, but the idea I am presenting ought to be incorporated in this particular legislation and in all further reclamation projects.

Mr. LEAVITT. This bill is to accomplish just exactly what the gentleman would require; that is, that in carrying on these projects in the future there be secured additional expert advice along all of these lines.

Mr. KETCHAM. But, if the gentleman will permit, this is the kind of report that we get from engineers and economists that are appointed by the Reclamation Bureau. Their reports are favorable to an extension of this particular work. If they were not favorable, they would not be appointed.

Mr. LEAVITT. Will the gentleman yield?

Mr. KETCHAM. I will be pleased to yield.

Mr. LEAVITT. That would be interetsting, if true, but the fact is there are now before the Reclamation Committee a number of such adverse reports.

Mr. KETCHAM. Mr. Chairman, I do not yield further. When it comes to the matter of truth, of course, that is a matter of opinion. In my judgment, my statement is true.

Mr. LEAVITT. It is a matter of record, not a matter of opinion, because the Reclamation Committee has before it numerous adverse reports that have come from the Reclamation Service.

Mr. McFADDEN. Will the gentleman yield for a question?

Mr. KETCHAM. If my time has not expired, I will be pleased to yield.

Mr. McFADDEN. I would like to ask the gentleman from Michigan who has made a study of this situation—and I am very much interested in the remarks he has made—whether or not, in his opinion, the whole question of reclamation should be turned over to the Department of Agriculture where it more properly belongs than where it is now?

Mr. KETCHAM. If a few more propositions of this sort come in, I know that I should be very glad to join in such an effort.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ARENTZ. Mr. Speaker, I move to strike out the last three words.

The Irrigation and Reclamation Committee of the House has heard many, many men during the past two years on the subject of proposed reclamation projects, a number of which were not adopted, and during these two years the thing that has been brought out most forcibly is the question that the gentleman from Michigan [Mr. KETCHAM] and the gentleman from Pennsylvania [Mr. McFADDEN] have brought out, namely, that we should have an economic study of these problems.

Now, this bill proposes to allow the Commissioner of Reclamation to appoint engineers, geologists, and economists. Now, what are the economists going to do? According to the hearings before the Committee on Reclamation of the House, these economists are going study every phase of agriculture having a bearing on the success or failure of lands that are contemplated to be put under cultivation on these Government projects. They are going to study the needs of certain crops in a particular locality. They are going to study the transportation problems affecting the prices of these crops at the places where they are perhaps needed. They are going to examine into all the questions pertaining to agriculture as they would affect the proposed projects; whether farmers would be successful on a project and meet the Government payments, what they would raise and how these crops would fit into the picture, and so forth.

This is a movement in the right direction. It is a movement along lines that the gentleman from Pennsylvania and the gentleman from Michigan have suggested. This is the first time that a bill of this sort has been brought in, and I am sure that if the gentlemen thoroughly understood its purposes they would favor it, for, as I understand it, the gentlemen from Pennsylvania and Michigan are in favor of an economic study of agriculture, and so am I of every proposed reclamation project.

This is a splendid advance move and just the thing we want to do, because we certainly must study the economics of the situation; otherwise the agriculture problem will never be solved.

Mr. McFADDEN. Will the gentleman yield?

Mr. ARENTZ. Of course I will yield to the gentleman.

Mr. McFADDEN. The gentleman is referring to having these projects studied by engineers, geologists, and economists, and I would like to inquire of the gentleman whether the Riverton project is one of them?

Mr. ARENTZ. These engineers, geologists, and economists are going to study the projects that the Congress has favorably considered, and those proposed before actual work begins.

Mr. McFADDEN. Is the study limited to these present authorized projects?

Mr. ARENTZ. That is my understanding so far as the economists are concerned.

Mr. McFADDEN. Does the gentleman know about the Riverton project?

Mr. ARENTZ. Yes.

Mr. McFADDEN. Does not the gentleman think that project ought to be studied some more?

Mr. ARENTZ. I can not answer definitely, but I would say that so far as economists are concerned it certainly should be considered with respect to the economics of the situation.

Mr. McFADDEN. I will say to the gentleman that the reason I think that project should be studied is because I understand we have spent about $5,000,000 on the project, and I understand it is 26 miles from a railroad and contains some 20,000 acres of land that has been watered, and with all the publicity efforts of the Bureau of Reclamation during the past two years, they have only succeeded in getting located on this project six settlers, and now they are going to spend $3,000,000 more to irrigate about 40,000 acres of additional land, and the Government has 196 men there on the job superintending the work. I suppose they are economists, geologists, and engineers, such as are provided for in this bill.

Mr. ARENTZ. I want to say to the gentleman that this bill will provide for a study so as to prevent just the thing that the gentleman is referring to, in order that projects that are adopted from now on will be feasible projects, and even as to projects that this Congress has passed on, if they are not feasible economically, they will not be considered at all even though the Congress has passed favorably upon them.

We have got to study these things in an entirely different light from in the past. Mistakes have been made. Many of these projects were passed on by the Congress, I will say, as political expedients, but that was in the past. Nothing of that sort is going to happen in the future. We are going to study the projects and find out that they can be made a success before any money is spent on them.

I am in favor of this and every member of the Committee on Reclamation is favorable to doing just the things which the gentleman himself has suggested.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk completed the reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FOURTH WORLD'S POULTRY CONGRESS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, this is a poultry proposition introduced by a FISH, and it ought to be all right. [Laughter].

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the invitation of the Government of Great Britain to the United States to send delegates and an exhibit to the Fourth World's Poultry Congress, to be held in England in 1930, be accepted.

SEC. 2. That the President is hereby authorized to designate official delegates to enable the United States to participate in the proposed Congress.

SEC. 3. That the Secretary of Agriculture is authorized to prepare and install a suitable national exhibit for display at the proposed congress, portraying in a correlated manner the fundamental features concerning the organization and development of the poultry industry of the United States, including the broad problems of production, distribution, and marketing of poultry and poultry products, and the sum of $40,000 is hereby authorized to be appropriated for the purpose of preparing, transporting, and demonstrating such an exhibit, of which amount not to exceed $15,000 may be available for the expenses of official delegates.

The resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROCK CREEK AND POTOMAC PARKWAY

The next business on the Consent Calendar was the bill (H. R. 16209) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project.

The Clerk read the title to the bill.

The SPEAKER. pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, when this bill was up in the House before I pointed out the danger of allowing park land to be sold. I have since investigated and found that there were three strips of land to be sold. I have taken the matter up with Colonel Grant and the gentleman from Massachusetts [Mr. LUCE]. I have a letter from Colonel Grant in which he agrees with my proposed amendment to strike out of the bill the authorized sale of any park land. The very purpose of these strips adjoining the park is to create a territory necessary between private property and park land. It is the experience of every large city that park land should never be sold. Now, with the understanding that the proposed amendment on page 2, line 17, after the word "parkway," strike out the remainder of the paragraph, is adopted I will not object. I ask unanimous consent to insert in my remarks a letter from Colonel Grant.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The letter is as follows:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Washington, February 14, 1929.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR MR. LAGUARDIA: We have carefully considered your suggested amendment to the bill H. R. 16209 (H. Rept. No. 2210), House Union Calendar 692, Consent Calendar 1137, so as to strike out all authorization for sale of any park land.

Referring to the bill, the words "provided further" in line 17, page 2, and all the remainder of the bill following those words may be stricken out, and also, in the title the words "and selling" may be stricken out; also the word "net" in the next to the last line of the title may also be stricken out.

There are a few small areas already acquired that we felt could be dispensed with and the proceeds better invested in certain other small areas, but considering the objections you presented I am entirely willing to accept your suggestion.

We will greatly appreciate it if you will consent to passage of the bill with these amendments, when the bill is next reached on the calendar.

Very sincerely yours,

U. S. GRANT 3d,
Executive and Disbursing Officer.

Mr. SCHAFER. Reserving the right to object, I would like to have the assurance of the proponents of the measure that they will support the amendment offered by the gentleman from New York; otherwise, I shall object.

Mr. LUCE. Mr. Speaker, still further reserving the right to object, I may repeat what I said before when the bill was before the House: I acted simply as the conduit for the wishes of the commission concerned, and without consulting the commission I did not feel warranted in accepting the suggestion of the gentleman from New York. Now I find that the commission accepts or agrees to the change, I am quite willing that the amendment should be adopted.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the authority of the commission created by section 22 of the public building act approved March 4, 1913 (37 Stat. 885), is extended to include the acquisition of such additional lands and premises lying adjacent to or in the immediate vicinity of the taking lines as shown on the map on file in the office of the executive and disbursing officer and known as the map of the Rock Creek and Potomac Parkway (in four sheets), dated May 1923, as may in its discretion, subject to the approval of the Commission of Fine Arts, be necessary for the development of the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park: *Provided*, That the total sum expended for lands needed for this parkway shall not exceed that authorized by section 22 of the public buildings act, approved March 4, 1913, and amended by the second deficiency act of May 5, 1926: *Provided further*, That the commission may exclude such lands and premises, not now owned by the United States but within the taking lines heretofore authorized for the said parkway, as may in its discretion, and upon the advice of the Commission of Fine Arts, be found not to be desirable or necessary for the connecting parkway: *Provided further*, That the Director of Public Buildings and Public Parks of the National Capital may dispose of the lands so excluded, either by public auction or at fair appraised value, or to the owners of adjacent property at a price not less than that paid for it, as the best interest of the United States may justify: *Provided further*, That after payment of the necessary expenses of said sales the net proceeds thereof shall be covered into the Treasury of the United States, to be credited to the appropriation disbursed by the Rock Creek and Potomac Parkway Commission.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment:

Page 2, line 17, strike out the colon and insert a period; and strike out the remainder of the section.

Mr. BLACK of Texas. I want to call the gentleman's attention to the fact that the bill still carries a provision permitting the commission to exclude certain land not desirable.

Mr. LAGUARDIA. We do not own those.

Mr. BLACK of Texas. It would contemplate the exclusion of the land the Government owns?

Mr. LAGUARDIA. No.

Mr. BLACK of Texas. On reading further in the bill I think the gentleman is correct.

The amendment of Mr. LAGUARDIA was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

REAPPORTIONMENT

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. MCLEOD] may be permitted to extend his own remarks in the RECORD upon the question of reapportionment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MCLEOD. Mr. Speaker, as the Senate begins consideration of the Fenn reapportionment bill to-night I want to take a few moments to praise the work on behalf of this constitutional mandate of a former Member of this House—Judge Vincent M. Brennan, of Detroit—who at one time represented my district in Congress.

While I have exerted my efforts to the utmost in bringing the demand for this legislation to the attention of the Members much of the work in this regard in the Sixty-seventh Congress was done by Judge Brennan when he was an outstanding champion of reapportionment. In that session, to his great disappointment, he saw the Senate let the first reapportionment bill in this decade die without raising its hand to uphold the Constitution.

Mr. Brennan was one Member who fought for reapportionment when others were showing an indifference to the issue. Mr. Brennan's efforts in laying the ground work for the fight that has carried on for eight years will only culminate when President Coolidge affixes his approving signature to the Fenn bill.

We hope the present Fenn bill, now that it has been successfully passed by the House, will not find the same fate as the martyred reapportionment measure of 1922.

RELOCATION OF LEVEE OF CONWAY DISTRICT NO. 1, ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 16397) granting authority to the Secretary of War to relocate levee of Conway district No. 1, Conway County, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the reconstruction of the levee along the left bank of the Arkansas River in Conway levee district No. 1, Conway County, Ark., as provided under the terms of section 7 of the flood control act (Public, No. 391) approved May 15, 1928, authority is hereby granted to the Secretary of War, upon the recommendation and approval of the Chief of Engineers, to relocate all or any part of said levee when in the opinion of the Chief of Engineers such relocation shall be deemed practical and feasible: *Provided*, That the cost to the United States of such relocation shall not exceed the cost of the necessary repairs to the relocated part of the levee in its present position under the provisions of section 7 of the flood control act of May 15, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS POTOMAC RIVER NEAR GREAT FALLS

The next business on the Consent Calendar was the bill (S. 4721) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Great Falls, and to authorize the use of certain Government lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. FREAR. Mr. Speaker, I object.

EDITING OF OFFICIAL PAPERS OF THE TERRITORIES

The next business on the Consent Calendar was the bill (S. 1168) to amend an act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives, approved March 3, 1925.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925, be, and the same is hereby, amended to read as follows:

"SEC. 2. That the Secretary of State be ordered to continue the work of collecting, copying, arranging, and editing of the official papers relating to the Territories of the United States and to have them issued as a Government publication."

SEC. 3. For defraying the expenses to be incurred in carrying out the provisions of section 2 of this act, including the employment, either in or outside of the District of Columbia, of not to exceed five historical experts, especially informed on the various phases of the territorial history of the United States, without regard to the classification act of 1923 and the civil service rules, and for the printing and binding of an edition of 600 copies of the publication for the use of the Senate, 1,300 copies for the use of the House of Representatives, and 50 copies for the use of the Department of State, and a sufficient number of copies for distribution by the Superintendent of Documents to depository libraries, and for all other purposes relevant to the carrying out of the provisions of section 2 of this act, salaries for personnel, printing and binding, contingent expenses and traveling expenses, there is hereby authorized to be appropriated, out of the money in the Treasury not otherwise appropriated, the sum of $125,000, the appropriations to remain available until expended, and under this authorization not more than $50,000 shall be appropriated for any one year.

SEC. 4. The work of copy reading and index making for this publication shall be done by the regular editorial staff of the Department of State, and the cost of this work (prorated each month according to the number of hours spent and the annual salaries of the clerks employed) shall be charged against such annual appropriations as may be made under the provisions of section 3.

With the following committee amendment:

Page 2, line 11, after the word "of" where it occurs the second time, strike out "600 copies of the publication for the use of the Senate, 1,300 copies for the use of the House of Representatives, and 50 copies" and insert "1,950 copies for the Department of State, of which 6 copies shall be delivered to each Senator and 2 copies to each Representative, and the remaining 50 copies shall be."

Mr. CRAMTON. Mr. Speaker, I have certain amendments that I desire to offer, and one of them is a substitute for the committee amendment. That I send up to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment in the way of a substitute for the committee amendment, which the Clerk will report.

The Clerk read as follows:

Substitute for the committee amendment offered by Mr. CRAMTON: In lieu of the matter proposed by the committee amendment insert "1,950 copies for the Department of State, of which 6 copies shall be delivered to each Senator and 2 copies to each Representative, and 8 copies for each State or Territory to be distributed to historical associations, commissions, museums or libraries, and to other nondepository libraries therein designated by the Governor of each State or Territory, 4 copies for the library of the Department of the Interior, and the remainder of said 1,950 shall be."

The SPEAKER pro tempore. The question is on agreeing to the substitute for the committee amendment.

The substitute was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 35, after the word "appropriated," insert the words "not more than."

Page 2, line 24, and page 3, line 1, strike out the words "the appropriation to remain available until expended."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLUMBIA RIVER BIRD REFUGE

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 111) authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, here is a railroad giving lands away for nothing. What is back of it?

Mr. HAUGEN. Almost 7 acres. It has no economic value.

Mr. LAGUARDIA. It almost takes my breath away.

Mr. HAUGEN. It is very generous upon the part of the railroad.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to accept, on behalf of and without expense to the United States, from the Northern Pacific Railway Co., a corporation organized and existing under the laws of the State of Wisconsin, or its authorized agents, a gift of certain lands situate in the counties of Benton and Walla Walla, State of Washington, described as lot 8, section 21, and lot 5, section 33, all in township 7 north, range 31 east, Willamette principal meridian, containing 6.97 acres, more or less, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining: *Provided,* That upon the acceptance of the title to the lands above described by the United States, they shall become a part of the Columbia River bird refuge established pursuant to the authority contained in Executive Order No. 4501, dated August 28, 1926, and shall be subject to any laws governing the administration and protection of said refuge.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

NET WEIGHTS IN COTTON

The next business on the Consent Calendar was the bill (H. R. 14938) to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act shall be known by the short title of the "Cotton net weight act."

The word "person," wherever used in this act, shall be construed to import the plural or singular as the case demands, and shall include individuals, associations, partnerships, and corporations.

The words "in interstate or foreign commerce," wherever used in this act, shall be construed to mean from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District.

The words "bale covering" shall be construed to mean bagging, ties, and patches.

When considering and enforcing the provisions of this act the omission or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation, as well as that of the person.

SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, inspection, and transportation of cotton in interstate and foreign commerce; to study the materials used for bale covering for such cotton; and from time to time to establish standards for materials used for bale coverings, including specifications and

tolerance as to sizes, weights, and patterns, which said standards, when established, shall be known as the United States official cotton tare standards: *Provided*, That said official cotton tare standards shall be established and promulgated within one year from the date of the approval of this act: *Provided further*, That any such standards or change or replacement thereof shall become effective only on and after a date specified in the order of the Secretary of Agriculture establishing the same, which date shall be not less than one year from the date of such order. The Secretary of Agriculture is further authorized to prescribe minimum weights of bale covering, used on cotton for shipment in interstate or foreign commerce, which such bale covering is not of sizes and patterns conforming with said official standards.

SEC. 3. That from and after one year following the effective date of the United States official cotton tare standards, all ties used on American cotton for shipment in interstate or foreign commerce shall be of sizes, weights, and patterns conforming with such official cotton tare standards. The bagging and patches used on each bale shall be of standard size, weight, and pattern.

SEC. 4. That from and after one year following the effective date of official cotton tare standards all American cotton shall be quoted, bought, and sold for shipment in interstate and foreign commerce on net weights, excluding in each instance the weight of bagging, ties, and patches.

SEC. 5. That for the purposes of this act the Secretary of Ariculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made as he shall find to be necessary; and he is hereby authorized to cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, in carrying out the provisions of this act; and he shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and to make such expenditures for printing, books of reference, technical newspapers and periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to carry out the purposes of this act in the District of Columbia and elsewhere.

SEC. 6. Any person who shall knowingly violate any of the provisions of this act or any regulation made in pursuance hereof; or any person who shall forcibly assault, resist, impede, interfere with, or influence improperly, or attempt to influence improperly, any person employed under this act in the pursuance of his duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500.

SEC. 7. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this act.

SEC. 8. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

With the following committee amendments:

Page 3 line 6, strike out the word "minimum" and insert the word "maximum."

Page 3, line 7, after the word "covering," insert "including both bagging and ties."

Page 3, line 9, strike out "which such bale covering is not of sizes and patterns conforming with said official standards" and insert "not to exceed 15 pounds per bale."

Page 3, line 14, strike out "ties" and insert "bale covering."

Page 3, line 17, strike out "The bagging and patches used on each bale shall be of standard size, weight, and pattern."

Page 4, line 17, after the word "hereof," insert "or any person who shall knowingly misrepresent the weight of any bale covering by misbranding or otherwise."

Page 5, line 3, strike out "such sums as may be necessary for" and insert "an amount not to exceed $30,000 annually for the purpose of."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RIFLE RANGE, PUGET SOUND, WASH.

The next business on the Consent Calendar was the bill (H. R. 15678) to provide for the establishment of a rifle range in the vicinity of the navy yard, Puget Sound, Wash.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what naval rifle ranges there are on the Pacific coast.

Mr. MILLER. There is no naval rifle range on the Pacific coast. The facilities that the Navy Department has been using are at Fort Lewis, an old Army range, about 40 miles distant. About half of that distance will be traveled by water and the remainder by truck, and that range is now being demolished and the buildings wherein the troops heretofore have been quartered are likewise being demolished.

Mr. HOOPER. Are there none on the Pacific coast?

Mr. MILLER. None in the neighborhood of the Puget Sound.

Mr. HOOPER. I will not object, but I would like to ask the gentleman why the Navy Department is opposed to this legislation. Is it because of the Budget?

Mr. MILLER. It is on the report of the Director of the Budget. I have in my hand the report of the Secretary of the Navy, 1928. On page 12 of that report——

Mr. HOOPER. I am not going to object.

Mr. LAGUARDIA. Further reserving the right to object, Mr. Speaker, I want to point out to the gentleman from Washington that it would appear that the Secretary of the Navy in submitting this bill to the Bureau of the Budget submits to the Bureau of the Budget a statement of the present rifle-range facilities in the vicinity of the Puget Sound Navy Yard, and with that information before it the Bureau of the Budget recommends against it.

I want to say further to the gentleman from Washington that that letter from the Navy Department is very meager. It does not afford the gentleman from Washington, the sponsor of this bill, even a loophole or something to hold to, to overcome the opposition of the Bureau of the Budget. If the Navy Department itself will not take the initiative and urge the passage of the bill, surely the gentleman from Washington must understand that the Members following this legislation can not do otherwise than to follow the report.

Mr. MILLER. This is based entirely on the annual report of the Secretary of the Navy for the fiscal year 1928. On page 12 the Secretary says:

> The Battle Fleet continues to be handicapped by the lack of convenient facilities, and a naval rifle range in the vicinity of Puget Sound is urgently needed.

Mr. HOOPER. In other words, would the fleet have to go into Atlantic waters for practice of that kind?

Mr. MILLER. The nearest naval target range is at Guantanamo, Cuba.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. SCHAFER. The report of the committee seems to indicate that this range is not required. Will the gentleman explain this language, taken from the top of page 2 of the committee report?—

> There is no rifle range anywhere near the Puget Sound Navy Yard, which is the home of the Pacific Fleet, where all the major naval vessels go for overhaul and repair, and where the fleet remains for weeks. The old target range was sold, so that is gone as far as the Navy is concerned.

When was this old target range sold? And why was it sold, if we need a naval range in that locality?

Mr. MILLER. I will be glad to explain that to the gentleman. The old target range was near the magazines. It is settled up immediately around the land constituting this range, until the use of the range for target practice endangered the lives of people in that vicinity. It was also too small in extent. Therefore the Navy Department thought it was the part of wisdom to abandon this range, and sell it, and procure another before serious accidents should occur.

Mr. LAGUARDIA. How much did it bring?

Mr. MILLER. About $7,600, if I remember correctly.

Mr. SCHAFER. Do they not want $85,000 for the new one?

Mr. MILLER. The new one will be larger than the old one. The old one comprised about 210 acres. It did not sell for a very big price, but in the immediate vicinity of it very many homes were established, and the use of the target range jeopardized life in that vicinity.

Mr. LAGUARDIA. How far away is it proposed to be?

Mr. MILLER. The tract of land under consideration will be about 8 miles, partially traveled by water and partially by highway.

Mr. SCHAFER. Consisting of how many acres?

Mr. MILLER. According to the hearings, there is a tract of land which seems favorably situated, about 4 miles in length and 2 miles in width. Dependent upon the topography, the range will be selected. It is not expected to secure all this tract. The firing field will probably be about 1½ miles long and perhaps one-half mile wide.

Mr. LAGUARDIA. The gentleman will pardon my confusion, but I can not understand how a tract of land surrounded by buildings——

Mr. MILLER. I did not say buildings. I said homes. There is some acreage in cultivation, where people are working. The ordinary small arms shoot for a distance of a mile and over.

Mr. LAGUARDIA. Would sell for $7,600, while another tract, 8 miles away, will cost $85,000. I am somewhat curious about it.

Mr. MILLER. The $85,000 is not only for the purpose of buying the lands but improving it with sheds, butts, sanitary arrangements, and those other things always necessary in a target range.

Mr. SCHAFER. What is the assessed valuation of this land that we are asked to purchase at a cost of almost $85,000?

Mr. MILLER. I could not say exactly, but I think it is, perhaps, a dollar and a quarter an acre. As I said, it is not expected to spend all this money for the land, but it is necessary to have the land cleared of the present standing timber and to install the necessary butts, buildings, and other requirements.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I will object for the present.

INDIANS OF THE KLAMATH RESERVATION IN OREGON

The next business on the Consent Calendar was the bill (H. R. 10432) for the relief of the Indians of the Klamath Reservation in Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. ARENTZ. Will the gentleman withhold his objection?

Mr. BLACK of Texas. Mr. Speaker, I reserve my objection.

Mr. ARENTZ. It is not my intention to press this bill, because I understand legislation is now pending before the Senate which contemplates the doing of the very thing that this bill desires to do. So this bill is unnecessary, according to our friend from Michigan [Mr. CRAMTON].

The SPEAKER pro tempore. Is there objection.

Mr. BLACK of Texas. The department makes an adverse report on the bill, and I will object to it at the present time.

CODE OF LAWS OF THE UNITED STATES

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 399) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That in order to avoid duplication and waste—

(a) Publication of Supplement I to the Code of Laws of the United States (Public—No. 621, 70th Cong.) as a part of the Statutes at Large is dispensed with;

(b) Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in the act of May 29, 1928 (45 Stat. 1007), as amended by this resolution, shall, in event of enactment be dispensed with whenever the Committee on Revision of the Laws of the House of Representatives so directs the Secretary of State;

(c) Curtailment of the number provided by law to be printed and distributed of the volumes or publications enumerated in such act of May 29, 1928, as amended by this resolution, may be directed by such committee, except that the Public Printer shall print such numbers as are necessary for depository library distribution and for sale; and

(d) Such committee may direct that the printing and distribution of any supplement to the Code of Laws of the United States or to the Code of the District of Columbia be dispensed with entirely, except that there shall be printed and distributed for each Congress at least one supplement to each such code, containing the legislation of such Congress.

SEC. 2. Section 2 of such act of May 29, 1928, is amended to read as follows:

"SEC. 2. There shall be prepared and published under the supervision of the Committee on Revision of the Laws of the House of Representatives—

"(a) A supplement for each session of the Congress to the then current edition of the Code of Laws of the United States, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(b) A consolidation and codification of the laws, general and permanent in their nature, relating to or in force in the District of Columbia, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature. Such code shall be designated 'The Code of the District of Columbia';

"(c) A supplement for each session of the Congress to the then current edition of the Code of the District of Columbia, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(d) New editions of the Code of Laws of the United States and of the Code of the District of Columbia, correcting errors and incorporating the then current supplement. In the case of each code new editions shall not be published oftener than once in each five years. Copies of each such edition shall be distributed in the same manner as provided in the case of supplements to the code of which it is a new edition. Supplements published after any new edition shall not contain the legislation of supplements published before such new edition."

SEC. 3. Section 4 of such act of May 29, 1928, is amended to read as follows:

"SEC. 4. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

"(a) The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included.

"(b) The matter set forth in the edition of the Code of the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

"(c) The Code of the District of Columbia may be cited as 'D. C. Code.'

"(d) Supplements to the Code of Laws of the United States and to the Code of the District of Columbia may be cited, respectively, as 'U. S. C., Sup. ,' and 'D. C. Code, Sup. ,' the blank in each case being filled with Roman figures denoting the number of the supplement.

"(e) New editions of each of such codes may be cited, respectively, as 'U. S. C., ed.' and 'D. C. Code, ed.,' the blank in each case being filled with figures denoting the last year the legislation of which is included in whole or in part."

SEC. 4. The publications provided for in such act of May 29, 1928, as amended by this resolution, shall be printed at the Government Printing Office, and shall be in such form and style and with such ancillaries as may be prescribed by the Committee on Revision of the Laws of the House of Representatives. The Librarian of Congress is directed to cooperate with such committee in the preparation of such ancillaries. Such publications shall be furnished with such thumb insets and other devices to distinguish parts, with such facilities for the insertion of additional matter, and with such explanatory and advertising slips, and shall be printed on such paper and bound in such material, as may be prescribed by such committee.

SEC. 5. All bills and resolutions referred to or reported by the Committee on Revision of the Laws of the House of Representatives shall be printed in such form and style, and with such ancillaries, as such committee may prescribe as being economical and suitable, to so continue until final enactment thereof in both Houses of Congress; and such committee may also curtail the number of copies of such bills to be printed in the various parliamentary stages in the House of Representatives.

SEC. 6. The Public Printer is directed to print, in addition to the number provided by existing law, and, as soon as printed, to distribute in such manner as the Committee on Revision of the Laws of the House of Representatives shall determine, 20 copies in slip form of each public act and joint resolution, beginning with the second session of the Seventieth Congress.

SEC. 7. The functions vested by this resolution in the Committee on Revision of the Laws of the House of Representatives may from time to time be vested in such other agency as the Congress may by concurrent resolution provide.

Mr. ROY G. FITZGERALD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROY G. FITZGERALD: At the end of the resolution strike out the period, insert a colon, and add the following: *"Provided,* That the printing, binding, and distribution of the volumes and publications enumerated in the act of May 29, 1928, and this act shall be done under the direction of the Joint Committee on Printing."

Mr. ROY G. FITZGERALD. Mr. Speaker, may I make a statement in connection with the amendment? In the original draft of the bill from the Committee on the Revision of the

Laws, the paper, printing, binding, and distribution of codes and supplements of the general laws of the United States and of laws relating to the District of Columbia were put completely in control of the Committee on the Revision of the Laws. The Joint Committee on Printing of the House and Senate desires that it have direction over these matters. The matter has been submitted to our Committee on Revision of the Laws and it has no objection. I have agreed with the vice chairman of the Joint Committee on Printing that I would not seek the passage of this resolution without this amendment which he has prepared and requested.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. LAGUARDIA. As I understand, this supervision will merely be mechanical supervision.

Mr. ROY G. FITZGERALD. The word "direction" is used in the amendment. In the bill more definite words regarding the form and style are used. Thumb indexes and certain other mechanical devices may be provided as prescribed by the Committee on the Revision of the Laws. Now, this amendment provides that at least some of the printing, binding, publication, and distribution of code and supplement bills and acts shall be under direction of the Joint Committee on Printing.

Mr. LAGUARDIA. Who is going to do the indexing?

Mr. ROY G. FITZGERALD. That will have to be done by experts employed by the Committee on the Revision of the Laws.

Mr. LAGUARDIA. I want to say to the gentleman that I admire his efforts and all he has done, but that the indexing requires much improvement.

Mr. ROY G. FITZGERALD. May I say in answer to the gentleman that while the indexing of the United States Code is very far from perfect it was the best that could be done in the length of time we had. It cost $5,000 to do it as well as it was done. Now, just as soon as we can satisfy the Senate that the code is worthy of being considered conclusive evidence of the law instead of merely prima facie evidence I hope to get out an edition which will include all the corrections that have been found necessary and have a better, a complete index, as the gentleman suggests is needed.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

AMENDMENT TO THE FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 15218) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, I would like to ask the author of this bill if it has the unanimous support of the committee?

Mr. HAUGEN. It has.

Mr. O'CONNELL. Then I should like to ask whether it is or is not now the law?

Mr. HAUGEN. No; it is not.

Mr. O'CONNELL. I would like to have some explanation. I do not see why we should go through this process if we have a law that takes care of all these matters.

Mr. MAPES. This is simply the addition of one paragraph to the present law. It is a new provision entirely.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. O'CONNELL. Yes.

Mr. LAGUARDIA. This provides that if certain canned and preserved food does not come up to the standard required by the Department of Agriculture it shall be marked "Not up to standard."

Mr. MAPES. That is all there is to it.

Mr. LAGUARDIA. I would like to ask what penalty is provided if Mr. Canner does not say, "My product is up to standard"?

Mr. O'CONNELL. That is what I was going to ask.

Mr. LAGUARDIA. There is no penalty in the bill to take care of the man who evades the law.

Mr. O'CONNELL. That is just exactly the question I was going to ask. There is no penalty provided in the bill to apply to the man who violates the law.

Mr. LAGUARDIA. Ostensibly, it is for the protection of consumers, but I do not know how the provisions of the bill will be enforced.

Mr. O'CONNELL. I object.

Mr. LAGUARDIA. Will the gentleman withhold his objection a moment?

Mr. O'CONNELL. What is the use of wasting time? This bill provides no penalty for the canner who fails to observe the law, and such legislation is utterly useless.

Mr. LAGUARDIA. It is for the protection of the consumer, if it means anything.

Mr. LINTHICUM. Regular order, Mr. Speaker.

Mr. O'CONNELL. That being the case, I will withdraw the objection.

Mr. MAPES. I will say to the gentleman from New York that the only purpose of this legislation is to protect the consumer against impure goods sold in these cans.

Mr. O'CONNELL. I am for that, I will say to the gentleman, but why not put some provision in the bill that penalizes the man who violates or evades the law?

Mr. MAPES. The same penalty will apply to a violation of the terms of this paragraph that applies to any violation of the other provisions of the food and drugs act.

Mr. CRAMTON. If the gentleman will permit, he will note this is only one subdivision of a long section.

Mr. LAGUARDIA. I think it is a step in the right direction.

Mr. O'CONNELL. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," as amended, is amended by adding at the end thereof the following:

"Fifth. If it be canned food and falls below the standard of quality, condition, and/or fill of container, promulgated by the Secretary of Agriculture for such canned food, and its package or label does not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food falls below such standard. For the purpose of this paragraph, the words 'canned food' mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products which are subject to the provisions of the meat inspection act of March 4, 1907 (34 Stat. 1260), as amended, and except canned milk; the word 'class' means and is limited to a generic product for which a standard is to be established and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will, in his judgment, promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time, as, in his judgment, honesty and fair dealing in the interest of the consumer may require. The Secretary of Agriculture is further authorized to prescribe and promulgate from time to time the form of statement which must appear in a plain and conspicuous manner on each package or label of canned food which falls below the standard promulgated by him, and which will indicate that such canned food falls below such standard, and he is authorized to alter or modify such form of statement, from time to time, as in his judgment may be necessary. In promulgating such standards and forms of statements and any alteration or modification thereof, the Secretary of Agriculture shall specify the date or dates when such standards shall become effective, or after which such statements shall be used, and shall give public notice not less than 90 days in advance of the date or dates on which such standards shall become effective or such statements shall be used. Nothing in this paragraph shall be construed to authorize the manufacture, sale, shipment, or transportation of adulterated or misbranded foods."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (S. 4222) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

IDAHO NATIONAL FOREST

The next business on the Consent Calendar was the bill (S. 1578) to add certain lands to the Idaho National Forest, Idaho.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. SMITH. Mr. Speaker, will the gentleman withhold his objection?

Mr. CRAMTON. I reserve it.

Mr. SMITH. This bill has reference to a forest reserve in the district of my colleague the gentleman from Idaho [Mr. FRENCH], who is detained in a conference committee.

Mr. CRAMTON. Mr. Speaker, there are two departments interested. The Interior Department states that, owing to the character of the lands, this bill ought not to pass, and with that character of report I would be obliged to object.

Mr. SMITH. Will the gentleman withhold his objection?

Mr. CRAMTON. I do not feel that I ought to withhold it too long in justice to other bills on the calendar.

Mr. SMITH. The Secretary of Agriculture recommends the passage of the bill. The report of the Secretary of the Interior is in line with his usual policy in reporting on bills of this character, as he has recommended for several Congresses that we enact some general law applicable to the grazing lands, and this report is similar to the report which he has made on a great many other bills that have been passed and have become law.

Mr. CRAMTON. Mr. Speaker, the Secretary of the Interior states that this is not the character of land that he feels should be added to a forest reserve, and because of the character of the land he objects; and it seems to me there is force in his objection, and I am obliged to object to the bill.

Mr. SMITH. The Secretary of Agriculture recommends it and states that the land is valuable for timber.

Mr. CRAMTON. Oh, the Forest Service wants to take in all of the Western States, and we can give them 1,000 acres and they do not want to let loose one acre for any other purpose.

Mr. SMITH. As I have stated, this is not in my district and I am simply speaking for my colleague.

Mr. ARENTZ. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. ARENTZ. I can not quite get the view point of the gentleman from Michigan. Land placed within the exterior boundaries of a forest reserve is forever protected, not only protected with respect to grazing, but protected in every other way imaginable; and for the gentleman from Michigan, who is a conservationist of a high order, to object to a bill to place land in a forest reserve is beyond me. I do not understand it.

Mr. CRAMTON. And generally my friend from Nevada is protesting against these millions of acres of nonforest-bearing lands being in forest reserves.

Mr. ARENTZ. And at the same time I can not overlook a chance to put the gentleman right.

Mr. SMITH. Mr. Speaker, I ask unanimous consent that the bill may be passed over and retain its place on the Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

EXTENDING PROVISIONS OF SECTION 18A OF GENERAL LEASING ACT

The next business on the Consent Calendar was the bill (S. 4691) to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the period of 12 months from and after the approval of this act, the provisions of section 18a of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. p. 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: *Provided*, That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the act approved February 25, 1920 (41 Stat. p. 437).

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ISSUE OF A PATENT TO THE CITY OF BOZEMAN, MONT.

The next business on the Consent Calendar was the bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to the city of Bozeman, Mont., a patent in fee to lots 9, 10, 11, and 12, section 21, township 1 south, range 6 east, Montana principal meridian, upon payment therefor by the city at the rate of $1.25 an acre subject to valid existing rights: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits, and the right to prospect for, mine, and remove the same under such rules, regulations, and conditions as the Secretary of the Interior shall prescribe.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELINQUISHING TITLE TO CERTAIN LANDS IN THE STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 15727) to relinquish all right, title, and interest of the United States in certain lands in the State of Washington.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, this bill carries the provision that the party in interest shall sign a statement that he will make no claim against the United States for damages to such lands heretofore or hereafter caused by the construction, and so forth. I think that is an unlawyerlike provision. I shall offer an amendment that he shall file a release so as to preclude any possibility of reopening the claim.

Mr. SUMMERS of Washington. I have no objection to that.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to George F. McAulay, his heirs and assigns, all right, title, and interest of the United States in lot 2, section 17, township 12 north, range 19 east, Willamette meridian, acquired by virtue of a deed executed by Violetta Stone and W. D. Stone on January 25, 1917, and recorded on March 26, 1917, in book of deeds No. 166, at page 636, records of Yakima County, Wash. The deed herein provided for shall contain an express condition that the said George F. McAulay, his heirs and assigns, shall make no claim against the United States for damages to such land heretofore or hereafter caused by the construction and operation of the diversion dam across the Yakima River, known as the Wapato Dam.

With the following committee amendment:

Page 2, line 1, strike out all after the word "shall" and insert in lieu thereof the following: "not be executed by the Secretary of the Interior until he shall have been furnished with a statement signed and acknowledged by the said George F. McAulay that in consideration of the execution of the deed he shall make no claim against the United States for damages to such land heretofore or hereafter caused by the construction and operation of the diversion dam across the Yakima River, known as the Wapato Dam."

Mr. CRAMTON. Mr. Speaker, I make the point of order—I am not going to insist on the point of order—but in reading this bill it occurred to me that there is some question as to whether or not it belongs on this calendar. I am not making the point of order, but I do want to observe that this bill ought not to be considered a precedent for other bills of that character going to this calendar. I withdraw the point of order.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment to offer to the committee amendment.

The Clerk read as follows:

Page 2, line 8, strike out the words "a statement" and insert "a general release"; after the word "signed" insert a comma and the word "sealed."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE COOSA RIVER AT GILBERTS FERRY

The next business on the Consent Calendar was the bill (H. R. 16432) granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to con-

struct, maintain, and operate a toll bridge across the Coosa River at or near Gilberts Ferry.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge and approaches thereto across the Coosa River, at a point suitable to the interests of navigation, at or near Gilberts Ferry, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 11, strike out the words "twenty-five" and insert the word "twenty" in lieu thereof.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE ACROSS THE PATUXENT RIVER, CHARLES COUNTY, MD.

The next business on the Consent Calendar was the bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River between Charles County, Md., and Calvert County, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, this is one of those bridge bills and I understand that an objection at this time would practically defeat the bill. I do not believe that the objection of one man taking that position ought to defeat the bill, but I want to register my objection based on the report as to the position of the Agricultural Department. I will ask the Speaker not to pass the bill by unanimous consent but give us an opportunity to say "no."

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Walter J. Mitchell, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Patuxent River, at a point suitable to the interests of navigation, between Charles County, Md., and Calvert County, Md., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Maryland, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Walter J. Mitchell, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Maryland, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Maryland shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Walter J. Mitchell, his heirs, legal representatives, and assigns, shall make available all of his records in connnection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Walter J. Mitchell, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 9, strike out the words "between Charles County, Md., and" and insert the words "at or near Hallowing Point, approximately one-eighth mile south of Burch."

Page 2, line 16, strike out the word "twenty" and insert the word "five" in lieu thereof.

Page 6, after line 12, add the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War, may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 5, line 13, correct "Sec. 6" to read "Sec. 7."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The bill was passed.

A motion to reconsider was laid on the table.

Amend the title so as to read: "A bill authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md."

BRIDGE ACROSS MISSISSIPPI RIVER BETWEEN COUNTY OF CARROLL, ILL., AND COUNTY OF JACKSON, IOWA

The next business on the Consent Calendar was the bill (H. R. 16429) granting the consent of Congress to the city of Savanna, State of Illinois, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa.

The Clerk read the title of the bill.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. There is another bill on the calendar to carry out the same purpose.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the calendar number of the other bill?

Mr. DENISON. It is not on this calendar. It is to build a bridge at the same place by the same party, but it is in different form.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS OHIO RIVER, NEAR CANNELTON, IND.

The next business on the Consent Calendar was the bill (H. R. 16565) authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I am opposed to this bill for the reasons stated in the communication of the Department of Agriculture, contained in the committee report for the reasons heretofore stated, I shall not interpose an objection to its consideration.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Hawesville & Cannelton Bridge Co., its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Cannelton, Perry County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Hawesville & Cannelton Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Hawesville & Cannelton Bridge Co., its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Kentucky, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. Hawesville & Cannelton Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Indiana and Kentucky, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Hawesville & Cannelton Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Hawesville & Cannelton Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER NEAR CHATTANOOGA, TENN.

The next business on the Consent Calendar was the bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interest of navigation, opposite or near Chattanooga, Hamilton County, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the city of Chattanooga and the county of Hamilton, Tenn., or any

board or commission of the said city and county which may be duly created or established for the purpose, their successors or assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, extending from some point in the city of Chattanooga, Tenn., across said river to a point on the opposite shore thereof, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in said act.

SEC. 2. The said city of Chattanooga and the county of Hamilton, or such board or commission, their successors and assigns, are authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon said city of Chattanooga and the county of Hamilton, or such board or commission, their successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said city of Chattanooga and county of Hamilton, or such board or commission and the successors thereof, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. If such bridge is constructed as a highway bridge alone, in fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. If such bridge is constructed as a combined railroad and highway bridge, in fixing the rates of toll to be charged for the use of the highway part thereof the same shall be so adjusted as to provide a fund sufficient (with the other revenues received from the bridge) to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, that portion of such bridge used for highway purposes shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the city of Chattanooga and the county of Hamilton, Tenn., or any board of the said city and county which may be duly created or established for the purpose, their successors and assigns; and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn."

DENTAL CORPS, UNITED STATES NAVY

The next business on the Consent Calendar was the bill (H. R. 480) for the relief of certain officers of the Dental Corps of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to have the last letter from the Navy Department to the Senate committee inserted in the RECORD. This last letter withdraws the objection theretofore made to the House committee.

Mr. BURDICK. That is correct. Mr. Speaker, there is a Senate bill (S. 2068) of similar title, already passed by the Senate, and I ask to substitute that.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provision contained in the act approved July 1, 1918 (40 Stat. L. 709), reading as follows, "And the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this act shall be reckoned in computing the increased service pay and service for precedence and promotion of dental officers herein authorized or heretofore appointed," shall be held and considered to apply to all officers of the Dental Corps of the Navy who had previously served on active duty as assistant dental surgeons pursuant to the provisions of the act approved March 4, 1913 (37 Stat. L. 903), and who were regularly commissioned in the Dental Corps of the Navy at the time of the passage of the act of July 1, 1918: *Provided*, That such officers of the Dental Corps of the Navy shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further*, That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The letter referred to is as follows:

NAVY DEPARTMENT,
Washington, January 25, 1929.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In my letter to you dated February 25, 1928, certain comment was made upon the bill (H. R. 480) for the relief of certain officers of the Dental Corps of the United States Navy. In that letter you were informed that the bill H. R. 480 had been referred to the Director of the Bureau of the Budget, who had informed the Navy Department that the enactment of the proposed bill was in conflict with the financial program of the President.

I have the honor to invite your attention to paragraph 3 of my letter dated February 25, 1928, which reads as follows:

"The enactment of the proposed legislation would not directly result in any increased cost to the Government. It would, however, advance Lieut. Commander John R. Barber, Dental Corps, United States Navy, to a position where he would be eligible for selection for promotion to commander and if selected after the passage of the bill H. R. 480, he would be advanced in date of promotion from approximately January 1, 1929, to the date of the act, and the cost to the Government would be at the rate of $600 per annum for such period."

Since the above was written Lieutenant Commander Barber, Dental Corps, United States Navy, has been selected for promotion to the rank of commander, and is now eligible for promotion to that rank upon the promotion of his running mate, which will occur on or before February 17, 1929. Should the bill be enacted, after promotion to the rank of commander of Lieutenant Commander Barber, Dental Corps, United States Navy, no additional cost will result. It will merely permit his active service (about seven months) as an assistant dental surgeon to be counted for precedence purposes. This service is already counted for pay purposes.

The bill, if enacted, will result in his having a new running mate assigned and will permit him to become eligible for selection to the rank of captain at an earlier date. However, no change in pay period will be involved in that promotion. Consequently, no additional cost will be involved.

On January 8, 1929, the above additional information as to cost was referred to the Bureau of the Budget. Under date of January 17, 1929, the Director of the Bureau of the Budget, advised the Navy Department that, since no additional cost would be involved under the provisions of

the bill H. R. 480, that the relationship of this matter to the financial program of the President is not involved.

In view of the above, the Navy Department recommends that the bill, H. R. 480, be enacted.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

A similar House bill, H. R. 480, was laid on the table.

NAVAL APPROPRIATION ACT, JUNE 30, 1916

The next business on the Consent Calendar was the bill (H. R. 14923) to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the gentleman from New York [Mr. SNELL] the other day, in respect to a similar bill, pointed out the desirability of having all of these pay bills studied and the whole situation ironed out at one time. We find, by taking these piecemeal, we satisfy a small group, and then create what is called another "hump" in the situation.

Mr. HOUSTON of Hawaii. Mr. Speaker, this is not a matter of pay legislation. It simply provides that men coming up for warrant ranks from the enlisted ranks may be taken from the list of chief petty officers, plus first-class petty officers. During the last fiscal year there were 14 vacancies for the warrant rank of pay clerk, and because they were limited to men who held appointments as chief petty officers, there were only 21 who took the examination and of that number only 12 passed; less than the vacancies. To be consistent with the practice with respect to all of the other warrant ranks, this will give authorization for men with appointments as chief petty officers, and also first petty officers, to take the examination. That will be consistent with the practice for all other warrant ranks.

Mr. LAGUARDIA. And what will become of the Budget Bureau recommendation, which is conspicuous by its absence in this report?

Mr. HOUSTON of Hawaii. There is no difference in the pay amounts that would be involved.

Mr. LAGUARDIA. With that assurance, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act approved March 3, 1915, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes" (38 Stat. L. 942; U. S. C., title 34, 131), as provides: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men of the Navy holding acting or permanent appointments as chief petty officers, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy," is hereby amended to read as follows: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men in the Navy holding acting or permanent appointments as chief petty officers, or appointments as petty officers, first class, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy."

Mr. HOUSTON of Hawaii. Mr. Speaker, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 2, page 2, strike out the word "permanent."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KLAMATH INDIANS, OREGON

The next business on the Consent Calendar was the bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be considered as having been read.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be considered as read. Is there objection?

There was no objection.

Following is the text of the bill:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Indians residing on the Klamath Reservation in the State of Oregon, namely, the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, is hereby authorized to be appropriated to pay the expenses of the general council and business committee (or so-called tribal council) of the said Indians, in organizing and holding councils, conducting tribal elections, maintaining their tribal organization, and generally looking after the affairs of the said tribes, including, among other things, the actual and necessary expenses of its delegation, or legislative committee, in visiting Washington during the second session of the Seventieth Congress or any succeeding Congress; also the expenses incurred, and to be incurred, by the tribal delegation of said Indians in procuring evidence and taking testimony to be used in connection with the three suits instituted by the said Indians against the United States and now pending in the Court of Claims; said sum to be immediately available, and said expenses to be approved by the said business committee and the Commissioner of Indian Affairs and certified to the Secretary of the Interior, and, if so approved and certified, to be paid.

Mr. CRAMTON. As to that committee amendment on page 1, line 7, involving the insertion of the words "authorized to be," I will say it is merely to comply with the rules of the House, because the appropriating jurisdiction is not within the Committee on Indian Affairs. The expenditures are necessary, and if we accept the committee amendment, the deficiency bill having passed the House, there will be no opportunity for an appropriation to be obtained. I would suggest, therefore, to the gentleman from Montana [Mr. LEAVITT] that he ask the House not to agree to the committee amendment. If there is any gentleman present who disagrees to that, he can make a point of order.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. LEAVITT. I ask that the committee amendment be not agreed to. It was placed there because our committee, not being a legislative committee, was not authorized to bring out an appropriation bill. The purpose of the bill will be defeated if the committee amendment is agreed to. I ask that it be not agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "An act authorizing the appropriation of tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes."

The SPEAKER. The Clerk will report the next bill.

PROTECTION OF THE FISHERIES OF ALASKA

The next business on the Consent Calendar was the bill (S. 5073) to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of the act of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," is amended so that it will read as follows:

"SEC. 7. It shall be unlawful to preserve for sale as food for human consumption any salmon unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed."

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SEIZURE OF UNITED STATES VESSELS

The next business on the Consent Calendar was the bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.).

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4 of Title VI of the act of June 15, 1917, chapter 30, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (sec. 241, title 22, U. S. C.), be, and it is hereby, amended to read as follows:

"SEC. 4. Whenever the person making any seizure under this title (secs. 238 to 245, inclusive, of ch. 5, title 22, U. S. C.) applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury: *Provided,* That the court shall order any arms and munitions of war so condemned delivered to the War Department of the United States."

The bill was considered and ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

DIVISION OF IDENTIFICATION AND INFORMATION, DEPARTMENT OF JUSTICE

The next business on the Consent Calendar was the bill (H. R. 11802) establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there be, and there is hereby, established under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information; that said division shall be vested with the duty of acquiring, collecting, classifying, and preserving criminal identification records and the exchanging of said criminal identification records with the duly authorized officials of governmental agencies, of States, cities, and penal institutions; and that the cost of maintenance and operation of said division shall be paid from the appropriation "Detection and prosecution of crimes" for the respective fiscal years concerned, as otherwise provided.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

MALHEUR AND HARNEY LAKES, OREG.

The next business on the Consent Calendar was the bill (H. R. 16394) to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of the Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Whereas there is situated in Harney County, Oreg., two inland bodies of water known as Malheur and Harney Lakes, which are fed by the waters of Silvies River and from the north and by the Blitzen River from the south; and

Whereas there are large bodies of arable land lying along and adjacent to said streams largely in private ownership, and the owners thereof have appropriated certain of the waters of said streams for the irrigation and reclamation of said lands; and

Whereas the State of Oregon, in its sovereign capacity, claims to be the owner of the bed of said lakes and of certain of the lands riparian thereto, together with the right to the use of the waters of said lakes and streams aforesaid for the irrigation of said riparian lands; and

Whereas various private persons claim to be the owners of the beds of said lakes and of certain of the lands adjacent and riparian thereto, together with the right to the use of the waters of said lakes and streams for the irrigation of said riparian lands; and

Whereas President Roosevelt did, on August 18, 1908, by proclamation, set aside all of the land lying within the meandered lines of said lakes, and of the waters and streams connecting the said lakes, and designated the same as the Malheur Bird Reservation; and

Whereas the State of Oregon has asserted its title to the beds of said lakes and to such of the lands riparian thereto as it may be found to be the owner of, together with sufficient of the waters of said lakes and streams aforesaid to properly reclaim and irrigate said riparian lands; and

Whereas the United States and the Department of Agriculture, claiming under the provisions of said proclamation, claim all of the lands within the meander lines of said lakes, together with the beds thereof, and certain of the waters of said streams for the purpose of perpetuating such bird reservation, and that, by reason of said claims, have made it impossible to determine what part of said waters may be stored for irrigation and how much should be allowed to escape to said bird reservation; and

Whereas such uncertainty results in hindering and delaying the reclamation of the lands adjacent to said streams and lakes and clouds the State's title to its said riparian lands; and

Whereas numerous attempts have been made to compromise and adjust the respective rights of the United States, the State of Oregon, and such riparian owners and water appropriators, and these parties have been unable to agree upon the terms of any compromise; and

Whereas the United States in its sovereign capacity can not be sued nor impleaded in an action without the consent of Congress; therefore

Be it enacted, etc., That the United States of America does hereby consent to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon to determine the respective rights of the United States, the State of Oregon, and any person or persons claiming any title to or interest in, or the right to the use of the lands, or any of them, constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and the waters of said lakes and of their tributaries, or of any, either, or all of them; that any person claiming to have an interest in said lands, waters, or the use thereof may be joined as plaintiff or defendant, or may intervene in said suit or action. All parties to such suit shall have the same procedural rights, including rights of appeal and appellate writs, as in other similar cases between private litigants, and shall be subject to the same jurisdiction of the said courts, and be bound and concluded by their decisions to the same extent.

With a committee amendment to strike out the preamble.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

JUDICIAL DISTRICT OF NEBRASKA

The next business on the Consent Calendar was the bill (H. R. 14931) to amend section 93 of the Judicial Code establishing the judicial district of Nebraska.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT OF THE DISTRICT OF COLUMBIA CODE OF LAW

The next business on the Consent Calendar was the bill (H. R. 16314) to amend section 198 of the Code of Law for the District of Columbia.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 198 of the Code of Law for the District of Columbia be, and the same is hereby, amended to read as follows:

"Jury commission: There shall be, and there is hereby, constituted a jury commission for the District of Columbia, which shall be composed of three commissioners, who shall be citizens of the United States and actual residents of the District of Columbia, who have been domiciled therein for at least three years prior to their appointment, and not engaged in the practice of law, nor at the time of their appointment be a party to any cause then pending in the courts of the District of Columbia. Such commissioners shall be appointed by the Supreme Court of the District of Columbia, in general term, and shall serve for a term of three years and until their successors are appointed and qualified; except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by said court. Before entering upon the discharge of their duties they shall each take an oath of office to be prescribed by the Supreme Court of the District of Columbia. No person who has served as such commissioner shall be eligible for reappointment within three years of the date of the expiration of his term of service. It shall be the duty of said jury commission to make and preserve a record of the list of names of jurors, both grand and petit, and of commissioners and jurors in condemnation proceedings for service in all the courts of the District of Columbia having cognizance of jury trials and of condemnation proceedings, to place the names in the jury box, and to have custody and control of said jury box, and to draw the names of said jurors and condemnation commissioners from time to time as hereinafter provided. The compensation of said jury commissioners shall be $10 each per day for each day or fraction of a day when they are actually engaged in the performance of their duties, not to exceed five days in any one month, which shall be paid by the United States marshal for the District of Columbia out of the appropriation for pay of bailiffs, upon the certificate of said commissioners. The said Supreme Court of the District of Columbia, in general term, shall have power summarily to remove any of said commissioners for absence, inability, or failure to perform his duties as such commissioner, or for any misfeasance or malfeasance and to appoint another person for the unexpired term. In the event of the illness or other inability or absence from the District of Columbia of any one of said commissioners, the other two commissioners may perform the duties of said jury commission."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SITES FOR A NAVAL AIRSHIP BASE

The next business on the Consent Calendar was the bill (H. R. 16839) to provide for investigation of sites suitable for the establishment of a naval airship base.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is directed to appoint a board of naval officers to examine and report upon such locations as may be deemed most suitable for the establishment of a naval airship base and to submit to the Congress the report of said board concerning the several locations considered and his recommendations as to the location of the airship base, together with estimates in detail of cost of the best sites available and of the structures, facilities, and improvements necessary to the efficiency of the airship base.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SHORTER WORKDAY ON SATURDAY FOR POSTAL EMPLOYEES

The next business on the Consent Calendar was the bill (S. 3281) to provide a shorter workday on Saturday for postal employees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the memorandum I have on this bill indicates that the Postmaster General considers that the passage of this bill will add $10,000,000 to the annual expense of the Post Office Department, and probably a good deal more than that, and the deficit in that department is estimated at $92,000,000 for the year 1929. I want to ask the gentleman from Pennsylvania if, under these circumstances, the bill should come up at this time and in this way.

Mr. KELLY. Mr. Speaker, in answer to the gentleman from Michigan, I will say that I believe it should come up at this time and be considered in this way on account of the very unjust and unsatisfactory situation that now exists in the Postal Service. The Postmaster General four years ago gave out an order requesting postmasters to arrange Saturday half holidays wherever possible. The result of that order was that about one-quarter of the postmasters of the United States have provided for a Saturday half holiday, and they are giving their employees such reduced hours. The result is that in all the other offices there is a feeling that the employees have been dealt with in unjust fashion. As a result, there is some feeling of dissatisfaction permeating the service. We undertake in this measure to make general the order of the Postmaster General and decide by legislation that all employees shall have what some now have.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. LAGUARDIA. I remember that several years ago, when I was on the Post Office Committee with the gentleman, it was generally understood that this would be worked out by the administrative officers.

Mr. KELLY. That is true, but the Postmaster General has said he can go no further than he has gone without legislation, thus inviting Congress to deal with this matter. Now, as to the cost, let me say that that is a matter entirely outside the power of the Postmaster General or anybody else to determine. He himself, in the first letter he wrote the committee, said it was impossible to say how much this provision would cost. At present a large number of employees have a Saturday half holiday without a dollar's additional cost.

Mr. CRAMTON. I intend ultimately to object, and, as there are so many bills on the calendar, this debate, while interesting, is not especially helpful.

Mr. KELLY. Of course, if the gentleman intends to object, there is no use taking up the time of the House, unless it may be possible to persuade the gentleman to refrain from objection.

Mr. CRAMTON. The gentleman can not be persuaded, in view of the statement of the department, that this will cost $10,000,000 annually.

Mr. HOOPER. I will say that I, myself, had intended to object for the reasons I have given, and unless my colleague from Michigan wishes to make the objection, I will object.

The SPEAKER. Objection is heard.

RELIEF OF POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 16305) for the relief of present and former postmasters and acting postmasters, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPROUL of Kansas. Mr. Speaker, I object.

Mr. KELLY. Will the gentleman withhold his objection? There is a matter of real emergency in this proposition. Some 350 postmasters have been required to pay out money of their own, and it should be refunded as a matter of justice.

Mr. SPROUL of Kansas. What amount of money have they paid out?

Mr. KELLY. It runs from $100 up, and I think the entire amount involved in this whole proposition is over $35,000. This is a matter of emergency and the bill should be passed at once.

Mr. SPROUL of Kansas. On each occasion when a postmaster paid money out he knew before he accepted the position that it would be required to be paid out and that it was a part of the incidental expenses.

Mr. KELLY. No; the gentleman is entirely mistaken. The postmaster acted on the orders of the Postmaster General himself and took on this responsibility because it was authorized by the department.

Mr. SPROUL of Kansas. Does the gentleman mean authorized by the department to pay it out with the understanding that the money would be refunded to him?

Mr. KELLY. The orders from the department were that the postmasters should employ these men in a dual capacity. They carried out these orders and when the accounts came to the Comptroller General he ruled that such dual employment was not contemplated by the law and that the postmasters must pay the amounts themselves.

Mr. LAGUARDIA. And charged the postmaster's account with that amount.

Mr. KELLY. Yes; and it was a great injustice, in view of all the circumstances.

Mr. KETCHAM. Not a dollar is lost to the Government. It is merely a paper transaction.

Mr. SPROUL of Kansas. I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. SANDERS of New York. Mr. Speaker, I move that the Senate bill (S. 5255) be substituted for the House bill.

Mr. TILSON. Is it substantially the same bill?

Mr. SANDERS of New York. It is the same bill as amended and passed upon by the committee.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That on and after July 1, 1929, the provisions of section 6 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes," approved May 10, 1916, as amended by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, shall not be construed to apply where the total amount of the salaries actually paid to postal employees does not exceed $2,000 per annum, and such employees shall be paid for services notwithstanding sections 1764 and 1765 of the Revised Statutes: *Provided*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of present and former postmasters and acting postmasters with payments made by them to postal employees, mail messengers, and other employees of the United States for dual services in post offices prior to July 1, 1929, contrary to said provisions of law and also the provisions of sections 412 and 3850 of the Revised Statutes, and section 226 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; and an appropriation of such sum as may be necessary is authorized to be appropriated out of postal revenues to enable the Comptroller General of the United States, where there is no other appropriation available, to credit said accounts and/or to pay to postal employees, mail messengers, and other employees of the United States sums refunded by them, or deducted from balances due to them by the United States, for dual services in post offices to and including June 30, 1929, under the laws herein named, as shown by the records of the General Accounting Office.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That postmasters and acting postmasters are authorized, when in the judgment of the Postmaster General the needs and interests of the Postal Service require, to employ mail messengers and other postal employees in a dual capacity, or to assign extra duties to such mail messengers and other employees; and, notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised States, as amended (U. S. C., title 5, secs. 58, 69, and 70), compensation shall be paid to such mail messengers and other employees for such services if the total compensation actually paid for all services does not exceed $2,000 for any one fiscal year.

"SEC. 2. The Comptroller General of the United States is authorized and directed to (1) allow credit in the accounts of present and former postmasters and acting postmasters for payments made by them, prior to the date of the enactment of this act, to mail messengers, postal employees, and other employees of the United States employed in post offices contrary to the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, as amended (U. S. C., title 5, secs. 58, 69, and 70), section 3850 of the Revised Statutes (U. S. C., title 39, sec. 52), and section 226 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended (U. S. C., title 18, sec. 356); and (2) pay to such mail messengers, postal employees, and such other employees an amount equal to the sums refunded by them or deducted from balances due them prior to the date of the enactment of this act, under the laws referred to in subdivision (1) of this section.

"SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CONGRESSIONAL CEMETERY

The next business on the Consent Calendar was the bill (H. R. 11916) to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground (Congressional Cemetery).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to care for and preserve the land and monuments owned by the United States in the Washington Parish Burial Ground (Congressional Cemetery). The Secretary of War is authorized to make such expenditures, including expenditures for personal services at the seat of government, as he deems advisable to carry out the provisions of this act. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COLLECT-ON-DELIVERY PARCELS

The next business on the Consent Calendar was the bill (H. R. 11476) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe any collect-on-delivery parcel which the addressee fails to remove from the post office within such reasonable time as may be prescribed by the Postmaster General, may be returned to the sender, charged with the return postage, whether or not such parcel bears any specified time limit for delivery, and a reasonable demurrage charge may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENSIONS

The next business on the Consent Calendar was the bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to ask some member of the Committee on Pensions if, in the near future, that committee can be expected to bring before the House legislation to increase the pension rates for the dependents of all members of the Regular Establishment who die of disease contracted or injuries received in service other than war service?

We now have this situation, a man may be killed in Nicaragua—and a considerable number have been killed there—leaving a widow and five minor children. The widow is allowed but $12 a month pension for herself and $2 for each child under the existing general law.

I shall not object to this bill, but make the reservation to state that the Committee on Pensions, instead of devoting its time to reporting a special pension for these aviators, should devote some of its time toward reporting a bill which would increase the rates under the general pension law. I think it is a sad state of affairs when the Committee on Pensions continues to let this discrimination exist.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, be amended by inserting the word "Army," so as to read: "In all cases where an officer or enlisted man of the Army, Navy, or Marine Corps dies, or where an enlisted man of the Army, Navy, or Marine Corps is disabled, by reason of any injury received or disease contracted in line of duty, the result of an aviation accident received while employed in actual flying in or in handling aircraft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty not the result of an aviation accident."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REGULATING THE DESIGN AND CONSTRUCTION OF PUBLIC AND PRIVATE BUILDINGS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 8746) to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, what is meant by the language?—

Any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park—

And so forth. How far from the White House would this be applicable?

Mr. ZIHLMAN. There is no land abutting there—H Street abuts Lafayette Square.

Mr. SCHAFER. Reserving the right to object—and I believe I shall object—I want to ask the gentleman a question. Section 2 states that the Commissioners of the District of Columbia shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendation. Does not the gentleman think it would be a better policy if the plats were prepared so that Congress would know what plats were included before passing the legislation?

Mr. ZIHLMAN. I call the gentleman's attention to section 1, which defines the area. It is then proposed that the plats shall be prepared in order that they may show what areas are affected by the public interest. I consider this one of the most important, necessary, and meritorious bills that has come before the House to-day. The Government has expended and is expending millions of dollars on the south side of Pennsylvania Avenue and on the grounds of the Capitol and the White House, and this is to prevent private capital from erecting undesirable buildings.

Mr. SCHAFER. It will only apply to Pennsylvania Avenue and the grounds abutting the Capitol and the White House?

Mr. ZIHLMAN. The White House and Rock Creek Park.

Mr. SCHAFER. No danger of its being applied to the small parks in the District?

Mr. ZIHLMAN. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in accordance with the provision of paragraph 17 of section 8 of Article I of the Constitution, that Congress shall have power to "exercise exclusive legislation in all cases whatsoever over such district" as may become the seat of government of the United States; and in keeping with the spirit of the laws, agreements, and acts establishing the National Capital, at which time the original owners formally agreed, "in consideration of the great benefits expected," upon conveyance to trustees appointed by the President of "all lands he might think proper to include within the Federal City," with "the sole power of laying off said city in what manner he pleased and to retain any manner of squares he might think proper for public use," and that the conveyance of lots to any purchasers should be "on such conditions as thought reasonable by the President for regulating the materials and manner of the buildings and improvements generally in the said city, or in particular streets or parts thereof for convenience, safety, and order"; and in consideration of the special benefits inuring to the owners of adjacent property by the construction of public buildings and by the establishment of parks and reservations of such character and such surroundings as befit the dignity of the buildings and public grounds of this Nation's Capital; hereafter no permit shall be granted for the erection or alteration of any building within the District of Columbia, any portion of which is to front upon or to be located within 200 feet of any public building or any public park, parkway, or reservation, except space for street parking, until the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction have been submitted to the Commission of Fine Arts and approved by that commission as involving no reasonably avoidable impairment of the public values dependent upon said public building or public park, parkway, or reservation, and the erection or alteration of any building so located shall conform to the plans so approved; in case of any change in the application for permit or accompanying plans the application shall be treated as a new case, and as such shall be subject to all the provisions of this act: *Provided,* That if the Commission of Fine Arts fails to report its approval or disapproval of any such plans to the inspector of buildings of the District of Columbia within 30 days of the submission of said plans to the commission, its approval thereof shall be assumed and a permit may be issued: *Provided further,* That the Commission of Fine Arts may, from time to time, designate certain classes of cases, such as those of proposed building sites fronting upon or located within 200 feet of certain minor public buildings, parks, parkways, or reservations, or applications for permits for certain classes of relatively temporary or otherwise unimportant buildings, in respect to which the requirements of this act, in the opinion of said commission, may reasonably be waived for the time being without prejudice to the public interests; and as to such classes, approval of plans by the Commission of Fine Arts shall not be a prerequisite to the issuance of building permits.

SEC. 2. Said Commission of Fine Arts, as early as practicable after approval of this act, shall prepare plats defining the areas within which application for building permits shall be submitted for its approval, and issue suitable explanations for the information and guidance of prospective builders in preparing applications for building permits within said areas.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared: That such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, the Mall, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Commissioners of the District of Columbia to the Commission of Fine Arts; and the said commission shall report promptly to said commissioners its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said commissioners shall take such action as shall, in their judgment, effect reasonable compliance with such recommendations: *Provided,* That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within 30 days, its approval thereof shall be assumed and a permit may be issued.

"SEC. 2. Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act, shall prepare plats defining the areas within which appliances for building permits shall be submitted to the Commission of Fine Arts for its recommendations."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

The next business on the Consent Calendar was the bill (H. R. 13857) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended, is amended by adding the following new sentence: "That the date April 6, 1917, shall not apply to the aforesaid bid for the United States courthouse in the District of Columbia, said bid, in accordance with the circular letter from the office of the superintendent, United States Capitol Buildings and Grounds, dated March 17, 1917, having been delivered on the morning of April 7, 1917."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS CHOPTANK RIVER, CAMBRIDGE, MD.

The next business on the Consent Calendar was the bill (H. R. 16349) authorizing V. Calvin Trice, his heirs, legal repre-

sentatives, and assigns to construct, maintain, and operate a bridge across the Choptank River, at or near Cambridge, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object to the bill for the reason stated in the report made by the Department of Agriculture. I shall vote against it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, V. Calvin Trice, his heirs, legal representatives, and assigns be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choptank River at or near Cambridge, Md., at a point suitable to the interest of navigation, between Dorchester County, Md., and a point opposite thereto in Talbot County, Md., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, any political subdivisions thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interests in real property necessary therefor, by purchase or condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge and its approaches the same is acquired by condemnation the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by an municipality or other political subdivision or subdivisions of the State of Maryland under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. V. Calvin Trice, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Maryland, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Maryland shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investgation the said V. Calvin Trice, his heirs, legal representatives, and assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this act is hereby granted to V. Calvin Trice, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 9, strike out the word "interest" and insert the word "interests" in lieu thereof; strike out the words "between Dorchester."

Page 2, strike out all of line 1.

Line 2, strike out the words "County, Maryland."

Line 8, strike out the word "subdivisions" and insert the word "subdivision" in lieu thereof.

Line 16, strike out the word "twenty" and insert the word "five" in lieu thereof.

Page 3, strike out all of section 3 and insert the following in lieu thereof:

"SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Maryland or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested."

Page 4, line 14, strike out the word "so." Strike out all of line 15. Line 16, strike out the word "costs."

Page 5, after line 9, add the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 5, line 10, correct "Sec. 6" to read "Sec. 7."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS RED RIVER NEAR MONTGOMERY, LA.

The next business on the Consent Calendar was the bill (H. R. 16725) authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. I am opposed to this bill on the ground stated in the communication of the Department of Agriculture contained in the committee report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, L. L. Thompsen, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Red River, at a point suitable to the interests of navigation at or near Montgomery, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Louisiana, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Lousiana, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. L. L. Thompsen, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Louisiana a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Louisiana shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said L. L. Thompsen, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to L. L. Thompsen, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof; and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 4, line 20, strike out the word "its" and insert the word "his."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS OHIO RIVER, NEAR EVANSVILLE, IND.

The next business on the Consent Calendar was the bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

BRIDGE ACROSS OHIO RIVER NEAR CARROLLTON, KY.

The next business on the Consent Calendar was the bill (H. R. 16764) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Carrollton, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING TEACHERS' SALARY ACT, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4063) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK or Texas. Mr. Speaker, reserving the right to object, I notice the bill in section 3 has a clause that it shall not apply during the fiscal year 1928. Of course, the fiscal year 1928 has already gone by, and a good part of the fiscal year 1929 has passed. Would the gentleman not agree to an amendment on page 3, line 9, striking out "1928" and inserting "1929," so that the provision will not apply to a mere part of a fiscal year?

Mr. ZIHLMAN. I would have no objection to an amendment of that kind.

Mr. LAGUARDIA. It would have to go back, then, to the Senate.

Mr. ZIHLMAN. The House passed an identical bill with this last Monday. It was a House bill and not a Senate bill,

and in order to have the same bill pass the two Houses, this bill was placed on the calendar.

Mr. BLACK of Texas. In view of the statement just made, I shall not insist upon the amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following quoted provisions of Article I covering salary class 2, teachers in junior high schools, are hereby repealed.

"CLASS 2.—TEACHERS IN JUNIOR HIGH SCHOOLS

"A teacher in the junior high schools who possesses the eligibility requirements of teachers in the elementary schools and who in addition has met the higher eligibility requirements established by the Board of Education for teachers in junior high schools shall be paid in accordance with the following schedules:

"A teacher in the junior high school who possesses the eligibility requirements of teachers in the senior high and normal schools shall be paid in accordance with the following schedules," so that the salary schedule as amended shall read as follows:

"CLASS 2.—TEACHERS IN JUNIOR HIGH SCHOOLS

"Group A: A basic salary of $1,600 per year, with an annual increase in salary of $100 for eight years, or until a maximum salary of $2,400 per year is reached.

"Group B: A basic salary of $2,500 per year, with an annual increase in salary of $100 for three years, or until a maximum salary of $2,800 per year is reached.

"Group C: A basic salary of $1,800 per year, with an annual increase in salary of $100 for 10 years, or until a maximum salary of $2,800 per year is reached.

"Group D: A basic salary of $2,900 per year, with an annual increase in salary of $100 for three years, or until a maximum salary of $3,200 per year is reached."

SEC. 2. That the Board of Education is hereby authorized to establish the eligibility requirements and prescribe such methods of appointment or promotion for teachers in the junior high schools as it may deem proper, subject to provisions of law covering such matters now in effect or which may hereafter be enacted.

SEC. 3. That the following provision of section 9 of Article V of the act of June 4, 1924, *"Provided further,* That no person who has not received for at least one year the maximum salary of Group A in any class or Group C of class 2 shall be eligible for promotion to Group B of any class or Group D of class 2," shall not apply during the fiscal year 1928 to the teachers affected by the provisions of paragraph (d) of section 6 of the same act.

SEC. 4. Amend paragraph (q) of section 6 of Article IV by adding the following:

"Provided further, That in the case of trade teachers in regularly organized trade schools the Board of Education is authorized to credit approved experience in the trades in the same manner and to the same extent as though it were experience in teaching."

SEC. 5. That this act shall take effect on its passage.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 11726) to authorize the construction of a memorial building at Champoeg, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the Budget Bureau objects.

Mr. HAWLEY. Mr. Speaker, will the gentleman withhold his objection.

Mr. LAGUARDIA. Certainly.

Mr. HAWLEY. This bill is to provide cooperation with the State of Oregon for the erection of a memorial building at Champoeg, Oreg., on the site of a meeting at which by vote it was decided that they would adhere in allegiance to the United States. A code of laws was provided for the Oregon country, the national ownership of which was in dispute between the United States and Great Britain at that time. The people who settled Oregon went out there when the land was under the joint occupancy of Great Britain and the United States, and made their settlements. After a time it became necessary to have a code of laws, neither the laws of the United States nor the protection of the United States flag extending over them at that time. At that meeting on May 2, 1843, 102 persons appeared. After a long debate 52 agreed to cast in their lot with the United States and 50 desired to go with Great Britain. But the majority vote was accepted.

Mr. LAGUARDIA. I am not questioning the object of the project at all. I am simply questioning the desirability of it at this time.

The Secretary says:

In response I have to state that the department has no information either as to the necessity for or desirability of the construction of such a building as is contemplated in the measure under consideration, to be paid for from Federal funds.

Mr. HAWLEY. But it is to be paid for from Federal funds only in part.

Mr. LUCE. Mr. Speaker, will be gentleman yield?

Mr. HAWLEY. Yes.

Mr. LUCE. I imagine the gentleman is not informed that an identical Senate bill having passed the Senate and come to the House, has been referred to the Committee on the Library. A citizen of Oregon, not knowing, however, that there were now two bills on this matter before the House, has sent to that committee certain communications which I feel sure the gentleman from Oregon [Mr. HAWLEY] would like to examine before final action is had upon this measure.

Mr. HAWLEY. May I ask who the gentleman is?

Mr. LUCE. I do not remember his name.

Mr. HAWLEY. I think I received the same communication. This bill is based on the accepted and acknowledged history of the State of Oregon regarding the matter. The action which is to be commemorated was the determining factor in the final settlement between the United States and Great Britain which made the Oregon country a part of the United States. The fact of the settlement and the adoption of a code of laws at a time when the people were outside of the protection of the flag, outside of the protection of the laws of the United States, was held decisive in favor of American ownership. By actual vote of the people at that time there was obtained to the United States about 200,000 square miles of territory, all of the Pacific coast north of the California line, west of the Rocky Mountains.

It seems to me that an event of that character should be signalized by the erection of this building, commemorating the service of those people to the United States.

Mr. LAGUARDIA. There is no historical question involved here at all. It is simply the working out of proper details.

Mr. HAWLEY. What form of details?

Mr. LAGUARDIA. Nobody seems to know anything about it. The department does not know anything about it.

Mr. HAWLEY. It seems to me this is a proper policy for the Congress to determine.

Mr. LEAVITT. The mere fact that the Department of the Interior knows nothing about it seems in itself to be a good reason for our action. There was a vote of the pioneers, 102 men being present, as to whether the States of Oregon, Washington, Idaho, and a part of Montana should be a part of the United States or a part of the British Empire; and nothing has happened in the western part of the United States of such great historical value as that which took place at this camp. Simply because the Department of the Interior says it is not in possession of these facts should not be a reason for our rejecting this bill.

Mr. LAGUARDIA. The historical question is not before us.

Mr. LEAVITT. Evidently it is before us when the gentleman from New York quotes the Department of the Interior as not being informed. That affects the historical value. I hope no one will object.

Mr. SCHAFER. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

PAVING AT NOGALES, ARIZ.

The next business on the Consent Calendar was a bill (H. R. 16661) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928, is amended by striking out "$40,000" and inserting in lieu thereof "$70,000."

With committee amendment as follows:

Page 1, strike out all of line 3 to line 7, inclusive, and insert in lieu thereof the following:

"That the act entitled 'An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.,' approved May 16, 1928, be, and is hereby, amended to read as follows:

"'That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary fence, retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, at a limit of cost of $70,000.'"

SEC. 2. All sums heretofore or hereafter appropriated under such act of May 16, 1928, or such act as amended, shall remain available for the purposes authorized by such act until expended.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MEMORIAL BUILDING AT CHAMPOEG, OREG.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1302, and ask for the consideration of that bill, H. R. 11726.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BLACK of Texas. I object, Mr. Speaker. I hope the gentleman from Wisconsin will learn to know his own mind when he objects.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

FEDERAL BUILDING SITE AT SAVANNAH, GA.

The next business on the Consent Calendar was the bill (H. R. 17026) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I have the usual reversionary clause to offer as an amendment providing that when this land shall not be a public street it shall revert to the Government.

Mr. EDWARDS. I will say to the gentleman from New York that there was an understanding between the city council and the officials of the Government at the time this land was offered to the effect that this land should be given to the city for street purposes.

Mr. LAGUARDIA. Outright?

Mr. EDWARDS. Yes. There was a trade and it is for the benefit of the Government rather than for the benefit of the city.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by suitable deed to the city of Savannah, Ga., for street purposes, the following-described strip of land: Twenty-two feet south of and abutting on State Street from Bull Street to Whitaker Street, in the city of Savannah, Chatham County, Ga., in exchange for 65.5 feet, given by the said city of Savannah to the Government as part of a public-building site, in closing President Street in said city.

With the following committee amendments:

Page 1, line 4, strike out the words "and directed" and insert the words "in his discretion."

Page 1, line 5, strike out the word "suitable" and insert "quit-claim."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXEMPTION FROM TAXATION OF PROPERTY OF THE NATIONAL SOCIETY SONS OF THE AMERICAN REVOLUTION

The next business on the Consent Calendar was the bill (H. R. 10171) to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who is responsible for this bill if this organization is a governmental organization in any sense of the word?

Mr. ZIHLMAN. Not in any sense of the word, no more than the Daughters of the American Revolution.

Mr. HOOPER. I do not see why an organization of this kind should be exempt from taxation or their property exempt from taxation any more than the property of any private organization. I think I shall object.

Mr. LAGUARDIA. I want to point this out: We have taken the stand here that we will give the District of Columbia a lump sum instead of assuming a proportionate share of the cost of maintaining the District government. Now, it seems to me that in the face of that situation it would be improper for us to exempt property from taxation.

Mr. HOOPER. Why should there be any property exempted from taxation?

Mr. LAGUARDIA. There should not be.

Mr. ZIHLMAN. I will say there are quite a number of similar organizations here whose properties are exempt from taxation, and one of the organizations whose property is exempted from taxation is that of the Daughters of the American Revolution.

Mr. SCHAFER. Is the property of the American Legion and of the Disabled War Veterans exempted from taxation?

Mr. ZIHLMAN. I said quite a number were exempted from taxation, but I can not enumerate specifically the properties that are exempted. I understand that $70,000,000 worth of property is exempted from taxation.

Mr. LAGUARDIA. The point I made was this——

Mr. ZIHLMAN. I understand the point made by the gentleman.

Mr. LAGUARDIA. We have passed a law placing certain responsibilities on the District of Columbia. Therefore I say, let the Commissioners of the District of Columbia assume the responsibility of exempting property from taxation.

Mr. ZIHLMAN. I will say, in all fairness to the commissioners, that they object to any exemptions of this character.

Mr. HOOPER. Mr. Speaker, I object.

Mr. GILBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GILBERT. In order to preserve a record which I have some pride in maintaining, may the RECORD also show that I object. There is only one objection made, and it will be shown to have been made by the gentleman from Michigan.

The SPEAKER pro tempore. That is not a parliamentary inquiry, but the objection will be noted.

Mr. GILBERT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GILBERT. Does the RECORD show that I object?

The SPEAKER pro tempore. We have tried to make the RECORD show that the gentleman objects.

Mr. GILBERT. Well, I do object.

USE OF CERTAIN LANDS OWNED BY THE UNITED STATES IN THE DISTRICT OF COLUMBIA FOR STREET PURPOSES

The next business on the Consent Calendar was the bill (S. 4087) authorizing the use of certain land owned by the United States in the District of Columbia for street purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to use for street purposes 1,651 square feet of a tract of land known as parcel 17/93, 708 square feet of a tract of land known as parcel 18/52, and 380 square feet of a tract of land known as parcel 18/23, all for the widening of Reservoir Road, and to use for street purposes 23,779.63 square feet of a tract of land known as parcel 28/12 for the widening of Reservoir Road and Forty-fourth Street; and to use for street purposes a strip of land 60 feet wide containing 258,750 square feet, more or less, lying immediately northeasterly of the southwesterly boundary of a tract of land known as parcel 173/23 for the widening of South Dakota Avenue; and to use for street purposes 9,000 square feet, more or less, of a tract of land known as parcel 243/15 for the extension of Trenton Street and for the widening of Fourth Street southeast; and to use for street purposes 1,521.28 square feet of lot 802, square 1932, and 3,669.88 square feet of lot 837, square 1300, for the widening of Wisconsin Avenue, all as shown on maps designated as Street Extension Maps 1150 and 1154, and Surveyor's Office Maps 1314 and 1373, on file in the office of the surveyor of the District of Columbia, all the above-described property herein authorized to be used for street purposes being owned by the United States of America.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUBMARINE BASE, SQUANTUM, MASS.

The next business on the Consent Calendar was the bill (H. R. 17055) to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DOUGLASS of Massachusetts. I object.

Mr. ANDREW. Will the gentleman withhold his objection?

Mr. DOUGLASS of Massachusetts. Yes.

Mr. ANDREW. This is a great tract of land in the Boston Harbor that has been kept idle ever since the war, some 340 acres, which could be utilized for the development of docks and factories.

Mr. DOUGLASS of Massachusetts. I make this objection reluctantly; in fact, I had intended to vote for this bill up to within two or three days, and within that time there have come to me from reliable sources in the city of Boston objections which to me are very serious. Therefore I must reluctantly object to the bill. I think this can safely go over until the next session, so that I may have an opportunity to ascertain the real value of these objections.

The SPEAKER pro tempore. Objection is heard.

HOT SPRINGS, N. MEX.

The next business on the Consent Calendar was the bill (S. 2572) granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MORROW. Mr. Speaker, I rise to move to lay this bill on the table for the reason that a similar bill passed the Congress on April 25, 1928, and is now known as Private Law No. 89.

The SPEAKER pro tempore. Without objection, Senate bill 2572 will be laid on the table.

There was no objection.

YELLOWSTONE NATIONAL PARK

The next business on the Consent Calendar was the bill (S. 3001) to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Wyoming whether or not this bill has already passed the House? Something was said to me about it by the chairman of the committee.

Mr. WINTER. No; it has not.

Mr. HOOPER. I have no objection.

Mr. CRAMTON. Reserving the right to object, I would like to ask a question of the gentleman from Wyoming. I would very much like to see, on page 4, the proviso in lines 4 to 9 stricken out. I think it will be agreeable to the gentleman to have that considered in committee. I do not desire to object, but I think I ought to give notice that I am going to offer the amendment, although I do not ask the gentleman just now to commit himself.

Mr. HASTINGS. Further reserving the right to object, does this bill exclude any of the land that is now in the Yellowstone Park?

Mr. WINTER. Yes; it does.

Mr. HASTINGS. How much?

Mr. WINTER. I could not give it exactly in acreage, but it is considerably less acreage than that which is added to the park by the bill. The total effect of the bill is to add to the area of the park.

Mr. CRAMTON. If the gentleman will yield, I have a letter from the Director of the National Park Service, Mr. Albright, under date of February 21, in which he says that the total additions in this bill, as it stands, are 157 square miles, and the elimination 79 square miles, which leaves a net addition of 78 square miles, and I may say that Mr. Albright approves of the measure.

Mr. HASTINGS. Of course, the gentleman is familiar with some of the criticisms that are being made against this bill?

Mr. CRAMTON. Most of those criticisms are either founded on misinformation or apply to proposed changes that are not embodied in this bill.

Mr. HASTINGS. I understand the gentleman from Michigan to say that this bill is indorsed by the Park Service?

Mr. CRAMTON. It is.

Mr. HASTINGS. And there is a unanimous report from the Public Lands Committee?

Mr. WINTER. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the boundary of the Yellowstone National Park is hereby changed so as to read as follows:

"Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek, headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

"Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin River and along said divide, around the headwaters of Daly, Black Butte, Specimen, and Fan Creeks, to the intersection of said divide with the present north boundary line of Yellowstone National Park, at a point near park boundary monument 11 west.

"All of those lands lying within the boundary lines above described and the present north, east, and west boundary lines are hereby included in and made a part of the Yellowstone National Park; and all of those lands of the present Yellowstone National Park excluded from the park are hereby included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is hereby, ceded over the land hereby excluded from the park to the State of Wyoming: *Provided*, That whereas it is the purpose and intent of Congress to retain the area hereby added to the park in its original wilderness character, therefore no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands."

SEC. 2. That the provisions of the act of March 1, 1872, reserving lands for park purposes, the act of July 10, 1890, admitting the State of Wyoming into the Union, the act of May 7, 1894, entitled "An act to protect the birds and animals in the Yellowstone National Park and to punish crimes in said park, and for other purposes," the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled, "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

SEC. 3. That the provisions of the act of March 20, 1922 (title 16, sec. 485, U. S. C.), as amended, shall continue to be applicable to

the areas included within the Yellowstone National Park by this act, and any lands within such areas acquired by exchange thereunder shall thereupon become a part of the Yellowstone National Park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 4, lines 4 to 9, strike out the words "*Provided*, That whereas it is the purpose and intent of Congress to retain the areas hereby added to the park in its original wilderness character, therefore no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands."

Mr. CRAMTON. Mr. Speaker, I do not anticipate that in this area there will be any special road program or hotel development, but I do not believe the authorities ought to be handicapped in their administration.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL PARK IN FLORIDA

The next business on the Consent Calendar was the bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I do not intend to object, but I give notice that I will offer an amendment which I understand is agreeable to the gentleman from Florida.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress as to the desirability and practicability of establishing a national park, to be known as the Tropic Everglades National Park, in the everglades of Dade, Monroe, and Collier Counties of the State of Florida, for the benefit and enjoyment of the people of the United States and to preserve said area in its natural state: *Provided*, That such investigation shall be made without expense to the United States other than the salaries of any Government experts who may be assigned for that purpose.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 1, after the word "state" insert the following: "Including in his report full information as to the ownership, value, estimated cost to acquire, the character of the lands involved, and his opinion as to whether such areas measure up to national park standards; any appropriation for the National Park Service shall be available for the necessary expenses of such investigation."

And strike out the proviso on page 2.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the Yellowstone National Park bill just passed, and in doing so I will want to insert a letter from the director and another letter bearing on the matter suggested by the gentleman from Oklahoma [Mr. HASTINGS.]

Mr. LEAVITT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to make plain in his remarks that this Yellowstone National Park boundary bill is nothing except an adjustment of the boundary as between the national park and the national forest to give, for administrative purposes, a natural boundary rather than an arbitrary boundary.

Mr. CRAMTON. The gentleman has already done that pretty well.

Mr. HOWARD of Oklahoma. Reserving the right to object, will not the gentleman also include in his remarks evidence showing that in this change of boundary there is no lumber or timber grab such as have been referred to in letters we have been receiving?

Mr. CRAMTON. The letters I have in mind are directly in response to the Van Name charges, and one is from Mr. Albright, the director, formerly superintendent of Yellowstone National Park, and the other is from Mr. Ringland, of the commission which made the report on which the change is based. The letters are as follows:

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, February 21, 1929.

Hon. LOUIS C. CRAMTON,
House of Representatives.

DEAR MR. CRAMTON: Referring to the attached publication by Willard G. Van Name, he seems to be opposed in general to S. 3001 now pending on the floor of the House, but as a matter of fact he directs his argument at the change suggested by the coordinating committee in the south boundary of the park, which S. 3001, amended by the Senate committee, eliminated from the bill. In other words, S. 3001 as it now stands on the floor of the House has nothing whatever to say about the south boundary.

I had a letter from Mr. Van Name this morning, which is in answer to one I wrote him a day or two ago about his protest. I pointed out the reasons why the bill as it stands now is in the interest of good administration, cheaper protection, etc., the east boundary line being provided in the bill as the summit of the Absaroka Range instead of the present arbitrary line. The quotation from his letter about S. 3001 is as follows:

"While I admit the correctness of your statements regarding the Yellowstone Park boundary alterations that bill S. 3001 would make, there are several other serious considerations involved, the discussion of which would require too long a letter. I feel that better plans for enlargement of the Yellowstone can be put through before long and that meanwhile no surrender of any part of the original park should be made."

I attach a map showing the boundaries of the park as proposed by S. 3001. It makes all the changes proposed in the north and east line as far as Eagle Peak, throwing out the watersheds of parts of five small streams and taking in the headwaters of the Lamar River with its wonderful Hoodoo region, as well as the Specimen Creek area with its petrified forest and a little amphitheater at the head of Pebble Creek. The total additions to the park are 157 square miles and the eliminations 79, leaving a net addition of 78 square miles.

* * * * * * *

Sincerely yours,

HORACE M. ALBRIGHT, *Director.*

P. S.—I called up Roosevelt.

[From the New York Herald Tribune, Sunday, February 17, 1929]

YELLOWSTONE ADJUSTMENTS—REVISION OF NATIONAL PARK AND NATIONAL FOREST BOUNDARIES; NO PRIVATE EXPLOITATION

To the NEW YORK HERALD TRIBUNE:

In your issue of January 30 there is published a letter from Willard G. Van Name, commenting on Senator Nye's bill to adjust the boundaries of the Yellowstone National Park. This letter is so replete with misinformation and unwarranted inference that I am moved to protest. I served in the field with the Coordinating Commission on National Parks and Forests (the body responsible for Senator Nye's bill) as a representative of the National Conference on Outdoor Recreation, attended all meetings and public hearings of the commission, personally kept the minutes and drafted the report for the consideration of the President's committee on outdoor recreation. This experience permits me to speak with a measure of authority.

At the outset it should be understood that the various proposals before Congress to adjust the boundaries of our national parks involve as well an adjustment of our national forests, for the boundaries of the two classes of reservations are generally coterminous. Mr. Van Name studiously avoids reference to this fact and would have it appear that any changes in national-park boundaries will make possible exploitation by "unscrupulous interests." The commission has not recommended the release of a single acre from Federal control and administration.

The Yellowstone is a case in point. This national park is entirely surrounded by national forests—the Targhee, the Teton, the Shoshone, the Beartooth, the Absaroka, the Gallatin, and the Madison. What is involved is an interchange in Federal administration and management of relatively small areas of land within these national forests and the park to permit of the highest utilization of their resources—economic in the case of the forests and spiritual in the case of the park—and the reestablishment of boundaries following natural features of the topography. These national forests and the Yellowstone National Park were not established at the same time, so division between the reservations has been along arbitrary and artificial lines. There are areas that should be withdrawn from economic use and transferred to park management; likewise the national park includes areas that should be placed under the control of the Forest Service.

To effect coordination in policy and the complementary development of the resources of each class of reservation, Dr. John C. Merriam, president of the Carnegie Institution and representing the National Conference on Outdoor Recreation, requested President Coolidge's Cabinet committee on outdoor recreation to appoint a commission to study the problem and make recommendations to Congress. This was done, and a commission of well-known conservationists, under the chairmanship of Dr. Henry W. Temple, a distinguished scholar and Member of Congress, spent the seasons of 1925 and 1926 in a field examination of the Yellowstone and Yosemite National Parks and the surrounding national forests with respect to their coterminous boundaries.

When the Yellowstone Park was created in 1872 the boundaries, because of lack of precise surveys at that time, were located on standard parallel lines and therefore no account whatsoever was taken of the topography—the boundaries crossed box canyons and high mountain peaks willy nilly. The subsequent creation of national forests surrounding the Yellowstone Park on all sides has continued to present difficult problems in the administration of both the parks and forests, in patrol, fire protection, and game administration.

With these facts in mind and substantiated by field examinations the commission recommended the addition of approximately 200,000 acres to the Yellowstone Park embracing the watersheds of the upper Yellowstone River and Thorofare Creek by elimination from the Teton National Forest. This region is tributary topographically to the park and the proposed new boundary will follow natural features of the topography. It was the opinion of the commission that this addition to the park should be administered by the Park Service as a wilderness area, and to conserve inviolate its superb scenic and wild-life values the commission recommended to Congress that any legislation authorizing the addition should include a provision prohibiting the construction of roads or the issuance of permits for resorts.

It was found distinctly inadvisable to add to the park, as Mr. Van Name recommends, the Teton National Forest lands east of the proposed Thorofare Creek addition and north of the Buffalo River, because of the high potential forest value, forage, wild life (elk), water, and other economic resources, including minerals. To include too much of the summer and fall range of the elk within the park and, therefore, under absolute sanctuary, would effectively defeat the conservation of these superb herds.

This is for the simple reason that these animals breed prolifically and unless provision is made for the economic and humane disposal of the annual increase they multiply beyond the means of subsistence on the now severely restricted winter range to which the elk migrate miles outside of the park and the starvation of thousands ensues. The interested reader is referred to the report on the conservation of the elk of Jacksons Hole, recently published by the National Conference on Outdoor Recreation.

Moreover, the elimination from the Teton National Forest of the potentially valuable timber (estimated at over one and a quarter billion feet), the forage, water, and minerals, and withholding these from utilization under park administration, would be a violation of the sound principles of land management and would unjustly remove taxable wealth from struggling communities. In the long view these resources will be needed. To-day the timber can not be marked, for the nearest railroad is several hundred miles distant; its value is only potential, a point that Mr. Van Name ignores. Under national-forest administration these resources are safeguarded from private appropriation or exploitation and available for conservative use without impairment of the natural capital.

Another important recommendation of the commission, which Congress has just approved (the Norbeck bill), was the addition to the park system of 100,000 acres of the east drainage of the Grand Teton Range by elimination from the Teton National Forest. The east front of the Grand Tetons, with its foothill lakes, affords one of the superb scenic spectacles of the United States, and is preeminently worthy of inclusion as a national park.

ARTHUR RINGLAND,
Broadmoor, Colorado Springs, Colo.

FEBRUARY 13, 1929.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GEORGE WASHINGTON MEMORIAL PARKWAY

The next business on the Consent Calendar was the bill (H. R. 15524) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object——

Mr. BELL. I object.

MONUMENT OR MEMORIAL TO OSCAR S. STRAUS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, I have had a feeling for a good many years that there is too much tendency to fill up Washington with monuments to gentlemen who have had their birthplace and residence and chief activities in other parts of the country. I do not understand why those who want to put up monuments to eminent gentlemen, benefactors, and philosophers do not put the monuments up where the men lived their lives and performed their chief functions.

We have dozens of efforts to build these monuments in Washington. It occurs to me that if anybody insists that they want to build a monument in the Capital City, they buy the ground and put up the monument as their own private property. Washington is full of monstrosities in the shape of monuments of one kind and another. I think we should leave some of the spaces for the use of future generations. In my judgment this practice has gone quite far enough, and I object to this bill.

The SPEAKER pro tempore. Objection is heard.

APPROPRIATION FOR FREE PUBLIC LIBRARY

The next business on the Consent Calendar was the bill (H. R. 16662) to authorize appropriation for buildings, sites, and other facilities for the free Public Library of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to provide for the expansion of the public-library facilities of the District of Columbia to cover existing needs and to care for the future growth of the library system by the acquisition of new sites, the enlargement of sites now or hereafter acquired, the erection of new buildings, the enlargement, extension, and major alteration or conversion of buildings now or hereafter erected, including the erection of wings or other extension of public-school buildings suitable for public-library branches, there is hereby authorized to be appropriated, from time to time as the needs of the public-library system may require, such sum or sums as in the aggregate will not exceed $2,000,000.

SEC. 2. Such sums as are appropriated under the authority of this act shall be payable out of the combined appropriations from the revenues of the District of Columbia and the Treasury of the United States in the manner provided in the acts making appropriations for carrying out the purposes of this act.

SEC. 3. This act shall be effective on and after July 1, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

The next business on the Consent Calendar was the bill (H. R. 17077) to authorize and appropriate for the American group of the Interparliamentary Union.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I ask that this bill be passed over without prejudice.

Mr. LaGUARDIA. This is the last chance that this bill will have to pass at this session. Other countries have already appropriated, and we will adjourn in a few days, and it is necessary to get the bill over to the Senate.

Mr. BLACK of Texas. There is legislation and appropriation authorizing us to pay our share in the support of these interparliamentary activities at Geneva. That provision is carried in the regular appropriation bill. I am frank to question the propriety of our embarking on a policy of paying the expenses of delegates to these various meetings.

Mr. LaGUARDIA. Would the gentleman have them pay their own expenses?

Mr. BLACK of Texas. If I went I would expect to pay my own expenses. The delegates have heretofore paid their own expenses.

Mr. O'CONNELL. That is what many of the members of this commission do.

The SPEAKER pro tempore. Objection is heard.

REPEALING PROVISION LIMITING THE ANNUAL PER CAPITA COST IN INDIAN SCHOOLS

The next business on the Consent Calendar was the bill (H. R. 17079) to repeal the provision in the act of April 30,

1908, and other legislation limiting the annual per capita cost in Indian schools.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provision in the act of April 30, 1908 (35 Stat. L. 72), and all other acts imposing a limit upon the per capita cost in Indian boarding schools, be, and the same are hereby, repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

YELLOWSTONE NATIONAL PARK BOUNDARY COMMISSION

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 206) to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission, consisting of five members, to be known as the Yellowstone National Park boundary commission, whose duty it shall be to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park, and report to the President its recommendations concerning such adjustment. The necessary expenses of such inspection shall be paid from any appropriation available for Yellowstone National Park: *Provided,* That said commission shall make a final report to the Congress on or before January 1, 1931.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

POSSESSION OF FIREARMS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 13211) to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.—

DEFINITIONS

SECTION 1. "Pistol," as used in this act, means any firearm with a barrel less than 12 inches in length.

"Machine gun," as used in this act, means any firearm which shoots automatically and any firearm which shoots more than 12 shots semiautomatically without reloading.

"Person," as used in this act, includes firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this act, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this act, means any of the following crimes or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, larceny, burglary, and housebreaking.

COMMITTING CRIME WHEN ARMED

SEC. 2. If any person shall commit a crime of violence when armed with or having readily available any pistol or other firearm, he may in addition to the punishment provided for the crime be punished by imprisonment for a term of not less than 3 nor more than 5 years; upon a second conviction for a crime of violence so committed he may in addition to the punishment provided for the crime be punished by imprisonment for a term of not less than 5 nor more than 10 years; upon a third conviction for a crime of violence so committed he may in addition to the punishment provided for the crime be punished by imprisonment for a term of not less than 10 nor more than 15 years; upon a fourth or subsequent conviction for a crime of violence so committed he may in addition to the punishment provided for the crime be punished by imprisonment for an additional period of not less than 15 nor more than 30 years.

BEING ARMED PRIMA FACIE EVIDENCE OF INTENT

SEC. 3. In the trial of a person for committing a crime of violence the fact that he was armed with or had readily available a pistol, and had no license to carry the same, or was armed with or had readily available any other firearm having a total length of less than 26 inches, or any machine gun, or any of the instruments specified in section 18 hereof, shall be prima facie evidence of his intention to commit such crime of violence.

PERSONS FORBIDDEN TO POSSESS CERTAIN FIREARMS

SEC. 4. No person who has been convicted in the District of Columbia or elsewhere of a crime of violence shall own or have in his possession or under his control a pistol.

CARRYING PISTOL

SEC. 5. No person shall carry a pistol in any vehicle or concealed on or about his person except in his dwelling house or place of business or on other land possessed by him without a license therefor issued as hereinafter provided.

EXCEPTIONS

SEC. 6. The provisions of the preceding sections shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other duly appointed law-enforcement officers, or to members of the Army, Navy, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

ISSUE OF LICENSES TO CARRY

SEC. 7. The superintendent of police of the District of Columbia may upon the application of any person having a bona fide residence or place of business within the District of Columbia, or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol within the District of Columbia for not more than one year from date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol and that he is a suitable person to be so licensed. The license shall be in duplicate, in form to be prescribed by the Commissioners of the District of Columbia, and shall bear the name, address, description, photograph, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee and the duplicate shall be retained by the superintendent of police of the District of Columbia and preserved in his office for six years.

SELLING TO MINORS AND OTHERS

No person shall sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or, except when the relation of parent and child or guardian and ward exists, is under the age of 18 years.

TRANSFERS REGULATED

SEC. 9. No seller shall deliver a pistol to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. The seller shall within six hours after such application sign and attach his address and forward by registered mail one copy of such statement to the superintendent of police of the District of Columbia and shall retain the other copy for six years. This section shall not apply to sales at wholesale to licensed dealers.

DEALERS TO BE LICENSED

SEC. 10. No retail dealer shall sell or expose for sale or have in his possession with intent to sell any pistol without being licensed as hereinafter provided.

DEALERS' LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF

SEC. 11. The Commissioners of the District of Columbia may grant licenses and may prescribe the form thereof, effective for not more than

one year from date of issue, permitting the licensee to sell pistols at retail within the District of Columbia subject to the following conditions in addition to those specified in section 9 hereof, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this act:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is a drug addict or has been convicted in the District of Columbia or elsewhere of a crime of violence or is under the age of 18 years, or (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

4. A true record in duplicate shall be made of every pistol sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Commissioners of the District of Columbia and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. One copy of said record shall, within seven days, be forwarded by mail to the superintendent of police of the District of Columbia and the other copy retained by the seller for six years.

5. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of said premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

FALSE INFORMATION FORBIDDEN

SEC. 12. No person shall, in purchasing a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

ALTERATION OF IDENTIFYING MARKS PROHIBITED

SEC. 13. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

EXISTING LICENSES REVOKED

SEC. 14. All licenses heretofore issued within the District of Columbia permitting the carrying of pistols shall expire at midnight of September 30, 1928.

EXCEPTIONS

SEC. 15. This act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

PAWNING OF PISTOLS PROHIBITED

SEC. 16. No person shall make any loan secured by mortgage, deposit, or pledge of a pistol.

MACHINE GUNS

SEC. 17. No person shall possess any machine gun within the District of Columbia. This section shall not apply to any foreign government nor to members of the Army, Navy, or Marine Corps of the United States, or of the National Guard or Organized Reserves when on duty, nor to the Post Office Department or its employees when on duty, nor to duly appointed law-enforcement officers, nor to banking institutions established under the laws of the United States, nor to public carriers who are engaged in the business of transporting mail, money, securities, or other valuables.

POSSESSION OF CERTAIN DANGEROUS WEAPONS

SEC. 18. No person shall within the District of Columbia possess any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm.

PENALTIES

SEC. 19. Any violation of any provision of this act for which no penalty is specifically provided shall be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

CONSTITUTIONALITY

SEC. 20. If any part of this act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this act.

CERTAIN ACTS REPEALED

SEC. 21. The following sections of the Code of Law for the District of Columbia, 1919 namely, sections 855, 856, and 857, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

With the following committee amendments:

Page 9, line 1, strike out "September 30, 1928," and insert "September 30, 1929."

Page 10, line 14, strike out "1919."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL STOLEN PROPERTY LAW

The next business on the Consent Calendar was the bill (H. R. 10287) to prohibit the sending and receipt of stolen property through interstate and foreign commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McCORMACK. Mr. Speaker, I object.

Mr. BELL. Mr. Speaker, I object.

NAVIGATION ON GREAT LAKES

The next business on the Consent Calendar was the bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That rule 3, subdivision (e), of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth States at Large, section 645, as amended May 17, 1928, be amended by substituting the letter "a" in parentheses for the second letter "e" in parentheses in the seventh line thereof.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 6, after the figure "1928," insert "(U. S. C. title 33, sec. 252.)"

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF INCINERATORS IN DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 16700) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperatured incinerators for the destruction of combustible refuse, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object.

Mr. McFADDEN. Mr. Speaker, I have two amendments that I have discussed with the chairman of the committee, and I will send them to the Clerk's desk and ask that they be read at this time for information.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Amendments proposed by Mr. McFADDEN: Page 2, line 25, after the word "construct," strike out "loading hoppers, separating plants, ramps, platforms, and," and on—

Page 4, line 19, after the word "engineering," strike out "studies to determine the possible generation or use of available power resulting from incineration of combustible refuse and."

Mr. CRAMTON. Mr. Speaker, I have an amendment I would like to bring to the attention of the gentleman from Maryland.

Mr. LINTHICUM. Mr. Speaker, I have just sent up to the Clerk's desk an amendment which I ask to have read for information.

The SPEAKER. Without objection, the Clerk will read the amendment proposed by the gentleman from Maryland.

The Clerk read as follows:

Amendment proposed by Mr. LINTHICUM: Page 3, in line 17, after the word "commissioners," strike out the period, insert a colon, and the following: "*Provided, however,* That nothing in this act shall prohibit or prevent the sale of salvageable material by the owners thereof or by the Commissioners of the District of Columbia."

Mr. LINTHICUM. Mr. Speaker, I should like to know if that is agreeable to the gentleman from Maryland.

Mr. ZIHLMAN. I see no objection to that.

Mr. LAGUARDIA. What does the gentleman mean by "owners thereof"?

Mr. LINTHICUM. Under the provisions of the bill, it would appear that a person having, for instance, an automobile establishment, who wanted to sell old tires or anything of that kind, would not be able to do it; it would have to be burned up.

Mr. CRAMTON. Mr. Speaker, the amendment that I desire to bring to the attention of the gentleman from Maryland is on page 2, line 6, to insert this proviso after the word "area":

Provided, That the location of said sites shall be approved by the National Capital Park and Planning Commission before purchase or the institution of proceedings for condemnation thereof.

Mr. ZIHLMAN. I would have no objection to that if the bill is considered.

Mr. CRAMTON. With that amendment I have no objection.

Mr. LAGUARDIA. Mr. Speaker, I want to point out the experience that we have had in New York City in installing incinerators. Every time the city locates and finds a site for incinerators there is opposition in that neighborhood and resistence. Have any plans been made for the location of these?

I will say further to the gentleman from New York and members of the committee, that while we are bringing this legislation in late, it was only submitted to the committee some 10 days ago. We are advised by the District Commissioners that the present plan for the disposal of waste and refuse is in very bad condition, and it will be necessary to start the construction of this plant if this garbage and other waste material is to be taken care of.

Mr. CRAMTON. If the gentleman will yield, my concern is about the location in Georgetown and the fear that it will interfere with the proper protection of the water front for parkway purposes. I presume that this provision will protect that situation?

Mr. ZIHLMAN. I think so.

Mr. CRAMTON. I do not want to see an incinerator on one side of the Potomac and an abattoir—a latter-day name for a slaughterhouse—on the other side, within a few rods of the finest things we have in the Capital.

Mr. ZIHLMAN. I agree with the gentleman.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I would like to have some information. This bill authorizes an appropriation of some $850,000. I notice that page 3 of the committee report indicates that the Commissioners of the District of Columbia have studied this proposition and have submitted estimates which include an estimate of $15,000 for the acquisition of land in southeast Washington. That report was submitted on January 25, 1929, and an estimate of $15,000 was submitted for the incinerator site in southeast Washington.

On the top of page 2 of the committee report, dated February 15, 1929, we find, however, that the committee indicates that this land can not be purchased for $15,000, and the committee increases the amount for the southeast incinerator site by an additional $125,000. Why the change in this brief period of time? Have real-estate speculators entered into this site proposition? I would like to have some information, otherwise I will have to object to the bill.

Mr. ZIHLMAN. If the gentleman will consult his colleague, the gentleman from Wisconsin [Mr. LAMPERT], who was in charge of the subcommittee on playgrounds, he will learn that the gentleman from Wisconsin had a hearing on this bill, and the assistant engineer commissioner appeared before him and stated that there was objection to the original site, and that they had changed the site to the southeast, and that it would cost more money; and the subcommittee voted unanimously to increase the amount by $125,000. This is not an appropriation, but an authorization.

Mr. SCHAFER. The Commissioners of the District of Columbia, after carefully studying the proposition, make an estimate including a $15,000 site for southeast Washington, and within a few weeks after the report is filed they state that they need another $125,000 in addition to the $15,000 for this site. I would like to know the facts upon which the increase of $125,000 are based.

Mr. ZIHLMAN. I will say to the gentleman that representatives of the various citizens' associations of the District of Columbia appeared before the committee and urged this other site, and the site involves an additional appropriation.

Mr. SCHAFER. What is the reason?

Mr. ZIHLMAN. The gentleman from New York pointed out a few minutes ago that there is always objection to such a plant being put in a neighborhood. There was a protest by the citizens' associations demanding that the site be changed.

Mr. SCHAFER. Is there any objection to the new site?

Mr. ZIHLMAN. No opposition was manifested before the committee by any citizens' association in that section.

Mr. SCHAFER. Did the citizens' associations have an opportunity to manifest their objection?

Mr. ZIHLMAN. Various citizens' associations of the District were notified, and no opposition has been manifested.

Mr. SCHAFER. Does the gentleman know what is the assessed valuation of this property which we are asked to purchase for $140,000?

Mr. ZIHLMAN. The matter was looked into by the gentleman's colleague [Mr. LAMPERT].

Mr. SCHAFER. Mr. Speaker, I ask that this bill be passed over without prejudice, so that I can have an opportunity to make a further investigation.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

SURVEYS OF THE CIMARRON RIVER SYSTEM

The next business on the Consent Calendar was the bill (H. R. 15893) authorizing surveys and investigations to determine the best method and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GILBERT. Reserving the right to object, Mr. Speaker, we have record not only of opposition to exemption of farm lands from taxes but to legislation calculated to double the area of the farm lands of the United States.

Mr. MORROW. Mr. Speaker, will the gentleman withhold his objection?

Mr. GILBERT. I will withhold.

Mr. MORROW. The gentleman objects to this on the ground that it is likely to bring into cultivation new lands, and on the ground that the farmer is not now getting proper prices for his products. Let me tell the gentleman that the western reclamation projects are producing the beet sugar largely that the people of the United States are consuming. We are producing in the western country now a large percentage of our beet sugar. The people of the United States are concerned in the production for consumption of something more than 13,000,000,000 pounds of sugar.

We are producing in the United States 18.3 per cent of the entire sugar consumed by the people, and we are producing sugar from beets in excess of two and a half million pounds.

Mr. CRAMTON. Will the gentleman from New Mexico yield?

Mr. MORROW. I yield.

Mr. CRAMTON. I indorse all the gentleman has said and is going to say, but the report of the department makes it clear that whether this bill passes or not the appropriation is already available and can be used if necessary, and in view of that I am prepared to object.

Mr. MORROW. I do not think the gentleman should object. May I state to the gentleman that it is the desire of the Reclamation Bureau that the legislation be passed; then if they do not reach the legislation that has been passed the other legislation is out. They recommended to me right on the start that it was proper to introduce this legislation and I followed their advice. The Budget Bureau said they did not think there was any necessity of the legislation for the reason that the appropriation was provided and the Reclamation Bureau had the right to use it if it were matched by the locality.

Mr. CRAMTON. If my friend from Pennsylvania [Mr. MCFADDEN] does not object, I will not object.

Mr. MORROW. That is the purpose of the legislation.

Mr. GILBERT. I am not aware of the legislative situation, but realizing the situation that the farmers are in in the United States, I have consistently taken a position of opposition to an increase in the tillable area of the United States, and while I hate to object to the gentleman's bill——

Mr. MORROW. The gentleman does not understand this or he would not object.

Mr. GILBERT. I understand we are going to increase the tillable area of the United States.

Mr. MORROW. That is not true. This land is at present under irrigation, but there are four or five different projects, and the adjustment of the water rights between those projects and getting it all under one project is the purpose of this legislation. There is a sugar-beet factory now constructed in which

three of the banks in my county have expended nearly $200,000, and the purpose of this is to get all united under one head, and are asking the Government to assist in the survey so that the irrigation can be brought about in a proper way and it can be consolidated into one proposition. There may be a small increase of irrigable land, but simply for the purpose of producing sugar beets, and we produce no excess of sugar from beets in the United States.

Mr. GILBERT. The bill reads this way:

To ascertain the best methods and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex., for irrigation and other purposes.

Why do you irrigate land except for the purpose of producing crops on it?

Mr. MORROW. It will be used for producing sugar beets, and, as I have said, a factory has already been erected there. Let me tell the gentleman that Colorado is to-day one of the leading States in the production of sugar beets; we adjoin Colorado and are starting in on the same method of beet culture. I stated that a factory had been built and it is to bring the Government in the survey in so doing that the irrigation can be placed under one head. The Government may never put a dollar in it beyond this investigation and their report.

Mr. GILBERT. I have the greatest confidence in the gentleman's assertions and I am trying to get at this fact: Will this land be suitable for the production of any other crops except sugar beets?

Mr. MORROW. We can not produce corn because our altitude is too great.

Mr. GILBERT. The gentleman can answer my question.

Mr. MORROW. No; it will not be used to any extent for other crops.

The regular order was demanded.

The SPEAKER. The regular order is: Is there objection?

Mr. GILBERT. Mr. Speaker, I object.

REPATRIATION OF CERTAIN INSANE AMERICAN CITIZENS

The next business on the Consent Calendar was the bill (H. R. 16436), to provide for the repatriation of certain insane American citizens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the application of the Secretary of State, the Secretary of the Interior is authorized to transfer to St. Elizabeths Hospital, in the District of Columbia, for treatment, all American citizens legally adjudged insane in the Dominion of Canada, whose legal residence in one of the States, Territories, or the District of Columbia it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

Upon the request of any such patient, his relatives or friends, he shall have a hearing in the Supreme Court of the District of Columbia upon his mental condition and the right of the superintendent of St. Elizabeths Hospital to hold him for treatment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ON THE CHEYENNE RIVER IN THE STATE OF SOUTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 16659) to authorize an appropriation to pay one-half of the cost of a bridge on the Cheyenne River in the State of South Dakota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That $9,000 is hereby authorized to be appropriated, out of any money in the Treasury to the credit of the Cheyenne River Indians of South Dakota not otherwise appropriated, to pay not to exceed one-half the cost of the construction of a bridge and approaches thereto across Cheyenne River at or near the Cherry Creek Indian substation, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected herewith, on condition that the State of South Dakota or the county of Ziebach or Haakon, or both, provide the remainder of the cost, under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefore: *Provided,* That before any money is spent hereunder the State or counties shall agree in writing to maintain the bridge and approaches without expense to the said Indians or the United States.

With the following committee amendments:

Page 1, line 7, strike out "the Cheyenne River," and insert in lieu thereof "Cherry Creek."

In line 8 strike out "Cherry Creek Indian substation" and insert in lieu thereof "Subagency of that name."

On page 2, in line 2, strike out "or Haakon."

In line 5 strike out "therefore" and insert "therefor."

In line 7, strike out "counties" and insert "county."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ON THE CHEYENNE RIVER INDIAN RESERVATION IN SOUTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 16660) to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill,

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That $9,000 is hereby authorized to be appropriated, out of any money in the Treasury to the credit of the Cheyenne River Indians of South Dakota not otherwise appropriated, to pay not to exceed one-half the cost of the construction of a bridge and approaches thereto across the Moreau River at or near the White Horse Indian Substation on the Cheyenne River Indian Reservation in the State of South Dakota, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected herewith, on condition that the State of South Dakota or the county of Dewey provide the remainder of the cost, under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefor: *Provided,* That before any money is spent hereunder, the State or county shall agree in writing to maintain the bridge and approaches without expense to the said Indians or the United States.

With the following committee amendments:

Page 1, line 8, strike out the word "substation" and insert the word "subagency."

Page 2, line 2, strike out the word "herewith" and insert the word "therewith."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMEMORATION OF BATTLE OF KINGS MOUNTAIN

The next business on the Consent Calendar was the bill (H. R. 14449) to establish a national military park to commemorate the Battle of Kings Mountain.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I am obliged to object.

Mr. BULWINKLE. Will the gentleman reserve his objection?

Mr. CRAMTON. I want to be courteous to the gentleman. We have a lot of bills, but I will reserve the objection.

Mr. BULWINKLE. I think the gentleman is probably objecting on the grounds of the Secretary of War's report. The Secretary of War made report in a letter to the gentleman from South Carolina [Mr. STEVENSON] and myself that the Kings Mountain Battle was so insignificant that it did not need anything but a marker. This was the original report. There has been a monument at Kings Mountain, but I want to say to the gentleman that of all the battles fought on the American Continent Kings Mountain is certainly one among them that deserves special consideration.

Mr. CRAMTON. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CRAMTON. The difficulty is there are so many bills we want to reach that we ought not to have any extended discussion. What complicates the matter with me is that the gentleman is about to leave us, much to the regret of all of us; but if a policy that has been laid down by us is to have any effect

we must follow it, and in view of this present report from the department I do not see how we can pass the bill.

Mr. BULWINKLE. I realize the situation with respect to that report.

Mr. CRAMTON. Maybe a different report can be obtained from the department.

Mr. BULWINKLE. The point I want to make with the gentleman is this: If the policy had been rightly adjudged, it would have been all right. An officer from the War College, Colonel Landrum, in making a report upon this matter said that this battle deserves such consideration.

Mr. CRAMTON. Why does not the gentleman have a bill here for a resurvey of the situation?

Mr. BULWINKLE. We had it resurveyed last year.

Mr. CRAMTON. Where is your report?

Mr. BULWINKLE. That report is in the report of the committee.

Mr. CRAMTON. And the department, notwithstanding that, persists in its opposition?

Mr. BULWINKLE. An officer in the Army was one of the members of the committee who made that report, and in addition, let me call the attention of the gentleman to the fact that in this report of Colonel Landrum it is shown that just prior to the time the Battle of Kings Mountain was fought there was a discussion in the Continental Congress, privately, among the Members, to make a treaty of peace with Great Britain by letting Great Britain keep the Carolinas, Georgia, and Florida.

Mr. CRAMTON. Let me ask the gentleman how much land must be acquired?

Mr. BULWINKLE. Two hundred acres, 40 acres of which have been given to us.

Mr. CRAMTON. Who is going to pay for this land?

Mr. BULWINKLE. Forty acres of land have been donated.

Mr. CRAMTON. What about the other 160 acres; who pays for that?

Mr. BULWINKLE. The 160 acres will be paid for under this bill.

Mr. CRAMTON. Is there any local contribution at all?

Mr. BULWINKLE. No; but there will be contribution in the matter of building roads.

Mr. STEVENSON. The county is going to build a road to the park.

Mr. BULWINKLE. The State of North Carolina and the State of South Carolina will build the road.

Mr. STEVENSON. There is one item for fencing that could very likely be stricken out.

Mr. CRAMTON. I may say, Mr. Speaker, I do not believe we ought to set aside too lightly policies that are determined upon, but as my own little personal tribute to my friend, Major BULWINKLE, I am going to withdraw any objection I have. [Applause.]

Mr. BULWINKLE. I thank the gentleman.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to commemorate the Battle of Kings Mountain, which was fought on the 7th day of October, 1780, the battle field of Kings Mountain, in the State of South Carolina, is hereby declared to be a national military park, to be known as the Kings Mountain National Military Park, when the land comprising such battle field becomes the property of the United States.

SEC. 2. The Secretary of War shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of section 355 of the Revised Statutes, shall proceed to acquire title to such land, either by purchase or gift or by condemnation under the provisions of the act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888.

SEC. 3. Such park shall be under the control and direction of the Secretary of War. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

SEC. 4. Upon such terms and conditions as he may prescribe, the Secretary of War is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

SEC. 5. The Secretary of War shall open or repair such roads in such park as may be necessary, and ascertain and mark, with tablets or otherwise as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

SEC. 6. The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops; but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of War. Any State organization or individual may, with the approval of the Secretary of War, erect monuments or place tablets within such park.

SEC. 7. There is authorized to be appropriated the sum of $225,000, or so much thereof as may be necessary, in order to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

Mr. STEVENSON. Mr. Speaker, on this bill to create a military park at Kings Mountain, H. R. 14449, I want to say to the House that the War Department refused to survey the battle ground under the act of 1926, because they claimed it was sufficiently marked already. Then Congress passed an act directing a survey and report. An Army engineer and three prominent citizens of that region made the survey and report, and we have it here in the report on this bill. The War Department is again here reporting against it. We contend that the report of the commission justified the Military Affairs Committee in its recommendation that the bill be passed, and justifies this House in passing it, and I ask that it shall be passed and sent to the Senate. The splendid history of the battle written by Colonel Landrum, of the War College, under the direction of the War Department, and published in a House document, of which each Member has a copy in the document room, shows the importance of the battle, the strategic value in winning the Revolutionary War, and the saving of the Carolinas, Georgia, and Florida to the United States, and also justifies the passage of the bill.

MONUMENTS IN THE STATE OF GEORGIA

The next business on the Consent Calendar was the bill (H. R. 15656) to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to commemorate the Sherman-Johnston campaign in the spring of 1864 and points of historic interest and battle fields along the Sherman-Johnston line of March in accordance with the plans of the Secretary of War as outlined in his report, transmitted to the Congress on December 12, 1928, Senate Document No. 187, Seventieth Congress, second session, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $100,000 to defray the cost of monuments at Dalton, Resaca, Cassville, and New Hope Church in accordance with said plan, and the further sum of $2,500 to defray the cost of 50 markers at points of historic interest along said line of march, in accordance with the plan of the Secretary of War as outlined in said report.

SEC. 2. The erection of said monuments and markers shall be subject to supervision and direction of the Secretary of War, and the mileage of Army officers engaged in the discharge of these duties is authorized to be paid out of this appropriation.

SEC. 3. That the Secretary of War is hereby authorized to accept on behalf of the United States donations of the lands required under the plan hereinbefore referred to for the erection of said monuments.

SEC. 4. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of said monuments and markers.

SEC. 5. That upon the completion of the erection of said monuments and markers the same shall be under the control of the Secretary of War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OSAGE INDIANS OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TIME OF HOLDING COURT IN THE STATE OF VERMONT

The next business on the Consent Calendar was the bill (S. 3590) to amend section 110 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 110 of the Judicial Code (being sec. 191, title 28, of the U. S. Code) is hereby amended to read as follows:

"SEC. 191. (Judicial Code, sec. 110, amended.) Vermont: The State of Vermont shall constitute one judicial district to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the second Tuesday in February, at Windsor on the second Tuesday in May, at Rutland on the second Tuesday in October, and at Brattleboro on the second Tuesday in December. Any stated term may, when adjourned, be adjourned to meet at any of the other stated places or at Montpelier or Newport. (Rev. Stat., sec. 531; March 3, 1911, ch. 231, sec. 110; 36 Stat. 1127; February 1, 1912, ch. 26, 37 Stat. 58.)

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMPACT BETWEEN THE STATES OF TEXAS AND OKLAHOMA

The next business on the Consent Calendar was Senate Joint Resolution (S. J. Res. 196), a resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

A joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma against Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter

Whereas on the 8th of December, 1919, the State of Oklahoma filed an original action in the Supreme Court of the United States against the State of Texas to have determined and located the true and correct eastern boundary of the Panhandle of Texas and the main western boundary of the State of Oklahoma; and

Whereas, as the final adjudication of the issue raised in said mentioned case, the Supreme Court of the United States has decreed the following:

"The boundary between the State of Texas and the State of Oklahoma constituting the eastern boundary of the Panhandle of Texas and the main western boundary of Oklahoma, is the line of the true one-hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the northern boundary line of the State of Texas as surveyed and marked upon the ground of John H. Clark, United States commissioner, under the act of June 5, 1858, chapter 92, or with a line running due east from the eastern terminus of the Clark survey if it is west of the meridian"; and

Whereas the said Supreme Court of the United States has appointed a commissioner to run, locate, and mark the true and correct boundary line between the said State of Texas and the said State of Oklahoma, and to establish permanent monuments along such boundary at appropriate distances, and to submit a report thereon to the court; and

Whereas the line declared by said Supreme Court to be the true and correct boundary between Texas and Oklahoma is located to the east of the line heretofore presumed to be the eastern Texas and western Oklahoma boundary; and

Whereas such new location of such boundary line has, or will, upon the approval of the report of the said locating commissioner, remove a tract of land heretofore presumed to be a part of the said State of Oklahoma and place same in the said State of Texas, and may, in addition, remove a tract of land heretofore presumed to be a part of the said State of Texas and place same in the said State of Oklahoma; and

Whereas the United States never owned or assumed to possess the title to any of the public land of the said State of Texas; and

Whereas the United States has heretofore presumed to own and did assume possession and has made disposition of most, if not all, the said land heretofore presumed to be in the said State of Oklahoma and affected by the said decision of the Supreme Court; and

Whereas in the exercise of the presumed ownership and undisputed possession of said land, the said Supreme Court of the United States, in its opinion, Oklahoma against Texas (1926, 272 U. S. 21, 38), said that it appeared that "prior to May 3, 1920, the United States had disposed of 20,657 acres in the strip in dispute by patents issued on homestead entries and public sales, for which it had collected $8,026; that 3,118 acres had been included in the school and universary grants to Oklahoma; and that there were then 318 acres in pending entries, leaving, it was estimated, 118 acres of vacant land"; and

Whereas, according to the record made and pursuant to the approval by the Supreme Court of the final report of the locating commissioner, it is now evident that a number of persons, with titles to such land possessions, based upon patents issued by the United States or by the said Sate of Oklahoma, will find that their residences and land possessions will have been transferred from said State of Oklahoma to said State of Texas and that the said State of Texas may not recognize the validity of such patents; and

Whereas other persons affected by such final report may find that their residences and land possessions will have been transferred from Texas to Oklahoma with their titles to such land possessions, based upon patents issued by said State of Texas, and which the United States or said State of Oklahoma may not recognize; and

Whereas other persons affected by the final action of said Supreme Court may find that other complications surround their land titles; and

Whereas to the end that persons now residing on, in possession of, or owning the land affected and to be affected by the final action of the Supreme Court may be properly and equitably protected in their vested interests in such land, and to the further end that the United States, the State of Texas, and the State of Oklahoma may be permitted to assume proper obligations and to receive proper remunerations: Therefore be it

Resolved, etc., That the President of the United States be authorized, and he is hereby requested, to confer with the Governor of the State of Oklahoma and with the Governor of the State of Texas to ascertain if negotiations will be entertained, to the end that an agreement may be reached between the United States, the State of Texas, and the State of Oklahoma as to the terms upon which said parties mentioned and in interest will accept the land, if any, transferred or to be transferred to each said party by the authority of the final decree of the Supreme Court of the United States in the action styled Oklahoma *v.* Texas (1926, 272 U. S. 21, 38).

SEC. 2. In the event the Governor of the State of Texas and the Governor of the State of Oklahoma, acting for their respective States, agree to confer with the United States relative to the subject matter mentioned and described in section 1 hereof, the consent of Congress is hereby given to the said State of Texas and to the said State of Oklahoma to negotiate and enter into a compact or agreement respecting the matter in this act mentioned, and the President is herein authorized and requested to proceed with such conference and to formulate and suggets a compact or agreement to be presented to the Congress and to the Legislatures of the State of Texas and the State of Oklahoma for ratification and if, and when, ratified by each said contracting party, then each said party herein mentioned is hereby authorized to proceed to comply with the obligations in said compact or agreement assumed.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of the parties herein mentioned unless and until it has been ratified by the Congress and by the legislatures of each of the States herein mentioned.

With the following committee amendments:

Strike out all the whereas clauses as they appear on pages 1, 2, 3, and 4.

On page 5, line 19, strike out section 3 of the resolution.

On page 5, line 19, insert sections 3, 4, and 5, as follows:

"SEC. 3. That the President of the United States be authorized, and he is hereby requested, to confer with the Governor of the State of Texas and with the Governor of the State of New Mexico to ascertain if negotiations will be entertained to the end that an agreement may be reached between the United States, the State of Texas, and the State of New Mexico, as to the terms upon which said parties mentioned and in interest will accept the land, if any, transferred or to be transferred to each said party by the authority of the final decree of the Supreme Court of the United States in the action styled New Mexico *v.* Texas. (Vol. 276, p. 557, U. S. Sup. Ct. Repts.)

"SEC. 4. In the event the Governor of the State of Texas and the Governor of the State of New Mexico, acting for their respective States, agree to confer with the United States relative to the subject matter mentioned and described in section 1 hereof, the consent of Congress is hereby given to the said State of Texas and to the said State of New Mexico to negotiate and enter into a compact or agreement respecting the matter in this act mentioned and the President is herein authorized and requested to proceed with such conference and to formulate and suggest a compact or agreement to be presented to the Congress and to the Legislatures of the State of Texas and the State of New Mexico for ratification and if, and when, ratified by each said contracting party, then each said party herein mentioned is hereby authorized to proceed to comply with the obligations in said compact or agreement assumed.

"SEC. 5. No such compact or agreement shall be binding or obligatory upon either of the parties herein mentioned unless and until such compact or agreement has been ratified by the legislatures of each of said States affected and mentioned herein and by the Congress of the United States."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Amend the title to read as follows: "Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21 p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into compacts with each other and with the United States relating to such subject matter."

AMENDING CODE OF LAW OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill S. 4125, an act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 15 of the Code of Law for the District of Columbia is hereby amended by striking out the provisions of said chapter in entirety down to subchapter 1 thereof and substituting in lieu thereof the following:

"CHAPTER XV

"CONDEMNATION OF LAND FOR PUBLIC USE

"SEC. 483. Land for District of Columbia: Whenever land in the District is needed by the Commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of said District authorized to negotiate for the same, application may be made to the Supreme Court of the District by petition in the name of said commissioners for the condemnation of said land or said right of way and the ascertainment of its value.

"SEC. 484. Petition; what to show: Such petition shall contain a particular description of the property selected, with the names of the owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

"SEC. 484a. The jury commission of the District of Columbia shall prepare a special list of persons having the qualifications of jurors, as prescribed by section 215 of this code, and being also freeholders of the District of Columbia. The jury commission shall from time to time as may be necessary write the names contained in said special list on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a special box to be provided for the purpose, and shall thereupon seal and lock said special box, and after thoroughly shaking the same shall deliver it to the clerk of the Supreme Court of the District of Columbia for safekeeping; but the same shall not be unsealed or opened except by said jury commission. From time to time, as ordered by the Supreme Court of the District of Columbia, or one of the justices thereof holding a special term for the trial for condemnation proceedings, the jury commission shall publicly break the seal of said special box and proceed to draw therefrom by lot and without previous examination the names of such number of persons as the said court may from time to time direct to serve as jurors in condemnation proceedings, and certify the names so drawn to the clerk of said court. At the time of each drawing of condemnation jurors from said special box there shall be in said special box the names of not less than 100 persons possessing the qualifications hereinbefore prescribed. Except as in this section specially provided, sections 198 to 217, inclusive, of this code, so far as the same may be applicable, shall govern the qualifications of said jurors in condemnation cases and the duties and conduct of said jury commissioners under this section. No person shall be eligible to serve as a condemnation juror who has served as such juror within one year.

"SEC. 485. Citation to owners: The said court holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a jury of five capable and disinterested persons, to which jury the court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned, and are not related to the parties interested therein, and that they will, without favor or partiality, and to the best of their judgment, appraise the value of the respective interests of all persons concerned in such lands.

"SEC. 486. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power and authority to pass upon any such objection, and to excuse any juror or cause any vacancy in the jury, when empaneled, to be filled; and after the jury shall have been organized and shall have viewed and examined the land and premises affected by the condemnation proceeding, they shall proceed, in the presence of the court, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceeding. When the hearing is concluded, the jury, or a majority of them, shall return to the court, in writing, their appraisement of the value of the interests of all persons, respectively, in such land, where said appraisement shall be recorded. In making their decision, the jury shall take into consideration, whenever a part only is taken, the benefit to the remainder of the tract, and shall give their appraisement accordingly.

"SEC. 487. The said court shall hear and determine any objections or exceptions that may be filed to any appraisement of the jury and shall have the power to vacate and set any appraisement aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed as in the case of the first jury: *Provided*, That if vacated in part the residue of the appraisement as to the land condemned shall not be affected thereby: *And provided further*, That the objections or exceptions to the appraisement shall be filed within 20 days after the return of the appraisement to the court: *And provided further*, That the appraisement of the new jury shall be final when confirmed by the court.

"SEC. 488. If the appraisement of the jury should not be objected to by the parties interested it shall be confirmed by the court, or, if the appraisement of the new jury is confirmed by the court, the Commissioners of said District shall pay the amount awarded by the jury out of the appropriation made therefor or deposit the same in the same manner as directed in section 491n of said Code of Law, and thereupon the land condemned shall become and be the property of the District.

"SEC. 489. In every case involving the condemnation of land in the District of Columbia, at the close of the hearing thereof, the court shall fix a time in which the jury shall return its verdict or to report to the court the reasons why said verdict or appraisement can not be returned by the time fixed: *Provided*, That the court shall have the power, within its discretion, to extend the time for the return of the verdict or appraisement.

"SEC. 490. It shall be optional with the commissioners to abide by the verdict of the jury and occupy the land appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the same, without being liable to damage therefor.

"SEC. 491. Nothing herein contained shall affect any suit or proceeding heretofore begun, now pending, or hereafter to be instituted by or on behalf of the United States for the condemnation of land for any purpose; but all such suits and proceedings shall be conducted in accordance with existing law or such laws as hereafter may be enacted."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALE OF POST-OFFICE SITE AT BINGHAMTON, N. Y.

The next business on the Consent Calendar was the bill (H. R. 17129) to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, the gentleman from New York [Mr. CLARKE] requested me to ask unanimous consent that this be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

POLICING OF MILITARY ROADS, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4461) to provide for the policing of military roads leading out of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. I object.

ADDITIONAL COTTON STATISTICS

The next business on the Consent Calendar was the bill (S. 4206) authorizing the Director of the Census to collect and publish certain additional cotton statistics.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, at the present time we have a permanent law that requires the Secretary of Agriculture to collect statistics of the grades and staple of cotton, the amount tenderable and untenderable. The agricultural appropriation bill carries an appropriation of $420,000 to gather these statistics for the next fiscal year. I feel that this bill just read from the calendar will only duplicate what already is being done and I shall feel compelled to object. I can see no justification for the additional expenditure.

Mr. RANKIN. Will the gentleman reserve his objection?

Mr. BLACK of Texas. I will be glad to reserve it.

Mr. RANKIN. If the gentleman from Texas had been with us last year when we went into a thorough investigation of the manipulation of the cotton market he would not object to this bill. The law to which he refers does not cover this point at all. This bill is in the interest of the cotton growers of the South. It is necessary, and the legislation to which he refers does not take care of the situation.

Mr. CRAMTON. I am convinced by the statement of the gentleman from Texas.

Mr. BLACK of Texas. Mr. Speaker, I have the highest respect for the judgment and opinion of the gentleman from Mississippi. He is a very able and useful Member of Congress, but I have investigated this matter thoroughly; I know the kind of reports that the Department of Agriculture issues each month. They issue it on the staple, the grades, and the amount that is tenderable and the untenderable, and Congress has appropriated $420,000 for that purpose. I feel as if we ought not to duplicate in the Department of Commerce what the Department of Agriculture is already doing under a mandatory law.

Mr. RANKIN. Mr. Speaker, if we were doing that, if we were protecting these people, it would be a different thing. In order to show the gentleman from Texas [Mr. BLACK] where he is absolutely wrong and where it is impossible to protect the cotton growers and the cotton trade under the present system, last year this very trouble arose because of the fact that these representatives of the Department of Agriculture had put their stamp of approval on cotton that was untenderable and permitted it to be offered on the exchange and drove the price of cotton down, to the economic injury of the cotton farmers.

These untenderable snaps and bollies—and you gentlemen from the spinning districts ought to be interested in this—are piling up into the carry-over, and it is heralded to the world every year that this amount of cotton is on hand, without the information being given that it is snaps and bollies. As a result, only a year or two ago, with this report coming out, the mills of the country took it for granted that that was tenderable cotton; and when finally the facts were known you people from New England paid the penalty of having to purchase your cotton after it had drifted into the hands of these speculators and manipulators, whom we are trying to curb by this legislation.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to extend in my remarks a portion of a table issued by the Department of Agriculture that does show the amount of cotton that is tenderable and the amount that is untenderable. I do that to show what is being done. I think this table will clearly show that the Department of Agriculture is now doing everything that is necessary to give complete information as to the grades, staple lengths, and other information of cotton ginned.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by publishing a table issued by the Department of Agriculture. Is there objection?

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, at this point I insert a portion of a table issued by the Department of Agriculture February 15, 1929.

Staple lengths of upland cotton

Staple in inches	Bales	Per cent
Total	13,866,431	99.82
13/16 and under	1,927,047	13.87
7/8	5,832,860	41.99
15/16	3,179,316	22.89
1 and 1 1/32	1,568,674	11.29
1 1/16 and 1 3/32	733,498	5.28
1 1/8 and 1 5/32	439,589	3.16
1 3/16 and 1 7/32	157,637	1.14
1 1/4 and over	27,810	.20

Estimated number of bales tenderable and untenderable on section 5 contracts

	Bales	Per cent
Total upland cotton	13,866,431	99.82
Total tenderable	11,549,363	83.14
Tenderable 7/8-inch to 1 1/32 inches, inclusive	10,211,373	73.51
Tenderable over 1 1/32 inches	1,337,990	9.63
Total untenderable	2,317,068	16.68

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER. This bill requires three objectors.

Mr. HUDSON. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks to show that the very people to whom the gentleman from Texas refers passed and stamped——

Mr. BLACK of Texas. Mr. Speaker, I object to the gentleman going into a general debate about my motives. I do not question his in the least. I feel it my duty to object.

Mr. RANKIN. I am not questioning the gentleman's motives, but since he is going to extend his remarks and put into the RECORD representation from the Department of Agriculture, I want to show that the very representatives to whom he refers passed as tenderable cotton, cotton that was untenderable, and helped to wreck the cotton market last year.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

IMPROVEMENT OF THE OREGON CAVES, SISKIYOU NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I submit a conference report for printing under the rules, on the bill (S. 3162) to authorize the improvement of the Oregon caves in the Siskiyou National Forest, Oreg.

LEAVE OF ABSENCE

Leave of absence was granted, by unanimous consent, to Mr. HOCH, for two days, on account of illness, at the request of Mr. SPROUL of Kansas.

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 354) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LINTHICUM. Mr. Speaker, I should like to have the gentleman from Porto Rico allow this resolution go over without prejudice. This is a great deal of money, $871,655. I want to know what is to take place after this proposed 1,100-foot lighthouse is elected, what the cost of maintenance will be, and who is to pay same, as that is a vital matter to the Government of the United States. I want to know more about whether Columbus's bones are really at Santo Domingo and whether they are

to be placed in this memorial tower. I wish time to go into the matter more thoroughly before this large expenditure is made beyond our borders. I, therefore, ask that it go over without prejudice.

Mr. LAGUARDIA. Why, this comes from the gentleman's own committee.

Mr. LINTHICUM. I know it comes from my committee, but I excused myself from the vote.

Mr. LAGUARDIA. Mr. Speaker, I think this matter ought to be settled now. This putting it over is tantamount to defeating the measure. If the gentleman wants to assume the responsibility for objecting to this bill, simply because it is Christopher Columbus, let him do so.

Mr. LINTHICUM. It is not a question with me whether it is Christopher Columbus or anybody else. I am opposed to spending $871,000 in Santo Domingo unless I know who is going to take care of the memorial and the expense thereof and other information I have mentioned.

Mr. DYER. This comes from the gentleman's committee.

The SPEAKER. Is there objection?

Mr. LINTHICUM. I object.

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr HUDDLESTON. Mr. Speaker, I object

Mr. DAVILA. Mr. Speaker, I hope this legislation will pass without further objection. Santo Domingo, the capital of the Dominican Republic, was the city that Christopher Columbus loved above all the places he discovered; the city where he had governed and the scene of his glories and misfortunes, and where in his last request he asked that his remains be buried. His bones are deposited in the mausoleum in the cathedral in Santo Domingo. In my opinion no one who has studied this matter very carefully can have any doubt of the genuineness of the claim of the Dominican people. The great historian Rudolph Cronau, who made a personal investigation and painstaking study of the matter, reached the conclusion that the true remains of Columbus are those found in 1877. This opinion is shared by all students of history who have visited the old cathedral in Santo Domingo and studied this question with impartiality. In spite of the fact that the evidence produced by the Dominican people in support of the genuineness of their claim is most convincing, there still exist in Spain some persons who claim that the true remains of Columbus were actually carried to Cuba upon the Spanish evacuation of the island and ultimately to Spain. In a speech which I delivered before the House on January 17, 1927, on the Columbus Lighthouse, I dealt with this matter very thoroughly. Believing it will be of interest, I will read the following notation which appears next to fragments of bone in exhibition at the Library of Congress:

These lockets contain minute fragments of bone that the late John Boyd Thacher, of Albany, N. Y. (whose collection of incunabula and autographs have been deposited in the Library by Mrs. Thacher), considered worthy of being described as a part of the true remains of Christopher Columbus, the discoverer of America. The documents upon which he based his opinion certify that the fragments were taken in 1877 from a leaden casket, inscribed with the name and title of Columbus, by the engineer Castillo, then in charge of repairs in the cathedral of Santo Domingo. Other equally minute fragments taken from the casket were sent by officials of the city and cathedral to Pope Leo XIII, to the municipality of Genoa, and to the University of Pavia.

As explained above, this notation refers to the remains found in 1877, and which were considered to be the true remains of the discoverer of America.

It was my privilege, Mr. Speaker, to visit the island of Santo Domingo in 1926. I had the pleasure of meeting Mr. William E. Pulliam, who was the originator of the project to erect a memorial lighthouse to Columbus and the members of the National Columbus Committee (Junta Nacional Colombina), Messrs. C. Armando Rodríguez, chairman, former member of the President's cabinet; Manuel de J. Troncoso de la Concha, former member of the President's cabinet; and Federica Llaverías, secretary. I discussed the matter very carefully with Mr. Pulliam, who is also a member of the National Columbus Committee. Accompanied by Messrs. Troncoso, Rodríguez, and Llaverías, I visited the cathedral and other ruins of the city of Santo Domingo.

They furnished me with all data regarding the remains of Columbus and with a copy of a book written by Mr. Emiliano Tejera, considered as the most complete work on the subject. In this book may be found copies of all documents in connection with the burial and exhumation of the remains of Columbus in the Cathedral of Santo Domingo. Mr. Tejera's presentation of the case is so convincing that it removes all doubts that may be entertained by the most critical student as to the final resting place of these remains.

There are no sound arguments to prove that the remains exhumed by Spain in 1795 are genuine. To those who still hold to this belief, I will say that if the remains of Columbus are not in Santo Domingo, there are no remains left of the discoverer of America. Spain can never prove the legitimacy of her claim. There is no evidence to support it. That claim is based only on the official documents written by Hidalgo, the secretary of the proceedings during the exhumation of 1795. It is also based on tradition, but this tradition affords no proof in favor of such claim. According to this tradition, the bones of Columbus were in a leaden casket in the presbitery on the gospel side, beside the wall of the high altar. It is true that the remains exhumed by the Spaniards in 1795 were on the gospel side, but it is also true that the remains exhumed by the Dominicans in 1877 were in the gospel side, where two small vaults were discovered, side by side, separated by a wall of about 6 inches in thickness. The eastern, or the one nearest the altar, was empty. Here was found the remains exhumed in 1795 by the Spaniards. The other vault contained a metallic case with the genuine remains of Columbus.

The document written by Hidalgo, which is the only proof in support of the Spanish claim, is a description of the exhumation, which reads as follows:

On December 20, 1795, a vault was opened located in the sanctuary on the right or gospel side, near the main wall and in the platform before the high altar. The capacity of the vault was about 1 cubic yard. Therein was found some thin sheets of lead about 11 inches long, which had evidently been parts of a box or case of that metal; also some bones of legs and arms and various other parts of some deceased person. These were collected in a large tray, together with all the dust, which, from the fragments of some small bones and its color, were recognized as the remains of the same corpse. The whole was placed in a gilded leaden coffin with an iron lock; this was locked and the key was delivered to the most illustrious archbishop.

Note that Hidalgo, who was officially designated as secretary-recorder of the proceedings at the time of the exhumation in 1795, confined himself to say that "some bones of legs and arms and various other parts of some deceased person were found." He does not say whose the disinterred remains were. He fails to mention in his writings the name of the great admiral. He was scrupulous and accurate in his description, and in the absence of evidence could not record whose these remains were.

To further enlighten the Members of the House on this subject, I wish to read some excerpts from my speech of January 17, 1927, above referred to.

This is the proof offered by those who sustain that the genuine remains of Columbus were disinterred in 1795. Not a single inscription, not a word, not even the smallest sign to show that those were the first admiral's remains—only the vague declaration that there had been found in a vault on the gospel side of the presbytery, among other things, pieces of shin and arm bones and various other parts of some deceased person. The official statement does not say, indeed no one could say, whose the disinterred remains were, but recourse is had in fixing their identity to a tradition which, while correctly holding that Columbus' remains rested on the gospel side of the presbytery, forgets the very important fact that Don Diego's remains were likewise buried in the same presbytery, by the side of his father and ancestor. This vault, whose contents were disinterred in 1795, was found to be empty in the exhumation carried out in 1877. This is affirmed by all who witnessed the ceremony, among them the United States consul, Mr. Paul Jones, who, in a letter written to Mr. W. A. Whitehead, secretary of the New Jersey Historical Society, affirms that—

"On the morning of the 10th of September last, two small vaults were discovered, side by side, separated by a wall of about 6 inches in thickness. The eastern, or one nearest the altar, was empty; the other contained a metallic case."

There were three bodies buried in the old presbytery, three separate vaults contained them, and three remains have been found. How can those who allege that Columbus's remains were exhumed in 1795, and admit that those found on the epistle side are those of his grandson, Don Luis, account satisfactorily for the absence of Don Diego's body?

Is it, perhaps, enough to submit to the study of the investigator the evidence of only two bodies when it is known that, as a matter of fact, three were buried in the old presbytery? The truth, when maimed and incomplete, may lead to deplorable blunders. And in this case it is evident that a grave error has resulted. No one can be blamed, however. Those who exhumed the remains in 1795 based their procedure on the inaccurate data provided by tradition. Perhaps they did not use all the caution and prudence which the transcendency of their act demanded, but undeniably they acted in good faith. Later developments have uncovered their mistake and revealed the truth. Spain will soon recognize this as a fact. Let us trust in the justice and

nobility of the Spanish Nation, for that people which, inspired by Columbus's genius, fostered the undertaking which wrested a new world from the bosom of the sea will also know how to wrest the truth from the depths of doubt and error.

John Boyd Thacher, American historian, in volume 3, chapter 134, page 550, of his work entitled "Christopher Columbus," states as follows:

We know by historical records that Christopher Columbus, his son Diego, and his grandson Don Luis were all buried in this capilla mayor. We are told by unbroken tradition that Christopher Columbus was buried at the right of the high altar on the evangel or gospel side; and that opposite, to the left of the high altar, on the epistle side, was buried a member of his family. There is no historical record that another body—other than the three bodies above mentioned—was ever interred in the capilla mayor as originally constructed. There is no tradition that another body was ever interred in the original capilla mayor. That a contrary view has been held by some writers is due to confusing the original presbytery or Capilla Mayor with its enlarged area of 1783, or with its present grand proportions.

Asserting that he confidently believed that the vault discovered in 1877 "contained for more than 300 years the veritable remains of Christopher Columbus," the same author, in chapter 143, page 603, and under the title "The True Remains," has this to say:

We have now before us all the inscriptions connected with the leaden box and the remains. There were no inscriptions or marks whatsoever on the leaden box found in the little vault adjoining the one from which the present box was removed, and which was unearthed in 1783 and which, in 1795, was delivered to General Aristizabel for translation to Habana, and which, in 1899, was deposited in the cathedral at Seville. Here were two vaults lying side by side, one next the wall, the other adjoining on the side farther away from the wall. We will call the first A, the second B. A was next the door leading to the chapter chamber. B was near the door leading to the chapter chamber. The unmarked leaden box, discovered in 1783 on the gospel side of the altar, was described as taken from a vault near the door leading to the chapter chamber, not next it. History tells us that at least two of the Columbus family were buried in the capilla mayor of the cathedral—Don Christopher, the first admiral, and Don Diego, the second admiral. Tradition tells us there were three buried in that capilla mayor—Don Christopher, the first admiral; Don Diego, the second admiral; and Don Luis, the third admiral. Tradition tells us that the first admiral was buried on the right or gospel side of the high altar, and that another of the family was buried on the left or epistle side of the high altar. Some time previous to the repairs to the cathedral in 1783 there was discovered a vault which we will call vault C, on the left or epistle side of the altar in the old capilla mayor, and in it was found a leaden box with an inscription reciting that it contained the remains of Don Luis Columbus, but in describing the discovery the canon of the cathedral called him Don Luis, the brother of Christopher Columbus, meaning the Christopher Columbus who was the first admiral and the discoverer of the New World. There is no evidence that there ever were buried within the sacred precincts of this original capilla mayor any other bodies than those of the Columbus family, and the royal decree of Charles V gave that family the exclusive use of the said original capilla mayor. There never was any evidence that more than three members of the Columbus family were there buried. Those who assert that Don Bartholomew, the Adelantado, was buried in the cathedral, say so on the authority of the synod report of 1683, in which Don Luis is called the brother of Christopher Columbus, referring to the first admiral.

In December, 1795, vault B was opened and its unmarked box and the unidentified contents were transferred to Habana. In May, 1877, vault C was again found and opened, and from the inscriptions on the leaden box within the latter was identified as containing, as its legend recited, the mortal remains of "El Almirante, D. Luis Colon, Duque de Veragua, Marques de—"

On Sunday, September 9, 1877, there was found and opened a vault on the right or gospel side of the high altar, but removed somewhat from the wall. This vault was empty and was recognized as that from which, in 1795, a leaden box containing "parts of some defunct" was removed and transferred to Habana. This is our vault B. On Monday, September 10, 1877, there was found a vault on the right or gospel side of the high altar adjoining the principal wall and between that wall and the empty vault, from which was taken a leaden box with the inscriptions as above given. This is our vault A, and, we confidently believe, contained for more than 300 years the veritable remains of Christopher Columbus. If we approach this leaden box taken from vault A we will read the capital letters from left to right C. C. A., and we naturally interpret these to stand for Cristoval Colon Almirante—Christopher Columbus, Admiral.

Dr. Richard H. Clarke, an American jurist, contributed to Donahoe's Magazine of June, 1893, an article entitled "Where Is Columbus Buried?" From this article I quote the following:

With absolute impartiality I have examined the testimony and voluminous writings on both sides of this controversy, and the facts and arguments. The question is really narrowed down by the established laws of evidence. The historical fact is well established, and it is conceded by the Spanish advocates of Habana that the remains of Columbus had been deposited in the sanctuary of the Cathedral of San Domingo, on the right, or gospel side of the altar. By the rules of evidence, a state of facts or conditions of things once established or admitted is legally presumed to continue until a different one is proved or admitted. Hence it follows that the remains of Columbus are presumed still to repose in the Cathedral of San Domingo, unless the advocates of the Cathedral of Habana can prove incontestably their subsequent removal to Habana. Now, what proof is there of such a removal? The contents of a grave containing human remains were certainly removed in 1795. But there was no leaden case, only fragments of lead showing there may have been one formerly. There was no plate bearing a name or an inscription, and the grave was unmarked. There was nothing to show whose remains they were. Even the official act or document made on the occasion pointedly and significantly refrains from mentioning whose remains they were.

The remains of the great admiral were transported about the year 1541 to the New World he had discovered, and buried on the right-hand, or gospel side of the grand altar of the Cathedral of San Domingo, and there they reposed unquestioned until 1795, when the Spanish Government and the Duke of Veragua immediately and hastily, on the conclusion of the treaty of Basle, and to avoid the complications of leaving them on other than Spanish soil, undertook their removal. In the haste of the removal no other grave in that sanctuary was thought of but that of Columbus, and the first grave found on the gospel side was taken to be his, and the remains were immediately removed to Habana. There was no inscription by which to identify the remains, and yet should other graves be afterwards found under the sanctuary, or should another grave be found on the gospel side and especially under the bishop's chair, what authenticity could attach to the remains removed to Habana? But, still stronger, what if another grave should be found thus located bearing equal evidences of antiquity, and containing five separate and distinct inscriptions stating in unmistakable language that they were the remains of Christopher Columbus? Yet all these were found in 1877. Mr. Greenleaf, in his great work on the laws of evidence, states that the evidence derived from ancient tombs and the inscriptions thereon stands in the very first rank of proof in the court of justice. But see the corroborating circumstances: First, its location just where Columbus had been buried; second, the finding of the grave of Luis Columbus on the epistle side, just where it had been buried; third, the finding of the empty grave of Diego Columbus, just where it had been located, thus completing the identification of the grave of the three Columbuses; fourth, the remnants of corroded leaden plates in the grave of Diego showing that there had also been an inscription there, while the other two graves are clearly identified by appropriate inscriptions of Columbus and Luis Columbus; fifth, the high and unimpeachable character of the archbishop and other officials making the discovery and certifying it to the world; sixth, the witnesses called, in the persons of the consuls of foreign nations, to see and certify to the whole proceeding; seventh, the absence of all proof or identification of the remains removed in 1795 as those of Columbus; eighth, the judgment of learned historians and experts in favor of San Domingo; ninth, the current and living acquiescense of the world, as manifested by the fact that, when antiquarians, students, officials, historians, or tourists start out to visit and pay homage to the illustrious man who discovered American they go directly to San Domingo, and there only.

The Fifth International Conference of American States, held at Santiago de Chile, April 24, 1923, adopted a resolution recommending to the Governments of the American Republics the erection of a monumental lighthouse to be called Columbus on the coast of Santo Domingo, the capital of the Dominican Republic. The island of Santo Domingo was selected to honor the memory of the great discoverer because of its intimate association with his history.

It is obvious that these are bases of unquestionable importance for the erection of the memorial in Santo Domingo. That was the place selected by Columbus for a sepulcher; and the marvelous beauty and resources of the country, its historical associations, and numerous attractions all point to Santo Domingo as the place above all others in America as the site for such a monument. Col. Charles A. Lindbergh happily remarked, when he landed at the port of Santo Domingo City on his good-will flight in the Americas, that such a memorial to Columbus, "who showed the world new routes of travel," would be an inspiration to aviation, which would do so much for the development of the West Indies.

The New York Tribune, in its issue of October 12, 1923, in an editorial discussion of the subject, states:

* * * The one transcendent fact is that it was Columbus who effectively discovered America and opened these continents to European settlement. So the indubitable fact is that Santo Domingo was made by him the first European settlement in this hemisphere and was for years the seat of Spanish government, and it was also the place which he chose for his tomb. It will be a worthy enterprise for the people of every State, from Point Barrow to the Horn, to join in providing this proposed memorial to the man to whose genius all these States owe their existence.

Add to the above the fact that the remains of Columbus are in Santo Domingo and that in this memorial they will permanently rest and you will not escape the wisdom of lending your support to the proposed legislation.

In fact, the tribute so paid to his memory in providing this monumental sepulcher to his ashes should constitute the principal factor in erecting the proposed memorial in Santo Domingo.

PERMANENT BUILDING FOR RED CROSS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 392) to provide for the erection on Government land of permanent buildings for the use of the American National Red Cross.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That authority be and is hereby given to the American National Red Cross to erect upon square No. 172, in the city of Washington, D. C., in replacement of the temporary building or buildings erected thereon under Public Resolution No. 3, Sixty-fifth Congress (S. J. 61), a permanent building for the use of the American National Red Cross in connection with its work in cooperation with the Government of the United States.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $350,000 as a part contribution to the erection of said building, which sum shall not be available until a like sum has been provided out of the funds of the American National Red Cross.

SEC. 3. That the money hereby authorized to be appropriated shall not be paid until the plan of the proposed building shall have been approved by a commission consisting of the chairman of the central committee of the American National Red Cross, the Secretary of War, the chairman of the Senate Committee on the Library, and the chairman of the House Committee on the Library. The plans of said building shall likewise be approved by the Commission of Fine Arts and erection thereof shall be under the supervision of the Director of Public Buildings and Public Parks of the National Capital.

SEC. 4. That the cost of the removal of the temporary building or buildings shall be borne by the American National Red Cross without expense to the United States.

SEC. 5. That said permanent building shall remain the property of the United States but under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and the American National Red Cross shall at all times be charged with the responsibility, the care, keeping, and maintenance of said building without expense to the United States.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

CONGRESS OF MILITARY MEDICINE AND PHARMACY

The next business on the Consent Calendar was House joint resolution (H. J. Res. 383) to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at London, England.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLACK of Texas. Mr. Speaker, I object.

CENTRAL BUREAU OF THE INTERNATIONAL MAP OF THE WORLD

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 390) to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an annual sum of $50 as a contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS LAKE CHAMPLAIN

The next business on the Consent Calendar was a bill (H. R. 17023) to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., authorized to be built by the Gulf Coast Properties (Inc.) by the act of Congress approved May 14, 1928, is hereby extended three years from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, strike out the words "time for" and insert "times for commencing and."

On line 7, after the figures "1928," strike out the word "is" and insert the word "are" and after the word "extended" insert the words "one and."

On line 8, after the word "years," on line 7, insert the word "respectively."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt."

The SPEAKER pro tempore. The Clerk will report the next bill.

REPORTS MADE TO CONGRESS

The next business on the Consent Calendar was the bill (S. 5621) to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Massachusetts what is the purpose for this bill?

Mr. DALLINGER. Mr. Speaker, earlier in the session the Committee on Expenditures in the Executive Departments reported a law concerning the making of certain reports, and it was stated that that act applies only to reports that were typewritten. But it seems the general law requires the acts and proceedings and resolves of the Legislatures of the Philippine Islands and Porto Rico to be made to Congress. They are not typewritten reports. It was the intention of the committee to do away with that provision of law, because under the law the acts and proceedings of the Legislatures of Porto Rico and the Philippine Islands have to have the approval of Congress, and they are made in printed form and sent to the Speaker in the form of printed volumes of the acts and resolves.

Mr. HOOPER. I am satisfied that it is all right, and I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928, are hereby repealed.

SEC. 2. The reports of the acts of the Philippine Legislature, referred to in paragraph 127 of such act of May 29, 1928, and the acts

and resolutions of the Legislature of Porto Rico, referred to in paragraph 128 of such act of May 29, 1928, shall be continued as if such act of May 29, 1928, had not been enacted.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BATTLE FIELDS IN THE VICINITY OF RICHMOND, VA.

The next business on the Consent Calendar was the bill (H. R. 15655) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby authorized and directed to have made studies, investigations, and surveys of the battle fields in the vicinity of Richmond, in the Commonwealth of Virginia, including the battle field of Cold Harbor, Va., for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle fields and other adjacent points of historical and military interest.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, investigations, and surveys there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,800, or so much thereof as may be necessary, to be expended for the purposes of this act.

With a committee amendment as follows:

Page 2, line 2, after the word "interest," insert "in accordance with the classification set forth in House Report numbered 1071, Sixty-ninth Congress, first session."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER AT OMAHA, NEBR.

The next business on the Consent Calendar was the bill (H. R. 15011) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. BEEDY, and Mr. SCHAFER objected.

Mr. DENISON. Will the gentleman from New York withhold his objection until I can explain it?

Mr. LAGUARDIA. I do not think it would change my attitude. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER AT SOUTH OMAHA, NEBR.

The next business on the Consent Calendar was the bill (H. R. 15012) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. LAGUARDIA, Mr. SCHAFER, and Mr. BEEDY objected.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE WABASH RIVER IN ILLINOIS

The next business on the Consent Calendar was the bill (S. 4451), an act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928, is amended by striking out the words "at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind.," and inserting in lieu thereof "at or near New Harmony in Posey County, Ind., and a point in White County, Ill."

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I am opposed to this bill for the reasons set out in the department's letter, as printed in the committee's report.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928, is amended by striking out the words "at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind.," and inserting in lieu thereof "at or near New Harmony in Posey County, Ind., and a point in White County, Ill."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DEER AND VIRGIN ISLANDS, IN WHEELER LAKE, WIS.

The next business on the Consent Calendar was the bill (H. R. 17062) to provide for the conveyance of Deer and Virgin Islands, in Wheeler Lake, Oconto County, Wis., to the county of Oconto, State of Wisconsin, for public-park purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I shall not object if the following amendment is accepted:

That the instrument of conveyance shall recite such reversionary right.

The purpose of that is that if later on the county should dispose of this land any purchaser would have notice of the reversionary right of the United States.

Mr. SCHNEIDER. Under the bill the county can not dispose of it.

Mr. LAGUARDIA. Exactly; but I want that to be recited in the instrument of conveyance.

Mr. SCHNEIDER. I have no objection to the amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, upon payment of $1.25 per acre, to transfer and convey to the county of Oconto, State of Wisconsin, the islands known as Deer Island, having an area of 0.82 acre, and Virgin Island, having an area of 1.77 acres, being situated in Wheeler Lake in section 22, township 33 N., range 16 E., fourth principal meridian, Oconto County, Wis., the same to be held and made available permanently by said county as a public park under such rules and regulations as may be necessary and proper for use thereof by the public: *Provided*, That should the county of Oconto, State of Wisconsin, fail to keep and hold the said land for park purposes or devote it to any use inconsistent with said purposes, then title to said land shall revert to and be reinstated in the United States.

With the following committee amendment:

Page 2, line 9, strike out the word "reinstated" and insert the word "revested."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 9, strike out the period, insert a comma, and add the following: "and the instrument of conveyance shall recite such reversionary right."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TETON NATIONAL PARK IN THE STATE OF SOUTH DAKOTA

The next business on the Consent Calendar was the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I should like to offer a couple of amendments to this bill and with those amendments accepted I should not have any objection. In the first place the committee amendment provides:

That when a quantum, satisfactory to the Secretary of the Interior, of the privately owned lands lying within the area hereinafter described shall have been acquired—

And so forth. I do not believe we should authorize this monument until all of the privately owned lands within the area have been acquired. Therefore I suggest the striking out of lines 18 and 19 the words "a quantum, satisfactory to the Secretary of the Interior." I think that is important. On page 10 there is a proviso which I do not understand. The proviso reads:

Provided, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section.

I do not believe the Interior Department ought to be granting permits until this act becomes effective. I do not understand how that would operate and hence I suggest that the proviso go out.

Mr. COLTON. I will say, Mr. Speaker, that the gentleman from South Dakota is temporarily absent from the Chamber and he has been looking after this measure.

Mr. CRAMTON. Would the gentleman like to pass it over or pass it with those amendments and then see what the Senate does with it?

Mr. HUDSON. Mr. Speaker, I move that the bill be passed over without prejudice.

Mr. COLTON. Mr. Speaker, I will accept the amendments rather than to see the bill go over.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I wish the gentleman from Michigan might explain to the House why we should pass this bill creating a national park when a few minutes ago we refused to create a national park.

Mr. COLTON. This is not a national park. This bill as it now stands provides for the creation of this territory as a national monument and not a national park.

Mr. HUDSON. That is all right, but a layman looking at this bill would be misled.

Mr. CRAMTON. However, each bill should be considered on its merits.

Mr. O'CONNELL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection?

Mr. WILLIAMSON. Mr. Speaker, reserving the right to object, I would like to hear the suggestions which have been made by the gentleman from Michigan.

Mr. CRAMTON. I will state to the gentleman from South Dakota that I am suggesting that on page 5, lines 18 and 19, these words be stricken out, "a quantum, satisfactory to the Secretary of the Interior, of", so that before this bill becomes a law it would be necessary to acquire all of the privately owned land. That has been our policy with regard to all the parks recently created.

Mr. WILLIAMSON. I will say to the gentleman in that connection that there is only a very small body of privately owned land within the new boundaries of this proposed monument and it seems to me hardly fair to require that all of the land be purchased, because the Government is not putting one cent into this proposed monument, but the State of South Dakota is building at least 30 miles of very difficult road in this area. For that reason I think the language of the bill ought to remain because it would seriously hamper us if it were taken out for the reason that there might be small tracts of land that it would be difficult for us to obtain.

Mr. CRAMTON. We are having difficulty in the administration of every national park and national monument with respect to privately owned land. In the Great Smoky National Park they have had to spend $10,000,000 to get land.

Mr. MICHENER. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection?

Mr. CRAMTON. Mr. Speaker, I would be obliged to object unless those amendments are accepted.

Mr. WILLIAMSON. I will accept the amendments under those conditions, but they will ruin the bill.

Mr. CRAMTON. No; I do not think so.

Mr. COLTON. Mr. Speaker, I will accept the amendments.

The SPEAKER pro tempore. Is there objection to the amendments proposed by the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Then, Mr. Speaker, I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when 90 per cent of the privately owned lands within the areas hereinafter described shall have been acquired and transferred to the United States for park purposes, without expense to the Federal Treasury, such areas shall be, and are hereby, dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Teton National Park: *Provided*, That the State of South Dakota shall have first constructed the highways hereinafter described.

SEC. 2. That the areas to be included in said Teton National Park are situated in the State of South Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner of section 13, township 3 south, range 18 east, Black Hills meridian; thence west 4 miles, thence north 1 mile, thence west 8 miles, to the southwest corner of section 6, same township and range; thence north 2 miles, thence west 2 miles, thence north 1 mile, thence west 1 mile, thence north 2 miles, to the northeast corner of section 16, township 2 south, range 16 east, Black Hills meridian; thence west 7 miles, thence south 1 mile, thence west 3 miles, to the northwest corner of section 24, township 2 south, range 14 east, Black Hills meridian; thence south 3 miles, thence east 1 mile, to the southeast corner of section 36, same township and range; thence south 3¾ miles, thence east 2 miles, thence north three-fourths mile, to the southwest corner of section 16, township 3 south, range 15 east, Black Hills meridian; thence east 2 miles, thence north 3 miles, thence east 6½ miles, thence south 2 miles, thence east one-half mile, to the northwest corner of section 13, township 3 south, range 16 east, Black Hills meridian; thence south 1 mile, thence east 1 mile, thence south one-half mile, thence east 1 mile, thence south one-half mile, to the southwest corner of section 20, township 3 south, range 17 east, Black Hills meridian; thence east 4 miles, thence south 1 mile, to the northwest corner of section 36, same township and range; thence east 6 miles to the northwest corner of section 36, township 3 south, range 18 east, Black Hills meridian; thence south 1 mile, thence east 1 mile, thence north 1 mile, thence east one-half mile, thence north 3 miles, thence west one-half mile, to the point of beginning, and also the following-described tract of land:

Beginning at the northeast corner of section 8, township 4 south, range 13 east, Black Hills meridian, thence west 1 mile, thence south 4 miles, to the southwest corner of section 29; thence east 2¼ miles, thence north 2 miles, thence west three-fourths mile, thence north 1½ miles, to the center of section 9; thence west one-half mile, thence north one-half mile to the point of beginning.

That all of the publicly owned lands within the areas described are hereby dedicated and set aside for the purposes aforesaid, and the Secretary of the Interior, in his discretion, is hereby authorized to exchange alienated lands within said areas for unappropriated and unreserved public lands of approximately equal value in the State of South Dakota outside of said areas.

SEC. 3. That the establishment of said park is conditioned upon the State of South Dakota first constructing the following highways in accordance with specifications to be determined and provided by the Bureau of Public Roads in the Department of Agriculture: A highway commencing at the north boundary of the park in township 3 south, range 18 east, Black Hills meridian, and extending down through Cedar Pass to Interior, thence northwesterly up Big Foot Pass, thence along the top of the rim within the park boundary to a point 9 miles south of Wall, there to join with a second highway to be constructed by said State from Wall through Scenic to a point within the park 10 miles south of Scenic, having a total length of approximately 40 miles.

SEC. 4. That the administration, protection, and promotion of said Teton National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a national park service, and for other purposes," as amended by the act of June 2, 1920. (41 Stat. L. 732.)

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of geological and zoological sciences.

SEC. 6. That this act shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 1 hereof.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That when a quantum, satisfactory to the Secretary of the Interior, of the privately owned lands lying within the area hereinafter described shall have been acquired and transferred to the United States for monument purposes, without expense to the Federal Treasury, such areas shall be, and are hereby, dedicated and set apart as a national monument for the benefit and enjoyment of the people, under the name of the Badlands National Monument: *Provided*, That the State of South Dakota shall have first constructed the highways hereinafter described.

"SEC. 2. That the areas to be included in said Badlands National Monument are situated in the State of South Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner section 13, township 3 south, range 18 east, Black Hills meridian; thence west one-fourth mile; thence south 1 mile; thence west one-fourth mile; thence south one-fourth mile; thence west 1 mile; thence south one-fourth mile; thence west one-fourth mile; thence north 1 mile; thence west 1¼ miles; thence north one-half mile; thence west 3 miles, to the northwest corner section 18, township 3 south, range 18 east, Black Hills meridian.

"Thence north one-fourth mile; thence west one-half mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-half mile; thence south one-half mile; thence west 1 mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west 1¼ miles; thence north one-fourth mile; thence west one-fourth mile; thence north three-fourths mile; thence west 1¼ miles; thence north one-half mile, to the northeast corner section 2, township 3 south, range 16 east, Black Hills meridian.

"Thence west one-half mile; thence north 1 mile; thence west one-fourth mile; thence north one-half mile; thence west three-fourths mile; thence north one-half mile; thence west one-half mile; thence north 2 miles; thence west 8 miles; thence south one-half mile; thence west 1 mile; thence north one-half mile, to the northeast corner section 13, township 2 south, range 14 east, Black Hills meridian.

"Thence west 1 mile; thence south 1 mile; thence east one-half mile; thence south one-half mile; thence west one-half mile; thence south 2½ miles; thence east 1¼ miles; thence south 1 mile; thence east three-fourths mile, to the northeast corner section 7, township 3 south, range 15 east, Black Hills meridian.

"Thence south one-fourth mile; thence east one-fourth mile; thence south one-half mile; thence west one-fourth mile; thence south one-fourth mile; thence west 1 mile; thence south 1¾ miles; thence east 1 mile; thence north three-fourths mile; thence east 2 miles; thence north one-half mile; thence east three-fourths mile; thence north one-fourth mile; thence east one-half mile; thence north three-fourths mile; thence west one-fourth mile; thence north three-fourths mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence east one-fourth mile; thence north one-half mile; thence east 1 mile; thence south one-fourth mile; thence east 1¾ miles; thence north one-half mile; thence west one-half mile; thence north one-half mile, to the northwest corner section 31, township 2 south, range 16 east, Black Hills meridian.

"Thence east one-half mile; thence south one-fourth mile; thence east 1 mile; thence south one-fourth mile; thence east 1¾ miles; thence south three-fourths mile; thence east three-fourths mile; thence south three-fourths mile; thence east one-half mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south 1¼ miles; thence east three-fourths mile; thence north one-half mile; thence east one-fourth mile, to the northeast corner section 19, township 3 south, range 17 east, Black Hills meridian.

"Thence north one-half mile; thence east three-fourths mile; thence south 2 miles; thence east 1½ miles; thence north 1½ miles; thence east 2 miles; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile, to the northeast corner section 30, township 3 south, range 18 east, Black Hills meridian.

"Thence south three-fourths mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence north one-fourth mile; thence east 1¼ miles; thence south one-fourth mile; thence east 3 miles, to the northeast corner of section 36, township 3 south, range 18 east, Black Hills meridian.

"Thence north 1 mile; thence east 1 mile; thence north one-half mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north 1¼ miles; thence west one-half mile to the point of beginning.

"SEC. 3. That the establishment of said monument is conditioned upon the State of South Dakota first constructing the following highway in a manner satisfactory to the Secretary of the Interior: A highway commencing at the corporation limits of the town of Interior, thence going in a northwesterly direction to and over Big Foot Pass, and through the region known as The Pinnacles; thence in a westerly direction to Sage Creek, being a total distance of about 30 miles.

"SEC. 4. That the administration, protection, and promotion of said Badlands National Monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled 'An act to establish a National Park Service, and for other purposes,' as amended by the act of June 2, 1920 (41 U. S. Stat. L. 732): *Provided*, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section.

"SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and gathering of objects of interest within said monument by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of geological and zoological science.

"SEC. 6. That this act shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 1 hereof."

Mr. CRAMTON. Mr. Speaker, I move to amend page 5 by striking out the words "a quantum satisfactory to the Secretary of the Interior of."

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: On page 5, line 18, after the word "when," strike out the words "a quantum satisfactory to the Secretary of the Interior of."

The amendment to the committee amendment was agreed to.

Mr. CRAMTON. And, on page 10, strike out the proviso in lines 8 to 11.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON to the committee amendment: Page 10, strike out the proviso beginning on line 8, down to and including line 11.

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SUBSTITUTE CLERKS IN THE POSTAL SERVICE

The next business on the Consent Calendar was the bill (S. 4981) to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso of section 4 of the act entitled "An act reclassifying salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensations on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. L. 1059; U. S. C., title 39, sec. 108), is amended to read as follows:

"That hereafter substitute clerks in first and second class post offices and substitute letter carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served, including time served as special-delivery messengers, on a basis

of one year for each 306 days of 8 hours served as substitute or messenger, and shall be appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. KELLY. Mr. Speaker, Calendar No. 1348 is a Senate bill that has been considered, and I ask unanimous consent that the corresponding House bill (H. R. 16305) be laid on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ROCKY MOUNTAIN NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 17101) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Colorado, approved February —, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights of way connected therewith, including all existing irrigation conduits and ditches. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

SEC. 2. That said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Rocky Mountain National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, all timber, natural curiosities, of wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park or the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, and timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Rocky Mountain National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the State of Colorado of the passage and approval of this act.

With the following committee amendments:

Page 3, line 24, strike out the words "the ruins and other works and relics of prehistoric or primitive man"; and on page 3, line 25, strike out the word "of" and insert the word "or"; page 4, line 19, strike out the words "the ruins and other works and relics of prehistoric or primitive man."

The committee amendments were agreed to.

Mr. TAYLOR of Colorado. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Colorado offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: Page 1, line 4, after the word "February" insert the figure "19."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, all of the bills on the next page of the calendar, Nos. 1351 to 1360, inclusive, are bridge bills, all of them being in the regular form, and most of them are merely consents for extension of time.

I ask unanimous consent that all of these bills in their order may be considered as having been read, the committee amendments agreed to, and the bills passed, and then insert the bills in the RECORD.

Mr. SCHAFER. Reserving the right to object, Calendar No. 1352 authorizes the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation. That does not appear to be a bridge bill.

Mr. DENISON. I was mistaken. That is not a bridge bill. I had in mind bills reported by the subcommittee on bridges. We have jurisdiction over that matter, and the bill is merely to authorize the building of a new levee through this reservation, and there is a unanimous report from the committee.

Mr. LAGUARDIA. Further reserving the right to object, Mr. Speaker, I want to state that I am opposed to some of these bills for the reasons stated in the communication of the Department of Agriculture in the committee's report. I understand a majority of the House are in favor of these bills, so I shall not object to the request made by the gentleman from Illinois, because I know I am helpless in the matter.

Mr. SCHAFER. Reserving the right to object, I want to state that I am opposed to most of these bills. I realize, however, that a majority of the Members of the House are in favor of the bills. I shall therefore not take it upon myself to obstruct the will of the majority, so I shall not object to the request, but I shall vote against all of the bills after the unanimous-consent stage has passed.

The SPEAKER pro tempore. Without objection, the Clerk will report the bills by number.

There was no objection.

The Clerk reported the bills by number, as follows:

H. R. 16612, H. R. 16726, H. R. 16988, S. 4778, H. R. 15850, H. R. 16954, H R. 16955, H. R. 16959, H. R. 17007, H. R. 17075.

The SPEAKER. Without objection, the committee amendments will be agreed to, the House bills ordered to be engrossed and read a third time and passed, and the Senate bill ordered to be read a third time, read the third time, and passed, and a motion to reconsider laid on the table.

The bills are as follows:

A bill (H. R. 16612) granting the consent of Congress for the construction of dam or dams in Neches River, Tex.

Be it enacted, etc., That the consent of Congress is hereby granted to the Neches Canal Co., Neches Water Co., Beaumont Irrigating Co., the city of Beaumont, Tex., or the city of Port Arthur, Tex., or any one or more of them, to construct a dam or dams across the Neches River, at points suitable to the interests of navigation, above the city of Beaumont, Tex.: *Provided*, That the work on such dam or dams shall not be commenced until the plans therefor have been filed with and approved by the Secretary of War and the Chief of Engineers of the United States Army: *And provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16726) authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to grant the board of commissioners for the Pontchartrain Levee district, an authorized agency of the State of Louisiana, or the State of Louisiana, a right of way through the Carville Marine Hospital Reservation, parish of Iberville, State of Louisiana, in such location as may be designated by him, for the purpose of constructing and maintaining a new levee to replace the existing main-line levee in front of said reservation along the Mississippi River.

A bill (H. R. 16988) to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.

Be it enacted, etc., That the sewer outlet constructed in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., by the city of Pittsburgh, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of said sewer outlet.

SEC. 2. That any changes in said sewer outlet which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

An act (S. 4778) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes the Moundsville Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near the city of Moundsville, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Moundsville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Moundsville Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and

financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said Moundsville Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of West Virginia and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years, after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Moundsville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Moundsville Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 15850) authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington

Be it enacted, etc., That in order to promote interstate commerce, to improve the postal service, and provide for military and other purposes, Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to, provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Washington shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16954) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.

Be it enacted, etc., That the consent of Congress is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Chowan River, at a point suitable to the interests of navigation, at a point distant in a southerly direction along the center of said river about 1 7/8 miles from the Virginia-North Carolina line, in Gates and Hertford Counties, in the State of North Carolina, in accordance with the provisions of an act entitled

"An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16955) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.

Be it enacted, etc., That the consent of Congress is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Meherrin River, at a point suitable to the interests of navigation, at a point distant in a northwesterly direction along the center of said river about 4.6 miles from the confluence of said Meherrin River with the Chowan River, in Hertford County, in the State of North Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which or any person to whom such rights, powers and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16959) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near Tiptonville, Tenn., authorized to be built by J. T. Burnett, his heirs, legal representatives, and assigns, by the act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17007) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky., authorized to be built by A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17075) to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Red River of the North between Fargo, N. Dak., and Moorhead, Minn., authorized to be built by the State of North Dakota, the State of Minnesota, the county of Cass, N. Dak., the county of Clay, Minn., the city of Fargo, N. Dak., and the city of Moorhead, Minn., or any one or more of them, by an act of Congress approved May 1, 1928, are hereby extended one and three years, respectively, from May 1, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, all the bills on the next page are bridge bills, with the exception of Calendar No. 1566 and Calendar No. 1569. They were reported by the same committee but are not bridge bills. I ask unanimous consent that the other bills on that page be considered as having been read, the committee amendments agreed to the House bills engrossed and passed, and the Senate bill read a third time, and passed.

Mr. LAGUARDIA. Mr. Speaker, I want to state that I am opposed to some of these bills for the reasons given in the objections by the Department of Agriculture contained in the report of the committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the numbers of the bills and they will be printed in the RECORD.

The Clerk read the numbers, as follows:

H. R. 17127, H. R. 17140, H. R. 17141, H. R. 16838, H. R. 16982, H. R. 13687, H. R. 13705, H. R. 17185.

The committee amendments were agreed to.

The House bills were ordered to be engrossed and read a third time, were read the third time, and passed.

The Senate bills were ordered to be read the third time and passed.

A motion to reconsider was laid on the table.

The bills above mentioned are as follows:

A bill (H. R. 17127) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Des Moines River at or near Croton, Iowa, authorized to be built by Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, by the act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17140) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mahoning River at or near the city of Warren, Trumbull County, Ohio, authorized to be built by the board of county commissioners of Trumbull County, Ohio, by an act of Congress approved March 12, 1928, are hereby extended one and three years, respectively, from March 12, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17141) to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio

Be it enacted, etc., That the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio, authorized to be built by the board of county commissioners of Trumbull County, Ohio, by an act of Congress approved July 1, 1926, heretofore extended by an act of Congress approved May 26, 1928, are hereby further extended one and three years, respectively, from May 26, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16838) granting the consent of Congress to Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their survivors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Llewellyn Evans, J. F. Hickey, and B. A. Lewis (and in case of the death of any thereof, the survivors or survivor thereof), hereinafter called the grantees, and their assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public

purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. The grantees and their assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Washington shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said grantees and their assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, strike out the words "(and in"; same page, strike out all of line 6; also same page, line 7, strike out the word "thereof)"; and after the word "their" insert the words "heirs, legal representatives, and."

Page 2, line 20, strike out the word "twenty" and insert the word "five" in lieu thereof.

Page 3, line 12, after the word "are," insert the word "thereafter."

Page 5, after line 14, add the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act, and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 5, line 15, correct "Sec. 6" to read "Sec. 7."

The title was amended.

A bill (H. R. 16982) authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, J. E. Robinson, his successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River, at a point suitable to the interests of navigation at or near Coffeeville, Clarke County, Ala., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Alabama, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Alabama or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for maintaining, repairing, and operating the same and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. J. E. Robinson, his successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the Highway Department of the State of Alabama, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Alabama shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said J. E. Robinson, his successors and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. E. Robinson, his successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend the bill as follows:

Page 1, line 5, strike out the word "successors" and insert the words "heirs, legal representatives," in lieu thereof.

Page 2, line 15, strike out the word "twenty" and insert the word "five" in lieu thereof.

Page 3, line 6, after the word "are," insert the word "thereafter."

Line 11, after the word "therefor," insert a comma and the words "including reasonable interest and financing cost,".

Line 14, strike out the words "to pay the".

Line 15, strike out the words "cost of acquiring the bridge and its approaches" and insert the words "for such amortization" in lieu thereof.

Line 21, after the word "for," insert the words "acquiring the bridge and its approaches, the actual expenditures for".

Page 4, line 1, strike out the word "successors" and insert the words "heirs, legal representatives," in lieu thereof.

Line 16, strike out the word "successors" and insert the words "heirs, legal representatives," in lieu thereof.

Page 5, line 1, strike out the word "successors" and insert the words "heirs, legal representatives," in lieu thereof.

After line 7 add the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

Page 5, line 8, correct "Sec. 6" to read "Sec. 7."

A bill (H. R. 13687) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, H. M. Wheeler, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Black River, at a point suitable to the interests of navigation, at or near Jonesville, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Louisiana, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Louisiana, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. H. M. Wheeler, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Louisiana a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Louisiana shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said H. M. Wheeler, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge, shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. M. Wheeler, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 4, line 20, strike out the word "its" and insert the word "his" in lieu thereof.

A bill (H. R. 13705) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, H. M. Wheeler, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River, at a point suitable to the interests of navigation, at or near Harrisonburg, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Louisiana, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Louisiana, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reason-

able interest and financing cost, as soon as possible under reasonable charges, but within a period not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge and its approaches under economical management, of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. H. M. Wheeler, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Louisiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Louisiana shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said H. M. Wheeler, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. M. Wheeler, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 4, line 20, strike out the word "its" and insert the word "his" in lieu thereof.

A bill (H. R. 17185) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill., authorized to be built by the Cairo Association of Commerce, by the act of Congress approved March 6, 1928, are hereby extended one and three years, respectively, from March 6, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

RESTRICTING FEDERAL POWER COMMISSION

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 201) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Senate joint resolution (S. J. Res. 201) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River

Resolved, etc., That the Federal Power Commission is hereby directed not to issue or approve any permits or licenses under the provision of the act of Congress approved June 10, 1920 (41 Stat. 1063, known as the Federal water power act), upon or affecting the Colorado River or any of its tributaries, except the Gila River and its tributaries, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California, unless and until the act approved December 21, 1928, known as the Boulder Canyon project act becomes effective as therein provided.

With the following committee amendment:

Page 1, line 10, after the word "California," strike out "unless and until," and in lieu thereof insert "until the 5th day of March, 1930, unless prior thereto."

The committee amendment was agreed to.

The resolution as amended was read the third time and passed.

A motion to reconsider was laid on the table.

COMMISSIONED PERSONNEL OF COAST GUARD

The next business on the Consent Calendar was the bill (H. R. 17060) to readjust the commissioned personnel of the Coast Guard, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, this is a worthy bill, in my judgment, with the exception of section 4, which is not really germane to the other purposes of the bill. I think it is entirely proper to pass the bill, but I think that section 4 should be stricken out.

Mr. PARKER. I will accept an amendment to that effect.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after July 1, 1929, the total number of commissioned officers on the active list, regular and temporary combined (exclusive of the commandant and commissioned warrant officers and additional numbers that have been authorized by law), authorized in the Coast Guard shall be 588, consisting of 526 line officers distributed in the proportion of 4 in the grade of captain, to 8 in the grade of commander, to 15 in the grade of lieutenant commander, to 30 in the grade of lieutenant, to 43 in the grades of lieutenant (junior grade) and ensign, inclusive, and of 1 engineer in chief, 8 captains (engineering), 16 commanders (engineering), and 18 lieutenant commanders (engineering), and of 5 constructors and 14 district commanders: *Provided*, That the number of temporary commissioned officers, not above the rank of lieutenant, within the total of commissioned officers herein authorized shall be as the President shall determine: *And provided further*, That notwithstanding the number of officers herein authorized in the grades of captain (engineering) and commander (engineering), respectively, an engineer officer may be promoted, subject to examination as provided by law, to either of these grades at the same time as a line officer of the same length of total service in the Coast Guard is promoted to either of the corresponding grades in the line.

SEC. 2. That each vacancy occurring at the bottom of the list of commissioned engineer officers on the active list after July 1, 1929, shall operate to reduce by one the total number of engineer officers and to increase by one the total number of line officers authorized by section 1 of this act.

SEC. 3. In making any computation required or authorized by or pursuant to this act there shall be excluded from consideration those officers carried by law as additional numbers, and whenever a final fraction of one-half or more occurs the whole number next above shall be regarded as the authorized number.

SEC. 4. That hereafter the commandant of the Coast Guard shall, while so serving, have corresponding rank and shall receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus of the Navy Department; and hereafter a captain detailed by the Secretary of the Treasury as assistant commandant shall have, while serving as assistant commandant, the rank, pay, and allowances of a rear admiral (lower half) of the Navy.

SEC. 5. That the Secretary of the Treasury, in his discretion, is hereby authorized to furnish an escort, not to exceed one person, to the place of burial for the body of an officer or enlisted man who has lost his life in the Coast Guard. Such expenses as are incurred for this purpose shall be paid from the proper appropriation.

SEC. 6. That nothing contained in this act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law.

SEC. 7. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HUDDLESTON. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 3, beginning with line 5, strike out all of section 4 down to and including line 13 on page 3.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to renumber the sections.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RATING OF FLYING SCHOOLS

The next business on the Consent Calendar was the bill (S. 5350), to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (d) of the air commerce act of 1926 is amended by striking out the period at the end thereof and adding a semicolon and the following: "and provide for the necessary examination and rating of civilian schools giving instruction in flying, as to the adequacy of the course of instruction, as to the suitability and airworthiness of the equipment, and as to the competency of the instructors.

With the following committee amendments:

Page 1, line 6, strike out the word "necessary."

Page 1, line 10, insert: "The examinations and ratings provided for in this paragraph shall only be made upon request of the owners of representatives of the air navigation facilities or schools."

The committee amendments were agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF INTEREST OF UNITED STATES IN COLUMBIA ARSENAL PROPERTY, TENNESSEE

The next business on the Consent Calendar was the bill (H. R. 16214) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. ESLICK. Mr. Speaker, will the gentleman withhold his objection?

Mr. CRAMTON. Mr. Speaker, I withhold my objection. It is based upon the adverse report of the department which states that the appraisal of the property shows that it is worth $30,000, and the effect of this bill would be to sell it for $10,000 instead of the appraised value. I am frank to say that I have not made a thorough study such as I would like to, because things are coming here so fast that it is not possible to do it. Without further study or information, I could not give my consent to the passage of the bill.

Mr. LAGUARDIA. I think the gentleman is under a misapprehension.

Mr. ESLICK. If the gentleman will permit me to make a little explanation I think he will be satisfied. The life of a magnificent military school is involved in this matter.

The Government of the United States has only a contingent interest in the matter, the right of visitation by the Secretary of War, the right to prescribe the curriculum. In case it is not continued as a military school it reverts to the Government. The appraisal is of the fee to the land and not of the contingent interest. There is ample testimony showing that the consideration of it is full and fair.

Mr. LAGUARDIA. To put it in a nutshell, the land in fee simple is worth $30,000. All the interest the United States has is the contingent remainder.

Mr. ESLICK. This started from the bare walls of an arsenal, and it is now a school of 200 pupils.

Mr. CRAMTON. Suppose a year after it is sold, it is devoted to another purpose.

Mr. ESLICK. Its purpose is to realize money to build and extend the school. The lands were given to the Government. The funds were raised by the citizens of Columbia. The citizens of Columbia have spent more than a hundred thousand dollars in improving the property.

Mr. CRAMTON. How is the property owned? Is it a private corporation with an element of profit.

Mr. ESLICK. No; it is a school corporation.

Mr. CRAMTON. And with no element of profit involved?

Mr. ESLICK. No; there is no element of profit in it.

Mr. CRAMTON. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell to and to make proper deed of conveyance to the Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to the Columbia Military Academy of record in book 105, volume 4, page 495, in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed as follows:

That the Secretary of War shall be a visitor to said school, and have and exercise full rights of visitation, and he shall have the right and authority in his discretion, as the public interest requires, to prescribe the military curriculum of said school, and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War, or the terms of the act, he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States.

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres, more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall accept the bid of the Columbia Military Academy (Inc.) to purchase the rights of the United States of America in and to said property hereinabove defined, said bid being for the sum of $10,000, and to be paid in cash.

SEC. 3. That the proceeds of said sale shall be deposited in the Treasury to the fund known as the military post construction fund, after first paying the expenses, if any, of said sale.

SEC. 4. Public Law No. 542, Seventieth Congress (H. R. 12479), is hereby repealed.

With the following committee amendments:

Page 1, line 4, strike out the word "the" and insert "The".

Page 3, line 15, strike out "the" and insert "The" and strike out the "Incorporated" and insert "a body corporate".

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RENTAL OF NEW ORLEANS ARMY SUPPLY BASE

The next business on the Consent Calendar was the bill (H. R. 16701) to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of New York. Reserving the right to object, Mr. Speaker, I want to know if my friend from Louisiana, [Mr. O'CONNOR] took this up with General Jackson. [Laughter.]

Mr. O'CONNOR of Louisiana. Yes. It has the approval of the hero of Chalmette. [Applause.]

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay to the Board of Commissioners of the Port of New Orleans, rental in the sum of $38,638.40 for the use and occupancy of the property known as the New Orleans Army Supply Base, New Orleans, La., said rental being for the period from August 1, 1924, on which date the United States ceased to pay rental for the said property, to August 26, 1927, on which date the United States tendered a check in payment for the purchase of the said property

to the Board of Commissioners of the Port of New Orleans, from which the same was purchased, said rental being at the rates provided for in contracts between the United States of America and the Board of Commissioners of the Port of New Orleans, dated May 29, 1918, and June 19, 1918.

SEC. 2. That the sum of $38,638.40 is hereby authorized to be appropriated for the purposes set forth in section 1 out of any money in the Treasury not otherwise appropriated.

With a committee amendment as follows:

Page 1, line 5, strike out "$38,638.40" and insert in lieu thereof "$39,686.54."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

AMENDMENT OF THE WORLD WAR VETERANS' ACT, 1924

The next business on the Consent Calendar was the bill (H. R. 16845) to amend the World War veterans' act, 1924.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JOHNSON of South Dakota and Mr. CRAMTON reserved the right to object.

Mr. CRAMTON. Mr. Speaker, in my study of the bill I note that a bill that I had pending before the committee for a long time—it is not of far-reaching importance—is not included in this bill. I will be glad to know if it would be objectionable to the gentleman from Mississippi [Mr. RANKIN] to include bronchiactisis. It covers a worthy case, a pitiable case, that has been called to my attention. It would come in on page 3, in line 22, and also at a later place, add the word bronchiactisis.

Mr. RANKIN. I will be glad to do that.

Mr. JOHNSON of South Dakota. Reserving the right to object, Mr. Speaker, this is the first pension legislation that has been brought up affecting veterans of the World War. I do not like to object to it, because I would like to have the entire matter considered by the House. This bill would provide a cash pension of $100 per month for men who received no injuries in the war, but who in civil life since the war became permanently disabled by disease prior to January 31, 1929, and with the hospitalization provided by the act, which costs the Government $4 per day, it would provide a total pension in non-service-connected disability cases of $220 a month. It is very discriminatory, inasmuch as it takes care only of those who are disabled by particular diseases, and it does not provide for those who happened to incur their injuries by accident.

If no objection is made, I shall not object to the consideration of the bill, but before such an act is passed without committee hearings—and there were none on this bill—without any estimate of cost from any Government department—and there was no estimate of cost in this bill—I shall insist that a quorum shall be present.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. JOHNSON of South Dakota. Yes.

Mr. SCHAFER. Under the provisions of this bill a man who received wounds at the Battle of Paris would receive a pension of $220 a month?

Mr. JOHNSON of South Dakota. The gentleman is correct in saying that any member of the military or naval forces would under certain conditions receive a total flat pension of $220.

Mr. SCHAFER. Even if he got that disability after the war?

Mr. JOHNSON of South Dakota. Yes.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. JOHNSON of Washington. Does this take care of men who are blind as the result of venereal disease?

Mr. JOHNSON of South Dakota. Certainly; if the disease was incurred before the 1st of January, 1929.

There is one other thing to which I wish to call the attention of the House. The House passed a rule in January of this year providing that in a committee report there must be shown in the report the changes proposed in existing law. This is a bill affecting section 200 of the World War veterans' act and a proposed law of four pages. It is in absolute contravention of that rule of the House which was recently adopted. I shall make no objection if this House and if this Congress wishes to pass a pension program which admittedly on its face will cost billions of dollars, and of which the House admittedly has no knowledge, but I shall certainly call for a quorum and have the Members present.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOOD. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RANKIN. Will the gentleman from Indiana withhold his objection for a moment?

Mr. WOOD. Yes. But we ought to know the cost. We have passed many of these bills without knowing the cost.

Mr. RANKIN. The gentleman from South Dakota has not stated correctly what this bill does. Some of his statements are absurd. It is unfair to permit him to go ahead and make a record of that kind, which puts this bill in an entirely wrong light in order to enable him to tie it up and induce some one to object to its consideration.

This is no more of a pension bill than are the other compensation bills we have passed. If there is any bill that ought to be passed for the benefit of ex-service men this is one of them. It is to take care of a small number of ex-service men who are totally and permanently disabled and who are not being taken care of now.

Mr. SIMMONS. This is to increase the pensions of men who are now receiving pensions. Will the gentleman explain about that?

Mr. RANKIN. I will state for the benefit of the gentleman from Nebraska that we have a great many men who attempted to carry on after the war closed. Some of them received their disabilities in the war. Many of them did not know how to make application for compensation. As a result, in the course of time they broke down. There are not very many of them, but there are a few who are now lying flat on their backs, drawing no compensation. Because of the technical rulings laid down by the Veterans' Bureau, because they did wait and did not press their claims just as soon as they were discharged, they are now deprived of compensation. This bill would take care of them.

Mr. SIMMONS. This bill waives the question of service-connected origin, does it not?

Mr. RANKIN. It presumes service origin.

Mr. SIMMONS. So, under this bill, if a man were injured in an automobile wreck or totally disabled as the result of any kind of an accident, like falling off a house, before January 1, 1929, and can prove total permanent disability, he would get $100 a month, would he not?

Mr. RANKIN. No; the gentleman has misread the amendment. That was the original provisions of the bill. That was in the bill to begin with, but at the suggestion of the representatives of the disabled veterans we amended it to read now.

Mr. JOHNSON of South Dakota. Will the gentleman right there read the bill?

Mr. WOOD. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The regular order is demanded.

Mr. O'CONNELL. This is the regular order. We are interested in this bill.

The SPEAKER pro tempore. The gentleman from Indiana has objected to the consideration of the bill.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

Mr. JOHNSON of South Dakota. Mr. Speaker, reserving the right to object, I do not intend to object, but I wish to couple with that the request that after the gentleman proceeds for five minutes I be allowed to proceed for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIMMONS. As I understand, the bill has been objected to and is off the Calendar.

The SPEAKER pro tempore. The bill is objected to and has gone off the calendar. The gentleman from Mississippi makes his request which is added to by the gentleman from South Dakota, and the Chair hears no objection to the two requests.

Mr. RANKIN. The gentleman from Indiana, as I understand it, withheld his objection.

Mr. WOOD. No; I have objected.

Mr. RANKIN. Of course, if the gentleman will not withhold his objection I can at least answer the question of the gentleman from Nebraska, who I know is interested in these disabled ex-service men who are not being properly taken care of now. He will find, on page 4, that the amendment provides as follows:

That any honorably discharged disabled veteran who became permanently and totally disabled, in fact, prior to January 1, 1929, as a result of a chronic or constitutional disease, regardless of its origin.

Mr. SIMMONS. I will have to take out the accident part of my question, but, to speak plainly, venereal diseases would come within the class the gentleman has described, would they not? This bill merely amends the present law by adding the provision:

That any honorably discharged disabled veteran who became permanently and totally disabled, in fact, prior to January 1, 1929, as a result of a chronic or constitutional disease, regardless of its origin.

Mr. RANKIN. I understand the gentleman from Nebraska: If he wants to offer an amendment to eliminate those men coming within the class to which he refers, I shall not object. We are trying to take care of these men who are now helpless and dying because they are not taken care of under the present law.

Mr. SIMMONS. If there is any process of law by which we can reach out and take care of men who have service-incurred disabilities, and if there is anything by way of red tape standing in the way, that is all right, but to say to a man who incurred a chronic or constitutional disease 10 years after the war was over that you will give him as much as you give to a man who incurred total disability in battle I do not think is fair.

Mr. RANKIN. I will say to the gentleman from Nebraska that if he wants to put a limitation on the amount to be paid these men, I will not object to it, but I do object to going on and permitting men who are lying flat on their backs, who can get no compensation at all, to remain uncared for. We have been unable, and will be unable, to get any other legislation to take care of them. I will be willing to accept any reasonable amendment, but I repeat that under the present law and under the present decisions of the Veterans' Bureau they are not taken care of and never will be taken care of until the laws or the regulations are changed.

Mr. SCHAFER. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SCHAFER. The bill as reported by the committee will not take care of cases where a man is temporarily totally disabled as the result of gunshot wounds received in actual battle.

Mr. RANKIN. He is taken care of under the present law. The gentleman from Wisconsin has not had the burden of this Veterans' Committee; but I will say to him now that if he has any amendment that will give these boys reasonable compensation and properly take care of them I will have no objection to it; but I can not in good conscience stand by and permit them to lie there in this condition or permit them to die and deny to them their compensation simply because in a great many instances they did not know of their disabilities or did not press their claims in time, because they tried to carry on and avoid asking for help.

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. RANKIN. Yes; I yield to the gentleman from Hawaii.

Mr. HOUSTON of Hawaii. The gentleman will remember that I had a bill here to take care of veterans who were unfortunately afflicted with leprosy. I do not find that their cases are taken care of in here.

Mr. RANKIN. I will accept that amendment if the gentleman will offer it. But I think this bill would take care of them without an amendment.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. HOWARD of Oklahoma. Is it not the experience of the gentleman also that all over the country there are boys who were examined right after the war and the doctors did not keep the kind of records of their cases that the bureau now demands, and that their diseases are actually service connected, but they are barred from establishing service connection by this red tape?

Mr. RANKIN. Oh, yes.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, in the further discussion of this bill I would like to call the attention of the House to the minority views submitted on this measure which were filed by myself, and in which many Members of the committee concurred; but it was so manifestly impossible for the bill to pass at this session of Congress that I did not request others to join with me.

This is the result of legislation reported from a committee without one vestige of a hearing, without one sign of a report from any responsible governmental authority as to its cost or as to its effect.

The bill as it appears in its amended form I never saw and never heard of until it appeared reported in this form. There is dispute as to whether or not the original bill was amended in the committee, but I do not want to raise the question because every one has acted in perfect good faith; but I have never seen this bill in committee and other members of the committee have no recollection of seeing it in its present form. Its wording should be carefully considered in connection with the discussion, as it states that pension payments shall be made "as a result of a chronic or constitutional disease regardless of its origin."

Now, there is no one in the world that can say definitely what would be a chronic or a constitutional disease, and if we should pass this bill there is no Member of this House who could have any idea as to what its practical effect would be or what classes of men would be included under it.

Back of the argument as to its uncertainty, back of the fact that there were no hearings and that it has never been considered as to cost or as to expediency, we must not forget it will grant to a man who had a disease such as diabetes a month ago a pension of $220 a month, when it can not even be imagined that his disability was secured in war service.

It is general pension legislation and nothing else, and it should be considered by the House, knowing it will cost the Government of the United States $1,000,000,000 and that it will increase the tax rate. The people of the country are entitled to know these facts.

Mr. O'CONNELL. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. O'CONNELL. Would the gentleman be willing to disclose by what vote of the committee the bill was reported?

Mr. JOHNSON of South Dakota. I would be perfectly willing to do that, but the gentleman knows that the rules of the House do not permit that information.

Mr. SIMMONS. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. SIMMONS. If, as the gentleman from South Dakota states, this is pension legislation at more than $100 a month, would not that put the World War veteran on a pensionable status above the status given to veterans of the Spanish War or the Civil War?

Mr. JOHNSON of South Dakota. Certainly, and more than that, it would put the man who secured some disease due to his own misconduct last year on the same status as a man who was shot all to pieces in France.

Mr. SIMMONS. And probably above him.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that this bill may retain its place on the calendar.

The SPEAKER pro tempore. Objection has already been made by which the bill has gone off of the calendar.

Mr. RANKIN. I thought I could have it put at the foot of the calendar anyway.

Mr. JOHNSON of South Dakota. I object.

VACATING ACTION ON H. R. 13687 AND 13705

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that the action of the House with reference to two bridge bills, Calendar Nos. 1367 and 1368, bills which were passed giving the licensee, H. M. Wheeler, his heirs, legal representatives, and assigns authority to construct a bridge across the Black River at or near Jonesville, La., and a bridge across the Ouachita River at or near Harrisonburg, La., may be vacated because bills have been already passed giving the Louisiana highway authorities authority to build exactly the same bridges.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent to vacate proceedings whereby the two bills H. R. 13687 and H. R. 13705 were passed. Is there objection?

There was no objection.

COST OF PAVING AND CURBING AT THE MOUNTAIN BRANCH NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 16449) authorizing an appropriation with which to pay part of the cost of paving and curbing an approach to the Mountain Branch National Home for Disabled Volunteer Soldiers where the approach abuts on the grounds of the home.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object, we have never made appropriations to pay for paving. It is a very dangerous practice.

Mr. REECE. Will the gentleman withhold his objection?

Mr. CRAMTON. This bill is to pay for an assessment for paving. We have never done that, and, as I say, it would set a very dangerous precedent. I object.

CESSION OF LAND ON NEW DORP LANE, CITY OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 16036) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public-sewer system.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, has the gentleman carefully compared the description of the property?

Mr. PRALL. I will say that that has been done by the corporation counsel of New York City.

There was no objection.

The Clerk read the bill as follows:

A bill (H. R. 16036) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system

Be it enacted, etc., That upon receipt by the authorities representing the Government of the United States in charge of Miller Field in the Borough of Richmond, City of New York, and State of New York, of proper authorization from the Board of Estimate and Apportionment of the City of New York of the State of New York, granting permission to the said authorities of the United States Government in charge of Miller Field in said borough to connect with the public-sewer system of the city of New York, and upon the city of New York bearing all expenses incident to the moving of transformer station and transmission lines; moving three meter kits and providing new service connections; moving and rebuilding nonclimbable fence, including three gates on the new southerly boundary of the reservation; rebuilding approximately 500 feet of retaining wall along new reservation boundary, southwest of the radio station, and rebuilding of breakwater on the new reservation boundary line at the southeasterly corner of the reservation; all the right, title, and interest of the United States of America in and to the following-described premises—

Beginning at a point in the northeasterly line of New Dorp Lane, as shown on a map entitled "Map of New Dorp Lane from Tenth Street to the Lower New York Bay," dated January 18, 1923, adopted by the Board of Estimate and Apportionment of the City of New York on June 29, 1923, and approved by the mayor of the city of New York on July 11, 1923, said point being distant three hundred and two and sixty-nine one-hundredths feet southeasterly from the intersection of the northeasterly line of New Dorp Lane and the southeasterly line of Hylan Boulevard (Southfield Boulevard), the coordinates of which, in the system established by the United States Coast and Geodetic Survey for the Borough of Richmond, are south thirty-two thousand and fifty-five and five hundred and thirty-seven one-thousandths feet, west eighteen thousand two hundred and seventy-eight and eight hundred and forty-seven one-thousandths feet; thence along the northeasterly line of New Dorp Lane, as adopted on the above map, (1) south fifty-five degrees one minute fifty-eight seconds, east seven hundred and thirty and forty-three one-hundredths feet; thence (2) south fifty-eight degrees, seventeen minutes, forty-five seconds, east one thousand one hundred and thirty-eight and forty-eight one-hundredths feet; thence (3) south fifty-seven degrees thirty-one minutes seventeen seconds, east four hundred and forty-three and seventeen one-hundredths feet; thence (4) south fifty-seven degrees thirty minutes fourteen seconds, east six hundred and forty-nine and thirty-five one-hundredths feet; thence (5) south fifty-seven degrees twenty-seven minutes thirty-two seconds, east two thousand two hundred and forty-one and fifty-eight one-hundredths feet, to the exterior line of the water grant to George W. Vanderbilt by the State of New York on September 4, 1888, recorded in book of patents numbered 44, page 323; thence (6) still along the exterior line of the above water grant south twenty-nine degrees fifteen minutes eight seconds, west forty and eighty-seven one-hundredths feet; thence (7) along the southwesterly line of the above water grant, north fifty-seven degrees thirteen minutes, twenty-four seconds, west five hundred and forty-five and fifty-eight one-hundredths feet, to the mean high-water line as the same existed in October, 1918; thence (8) along the above-mentioned mean high-water line, south twenty-five degrees fifty minutes fifteen seconds, west seventy-two one-hundredths foot, to the northeasterly line of New Dorp Lane as dedicated and in use; thence along the northeasterly line of New Dorp Lane as dedicated and in use the following fourteen courses: (9) north fifty-six degrees twenty-four minutes, west one hundred and fifty and fifty-two one-hundredths feet; thence (10) north fifty-seven degrees twenty-nine minutes thirty seconds, west four hundred and fourteen and forty-five one-hundredths feet; thence (11) north fifty-seven degrees seven minutes fifty-six seconds west four hundred feet; thence (12) north fifty-eight degrees seventeen minutes thirty-five seconds, west two hundred and five one-hundredths feet; thence (13) north fifty-seven degrees seventeen minutes fifteen seconds, west nine hundred feet; thence (14) north fifty-six degrees forty minutes forty seconds, west three hundred and one one-hundredths feet; thence (15) north fifty-six degrees fifty-two minutes four seconds, west three hundred feet; thence (16) north fifty-six degrees fifty-six minutes forty seconds, west four hundred and one one-hundredths feet; thence (17) north fifty-seven degrees twenty-eight minutes fifty-two seconds, west three hundred and sixty-nine and nineteen one-hundredths feet; thence (18) north sixty degrees forty-five minutes ten seconds, west two hundred and thirty-one and twenty-seven one-hundredths feet; thence (19) north sixty-one degrees one minute ten seconds, west eighty-four and eighty-nine one-hundredths feet; thence (20) north sixty-one degrees forty-seven minutes twenty seconds, west one hundred and five and fifty-seven one-hundredths feet; thence (21) north fifty-four degrees fifty-nine minutes forty-one seconds, west one hundred and thirteen and sixty-two one-hundredths feet; thence (22) still along the northeasterly line of New Dorp Lane as dedicated and in use north fifty-four degrees twenty-two minutes eight seconds, west six hundred and ninety-three and sixty one-hundredths feet; to the westerly corner of property conveyed by the Vanderbilt estate to the United States of America by deed dated March 12, 1919, and recorded in Richmond County clerk's office in liber No. 491, page 34; thence (23) along the northeasterly line of the above-mentioned property north thirty-seven degrees fifty minutes twelve seconds, east twenty-one and sixty-eight one-hundredths feet, to the point or place of beginning, containing three and one hundred and ninety-three one-thousandths acres of upland and four hundred and ninety-eight one-thousandths acres of land under water—

are hereby granted and conveyed to the city of New York, its successors or assigns, forever.

SEC. 2. This act shall take effect immediately.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EQUIPMENT FOR THE KIOWA INDIAN HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 16822) to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital located at the Fort Sill School Reservation, in Comanche County, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object, is this hospital used for the benefit of the Kiowa and Comanche Indians?

Mr. JOHNSON of Oklahoma. Yes; and the Apaches.

Mr. CRAMTON. They have about a million dollars to their credit. The Interior Department bill carried an appropriation for the enlargment of their hospital as desired by them. They objected to using their money. This bill proposes hospital facilities for them out of the Treasury of the United States. Is that the situation?

Mr. JOHNSON of Oklahoma. That is not altogether the situation. If the gentleman will withhold his objection, I think I can explain the situation to his entire satisfaction.

Mr. CRAMTON. I object.

Mr. JOHNSON of Oklahoma. The Fort Sill Indian hospital is probably large enough at this time if only the Comanches, Apaches, and Kiowas were permitted to use it, but there are several other tribes down there, and nearly all the tribes have patients in that hospital.

I am sure the distinguished gentleman from Michigan would not want to be unfair and I submit that it is most unfair to say that 3 tribes of Indians should build and maintain a hospital for the use and benefit of the 14 tribes of Indians who reside in southwest Oklahoma.

Might I be permitted to further add that this bill was introduced after a special committee at the request of the Indian Bureau, recently made an inspection and report on the situation down there and that it has the approval of the Interior Department, the Director of the Budget, and was reported unanimously by the Committee on Indian Affairs. I certainly trust that the gentleman from Michigan may be able to see his way clear to withdraw his objections. I assure him and members of the committee that there is a real, urgent need for the improvement and enlargement of this Indian hospital.

Mr. CRAMTON. I will say that I do not know any necessity for passing the bill for enlarging the hospital. There is authority now for appropriations for that purpose. I will have to object to this bill.

TREATY BETWEEN UNITED STATES AND LOYAL SHAWNEE INDIANS

The next business on the Consent Calendar was the bill (S. 5127) to carry into effect the twelfth article of the treaty be-

tween the United States and the Loyal Shawnee Indians proclaimed October 14, 1868.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker I object.

MENOMINEE TRIBE OF INDIANS OF WISCONSIN

The next business on the Consent Calendar was the bill (H. R. 16569) authorizing a per capita payment of $100 each to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, an amendment was placed on the deficiency appropriation bill for such a purpose. If this is taken to be the same per capita amendment as the deficiency appropriation bill carries, I might have no objection, but a duplicate payment I would object to.

Mr. LAGUARDIA. Would it be necessary to pass this bill at all?

Mr. CRAMTON. It is not necessary if the deficiency bill becomes a law.

Mr. O'CONNELL. Is not this an authorization?

Mr. CRAMTON. This is an authorization, but inasmuch as it is in the deficiency appropriation bill on an amendment offered by the gentleman from Wisconsin [Mr. SCHNEIDER], I think we should object to this. Mr. Speaker, I object.

UNITED STATES COURT FOR CHINA

The next business on the Consent Calendar was the bill (H. R. 16167) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" is hereby amended to read as follows:

"SEC. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The district attorney, who shall be a lawyer of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of $6,000 per annum for said district attorney, $4,000 per annum for said marshal, $4,000 per annum for said clerk; and the said judge may, with the approval of the Secretary of State, and within such appropriations as may be made by Congress, appoint such clerical assistants and such other employees and incur such expenses as may be necessary to the proper conduct of the court.

"The judge of said court shall, when the sessions of the court are held at cities other than Shanghai, receive in addition to his salary his actual and necessary expenses during such sessions, and during the time necessarily consumed in going to and returning from the cities where such sessions may be held, not to exceed $10 per day. And the district attorney, marshal, deputy marshal, clerk, assistant clerk, court reporter, and the court's stenographer, when required by order of the court to attend its sessions at cities other than Shanghai, shall receive in addition to their salaries their actual and necessary expenses during such sessions and, while going to and returning from such sessions, not to exceed $8 per day: *Provided*, That in lieu of the allowances for expenses, as hereinbefore provided, such officers and employees, in rendering their expense accounts to the Government, may, charge a per diem of $7 for the time between their arrival at and departure from the place at which the session of court may be held."

SEC. 2. The United States commissioner at Shanghai, China, shall hereafter receive an annual salary of $5,000 in lieu of compensation fixed by the Secretary of State; and the act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, is amended accordingly.

SEC. 3. When, in the judgment of the President of the United States, the judge of the United States Court for China, or any other officer of the court, is temporarily unable to perform the duties of his office, because of absence from China, or any other cause, or, when, in the President's judgment, it would be improper for the judge of the United States Court for China, or any other officer of the court, to participate in the conduct of any particular case, the President may designate a qualified person or persons to perform the duties of the judge or any other officer of the court in the conduct of a particular case or during the temporary inability of the judge or other officer of the court to perform his official duties.

Any person designated pursuant to the provisions of this section shall be given the regular designation of the office, the duties of which he is authorized temporarily to perform, preceded by the word "temporary."

Each temporary officer designated pursuant to the provisions of this section shall, during the period of his temporary service, have and exercise all the rights, privileges, powers, and authority now or hereafter to be possessed and exercised under the laws of the United States by the regular incumbent of the office whose duties he temporarily performs. He shall receive compensation for the actual period of his service at the rate of compensation paid the regular incumbent of the office, and shall be entitled to the same allowances for official travel and subsistence expenses as are now or may hereafter be enjoyed by the regular incumbent. Nothing herein contained shall affect the right of the regular incumbent of the office to receive the compensation and allowances of his office during the period of his appointment.

Persons designated under this section as temporary clerk or temporary marshal shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge or temporary judge of the court.

Unless sooner revoked by the President, each temporary designation made pursuant to this section shall terminate upon the completion of the particular duties for the performance of which the designation was made or, in cases when the temporary officer was designated to perform temporarily all the duties of an officer of the court, upon the resumption by the regular incumbent of the office of his official duties: *Provided*, That the President may, in his discretion, continue the temporary designation in force to enable the temporary officer to complete any work remaining unfinished when the regular incumbent resumes his duties.

Notwithstanding the provisions of any other act, the President may, in his discretion, designate, under the provisions of this section, any qualified person holding an office under the United States, but any such person so designated shall not receive any compensation or salary while such designation continues in force other than that provided for in this act.

With the following committee amendments:

Page 1, line 5, after the word "thereof" insert "(section 197, title 22, United States Code)."

Page 3, line 15, strike out "1921" and insert "1921 (section 198, title 22, United States Code)."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES CODE

The next business on the Consent Calendar was the bill (H. R. 11801) to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I think we ought to have some explanation of this.

Mr. STOBBS. Mr. Speaker, this bill authorizes the readjustment of the probation officers with the discretion of judges to appoint new probation officers, provided the salaries are approved by the Attorney General. It puts it under the head of the Attorney General to supervise the whole matter of the probation system in the courts.

Mr. LAGUARDIA. The gentleman knows that my objection is to doing away with civil-service examinations. I do not think it ought to pass in this way.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

ORDER OF BUSINESS

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the remaining bills on the calendar may be called, notwithstanding the fact that they have not been on the calendar a sufficient length of time under the rule. I think we should observe the rules, but that unanimous consent be given to have these other bills called as this is the last opportunity for the consideration of this calendar.

The SPEAKER pro tempore. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, Members have a right to know what business is to be considered. I submit it would not be doing justice to the membership of the House to consider bills not on the calendar.

Mr. CHINDBLOM. I am not interested in any of these bills, but I do think that as this is the last opportunity to consider this calendar we ought to go through it.

Mr. RANKIN. I withdraw my objection. I thought the gentleman referred to bills that were not on the calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection.

STOREKEEPER-GAUGERS

The next business on the Consent Calendar was the bill H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers, to make storekeeper-gaugers full-time employees, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That henceforth all storekeepers, gaugers, and storekeeper-gaugers shall be designated as storekeeper-gaugers; and henceforth all storekeeper-gaugers shall not be per diem employees, but shall be full-time employees, paid upon a per annum basis, and, when not employed upon their regular duties, may be assigned to such duties as the Commissioner of Prohibition shall designate. No person who is employed as a storekeeper-gauger at the time this act takes effect shall be paid at a rate less than the rate upon which his per diem compensation is based at such time; and no person entering upon such employment after such time shall be paid at a rate less than the minimum rate upon which per diem compensation of storekeeper-gaugers is based at the time this act takes effect.

SEC. 2. The act entitled "An act granting cumulative annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers, with pay," approved June 23, 1910, is hereby repealed, and the general provisions of law relating to annual leave of absence and sick leave of employees in the executive departments shall henceforth apply to storekeeper-gaugers. For the purpose of computing leave of absence to which storekeeper-gaugers are entitled during the calendar year in which this act is enacted, this section shall be held and considered to take effect as of January 1 of such calendar year.

SEC. 3. The Commissioner of Prohibition shall designate for each storekeeper-gauger a principal station, which shall be held to be the designated post of duty of such employee for the purposes of the subsistence expense act of 1926, and which shall, wherever practicable, be at or near the place of bona fide residence of such employee. Such principal station may be changed from time to time by the commissioner, as circumstances may require. A storekeeper-gauger, when on detail in emergency cases or assignments in the administrative district wherein he is regularly commissioned, shall be allowed subsistence, as well as when detailed for special duty in any other or outside district.

SEC. 4. The Commissioner of Prohibition, with the approval of the Secretary of the Treasury, may prescribe such rules and regulations as may be necessary or proper to carry out the provisions of this act.

SEC. 5. This act shall take effect on the first day of the month following the month during which it is enacted.

SEC. 6. All laws, or parts of laws, inconsistent or in conflict herewith, are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WILLIAM E. HULL. Mr. Speaker; I ask unanimous consent to extend my remarks in the RECORD upon the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, this is a bill to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers, to make storekeeper-gaugers full-time employees, and for other purposes.

I can speak intelligently upon this subject because I was a Government gauger for four years myself. I know the difficulties we had in the better days of Government gauging. We were constantly in fear of being laid off; sometimes as much as three months in the year, and always an average of one month without pay. In those days we were obliged to make a certain amount of gallons in order to secure $5 per day as a Government gauger. Many times the distilleries, when they were closed down, did not produce the necessary gallonage to give full pay and the withdrawals sometimes were not equal to the requirements. Since the distilleries have been closed the storekeeper-gauger has been combined so that they can do the work of other positions, but the difficulties are many, and they are not receiving what I would consider enough pay to justify them keeping the positions they hold, and still these men have been in this business from 20 to 35 years. They are old, in a great many instances, and if they were to retire from these positions, would hardly be able to secure a position in keeping with their mentality and ability.

There is no reason I can see why the Government should underpay these men, and, therefore, I hope every Member of Congress will see their way clear to vote for this bill, because it is just to these men to continue their services until their retirement, and on a salary that will enable them to support their families.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill and to insert at this point in the RECORD certain quotations from the report and the hearings.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, this measure (H. R. 16393), entitled "A bill to include henceforth, under the designation of 'storekeeper-gaugers' all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes," is highly meritorious. Its purpose is to do justice to a small number of employees of the Treasury Department now serving under the Bureau of Prohibition. I have been very glad to introduce and press for enactment this measure. No finer body of men than those affected by it are to be found in the entire Federal service. Not only will this enactment bring long-delayed consideration to the present storekeeper-gauger force, but it will also insure in the future the selection of the most efficient and trustworthy type of men for the very important work which devolves on this branch of the prohibition-enforcement work. The bill has the hearty indorsement of the Treasury Department.

Ever since I have been a Member of Congress—realizing the inequities and injustices involved as regards these particular Federal officers and employees because of the antiquated statutory provisions under which they were employed—it has been my pleasure to do everything within my power to remedy the situation. I believe that I have been helpful in securing better classification for them as to rates of compensation, and in introducing this bill I have sought to procure, through the required legislation, the correction of those prejudicial matters which could not be reached in an administrative way.

A hearing was had on the bill by the House Judiciary Committee—to which committee it was referred, and which favorably reported the measure. There appeared at this hearing, in addition to myself, Mr. R. A. Kipp, assistant head of the technical division, Prohibition Bureau, Treasury Department; and Mr. George C. Billard, chief of personnel and appointments, Bureau of Prohibition, Treasury Department. Under leave granted me to do so, and in explanation of the bill, I quote from my statement made before the committee the following, including the favorable report of the Secretary of the Treasury:

Mr. THATCHER. Mr. Chairman and members of the committee, this bill has for its purpose the giving of a more equitable status to certain employees of the Internal Revenue system, now in the Prohibition Bureau, who have heretofore been classified as storekeepers, gaugers, and storekeeper-gaugers, whose duty it is to deal with the gauging of distilled spirits, and who have custodial relationships to concentrated warehouses handling these spirits, and who also discharge other related duties.

These positions were created about the time of the close of the Civil War and most of the statutory law relating to those positions was enacted at that time, or within that general period.

Through all these years they have been on a per diem basis; whereas practically all other employees of the Federal Government have been on an annual-salary basis. They have been operating under these old statutory provisions, and as a result they have been paid only for the actual service rendered; that is, for the actual number of days of service rendered. Sometimes they were employed and sometimes they were not employed. Until recently the per diem rate of pay, based on the rates prescribed more than a generation ago, was ridiculously low, especially so when there is taken into account the fact that full-time employment was not provided.

They did not have the benefit of annual leave that other employees of the Treasury have received. The thousands of other Treasury employees—the great body of them, practically all of them—have received the benefit of annual leave of 30 days, as well as the benefit of sick

leave which may run, annually, to another 30 days. The only leave which these men have received has been 1¼ days for each month of actual service during the year; whereas the other Treasury employees receive 30 days of general leave, and sick leave not exceeding 30 days.

These men are under the civil service; they are capable men, and most of them have been in the service for years. They are under bond of $5,000 each. They possess high integrity and efficiency, and they perform a very responsible character of service; yet they are on this per diem basis, with limited rights as to general leave, and with no rights as to sick leave.

The result has been and is that, being thus employed, they can not take outside employment, because they may be called for service at any moment. Yet their employment is not on an all-time basis. Therefore, it is not an equitable arrangement. There are only about 260 of these men, all told, in the country.

Mr. WEAVER. I thought that those positions had become obsolete.

Mr. THATCHER. No; there are concentration warehouses over the country, and these custodial relationships still exist. This bill provides for the performance of additional duties by these men.

Mr. WEAVER. You mean these bonded warehouses throughout the country?

Mr. THATCHER. Yes; and the denaturing plants; places of that sort.

This work requires not only a high type of integrity on the part of the employee, but it takes a high degree of technical skill to perform this service. They were originally getting $4 and $5 a day under those conditions. Finally, the Treasury Department administratively put them in what is called C. A. F.–5; that is, clerical, administrative, and fiscal grade 5, with a salary range of $2,000 to $2,500 a year, based on their per diem service. They are now being paid for the actual days of their service, based on the figures just named.

On the other hand, prohibition agents who enter the enforcement service have a range of $2,300 to $2,800 a year; and until recently they have not been under the civil service. As you know, in the past they have been recruited just as raw material all over the country. They are, of course, on a straight salary basis; and thus, heretofore, inexperienced, noncivil service enforcement agents have received greater compensation than these storekeeper-gaugers, who have years of experience in their work, and who have been, and are, bonded civil-service employees.

This bill has been worked out in collaboration with the Prohibition Unit. I took the matter up with Doctor Doran, the prohibition commissioner, and with his associates, and this is an agreed bill as to what will be fair and equitable under the circumstances. Compared with other branches of the Treasury service, the provisions of the measure are very conservative.

It is proposed in the bill, in addition to putting these men on a straight annual pay basis (permitting the administrative arrangement to continue as to the allocation for salary range, that being done administratively, as it is a more flexible arrangement), to assign them additional duties so as to keep them employed all the time.

There are certain features of the clerical and technical office work which, under this measure, they may perform for prohibition administrators throughout the country; and there are other duties that they can perform, under the authority of the bill, in addition to those under existing law which are required. Thus they can be placed on an all-year employment and pay basis. Thereby the Government will lose nothing and gain much. The Government will get their full-time service by simply putting them on that basis. In addition long-delayed justice to those faithful, capable employees will be accorded.

These men really have been the under dogs of the Treasury Department, because they have been operating under these old, obsolete laws of 35 and 40 years ago, which have never been brought down to date, although the provisions touching almost all other Federal officers and employees have been liberalized.

They have suffered greatly; and whereas raises have been given everywhere else, to employees who have been on a regular annual pay basis, these men, being on a per diem basis, have been limited in the pay they received to the actual number of days they served, and they have not had the benefits of sick leave, nor the ample benefits accorded to others as regards annual leave. As I say, through all these years, when these other employees were getting these great benefits, these men have stood still.

The Treasury Department, when this matter was referred to it, wrote a letter which I will ask be made a part of the record. The Secretary of the Treasury has given his warm approval to the bill and has admirably stated the case. He also shows that the enactment of the measure will not be in conflict with the President's financial program.

Mr. HERSEY. I have the original letter from the Secretary of the Treasury with reference to this bill. [Reading:]

TREASURY DEPARTMENT,
Washington, February 9, 1929.

Hon. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives.

MY DEAR CONGRESSMAN GRAHAM: Receipt is acknowledged of your letter of January 19, 1929, submitting a copy of H. R. 16393, relative to the title, compensation, subsistence, and annual and sick leave, etc., of Internal Revenue officers known as storekeepers, gaugers, and storekeeper-gaugers.

In reply I beg to state that since the advent of constitutional prohibition and the concentration of distilled spirits under the act of February 17, 1922 (42 Stat. 375), into a comparatively small number of warehouses, the number of storekeepers, gaugers, and storekeeper-gaugers necessary to perform the duties in connection therewith has been reduced until at the present time there are about 260 in the entire country who are steadily employed. It is deemed advisable to provide for steady and permanent employment of only such number as may be actually necessary under the dual title of storekeeper-gauger. Such an officer may perform any and all duties necessary under the law and it is the desire of this department to keep them steadily employed. Periods of unemployment such as have occurred in the past is not conducive to the welfare of the officers or the best interest of the Government.

It is desirable to legally place these officers on an annual salary basis, grant to them the usual sick and annual leave which the Government employees enjoy in the departments at Washington, and to afford certain relief as to subsistence allowances.

It is contemplated that the Commissioner of Prohibition, with the approval of the Secretary of the Treasury, may issue regulations for the allowance of subsistence of such an officer in the district in which he may be regularly commissioned, when specially detailed for duty in his home district, or that in which regularly commissioned in emergency cases, which can not now be done, but is not intended to grant an allowance for subsistence to such officers on regular assignments in their home districts, which is ordinarily their regular post of duty. It is not contemplated that this proposed law will change the travel and subsistence expenses of this class of officers when detailed for special duty in other than their home districts.

It is believed that this legislation if enacted will enable the department to obtain the services of a better class of men and thus afford better administration of both the revenue and prohibition laws.

For the foregoing reasons it is believed that the proposed bill is meritorious and if enacted will result in benefits to both the officers involved and to the Government and with but little additional cost.

It may be added that the Director of the Bureau of the Budget advises that this report, which is favorable to the passage of the bill, is not in conflict with the financial program of the President.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. THATCHER. With reference to the matter of subsistence, the law is defective now in its provisions with reference to these men.

This bill has been drawn, as I say, in collaboration with the Prohibition Unit and the Treasury Department officials, so that an equitable arrangement may be had.

For instance, if one of these men lives in Louisville, Ky., and is assigned to Lexington, Ky., he goes there on a regular tour and gets only his traveling expenses to Lexington and back at the close of his service, six months, or two months, as the case may be; but if he is sent to Lexington on a special trip for a week's time, to relieve some man who is sick, or something of that sort, an emergency service, under this bill that can be properly taken care of by providing for subsistence. There is no regulation at present that permits that. The purpose of this bill is to put these men on an equal footing with the other employees of the Treasury Department whose duties are generally comparable in character and importance with the duties that these men perform; to put them on all fours with other Treasury employees in the matter of sick leave and annual leave and regular employment.

Mr. HERSEY. The bill has for its purpose making the department more efficient, as I understand it.

Mr. THATCHER. Yes, sir; and thus to enable the department to get the best men in the future. These are all civil-service positions. Under present-day conditions you can not get the best type of men to take these positions if they are on a per diem basis. They will say, "I will take a position that gives me straight employment and an all-year salary, because I have to give up every other employment in order to be ready for a call to service."

Gentlemen of the committee, the Commissioner of Prohibition, Doctor Doran, with whom I talked yesterday, was unable himself to come up this morning, as he wished to do, to speak in behalf of the bill and to answer any questions that might be asked of him; but he sent from his bureau two gentlemen holding responsible positions in his office, Mr. Billard, who is at the head of the personnel division, and Mr. Kipp, who is assistant head of the technical division. He thought that they might make statements concerning the administrative and other features of this bill and answer any questions which might be asked of them.

I quote from the statement of Mr. Kipp made at the committee hearing, the following:

Mr. KIPP. Mr. Billard and I are appearing here to-day under the direction of Dr. James M. Doran, Prohibition Commissioner. I heard

the statements of Congressman THATCHER, just made to the commmittee, and I am in full accord with them. It is believed that this bill will put this small number of employees on an equitable basis and will, also, in the future attract the most efficient men to this branch of the service. As a matter of convenience the bill provides for a single designation for these men, namely, storekeeper-gaugers. At present, as Mr. THATCHER pointed out, the compensation of these employees is being determined administratively, and they have been assigned to class C A F 5, in the Treasury Department. The bill does not disturb this method of fixing the compensation, except to provide for annual salary, instead of payment on a per diem basis. Of course, the payment of compensation on an annual basis will carry with it regular all-year service on the part of these men.

These men are charged with responsible and important duties, requiring a very high degree of integrity and efficiency, and most of them who are now engaged in this work have been connected therewith for many years and have given most faithful and effective service. Their record has been unusually free from delinquency.

In the manufacture of alcohol at the legalized plants of the country these employees are responsible for the control and safeguarding of the manufacture of the alcoholic spirits there and must be depended on to prevent the diversion of these spirits at these sources. Hence they perform a very important part of the prohibition enforcement work.

The following is from the statement of Mr. Billard made before the committee:

Mr. HERSEY. We should be pleased to hear from you if you have anything new to offer besides what the Secretary of the Treasury has stated in his letter.

Mr. BILLARD. I may say that the bureau, with a view of obtaining a much higher type of employee, prevailed upon the Civil Service Commission to conduct a special examination, the requirements of which are, I might say, semitechnical, and which will undoubtedly attract a higher grade of employee to the service; and that fact, in addition to the carrying out of the purposes of this bill, in giving these storekeeper-gaugers the same rights as to annual and sick leave and as to subsistence, will, as a whole, benefit the whole service a great deal.

With a higher class of employees, there will be less need for frequent changes in assignment, and in that respect the expense will not be materially increased.

* * * * * * *

Mr. BILLARD. In conclusion I would like to add that the Prohibition Bureau is heartily in accord with the purposes of this bill. If enacted it will serve to correct inequalities and injustices to which this class of employees has been subjected for many years, and will place them on a more equitable footing as regards the benefits received by the great army of Treasury Department employees. The matter of the increased cost involved on account of leave benefits is to a certain extent theoretical, and would only amount to the figure estimated in the event that every employee affected receive the full benefits of such leave. However, it is not believed that any question of increased cost on this score should affect the bill adversely, because as a matter of common justice the benefits should be accorded these particular employees just as they are accorded to the other employees of the Treasury Department.

I fully concur in what Mr. THATCHER and Mr. Kipp have stated in regard to the grave responsibility imposed on these employees, and the important duties performed by them.

The provisions of this bill have had the most careful consideration of the Treasury Department, and particularly of the Prohibition Commissioner, Dr. James M. Doran, and his administrative associates.

Mr. HERSEY. Have you anything further to offer, Mr. THATCHER?

Mr. THATCHER. I just want to say, in conclusion, I do not know of a more meritorious bill, so far as employees of the Government are concerned, than this one. Only a handful of men are affected and I earnestly hope that the measure may be favorably reported and enacted into law.

There is likewise quoted the following portion of the House Judiciary Committee's favorable report on the measure:

A hearing was had on this measure at which appeared in its behalf the author, Representative THATCHER of Kentucky, together with R. A. Kipp, assistant head of the technical division, and George C. Billard, chief of personnel and appointments, Bureau of Prohibition, Treasury Department.

In addition, upon due reference of the bill there was received from the Secretary of the Treasury, Hon. A. W. Mellon, a letter favoring the enactment of the bill; which letter is set forth later in this report. In the judgment of the committee, the bill is of a highly meritorious character. It has several purposes in view, namely:

(a) The designation (sec. 1) under the single title of storekeeper-gaugers, Treasury employees, heretofore carried under the designations of storekeepers, gaugers, and storekeeper-gaugers. This single designation makes for convenience of administration.

(b) The placing (sec. 1) of these men on the annual-salary basis, with full-time employment, in place of the present system of per diem compensation for per diem service. There are only about 260 of these employees, and their work is of a most important and responsible character. They have to be in charge and must supervise the gauging of distilled spirits in the warehouse plants where these spirits are concentrated; and they also have very important duties to render at denaturing plants. Much of their work is technical in character, and all of it requires a high degree of integrity for its proper performance. Under present conditions, as these men are subject to call whenever their services may be needed by the Government, they are unable to accept other employment in periods of idleness, and are unable to engage in private business which may require their time. The hardships of such a situation are obvious. The provisions of the bill will place them on an annual-employment basis, and will permit new and additional duties, which their experience fits them to discharge, to be assigned them by the Commissioner of Prohibition, so that their full time may be utilized, just as is the case with the great body of employees of the Federal Government.

(c) The placing (sec. 2) of these employees on all fours with the great body of Treasury Department employees concerning annual leave and sick leave. At present these particular employees, under existing law, are only entitled to receive leave of absence of 1¼ days for each 26 days of actual service; and they have no sick-leave benefits. Section 2 of the bill will cure this long-existing inequality, and will give these men the benefits which other employees of the Treasury and other departments receive touching the question of leave—that is to say, 30 days' annual leave and not exceeding 30 days' sick leave per year. The sick leave actually averages about seven days per year for Treasury employees.

(d) Providing (sec. 3) a more equitable arrangement than that now obtaining concerning subsistence and expense for these employees. This provision is largely clarifying in character.

(e) Section 4 gives to the Commissioner of Prohibition, under whose immediate supervision these employees work, power to prescribe, subject to the approval of the Secretary of the Treasury, such rules and regulations as may be necessary and proper to carry out the provisions of the measure. Formerly, these employees were under the supervision of the Commissioner of Internal Revenue, but in 1927 they were transferred to the Bureau of Prohibition. Since then they have been officers and employees of that bureau. All of them are under civil service. Each of them must execute a bond in the sum of $5,000 for the faithful performance of his duties; and most of these employees now serving have been thus engaged for many years, and are men of long experience and fine integrity. Their per diem compensation at present is fixed administratively and they have been placed in classification C A F 5; that is to say, clerical, administrative, and fiscal service, No. 5. This has been done under general provisions of law concerning classification of employees. The bill does not change this method of fixing the grade and range of compensation of these employees, but does provide that they shall be employed and paid on an annual, rather than on a per diem, basis. The salary range in C A F 5 is from $2,000 to $2,500; and these employees are now receiving per diem compensation based on that rate. As they only receive pay for the actual number of days worked, the actual compensation received may fall considerably below the annual rate. It is to be noted that prohibition agents in the field receive compensation under a salary range of $2,300 to $2,800 per year on all-time salary basis.

Another strong reason why, in the judgment of the committee, this bill should be enacted, is the fact, as pointed out by the Secretary of the Treasury, the operation of its provisions will prove beneficial to the Treasury and prohibition-bureau service, since the features of all-time employment and equitable leaves will attract thereto a better type of employees in the future than might otherwise be secured. Those desiring to enter the Federal service naturally prefer to enter those branches which provide for all-year employment, and with full benefits as to sick and annual leave. Hence, in maintaining in an efficient way the storekeeper-gauger force, it is very important, and deemed very necessary, that the provisions of the present statutes be liberalized in the manner set forth in this bill so that the best type of employees may be secured for this very important branch of prohibition-enforcement work.

It appears that there may be some additional cost in according these employees the same benefits as to annual and sick leave now accorded to other Treasury employees; but, aside from the considerations of justice involved, this additional cost will not be large and will probably be offset by the advantage to the service which will be gained by giving to these men the same rights and benefits which other Treasury employees now receive touching these matters.

WHITE RIVER UINTAH, AND OTHER TRIBES OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 16985) authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the acts of Congress of May 27, 1902 (32 Stats. 263), and March 3, 1905 (33 Stats. 1069), or arising under or growing out of any subsequent act of Congress or Executive order or arising under any treaty or agreement which said Uintah, Uncompahgre, and White River Bands of Ute Indians in Utah and Colorado may have against the United States, and arising under or growing out of the act of February 20, 1895 (28 Stat. 677), and subsequent acts of Congress and proclamations of the President relating thereto, setting apart as a separate reservation for the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico a tract of approximately 1,056,000 acres of land, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Said court shall determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President as if disposed of under the public-land laws of the United States: *Provided*, That the value of coal-bearing lands shall not be fixed at a sum in excess of $15 per acre. The court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within two years from the approval of this act; and such suit or suits shall make the Uintah, Uncompahgre, and White River Bands of the Ute Indians parties plaintiff and the United States party defendant. A separate petition shall be filed on behalf of the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, which petition shall make said Indians parties plaintiff and the United States party defendant: *Provided*, That the Uintah, Uncompahgre, and White River Bands of the Ute Indians may be joined should this be necessary to adjudicate any rights which they may have in the matter sought to be litigated. The petition or petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Indians approved in accordance with existing law and shall set forth all the facts on which the claims for recovery are based. A copy of the petition or petitions in such suit or suits shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him as heretofore directed, shall appear and defend the interests of the United States.

SEC. 3. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Uintah, Uncompahgre, and White River Bands of the Ute Indians and the Southern Ute and the Ute Mountain Bands of Ute Indians, but any payment including gratuities, which the United States may have made to said Indians, shall not operate as an estoppel but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any property belonging to said Indians, the damage therefor shall be confined to the value of such property at the time of such appropriation or the disposal thereof except as otherwise provided in section 1 of this act; and with reference to all claims which may be the subject matter of the suit or suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Indians in and to such property.

SEC. 5. The Court of Claims shall have full authority by proper order and process to bring in and make party to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. Said court shall determine and render separate judgment for any amount found due to the Confederated Bands of Ute Indians under the terms of the jurisdictional act approved March 3, 1909 (35 Stat. 788).

SEC. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, based upon actual services rendered, together with all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes or bands: *Provided*, That said court shall enter a separate judgment under the provisions and limitations above set out for the attorney or attorneys representing the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, based upon the amount of recovery for said Indians, which recovery shall also be entered as a separate judgment: *Provided further*, That if the Court of Claims shall find that any attorney or attorneys rendered any services to the Uintah, Uncompahgre, and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, the court shall fix such compensation on the quantum meruit basis as to it shall seem reasonable, to be paid out of any sum found to be due such tribes. The total sum of attorneys' fees in no event shall exceed the limitation herein provided.

SEC. 7. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Such proceeds shall be thereafter subject to appropriations by Congress for educational, health, and industrial and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

With the following committee amendment:

Page 2, line 6, strike out "or" and insert "and."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

COMPACTS BETWEEN THE STATES OF WYOMING AND IDAHO

The next business on the Consent Calendar was the bill (H. R. 16771) granting the consent of Congress to compacts or agreements between the States of Wyoming and Idaho with respect to the boundary line between said States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Wyoming and Idaho to negotiate and enter into compacts or agreements with respect to the boundary line between said States.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RETIREMENT OF FEDERAL JUDGES

The next business on the Consent Calendar was the bill (S. 2206) to amend section 260 of the Judicial Code, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the purpose of the bill?

Mr. GRAHAM. Where a judge has served five years in a United States court and has served in another branch of the Federal service for five additional years, under this bill he will come within the provisions of the retirement act.

Mr. BLACK of Texas. What does this bill do? It came up suddenly before we had time to read the report. I would like to know what the purpose of the bill is. I have not had time to read the bill or the report.

Mr. GRAHAM. It has been reported twice favorably by the Committee on the Judiciary. If the judge of the United States serves for five years in one United States court and then serves for five years additional in another United States court, where there is not a continuity of service, it would have the same effect as if there were continuity of 10 years for retirement purposes?

Mr. BLACK of Texas. Under the present law, for example, if he were a district judge he would have to serve 10 years before he was retired?

Mr. GRAHAM. Yes.

Mr. BLACK of Texas. If he was a circuit judge and served five years as circuit judge and five years as district judge, he would come under the retirement act? Is that the purpose of the bill?

Mr. GRAHAM. If he is 70 years of age.

Mr. STOBBS. A man must be 70 years of age before he retires. He may have served 20 years or 30 years, but he must be 70 years old before he retires. This bill makes it possible for a man to be retired who has served eight years, when perhaps his service was not continuous—he might have left the service for one or two years.

Mr. BLACK of Texas. How many men will it affect?

Mr. GRAHAM. It is recommended by the Attorney General and by the President and has been twice reported favorably from our committee.

Mr. BLACK of Texas. I shall not object.

Mr. CRAMTON. Mr. Speaker, if this is going to occupy a long time, I suggest that——

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, the gentleman from Texas [Mr. BLACK] asked a question and did not receive an answer. How many judges will this affect?

Mr. GRAHAM. I can not make a definite statement, but I think it would affect 4 or 5 or, perhaps, 6 men.

The SPEAKER pro tempore. Is there objection?

Mr. SPROUL of Kansas. I object.

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1381. I think the gentleman from New York will withdraw his objection.

Mr. CRAMTON. What bill is it?

Mr. STOBBS. It is a bill about probation officers.

Mr. GRAHAM. Mr. Speaker, the objection to the other bill about the continuous service of judges is withdrawn, as I understand.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Senate bill was considered and ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AMENDMENT OF THE PROBATION LAW

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to turn back to the Calendar No. 1381 and consider the bill H. R. 11801. The gentleman from New York withdraws the objection he made.

The SPEAKER pro tempore. Is there objection to the gentleman's request to return to the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill [H. R. 11801] to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto.

Be it enacted, etc., That sections 726 and 727 of title 18, United States Code, be, and the same are hereby, amended to read as follows:

"SEC. 726. The judge or judges of any United States court or courts having original jurisdiction of criminal actions, except in the District of Columbia, may appoint one or more suitable persons to serve as probation officers within the jurisdiction and under the direction of the judge or judges making such appointments or of their successors. All such probation officers shall serve without compensation except that in case it shall appear to any such judge or judges that the needs of the service require that there should be salaried probation officers, such judge or judges may appoint such officers. The Attorney General shall fix the salaries to be paid probation officers and shall provide for the necessary expenses of probation officers, including clerical service, and expenses for traveling when approved by the court. Probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States. Such judge or judges may in their discretion remove any probation officer serving in their respective courts. The appointment of a probation officer shall be in writing and shall be entered on the records of the court or courts of the judge or judges making such appointment, and a copy of the order of appointment shall be delivered to the officer so appointed and a copy sent to the Attorney General. Whenever such judge or judges shall have appointed more than one probation officer he or they may designate one of such officers chief probation officer. Such chief probation officer shall direct the work of all probation officers serving in the court or courts of such judge or judges.

"SEC. 727. It shall be the duty of a probation officer to investigate any case referred to him for investigation by the court in which he is serving and to report thereon to the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision and shall report thereon to the court placing such person on probation. Such officer shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid persons on probation and to bring about improvements in their conduct and condition. Each officer shall keep records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision; shall give receipts therefor, and shall make at least monthly returns thereof; shall make such reports to the Attorney General as he may at any time require; and shall perform such other duties as the court may direct. Such officer shall perform such duties with respect to persons on parole as the Attorney General shall request. A probation officer shall have the power of arrest that is now exercised by a deputy marshal."

SEC. 2. That a new section be, and is hereby, enacted to follow section 727 of title 18, United States Code, to read as follows:

"SEC. 728. The Attorney General shall appoint a probation director in the Department of Justice and shall fix the salary of such director. Such probation director shall, subject to the direction of the Attorney General, exercise general supervision over the administration of the probation system in all United States courts. He shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers. He shall collect for publication statistical and other information concerning the work of the probation officers. He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work. He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts. He shall make an annual report to the Attorney General concerning the operation of the probation system in such courts."

SEC. 3. That this act shall take effect immediately.

Mr. LAGUARDIA. Mr. Speaker, my opposition to this bill is predicated upon the first committee amendment on page 2, which strikes out of the bill that these probation officers shall be appointed in accordance with the laws and regulations of the civil service of the United States. As I stated all my reasons in the minority report, I ask unanimous consent that I may extend my views as part of that statement.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, this is what I said in reporting my minority views:

I can not concur in the recommendation of the majority on H. R. 11801. My objection is based solely on the committee amendment which would exempt the position of probation officer from the provisions of the civil service law. The purpose of this bill is to extend the probationary system in the Federal courts, to provide professional probation officers—that is, salaried probation officers—and also to create a probation bureau, or rather a probation director in the office of the Attorney General. The bill was introduced on March 6, 1928, and referred to the Committee on the Judiciary of the House. It was then referred to a Subcommittee of the Judiciary Committee and hearings held on April 13, 1928. These hearings have been printed and are available in the House Committee on the Judiciary (serial 24). The subcommittee reported the bill to the full committee and the full committee agreed on a favorable report to the House recommending the passage of the bill with certain amendments. The amendments suggested by the committee prompt me at this time to make this statement and present all of the facts. The committee recommended the elimination of the civil-service requirement provided in the existing law as well as in this particular bill. I thereupon served notice on the committee that I was opposed to the committee's amendment and would file a minority report. In fact, I prepared a minority report and presented it to the committee for filing with the committee's report. The committee later rescinded its previous action and held the bill in committee for further action at the next session.

The action of the committee in withdrawing favorable report recommending elimination of the civil-service requirements, of course, is far better than the original action of the committee recommending the bill with that change. It seems strange to me, and I say so frankly, that this meritorious measure should be held in committee rather than being reported favorably in its original form.

The committee amended the bill by striking out the competitive and civil-service requirements under which probation officers shall be appointed. The action of the committee would change the civil-service policy of the Government not only of the present but of past administrations for over 30 years. No one dares publicly proclaim the desire of returning to the spoils system, yet the constant attempts to exempt grades and classes of employees from civil-service requirements indicates a tendency on the part of some to destroy and abolish entirely the civil-service system.

Probation work is by no means in the experimental stage. A reading of the hearings on this bill will show the progress and success of probation in many of the States. The probation system was applied to the Federal courts only a few years ago. The original law then provided that "probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States (Mar. 4, 1925)." An elimination striking out the civil-service provisions from this bill destroys the protective features of civil service and takes these highly technical and professional appointees away from the requirements of proper tests and standards of qualification and throws them into the pot of political patronage.

The United States Civil Service Commission has heretofore held examinations and established the standard and qualifications of Federal probation officers. There is now in existence a list of duly qualified and eligible candidates for appointment. The United States Civil Service Commission approved of the bill as originally introduced. It had no notice that the committee intended eliminating the civil-service requirements of the existing law. The United States Civil Service Commission had no opportunity to appear before the committee in opposition to the proposed committee amendment. The first knowledge the Civil Service Commission had was when the committee's action was called to their attention. The following letter from the commission speaks for itself:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 19, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives.

MY DEAR MR. LAGUARDIA: The act of March 4, 1925, establishing a probation system in the United States court, except in the District of Columbia, provides that—

"Probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States."

It is understood that there is now before the Judiciary Committee of the House a proposal to amend the law respecting probation by removing therefrom the provision quoted above.

Probation presents a serious responsibility and calls for a high degree of intelligence if it is to be made to function properly and usefully. While it is true that the probation system as such is no longer an experiment as applied to the Federal service, it is in the formative stage and for proper development needs to be placed in the hands and under the supervision and direction of persons whose training will insure intelligence and efficient service. To make the system a useful instrument in the administration of criminal justice in the Federal courts, definite qualifications as to ability and training, as well as character, must be required of those who seek to become probation officers.

The experience of this commission, extending over a period of nearly a half century, has demonstrated fully that the merit system of appointments, based upon open competitive examinations, affords a far more satisfactory method of appointment and insures a better and more efficient class of employees than where no system of personnel control is employed and appointments are subject to personal and political influence.

Aside from the objections raised by those who desire to effect the appointments of individuals because of personal or political reasons, the main opposition to the application of the civil-service examinations to the employment of probation officers is based on the requirement of personal qualifications which, it is said, can not be tested adequately by examination. Such belief is unfounded and contrary to facts.

The problem of testing personal characteristics was solved some time ago by the commission, and there has been incorporated in the examination for probation officers, and made an essential part thereof, an oral test which has for its purpose the determination of the applicant's personal characteristics and address, adaptability, keenness and quickness of understanding, observation, judgment, and discretion; in general, his personal fitness for the performance of the duties of the position.

No claim has been made that the persons certified by the commission lack the necessary qualifications to perform properly the duties of probation officers. One Federal judge has referred to a probation officer who was appointed from the commission's examination as "the bright jewel in our court." Such praise reflects truly the efficacy of the system which made his appointment possible. Other eligibles appointed through the commission's examinations were men of experience and doubtless their knowledge of the technique of the work will aid materially in making the Federal probation system an effective means for dealing with criminals, especially first offenders.

No substitute has been found for the examination system of testing applicants for appointment as probation officers, as evidenced by requirement of examination in States in which probation is used extensively, such as New York, New Jersey, Ohio, Wisconsin, and California. The practical application of the merit system in appointments of probation officers has been demonstrated in these States, and there appears to be no reason why the system should not be applied with equal success to the Federal service.

In this connection it may be stated that two examinations for probation officer have been held, the commission's register containing the following number of eligibles:

Arkansas	2
California	2
Connecticut	1
District of Columbia	1
Florida	1
Georgia	4
Illinois	12
Indiana	2
Iowa	1
Kentucky	4
Massachusetts	1
Michigan	5
Minnesota	4
Mississippi	1
Missouri	6
New York	13
New Jersey	3
Ohio	2
Oregon	1
Pennsylvania	14
South Dakota	1
Tennessee	1
Virginia	2
Washington	3
Wisconsin	3

Attention is invited to the copy of letter from the Hon. Herbert C. Parsons, commissioner of probation of the State of Massachusetts, in which the opinion is expressed that probation officers might well be appointed under civil-service rules, provided the examinations are broad enough to take into account those personal qualifications which are peculiarly essential in such officer. As noted above, the commission's examination meets these requirements.

The commission regards it as vital to the success of the probation system that there shall be adequate tests of fitness for probation officers, embracing personal characteristics.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The National Probation Association, an organization made up of nationally known men and women throughout the United States who took up the study of probation work years ago, developed it to its present use in many of the States of the Union. This association has made a study of probationary work and from a sentimental idea has perfected it to a sociological science.

The National Probation Association approved of this bill in its original form. Like the Civil Service Commission, it had no idea that this model measure would be changed in committee. The National Probation Association says:

NATIONAL PROBATION ASSOCIATION (INC.),
New York City, May 18, 1928.

Re: H. R. 11801, concerning probation.

Hon. FIORELLO LAGUARDIA,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN: The United States Civil Service Commission advises me that you would like to have certain information regarding the use of civil-service examinations for probation officers in various States and the results of the same.

The following States have placed probation officers under the classified civil service: New York, New Jersey, Ohio, California, and Wisconsin (Milwaukee County). The National Probation Association has approved putting probation officers under civil service because, as we have observed it, this has resulted in improving the personnel of the service, in removing these important positions from political control to a considerable extent, in enforcing higher standards of education and training, and in securing better people all around for the work.

The New York State Probation Commission, years ago, led the fight to classify probation officers throughout New York State under the civil

service. It has certainly worked well in New York State, and now there are very few judges or others who have the interests of the service at heart who would go back to the old method of giving judges a free hand in selecting probation officers. It was argued that probation officers were peculiarly personal and confidential appointees of judges and, therefore, the judges should not be hampered in selecting them. It is now seen that this conception of the probation officer was entirely erroneous. The probation officer is an official of the court who has his own distinct work, that of making social investigations and supervising persons on probation.

In this work he should not be hampered by personal or political considerations. He should be required to come up to certain standards of education and training. We have found that many judges, especially when the service is just being established as is the case in the Federal courts, do not fully appreciate the type of training and experience probation officers should have. Therefore they make bad selections. We believe that placing these positions under civil service has been of great benefit both in the States where it has been adopted and in the Federal service.

Six paid probation officers have been appointed in as many districts, all qualifying as a result of the civil-service examination. These officers are of good quality, and I believe that the judges in each district are well satisfied with the officers secured. The two examinations which have been held have been very practical and have resulted in securing good candidates. There is opposition on the part of certain judges to the civil service, which is due in part to the fact that they would like to make personal appointments and take into consideration political indorsements, which would result in very poor appointments being made. We believe that the civil service has been very beneficial in maintaining the quality of appointments so far, and we believe that it will be increasingly so in the future when larger appropriations are secured for appointing probation officers in the United States district courts. We therefore believe that the provision in the present probation law placing the probation officers under civil service should be maintained.

The bill as introduced contains important provisions for strengthening the probation law which are badly needed at the present time. The most important provision is that authorizing the appointment of a probation director to supervise the extension of the work in the Department of Justice. We hope very much that the bill will have your support and that you will assist in having the bill reported from the Judiciary Committee immediately with the civil-service provision reinstated.

Very sincerely yours,

CHARLES L. CHUTE,
General Secretary.

Probation work has been a success in the State of New York. In New York City official and salaried probation officers are assigned to the magistrates courts, city courts, court of special sessions, and the court of general sessions. The probation work of the court of general sessions is under the direction of Prof. Edwin J. Cooley, who holds a chair at Fordham University. He is a recognized authority on the probation system, and his views of the necessity of the civil-service requirements in this work are authoritative:

COURT OF GENERAL SESSIONS,
PROBATION DEPARTMENT, COUNTY OF NEW YORK,
32 Franklin Street, New York, May 16, 1928.

DEAR CONGRESSMAN LAGUARDIA: The success or failure of the probation system depends fundamentally upon the wise and careful selection of probation officers. It is now generally recognized that the duties of probation officers can only be intrusted to persons qualified for the work by reason of their character, temperament, special training, ability, and interest.

Probation officers ought to be selected without regard to politics. Their appointment should be based solely upon their particular fitness for their work. The process of selecting probation officers is, therefore, a matter of primary importance.

In the State of New York practical experience for approximately two decades has proven that individuals with the qualities essential in probation officers can be selected through the right kind of civil-service examinations.

In New York State civil-service examinations for probation officers include a written examination on powers and duties, a consideration of educational qualifications, experience, character, and personal fitness.

As all civil-service examinations must be practical in their character and relate to such matters as will fairly test the relative capacity and fitness of the person examined to discharge the duties of the position sought, the written examination given the candidates for probation officer is made up of practical questions regarding the laws relating to probation work, the duties and functions of probation officers, and the questions pertaining to the technique of probation work.

In the oral interview, which is part of every examination, the training, personality, experience, and education of the candidate are evaluated.

Civil-service examinations can insure that the probation officers shall be well-trained social workers of good personality. The fact that entirely disqualified persons have served as probation officers in jurisdictions which do not have civil-service examinations is the chief cause when probation fails to reduce delinquency.

I am sending you herewith a copy of the civil-service announcements for the examination of probation officer of the court of general sessions, to be held in July.

With assurances of my desire to cooperate with you in every way possible, and my cordial good wishes always, I am,

Yours faithfully,

EDWIN J. COOLEY,
Chief Probation Officer, Court of General Sessions.

"Probation officer, court of general sessions, New York County: Rule I, of the court of general sessions provides that probationers be assigned to the probation custody of a probation officer of the same sex, and, whenever practicable, of the same religious faith, as the probationer. The eligible list established as the result of the examination held December 4, 1926, having been exhausted for male certification, this examination is being held to supply the need of men to handle the cases of male offenders, which at present constitute over 90 per cent of the offenders before the court of general sessions. Several immediate appointments expected at $3,000. Minimum age, 21 years. The duties include performing all of the probation work of the court, and, when called upon to do so, performing the probation work of the criminal part of the supreme court of the first judicial district of New York County. Candidates must have had a high-school education or equivalent education and must have had in addition one of the following: (a) Either one year or acceptable experience (whole-time basis) in social-case work with a social agency of good standing, or (b) have had a college education, or (c) must have had at least one year of satisfactory training in a recognized school of social service or in lieu thereof acceptable courses of study, reading, or training in the social sciences. Candidates will be required to submit evidence, or they may be required to show evidence through special examination. Subjects of examination: Written examination, including questions on the work of probation officers, duties of the position and methods of work, relative weight, 5; training, experience, and general qualifications, relative weight, 5. An interview may be required."

It is but natural that the National Civil Service Reform League, which is constantly fighting attempts to return to the spoils system, does not desire to see the Federal courts made a dumping ground for political hacks, protests against the committee's amendment in no uncertain terms:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, May 18, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAGUARDIA: It has come to my attention that the Judiciary Committee of the House has agreed to strike out of H. R. 11801 the provision for the appointment of probation officers in the Federal courts after competitive examination.

The advisability of appointing probation officers only after competitive examination has been demonstrated in many jurisdictions, particularly in New York State, where, as you probably know, all probation officers are under the merit system. In connection with the reorganization of the probation system in both the New York State service and in connection with the criminal courts of New York City, the legislature specifically provided for the appointment of not only probation officers but even the director of the State probation division after competitive examinations. So that there is not a single position either in the State probation bureau or in the bureaus attached to the criminal courts of New York City that is not under the merit system.

The application of the merit system to these positions by the legislature was made after mature consideration of the practicability of competitive civil-service examinations for such places. Experience has shown that where probation officers are appointed without examination it invariably results in the appointment and retention of mediocre and incompetent officers. The position of probation officer requires the services of a trained technical expert. Only after an intensive investigation of the education, training, and experience of candidates for such positions, based on examinations conducted by the Civil Service Commission, can we be assured of the appointment of qualified persons.

To permit their appointment without the aid of the Civil Service Commission inevitably invites political or personal considerations to dictate appointments; at least, it subjects the appointing authority to certain pressure from which he ought to be relieved as a matter of fairness to him.

I hope that you may be successful in urging the Judiciary Committee to reconsider its decision to eliminate from the bill the provision for the appointment of probation officers after competitive examination. I shall write to the other members of the committee conveying our views.

If there is any other information you may desire, will you please call on me?

Very truly yours,

H. ELIOT KAPLAN, *Secretary.*

One of the best-informed witnesses who appeared before the committee was Mr. Herbert C. Parsons, commissioner of probation of the State of Massachusetts. His testimony before the committee is not only interesting but most instructive. Every member of the subcommittee will admit that Mr. Parsons's statement was very impressive. He appeared before the committee in favor of the bill but when he approved of the bill the civil-service requirement had not been eliminated. Mr. Parsons speaks for himself in the following telegram:

BOSTON, MASS., *May 22, 1928.*

Hon. F. H. LAGUARDIA,

House of Representatives, Washington, D. C.:

Your wire was first intimation of removal from civil service being feature of probation bill not mentioned in hearing. Massachusetts experience is with unrestricted appointment by judges; it is clearly debatable ground in any new field. I hope it will be considered all by itself.

HERBERT C. PARSONS.

As far back as 1919, when the United States Civil Service was first considering the placing of Federal prohibition officers under civil service, it consulted with the best men in the country on the subject. Even then Mr. Parsons approved of the civil-service system and stated:

"The commission of probation [in Massachusetts] has recorded itself in favor of the placing of appointments under civil service * * *."

Mr. Herbert C. Parsons's letter of 1919 is most timely now:

MAY 22, 1919.

Mr. HAROLD N. SAXTON,

Chief Examiner State of New York

Civil Service Commission, Albany, N. Y.

DEAR SIR: Replying to your inquiry under date of May 17, I am glad to give you the opinion which is held by those who are directly connected with the probation service of this State, so far as it has ever found expression. It is that the appointments to the probation service might well be under civil-service rules, provided that the examinations be broad enough to take into account those personal qualifications which are peculiarly essential in such an officer.

Appointments in this State are not made under civil-service regulations. The theory which has been followed in our statutes is that the probation officer is the personal representative of the judge of the court, an extension, so to speak, of the court out into the community for the double purpose of: (1) Inquiry as to the social bearings of the case, and the conditions of the accused person's life and employment, health, and mentality; and (2) the supervision of such persons when found guilty of the offense charged, with a view to holding them to a right line of conduct, and, more emphatically, to bring about a rehabilitation and an improved attitude toward society in general. That being the purpose, the appointment has been left entirely in the hands of the court.

In the police, district, juvenile, and municipal courts, which constitute our system of courts with primary jurisdiction, the justice of the court appoints the probation officer and may remove him at pleasure. The law provides no check upon the appointment. In the superior court, which is our court of appeals for the rehearing of a case on its merits, and the court where jury trials are provided, the appointments are practically made by a committee of three justices called the committee on probation of the superior court, selected by the chief justice of the superior court. They are formally made by a justice sitting in the county in which the officer is appointed. As in the other courts the appointment by the court is final.

The commission on probation has recorded itself in favor of the placing of appointments under the civil service, providing it could be done with broad regulations, including an oral examination. The chief justice of the Boston municipal court, our largest court of its kind, and the writer some time ago presented to the Civil Service Commission an opinion that the probation service in this State would be improved by this change in the method of appointment. We have studied the New York system, both in the reports of the probation commission of your State and in the less formal information given by its secretary, Mr. Chute, and we have held this up as the model which we believe Massachusetts should adopt.

The alternative frequently suggested here is to make the appointments by the justices subject to the approval of the commission on probation, or to have them made from lists prepared by the commission. But this alternative is not especially attractive, for the reason that it undertakes practically a civil-service form while simply changing to another board than the State civil service commission the application of the same principle as controls civil-service appointments.

Practically, the substitute which in a measure has come to be adopted in this State is an active seeking by the commission on probation of a share in the consideration of candidates for probation positions. In the superior court, all appointments are made after careful investigation by this office of the merits of the candidates. In the lower courts the justices frequently consult the commission as to the appointments. But you will appreciate the fact that no such rule has any legal force as its observance depends upon the inclination of the judges. In this way some appointments are made without resort to the commission's advice, and appointments which are not up to a recent standard. It works advantageously when it works at all and it generally is ample, but it can not be relied upon or advocated as a sufficient substitute for the use of civil-service examinations.

I realize that I am giving you only opinions, without the basis of experience in the work of civil-service regulations as applied to the Massachusetts probation service. But they are opinions which are intelligently formed and stoutly held on the part of those who most strongly desire that the probation service should come to a high standard in a State where it is so largely used as here.

Yours very truly,

HERBERT C. PARSONS,
Deputy Commissioner.

There can be no sound argument presented in favor of the committee's amendment making these important court employees the subject of political or personal appointments. There are, perhaps, some personal and selfish reasons here and there with apparent sufficient influence to destroy the civil-service policy of the country, to ignore experience of the past, and to depart from the best practice in probationary work. It must be these personal desires and not the best interest of the work that suggested the proposed committee amendment.

One case that has come to the attention of the Civil Service Commission is that of a Federal judge, who, when the law went into effect, sought to appoint a probationary officer under salary. He selected the appointee, a young lady of his judicial district, and proceeded to make the appointment. When he was confronted with the civil-service requirement of the existing law, his honor, the judge, protested. Not only did his honor, the judge, protest, but he sought first to evade the law by making the appointment and then refused to make the appointment unless he could appoint the particular young lady he had in mind. Splendid example of law obedience and restraint on the part of a Federal judge.

Here is another reason for exempting these positions, taken right from the hearings, page 67. One of the gentlemen on the subcommittee frankly stated:

"In my district we have a man who has been serving ever since this law went into effect. He is a volunteer, and he has passed the age when he could take the examination. And there is no better man in the country. He is devoted to that work, but he could not take the civil-service examination. The judge does not want anybody else, and he says he will not have anybody else."

Again his honor, the judge, brazenly and openly states that he refuses to obey the law.

Is it not still fresh in the memory of every member of the Committee on the Judiciary that in a very recent case requiring the attention of the committee there was the uncontradicted and uncontroverted proof of a Federal judge appointing to a confidential position first his daughter, then his wife, and then another daughter? Is this judge to be intrusted with the selection and appointment of probation officers charged with most important work?

In the consideration of this bill the past experience of this important work the present practice in most of the States and the views of recognized authorities on the subject must be taken into consideration, rather than the desire of an individual here and there for the appointment of any particular person. Rather than permit the passage of the bill, weakened and distorted by the elimination of a necessary protective feature, it should be defeated. The bill in its original form carrying the civil-service provisions of existing law is an excellent piece of necessary legislation and in its original form should be passed by Congress.

F. LAGUARDIA.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 10, strike out: "Probation officers who are to receive salaries shall be appointed after competitive examinations held in accordance with the laws and regulations of the civil service of the United States."

Mr. LAGUARDIA. Mr. Speaker, I ask for a vote on the first committee amendment.

The SPEAKER pro tempore. The question is on agreeing to the first committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the other committee amendments.

The Clerk read as follows:

Page 4, line 1, strike out: "The Attorney General shall appoint a probation director in the Department of Justice and shall fix the salary of such director. Such probation director shall, subject to the direction of The," and insert in line 4, before the word "Attorney," the word "The."

Page 4, line 5, insert the words "or his authorized agent, shall" before the word "exercise."

Page 4, line 18, strike out the words "make an" and insert the words "incorporate in his." In the same line, strike out the words "to the Attorney General" and insert the words "a statement."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. ROBSION of Kentucky. Mr. Speaker, I would like to submit a unanimous-consent request to the House, that to-morrow, after the reading of the Journal and the disposition of matters on the Speaker's table, I may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that to-morrow, after the reading of the Journal and disposition of business on the Speaker's table, he may be permitted to address the House for 30 minutes. Is there objection?

Mr. ALLGOOD. Mr. Speaker, reserving the right to object, on what subject?

Mr. ROBSION of Kentucky. On the subject of education.

Mr. BLACK of New York. On the subject of the Federal education bill?

Mr. ROBSION of Kentucky. Yes. I do not think the gentleman ought to object.

Mr. BLACK of New York. I will not object as the gentleman is on the committee with me, and he takes the other view.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, without any reference to the subject matter, I do not know what the state of the business will be to-morrow, but I make this statement: One or two gentlemen on this side of the Chamber have spoken to me of a desire to obtain a few moments before adjournment in which to address the House. I conferred with the majority leader and I violate no confidence, I am sure, in stating that he expressed to me the opinion that there would be no difficulty about securing that time before the conclusion of the session but he would not care to agree in advance until he could see further about the state of the business of the House.

I recognize that as a very reasonable proposal and I have withheld my request in behalf of the gentlemen who approached me asking for time in which to address the House. I have no objection myself to the request of the gentleman, but I do not know what the state of the public business is going to be to-morrow.

Mr. ROBSION of Kentucky. I will say to the gentleman that, in view of the little time I consume of this House, I hope there will be no objection to this request.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. MAPES. Mr. Speaker, at the request of the majority leader, who is now occupying the chair, I ask unanimous consent that on Tuesday, February 26, 1929, at any time before 6 p. m., it may be in order to take a recess until 8 o'clock p. m., and at the evening session, until 11 p. m., only bills on the Private Calendar, to which no objection is made, shall be considered in the House as in the Committee of the Whole, the call of the calendar to begin where the last call left off.

The SPEAKER pro tempore. Is there objection to the request made by the gentleman from Michigan?

There was no objection.

ELECTION OF A MEMBER TO THE COMMITTEE ON BANKING AND CURRENCY

Mr. NEWTON. Mr. Speaker, at the suggestion of the floor leader, I submit a resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 342

Resolved, That FRANCIS D. CULKIN, of New York, be, and he is hereby, elected a member of the Committee on Banking and Currency.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Wednesday, following the reading of the Journal and disposition of business on the Speaker's table, the gentleman from Nebraska [Mr. NORTON] may be permitted to address the House for not exceeding 15 minutes.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that on Wednesday, after the reading of the Journal and disposition of business on the Speaker's table, the gentleman from Nebraska [Mr. NORTON] may address the House for not to exceed 15 minutes. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. CHINDBLOM. Mr. Speaker, in view of the agreement made a moment ago upon the request of the gentleman from Michigan [Mr. MAPES], is the present occupant of the chair able to state now whether an effort will be made to have a session of the House to-morrow evening?

The SPEAKER pro tempore. The request for an evening session to-morrow has just been granted.

Mr. CHINDBLOM. The request was that it shall be in order to take a recess, but as I understand it is the purpose to take a recess and have an evening session?

The SPEAKER pro tempore. That is the purpose.

The floor leader has been requested by quite a number of Members to have an evening session as early as possible for the consideration of bills on the Private Calendar.

Mr. HASTINGS. Mr. Speaker, I see there is no program posted in the Hall. Would the Chair kindly indicate to the House what is going to be considered in the House to-morrow or what is now on the program?

The SPEAKER pro tempore. So far as the Chair knows, there will be considered to-morrow certain special rules from the Committee on Rules. In just what order they will come up, the Chair is not quite sure.

EXTENSION OF REMARKS

Mr. NEWTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article of the New York World pertaining to the Federal judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. MICHENER. I object.

RECLAMATION FOR SUGAR-BEET PRODUCTION

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bill H. R. 15893, objected to to-day, and to furnish certain statistics concerning irrigation and the production of sugar beets and the necessity thereof, and also to show that the production of sugar beets and alfalfa does not interfere with the farming districts of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, regarding H. R. 15893, this bill was objected to upon the ground that it was opening up new land for competition with farm areas already in cultivation, thus creating a surplus of agricultural products for consumption within the United States. This is an erroneous viewpoint and shows a lack of knowledge as to the products raised in the reclamation districts of the Nation.

Reclamation is expensive and to get a proper return upon the investment it is necessary to raise the farm product which will yield and sell for a sufficient figure to justify the investment. Taking into consideration the cost of the land, water supply, and overhead expense—and add to that the cost of operation—we can see that the crop produced must show yield and value to justify the outlay. Wheat, corn, and cotton will not yield a sufficient surplus upon the plateau of the western part of our country. It is upon wheat, corn, and cotton that the farmers of the Nation are asking marketing facilities to overcome the surplus and permit the farmer to continue to operate farms and pay a fair return for the labor and investment of the farmer.

In 1924, according to the census report, there were 1,032,057 wheat farms in the United States; in the same year there were 4,760,457 corn farms and 931,307 cotton farms in this country. Let us note the production figures for 1928 for the three commodities—wheat, corn, and cotton.

Acres in production, 1928:

Wheat:	
Acres	57,724,000
Bushels produced	902,749,000
Value per acre	$15.20
Corn:	
Acres	100,761,000
Bushels produced	2,839,959,000
Value per acre	$21.17
Cotton:	
Harvested acres	45,326,000
Bales (500 pounds gross to the bale)	14,373,000
Value per acre	$28.50

Now, note the net exports for the fiscal year 1926:

Wheat: 205,994,000 bushels. Except for 1923 and 1925, when lower, exports of wheat are approximately 30 per cent to 35 per cent of the crop produced.

Corn: 18,669,000 bushels. Less than 1 per cent of the crop produced is exported.

Cotton: 10,900,000 bales exported.

Very little of the land under cultivation by reclamation can be profitably employed in the production of wheat or corn. Some of the land is employed in the production of cotton in southern New Mexico and in Arizona.

The great bulk of the agricultural land in most of the Western and Northwestern States of the United States must produce, in order to be successfully operated under irrigation, certain specific crops which will both yield the quantity and have a sufficient value to pay a return upon the investment and labor connected therewith.

There is a spirit and determination among some Members to check this legislation. They feel, and yet have not the knowledge nor have they made the proper investigation, that many of the new reclamation projects are increasing the tillable land and thus increasing the food supply and creating a surplus of farm products.

This, with few exceptions, is a false alarm. Some ex-bankers and politicians openly admit that their constituents charge them with being neglectful in not objecting to all of these reclamation projects, whether they be Government or private. In thus objecting to reclamation bills some Members are rehabilitating themselves once more in the bosom of their own district people.

This method of sandbagging legislation, without any knowledge of the same, is a very wrong policy, in my opinion. Reclamation of the West will never, to any great extent, cultivate wheat, corn, or cotton as a factor to create a surplus in the Nation. Instead, with the grazing areas and the production of alfalfa, the cattle and sheep industries will thrive and consume the corn of Kansas, Nebraska, Oklahoma, Iowa, and Illinois, as well as the cotton cake and meal of Texas and Oklahoma. The alfalfa must be grown by irrigation in order to feed the cattle and sheep upon the grazing lands adjoining the irrigation districts. This livestock, in turn, goes to the agricultural States heretofore mentioned, to consume the surplus corn.

I have presented the data regarding the agricultural products—wheat, corn, and cotton—on which a surplus is produced; I have also presented the fact that the livestock produced upon the grazing areas adjoining the reclamation districts of the West consume the alfalfa, and in turn the livestock is shipped out to the corn-growing districts. I refer to the States of Kansas, Nebraska, Oklahoma, Iowa, and Illinois. Much of the cotton cake and meal of Texas and Oklahoma is also consumed in the reclamation areas by the livestock interests.

The reclamation side of the picture presents the following data to prove how erroneous the opposition is: Under reclamation, in the altitudes of the West above 4,500 feet, corn and cotton can not be produced on account of climatic conditions, and wheat is not of sufficient value to utilize the lands for that purpose. It is conclusively shown that the average value of wheat per acre is $15.20.

Reclamation must employ crops which will bring value; this is largely the production of sugar beets. In order to present specifically the matter, I am inserting herein data compiled by the Department of Agriculture for 1928. This refers to the question of sugar in the United States. The figures from the department show that the disappearance of sugar in the United States for 1928, including imports and production (with exports deducted) is 13,136,000,000 pounds. That is over 100 pounds for each individual in this country. Of this amount there is produced in the United States proper but 18.3 per cent of the sugar consumed.

In the production of cane sugar in the United States, which in certain localities is an important item, we find the acreage in 1928 was 138,000 acres, and cane sugar produced was 330,781,795 pounds. The total acres in sugar beets in the United States in 1928 were 646,000 acres. The production in short tons was 1,036,000, or 2,072,000,000 pounds of beet sugar. This makes a total production of beet and cane sugar within the confines of the United States proper 2,402,781,795 pounds.

The Government report further shows conclusively that the total acreage in both cane and beet sugar cultivation in the United States for 1928 was 784,000 acres. That the average yield per acre for sugar for 10 years—1918–1927—was 1.4 short tons, or 2,800 pounds of sugar.

The acreage of sugar beets necessary to produce sufficient sugar to supply the present consumption of sugar in the United States under existing population, as estimated by the Chief of the Bureau of Agricultural Economics, is 4,700,000 acres. It is apparent with the growth of our population in this country, and if we are to supply any considerable portion of the sugar to our population, that it must come from the production of sugar beets under reclamation in that part of the United States best suited for the successful cultivation of sugar beets.

One of the leading States in the production of sugar beets is Colorado. This State produced in 1927 some 5,548,000,000 pounds of sugar beets. The total value from this crop, based on the seasonal farm price, was $21,758,000, or some $99 per acre. Where the farmer and his family perform the labor themselves the entire return, less the proper interest charge and taxes on the land, goes to the farmer. The average value of the land per acre in the State of Colorado cultivated in sugar beets is $191. The average cost, other than the land, is $30 per acre. Interest on the value of the land is $16.10 per acre. Deducting $46.10—average cost and interest on value of the land—from $99, the value per acre of the crop there is left as profit $52.90. From the last sum the farmer would still have to deduct his taxes. The lands embraced in my bill will yield larger returns than the returns on the average Colorado land in sugar-beet production.

New Mexico has similar climate and soil conditions to Colorado, except that it has a trifle more days of sunshine per year, and therefore will produce a trifle larger percentage of saccharin in the beet. New Mexico is just starting in the cultivation of sugar beets, which under reclamation will be extremely successful.

In 1928 the irrigated lands of the West produced 10,004,000,000 pounds of beets. The data for 1927 in reclaimed lands of the West shows the cultivation of sugar beets for that year to have been 65,000 acres, and the production to have been 743,000 short tons of sugar, or 1,486,000,000 pounds of sugar, at a value of $5,842,980, or a little over $89 per acre.

This shows that lands utilized under reclamation in 11 of the Western States are producing more than 50 per cent of the entire sugar produced in the United States.

Members of Congress, do you think that the utilizing of land in New Mexico, as is proposed in H. R. 15893, an area at an elevation of 6,000 feet, will in any way create a surplus of agricultural products in the United States? Do you believe that the additional land to be cultivated will in any way increase the production of wheat, corn, and cotton? The answer is that at this elevation the latter products can not be grown successfully for profit.

It is apparent that we are not producing sufficient sugar in the United States to meet 20 per cent of the consumption of the same; this consumption will increase from year to year as the population increases.

The only areas in which sugar-beet cultivation can be carried on with any degree of success are the reclamation areas of the western part of the United States, where the altitude is above 4,000 feet, and where the climate is dry, and abundant sunshine exists. Sunshine, water, soil, and an altitude where the temperature is not too extremely warm will afford a future beet production to supply much of our sugar, and this must be obtained by reclamation.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.; and

H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard.

The message also announced that the Senate concurs in the following resolution:

House Concurrent Resolution 59

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3936) entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia"

The message also announced that the Senate insists upon its amendments to the bill (H. R. 16714) entitled "An act making appropriations for the Navy Department for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. PHIPPS, and Mr. SWANSON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 14659) entitled "An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BORAH, Mr. WATERMAN, and Mr. WALSH of Montana, to be the conferees on the part of the Senate.

SENATE JOINT RESOLUTION REFERRED

Joint resolution of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 209. Joint resolution to create a joint congressional committee to be known as the Committee on Narcotic Traffic; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 8551. An act to create an additional judge in the district of South Dakota;

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York;

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes.

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina.

H. J. Res. 425. Providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. R. 4084. An act for the relief of persons suffering loss on account of the Lawton, Okla., fire, 1917;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases to enlarge the functions of the General Supply Committee, to authorize the erection of a public warehouse for the storage of Government supplies, and for other purposes;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 9168. An act for the relief of Simon A. Richardson;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 10191. An act for the relief of G. J. Bell;

H. R. 10374. An act authorizing the acquisition of land and water rights for forest-tree nurseries;

H. R. 11285. An act to establish Federal prison camps;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 8551. An act to create an additional judgeship in the district of South Dakota;

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York;

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes;

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service;

H. J. Res. 135. Joint resolution for the relief f special disbursing agents of the Alaska Railroad; and

H. J. Res. 425. Joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York.

ADJOURNMENT

Mr. MAPES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Whereupon (at 6 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 26, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

868. Under clause 2 of Rule XXIV, a letter from the general Secretary of Near East Relief, transmitting report of the Near East Relief for the year ending December 31, 1928, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Accounts. H. Res. 280. Resolution to pay Fred R. Miller for extra and expert services to the Committee on Pensions; without amendment (Rept. No. 2695). Ordered printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 316. Resolution providing for an assistant clerk to the Committee on Enrolled Bills; with amendment (Rept. No. 2696). Ordered printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 311. Resolution directing that the sum of $1,000 be paid to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions (Rept. No. 2697). Ordered printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 315. Resolution providing for a legislative clerk to the minority leader of the House of Representatives (Rept. No. 2698). Ordered printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 301. Resolution for the payment of additional compensation to Bingham W. Mathias, clerk to the Committee on Invalid Pensions (Rept. No. 2699). Ordered printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 338. Resolution to employ additional clerical services for the enroll-

ing room for the present session (Rept. No. 2700). Ordered printed.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. S. 5664. An act to extend the times for the commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; without amendment (Rept. No. 2702). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; without amendment (Rept. No. 2703). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 16847. A bill to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.; with amendment (Rept. No. 2704). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 16928. A bill authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, either independently or both jointly, to purchase, to condemn, or to construct, and to reconstruct, extend, enlarge, maintain, and operate one or more toll or free bridges, not exceeding three, across the Missouri River at or near said cities, or to assign such rights to others, and providing the conditions to the exercise of such powers; with amendment (Rept. No. 2705). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 17122. A bill to extend the times for commencing and completing the construction of a bridge across the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; with amendment (Rept. No. 2706). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17126. A bill authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill.; without amendment (Rept. No. 2707). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 17160. A bill authorizing J. B. Roberts, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Colorado River at or near Parker, Ariz.; without amendment (Rept. No. 2708). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17179. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.; without amendment (Rept. No. 2709). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17180. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; without amendment (Rept. No. 2710). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 17184. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Buffalo County, Wis.; with amendment (Rept. No. 2711). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 17208. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.; with amendment (Rept. No. 2712). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 17209. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; without amendment (Rept. No. 2713). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 17238. A bill extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.; with amendment (Rept. No. 2714). Referred to the House Calendar.

Mrs. ROGERS: Committee on World War Veterans' Legislation. H. R. 15921. A bill to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; with amendment (Rept. No. 2715). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department; without amendment (Rept. No. 2716). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 2901. An act to amend the national prohibition act, as amended and supplemented; without amendment (Rept. No. 2717). Referred to the House Calendar.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 17159. A bill authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; without amendment (Rept. No. 2721). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 16874. A bill authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States; without amendment (Rept. No. 2722). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PERKINS: Committee on Accounts. H. Res. 324. A resolution to pay six months' salary and funeral expenses to Susie Minor; without amendment (Rept. No. 2701). Ordered printed.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 8175. A bill for the relief of William J. McKenna; with amendment (Rept. No. 2718). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 14723. A bill to provide hospitalization for Leroy Wilbur Abbott; with amendment (Rept. No. 2719). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. J. Res. 362. A joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; without amendment (Rept. No. 2720). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 15478. A bill for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps; without amendment (Rept. No. 2724). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McKEOWN: A bill (H. R. 17262) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla.; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: A bill (H. R. 17263) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 17264) for the inclusion of certain lands in the Lassen National Forest, Calif., and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 17265) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 17266) to amend the World War veterans act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. BLACK of New York: Resolution (H. Res. 340) requesting the Navy Department to name one of the 15 new cruisers the *Brooklyn;* to the Committee on Naval Affairs.

By Mr. JOHNSON of Oklahoma: Resolution (H. Res. 341) providing for the appointment of a committee of the House of Representatives for the purpose of investigating and making report on the illegal entrance of aliens into America; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislative Assembly of the State of Montana, urging an increase in the tariff duty on plumbago, graphite, and graphite ores; to the Committee on Ways and Means.

Memorial from the State of Arizona, urging Congress to enact legislation which may be necessary to provide adequate appropriation for the construction and maintenance of highways over and upon Indian reservations in Arizona; to the Committee on Indian Affairs.

By Mr. LEAVITT: Memorial of the Legislative Assembly of the State of Montana, urging an increase in the tariff duty on plumbago, graphite, and graphite ores; to the Committee on Ways and Means.

By Mr. EVANS of Montana: Memorial of the State Legislature of Montana memorializing Congress for the passage of necessary legislation providing for an increase of the tariff on plumbago, graphite, and graphite ores; to the Committee on Ways and Means.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, memorializing Congress to provide for a congressional inquiry authorizing a nation-wide investigation of the telephone utilities relative to rates, service, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the State of Oregon, memorializing Congress to make inquiry relative to the growth of capital assets and capital liabilities of public-utility corporations, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the State Legislature of Minnesota, memorializing the Congress of the United States that it is the sense of the members of the legislature that they favor the retention of the principle of the flexible tariff law; to the Committee on Ways and Means.

By Mr. MAAS: Memorial of the Legislature of the State of Minnesota, memorializing the Congress and the Secretary of Agriculture of the United States to oppose tariff on Canadian lumber and shingles; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Memorial of the Twenty-seventh General Assembly of the State of Colorado, protesting against the continuance of the embargo placed by the Government on use of waters in the San Luis Valley, Colo., in 1896; to the Committee on Immigration and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 17267) granting a pension to Edith Harner; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17268) granting an increase of pension to Anna M. Smurr; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17269) granting a pension to Frank Patterson; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 17270) for the relief of First Lieut. S. Roy Hetzer; to the Committee on War Claims.

By Mr. LOZIER: A bill (H. R. 17271) granting an increase of pension to Nancy A. Branaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17272) granting an increase of pension to Elizabeth C. Jackson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 17273) granting an increase of pension to Maria L. Agon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred, as follows:

13433. By Mr. ANDREW: Petition of Local No. 72, Shoe Workers' Protective Union, Boston, Mass., urging tariff duties on imports of shoes; to the Committee on Ways and Means.

13434. By Mr. BACHMANN: Petition of Eugene E. Tuttle, manager W. L. Douglas Shoe Co., and other dealers, protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13435. By Mr. BECK of Pennsylvania: Petition of residents of the city and county of Philadelphia, Pa., urging the present quota, based on the census of 1890, be retained, under which immigration is at present controlled; to the Committee on Immigration and Naturalization.

13436. By Mr. BLOOM: Petition of the United Irish-American Societies of New York, urging the repeal of the national-origins provision of the immigration bill; to the Committee on Immigration and Naturalization.

13437. By Mr. BOYLAN: Resolution adopted by executive committee of the New York State Grange, opposing any tariff on lumber and shingles from the Dominion of Canada; to the Committee on Ways and Means.

13438. Also, petition by retail shoe dealers of New York City, protesting against any change in tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13439. By Mr. CASEY: Petition of 272 citizens of Wilkes-Barre, Pa., and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13440. Also, petition of 139 citizens of Hazleton, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13441. Also, petition of 30 citizens of Kingston, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13442. Also, petition of 44 citizens of Freeland, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13443. Also, petition of 19 citizens of Conyngham, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13444. Also, petition of 99 citizens of Kingston, Pa., and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13445. By Mr. CRAIL: Petition of Federal Employees Union of Los Angeles, Calif., favoring shorter hours for employees of the United States; to the Committee on the Civil Service.

13446. By Mr. CULLEN: Petition of the executive committee of New York State Grange, stating that in the interest of the farmers of this country the grange is opposed to any tariff on lumber and shingles from the Dominion of Canada; to the Committee on Ways and Means.

13447. Also, petition of the National Builders' Supply Association of the United States, indorsing and urging the prompt passage at the current session of Congress of House bill 13405, introduced by Congressman TREADWAY, of Massachusetts, and requiring such preferential treatment for American-made goods in purchases for Federal Government work; to the Committee on Interstate and Foreign Commerce.

13448. Also, petition of the League of the American Civil Service, urging that the Lehlbach bill (H. R. 16643) is objectionable to a vast number of Government employees; to the Committee on the Civil Service.

13449. By Mr. FISHER: Petition of 32 retail shoe dealers; to the Committee on Ways and Means.

13450. Also, petition with 18 signers; to the Committee on Irrigation and Reclamation.

13451. By Mr. GAMBRILL: Petition of the First Baptist Church of Takoma Park, Md., 20 members present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13452. Also, petition of the First Baptist Sunday School, Takoma Park, Md., 50 present, urging the enactment of legisla-

tion to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13453. By Mr. JOHNSON of Texas: Petition of Mr. Max D. Almond, vice president and general manager of Whiteselle Brick & Lumber Co., of Corsicana, Tex., favoring tariff on brick; to the Committee on Ways and Means.

13454. By Mr. KELLY: Petition of the Woman's Christian Temperance Union, 50 members, of Braddock, Pa., unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13455. Also, petition of the Washington Camp, No. 875, of the Patriotic Sons of America, 125 members, Braddock, Pa., unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13456. Also, petition of the Pennsylvania Civic League, 100 members, of Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13457. Also, petition of the Faith, Hope, and Charity Class, 65 members, of the First Methodist Episcopal Church, Braddock, Pa., unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13458. Also, petition of the Woman's Christian Temperance Union, of Swissvale, Pa., with 39 members, unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13459. Also, petition of 34 members of the Child Conservation League of Swissvale, Pa., unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13460. Also, petition of Young Men's Bible class of St. John's Lutheran Sunday School, of Swissvale, Pa., 17 members, and 18 other signers, total of 35 represented, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13461. Also, petition of the Brotherhood Bible Class, 14 members, St. John's Lutheran Sunday School, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13462. Also, petition of the W. G. Landis Bible Class, of St. John's Lutheran Sunday School, 14 members, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13463. Also, petition of the Ladies Bible Class, 12 members, of St. John's Lutheran Sunday School, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13464. Also, petition of the Choir Corner Class, 50 members, of the Swissvale Methodist Episcopal Church, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13465. Also, petition of the Ladies' Bible Class, 45 members, of Swissvale First Methodist Episcopal Church, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13466. Also, petition of the Girls' Friendly Class, 15 members, of the Methodist Episcopal Church, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13467. Also, petition of the Men's Bible Class, 36 members, of the First Christian Church, Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13468. Also, petition of 13 citizens of Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committe on the District of Columbia.

13469. Also, petition of the United Pennsylvania Guards, of Braddock, Pa., with a membership of 587, unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13470. Also, petition of 24 members of the Gospel Bearers Class of the St. Luke's Reformed Church, Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in the enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13471. Also, petition of the Men's Bible Class of the First Methodist Episcopal Church, Braddock, Pa., with a membership of 55, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13472. Also, petition of the Patriotic Order Sons of America Camp of Braddock, Pa., with a membership of 133, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13473. Also, petition of the oldest Bible class, membership 16, of the First Methodist Episcopal Church, Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13474. Also, petition of the Dames of Malta, 343 members, of Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13475. Also, petition of the Women's Bible Class of the Fourth Street Methodist Episcopal Church, of North Braddock, Pa., with a membership of seven, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided for in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13476. Also, petition of the adult Bible class of the Fourth Street Methodist Reformed Church, membership of nine, North Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in the enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13477. Also, petition of the Women's Bible Class, membership 14, of the Fourth Street Methodist Episcopal Church, North Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in the enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13478. Also, petition of the Neighborhood Bible Class, membership 30, of the Fourth Street Methodist Episcopal Church, North Braddock, Pa., unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the

Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13479. Also, petition of class No. 3, four members, of the Fourth Street Methodist Church, North Braddock, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13480. Also, petition of the Bible class, nine members, of the Methodist Protestant Church, Rankin, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13481. Also, petition of the Loyal Women's Class, 25 members, of the Christian Church, Braddock, Pa., unanimously urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13482. By Mr. KVALE: Petition of the Central Cooperative Association, at its annual stockholders' meeting, St. Paul, Minn., urging enactment of legislation to provide Federal supervision of private stockyards and concentration points comparable to that in existence at public stockyards terminal markets; to the Committee on Agriculture.

13483. By Mr. LANKFORD: Petition of the divisional commander of the Salvation Army, and three members, Dallas, Tex., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13484. By Mr. MAAS: Petition of 55 retail shoe dealers and their customers, of St. Paul, Minn., protesting against any change in the tariff on hides and leathers used in the manufacture of shoes; to the Committee on Ways and Means.

13485. By Mr. MAPES: Petition of Van Coevering Bros., and seven other residents of Grand Haven, Mich., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13486. By Mr. MORIN: Petition of W. L. Douglas Shoe Co. and 200 customers of Pittsburgh, Pa., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13487. By Mr. O'CONNELL: Petition of the American Civic Associations (Inc.), opposing the passage of the Wingo bill, to create the Ouachita National Park in Arkansas; to the Committee on the Public Lands.

13488. Also, petition of the American Forestry Association, opposing the passage of House bill 5729; to the Committee on the Public Lands.

13489. By Mr. SELVIG: Petition of 17 residents of Marshall County, 9 residents of Polk County, and 3 residents of Red Lake County, of the ninth district, Minnesota, urging the enactment of House bill 10958; to the Committee on Agriculture.

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